

Northern Planning Committee

Agenda

Date: Wednesday, 17th June, 2020

Time: 10.00 am

Venue: Virtual Meeting

How to Watch the Meeting

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Please note that members of the public are requested to check the Council's website the week the Northern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and in the report.

It should be noted that Part 1 items of Cheshire East Council decision-making meetings are recorded and the recordings are uploaded to the Council's website.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

Please Contact: Sarah Baxter 01270 686462

E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

To receive any apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 5 - 8)

To approve the Minutes of the meeting held on 11 March 2020 as a correct record.

4. **Public Speaking- Virtual Meetings**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **19/5920M- Erection of a pair of 3 bedroom, semi-detached dwellings within an infill plot off Shrigley Road North, Land between 18 & 26 Shrigley Road North, Poynton for Ms Lindsey Jones** (Pages 9 - 22)

To consider the above application.

6. **19/2254M- Construction of 3 dwellings following demolition of the existing dwelling, Fernlea, Stanley Road, Knutsford for Mr Phil Thewlis, PLT Properties LTD** (Pages 23 - 40)

To consider the above application.

7. **18/4540M- Erection of Retirement Living Housing (Category II type accommodation) and erection of Extra Care Retirement Accommodation for Older People (Use Class C2), with associated communal facilities, landscaping and car parking, Site of The Kings School, Westminster Road, Macclesfield for McCarthy & Stone Retirement Lifestyles Ltd and YourLife Management Services Ltd** (Pages 41 - 64)

To consider the above application.

Membership: Councillors L Braithwaite, C Browne (Chairman), T Dean (Vice-Chairman), JP Findlow, A Harewood, S Holland, D Jefferay, J Nicholas, I Macfarlane, N Mannion, B Murphy, B Puddicombe and L Smetham

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 11th March, 2020 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor C Browne (Chairman)
Councillor T Dean (Vice-Chairman)

Councillors L Braithwaite, JP Findlow, A Harewood, S Holland, I Macfarlane,
N Mannion, B Murphy, J Nicholas and L Smetham

OFFICERS IN ATTENDANCE

Mrs S Baxter (Democratic Services Officer), Miss C Fenghour (Senior
Planning Officer), Mrs N Folan (Planning Solicitor), Mr M Keen (Senior
Planning Officer), Mr R Law (Principal Planning Officer) and Mr N Jones
(Principal Development Officer)

76 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor B Puddicombe.

77 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 19/4862M, Councillor J
Nicholas declared that he was a member of the Fire Authority.

78 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on be approved as a correct record
and signed by the Chairman.

79 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

80 WITHDRAWN BY OFFICERS FROM THE AGENDA-17/0499M- CONVERSION AND ALTERATIONS TO FORM 30 NO. 2 BED FLATS AND NEW BLOCK TO REAR TO FORM 4 NO. 2 BED FLATS, ALBION MILL, LONDON ROAD, MACCLESFIELD FOR MR Z RAFIQ

This application was withdrawn by officers prior to the meeting.

- 81 **WITHDRAWN BY OFFICERS FROM THE AGENDA-17/1431M-LISTED BUILDING CONSENT FOR CONVERSION OF FORMER MILL TO PROVIDE 34 RESIDENTIAL FLATS, INCLUDING TWO STOREY REAR EXTENSION AND REAR EXTERNAL STAIRCASE AND WALKWAYS WITH ASSOCIATED INFRASTRUCTURE, ALBION MILL, LONDON ROAD, MACCLESFIELD FOR MR RAFIQ**

This application was withdrawn by officers prior to the meeting.

- 82 **19/4862M-DEMOLITION OF THE EXISTING NURSING HOME AND THE CONSTRUCTION OF A NEW BUILDING PROVIDING 11 APARTMENTS, CAR PARKING, LANDSCAPING AND ASSOCIATED FACILITIES, HILLSIDE, 21 ADLINGTON ROAD, WILMSLOW FOR MIRASA WILMSLOW LTD**

Consideration was given to the above application.

(Councillor T Fox, the Ward Councillor, Mr Vose, representing an objector and Amanda Pickering, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The relationship of the proposed building to the adjoining properties would lead to an unacceptable impact on neighbouring residential amenity in terms of overlooking and would appear overbearing due to the mass and scale of the proposal. The proposal is contrary to saved policies DC3 and DC38 of the Macclesfield Borough Local Plan and guidance within the Cheshire East Design Guide.
2. The proposed development represents an overdevelopment and over intensification of the site and is out of scale with the surrounding built environment. The scale of the development is such that it fails to recognise the character of the wider area. The proposal is contrary to policies SE1 and SD2 of the Cheshire East Local Plan and The Three Wilmslow Parks SPG.
3. The design of the proposed development would have a deleterious impact on the character and appearance of the area. The development is therefore contrary to guidance within the NPPF, Policies SE1 and SD2 of the Cheshire East Local Plan Strategy, The Three Wilmslow Parks SPG and saved Policy DC41 of the Macclesfield Borough Local Plan.

(This decision was contrary to the officers recommendation of approval. The meeting was adjourned for a short break).

83 19/1395M-CONSTRUCTION OF NEW DETACHED DWELLING, OAKHURST, TOFT ROAD, KNUTSFORD FOR MR RICHARD & HENRY BAXENDELL

Consideration was given to the above application.

RESOLVED

(David Davies, an objector, James Weaver, an objector and George Tsiantar, representing the applicant attended the meeting and spoke in respect of the application).

That the application be refused for the following reason:-

There are no 'exceptional circumstances' in this case to warrant the construction of a dwelling within the garden of Oakhurst. The proposal would conflict with the requirements of Knutsford Neighbourhood Plan policy D1 and the Knutsford Design Guide paragraph 7.18.

(This decision was contrary to the officers recommendation of approval).

The meeting commenced at 10.00 am and concluded at 12.27 pm

Councillor C Browne (Chairman)

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Application No: 19/5920M

Location: Land between 18 & 26 SHRIGLEY ROAD NORTH, POYNTON, SK12 1TE

Proposal: Erection of a pair of 3 bedroom, semi-detached dwellings within an infill plot off Shrigley Road North

Applicant: Ms Lindsey Jones

Expiry Date: 10-Apr-2020

SUMMARY

This application is for the erection of 2no. infill dwellings with onsite parking.

The site lies in the Green Belt and within an established area of residential properties. The site has been included in the Higher Poynton infill boundary map within the Poynton Neighbourhood Plan and also within the draft Cheshire East Site Allocations and Development Policies Document (SADPD). The site is considered to comply with the Cheshire East Local Plan Strategy (CELPS) definition of infill which states that infill is 'the development of a relatively small gap between existing buildings.

The size of the plot is considered to be suitable to be able to accommodate limited infilling in the form of 2no dwellings. The principle of the proposal is therefore in accordance with paragraph 145 of the National Planning Policy Framework and PG3 of the CELPS. The proposal is also considered to be in overall compliance with Neighbourhood Plan policy HOU1 for infill development.

The key issue with this application is whether the proposed development overcomes the reasons for refusal identified in a previous application in respect of design and scale of the dwellings and green belt policy for 'limited infill'.

Revised plans have been received during the course of the application which are considered to fully address the previous reasons for refusal. The design and scale of the proposed dwellings is commensurate with its surroundings and provides sufficient space to the adjoining properties. The proposal is considered to represent limiting infill within a village and is now compliant with Green Belt policy.

It is considered that there are no significant adverse impacts relating to design, residential amenity, highways safety, ecology or environmental health. The objections to the development are fully noted, but proposal accords with the Development Plan, where it is consistent with the Framework, and is deemed to be a sustainable form of development in environmental, social and economic terms. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should be granted.

RECOMMENDATION: Approve, subject to conditions

REASON FOR REPORT

This application has been called in to committee at the request of Cllr Jos Saunders on the 30th July 2019 due to the following concerns:

“This proposal has been refused on a number of occasions; this proposal is not materially different in its affect on the openness of the green belt. It therefore does not amount to limited in filling in a village and therefore the proposal is contrary to policy PG3 of the CELPS, paragraph 145 of the NPPF and policy HOU1 of the Poynton Neighbourhood plan.

It still has a detrimental affect on the area and remains overbearing and unneighbourly.”

DESCRIPTION OF SITE AND CONTEXT

The application site comprises the former side garden of number 18 Shrigley Road. Number 18 comprises a bungalow with the surrounding properties comprising a mix of semi-detached and terraced two storey dwellings. Opposite the application site to the east is a single storey ‘workshop’ building which is positioned adjacent to a block of 5no. two storey terraced properties. The workshop building recently received an approval for the development of a dwelling. Adjacent to the site, to the north, is the detached bungalow at number 18 followed by a pair of semi-detached properties. Adjacent to the site to the south is a pair of semi-detached two storey properties with open agricultural fields to the rear.

Development along this part of Shrigley Road North is varied with two storeys the predominant feature. Due to the topography, the houses on the same side of the road as the application site are at a lower level than the road with the application site positioned in a dip which means that the site is at an even lower level than the surrounding development.

The site is within the North Cheshire Green Belt.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of a pair of semi-detached dwellings.

Amended plans were received during the course of the application reducing the scale of the development.

RELEVANT HISTORY

19/3182M Erection of a pair of 3 bedroom, semi-detached dwellings, including associated landscaping.

Refused 24 October 2019

17/2129M Erection of 2 new dwellings

Refused 21 July 2017

17/0624M Erection of 5 no. new dwellings

Refused 18 April 2017

POLICIES

Cheshire East Local Plan Strategy – adopted 27th July 2017

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG3 Green Belt

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

SC4 Residential Mix

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE8 Renewable and Low Carbon Energy

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood risk and water management

CO1 Sustainable travel and transport

CO3 Digital connections

Appendix C – Parking Standards

Saved Macclesfield Borough Local Plan Policies

NE11 (Nature conservation interests)

DC3 (Amenities of residential property)

DC6 (Circulation and Access)

DC8 (Landscaping)

DC9 (Tree protection)

DC35 (Materials and Finishes)

DC37 (Landscaping in housing developments)

DC38 (Space, light and Privacy)

DC41 (Infilling housing or redevelopment)

DC63 (Contaminated Land)

GC1 (New buildings in the Green Belt)

The saved Local Plan policies are consistent with the NPPF and should be given full weight unless specified otherwise in the report.

Poynton Neighbourhood Plan (Made 21 November 2019)

EGB2 Surface Water Management

EGB9 Protection of Rural Landscape Features

HOU1 Higher Poynton

HOU8 Density and Site Coverage

HOU10 Self Build Houses
HOU11 Design
HOU16 Subdivision of Housing

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)
The Cheshire East Borough Design Guide (2017)

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

Of particular relevance are Chapters 2, 4, 5, 6, 8, 10, 11, 12, 13, 14 and 15.

CONSULTATIONS (External to Planning)

United Utilities: No objections subject to condition relating to drainage

Head of Strategic Infrastructure: No objections

Coal Authority: no objections subject to conditions relating to intrusive site investigations and remedial work, as required.

Environmental Protection: no objections subject to conditions relating to contaminated land, electric vehicle infrastructure, dust management and pile foundations

VIEWS OF THE PARISH / TOWN COUNCIL

Poynton Town Council: *“1. The development is sited in the Green Belt and the development is contrary to the policies set out in the Macclesfield Local Plan and the National Planning Policy Framework relating to the Green Belt and in particular the principle of openness in the Green Belt.*

2. RO3HW additional turning movements due to Shrigley Road North being a narrow road and would be contrary to highway safety.

3. The plans seem to show fewer parking spaces than would be required for properties of this size. There are only two parking spaces per house, despite them having three bedrooms.

4. The proposed 3 storey development is out of character with neighbouring properties including the remaining bungalow on the site.

5. That there are continuing problems in this rural area with the standard of utilities in particular the electricity supply and the state of the sewers running down Coppice Road.”

OTHER REPRESENTATIONS

Representations from 50no. different properties have been received objecting to the proposals. The full representations are available online and a summary of these can be viewed below:

- Inappropriate development in Green Belt
- Loss of openness

- Over development of site
- Out of character
- Harm to historic nature and character of the area
- Inadequate parking space and local parking issues
- Power and drainage at maximum capacity
- Impact on highway safety
- It is an ex mining site and could cause subsidence to surrounding properties.
- Health and safety issues arising from construction vehicles
- Same as previously refused proposals
- Increased vehicle movements
- Larger footprint than the refused application.
- Access during construction will be a problem
- Area makes a significant contribution to Green Belt purposes
- Higher Poynton is not a separate village and the plot should not be considered to be a brownfield site
- Increased noise from comings and goings associated with the dwelling
- Contrary to the NPPF and Development Plan policies
- Harm to nature conservation including protected species

Consultation on the revised plans ended on the 27th May and a further 15 properties commenting on the same themes were submitted in relation to those revised plans. Additional comments have related to the current pandemic and how green spaces have become even more valuable to the local community.

OFFICER APPRAISAL

Principle of Development

The site is located within the Green Belt and the key issue of principle with this application is whether or not the proposed development complies with Green Belt policy.

CELPS policy PG3 and paragraph 145 of the Framework state that the construction of new buildings within the Green Belt is inappropriate unless it is for one of the listed exceptions. The most relevant exception to the current proposal listed in paragraph 145 of the Framework is:

“e) limited infilling in villages; “

Policy PG3 of the CELPS reflects exception (e) of paragraph 145. Policy GC1 of the MBLP also relates to the Green Belt and states that within the Green Belt approval will not be given, except in very special circumstances, for new buildings unless it is for an identified purpose, including limited infilling within specific settlements. However, in line with the decisions of Planning Inspectors on a number of other sites in the Borough, policy GC1 should be given limited weight as it is not consistent with the Framework, which allows limited infilling without further qualification regarding settlements.

Therefore in terms of Green Belt policy, the category of exception in paragraph 145 of the Framework and policy PG3 of the CELPS which is being considered here, “limited infilling in villages”, is unqualified. If a development is considered to be limited infilling within a village,

and therefore not inappropriate, then there is no separate test in terms of the impact on openness of the Green Belt. This principle has been established in the Court of Appeal in R (on the application of Lee Valley Regional Park Authority) v. Epping Forest District Council and Valley Grown Nurseries [2016] EWCA Civ 404. In relation to the Framework the only requirement is that the development is “limited”.

The Framework does not provide a definition of what should be considered to be limited infilling in villages, but the CELPS defines “infill development” as *“The development of a relatively small gap between existing buildings”*, and the MBLP defines “infilling” as *“the infilling of a small gap in an otherwise built up frontage (a small gap is one which could be filled by one or two houses)”*.

Since the refusal of planning permission on this site, the Poynton Neighbourhood Plan was formally made on 21 November 2019. Policy HOU1 of the Poynton Neighbourhood Plan (PNP) states that:-

“Development within the village boundary is limited to small scale infilling which should satisfy all the following criteria for any exception to allow development to be permitted:

- 1. Any proposed development should preserve the openness of the Green Belt as one of the essential characteristics of the Green Belt including open views of the countryside.*
- 2. Any proposed development should not compromise the purposes of national Green Belt policy.*
- 3. Small-scale infilling only will be permitted as part of an otherwise substantially built-up frontage.*
- 4. Small-scale infilling would only provide for the filling of a narrow gap normally capable of taking one or two dwellings only.*
- 5. Substantially built-up frontage is defined as an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene.*
- 6. The scale of any development should be compatible in character with the adjoining properties in terms of height, scale and massing. Any development should be built along the same front line as other adjoining properties and not forward of any adjoining property”.*

The boundary of the Higher Poynton is defined by Appendix B Map 8 within the Plan. The whole of this site falls within this infill boundary.

In refusing a previous planning application on this site, ref. 19/3182M, the Council has already confirmed that the site itself constitutes an infill plot in principle. Reason for refusal (2) confirmed by planning committee and on the decision notice stated:

“2. Whilst the principle of infill development on the site is accepted, the scale of the proposed development does not amount to limited infilling in a village, and therefore the proposal is contrary to policy PG3 of the CELPS, paragraph 145 of the NPPF and draft policy HOU1 of the Poynton Neighbourhood Plan.”

It is therefore already established that the development of the site, in principle, may constitute infilling within a village for the purposes of planning policy. The key issue is then whether the

scale of the development now proposed is considered to be “limited” such that it represents limited infilling in a village. The term “small scale infilling” is used in policy HOU1 of the Neighbourhood Plan, and that provides the starting point for considering whether the proposal is an acceptable infill development.

Going through each of the criteria of policy HOU1 it is considered that the proposal is fully compliant with the policy:

1. Any proposed development should preserve the openness of the Green Belt as one of the essential characteristics of the Green Belt including open views of the countryside.

Openness can be defined as the absence of development. Any new development will have an impact on the openness of the Green Belt to some degree. If the full openness of the site were to be preserved then there could be no infill development, which the policy is designed to permit within reasonably defined limits. This criterion must therefore be interpreted in the context that the policy allows for small scale infill development of up to 2 dwellings and as a result there will inevitably be some erosion of openness.

In this case the semi-detached dwellings have been reduced in scale to provide spacing around the building to the side boundaries. The street scene elevation shows that sufficient space to the boundary is given when compared to other nearby properties. The height of the building is greater than the adjacent bungalow but is the same height as the adjacent 2 storey properties and is consistent with other properties in the road. The site, consistent with adjoining properties, also sits at a lower level than properties on the opposite side of the road which helps to maintain a subservient impact in the landscape. The site is located within a clear established pattern of development so that it does not unduly interrupt open views of the countryside. It is considered that this criterion of the policy is met.

2. Any proposed development should not compromise the purposes of national Green Belt policy.

These five purposes are: to check the unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

None of these purposes are relevant to this proposal or are breached by the proposed development. This criterion is met.

3. Small-scale infilling only will be permitted as part of an otherwise substantially built-up frontage.

The site lies within an otherwise built up frontage and it is a small-scale proposal of one building containing two dwellings. This criterion is met.

4. Small-scale infilling would only provide for the filling of a narrow gap normally capable of taking one or two dwellings only.

The gap is 20 metres and two dwellings are proposed. This criterion is met.

5. Substantially built-up frontage is defined as an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene.

This criterion is met.

6. The scale of any development should be compatible in character with the adjoining properties in terms of height, scale and massing. Any development should be built along the same front line as other adjoining properties and not forward of any adjoining property”.

The development does not breach the local building line. The height, scale and massing of the development is consistent with other residential property, including the 2-storey property immediately adjoining the site. The dwelling has a greater height than the adjoining bungalow, but that is the exception and a conventional 2-storey property is compatible with the prevailing character along the road. This criterion is met.

In summary, it is considered that the proposed development is limited, in that it proposes 2no. two storey dwellings with sufficient space on either side that is comparable to the surrounding properties in the area.

The gap between the existing buildings is approximately 20m with each proposed plot having a plot width of approx. 10m which is comparable to other properties in the area. It is considered that in the light of the most current policy situation, with a newly adopted neighbourhood plan and the NPPF, that the proposal constitutes limited infilling within a village within the Green Belt and is therefore is not inappropriate development. The proposed development accords with policy PG3 of the CELPS and HOU 1 of the PNP.

Design

Policies SE1 and SD2 of the CELPS relate to design. Amongst other criteria, policy SD2 of the CELPS expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- a. Height, scale, form and grouping;
- b. Choice of materials;
- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;

The previously refused applications have consisted of larger dwellings than the proposed.

Development along this this part of Shrigley Road North is varied with two storeys the predominant feature. Due to the topography, the houses on the same side of the road as the application site are at a lower level than the road with the application site positioned in a dip which means that the site is at an even lower level than the surrounding development.

The heights of the properties along Shrigley Road vary and the height would be the same as the immediately adjoining neighbour to the south-west, although higher than the bungalow to the north-east. The property to the north-east of the bungalow is at a comparable height to the proposed semi-detached properties and it is considered that this variety would ensure that the height and scale of the proposed dwelling would not detract from the street scene.

The general features of the semi-detached properties would complement the existing character of the area. The materials proposed are red multi-tone brick to match surrounding properties with detailing of natural timber cladding, plain clay roof tile and either natural painted timber or aluminium fenestration. These materials are acceptable and will ensure a sympathetic appearance in the street scene.

Overall it is considered that the proposal is considered to comply with policies SE1 and SD2 of the CELPS and the requirements of chapter 12 of the NPPF.

Amenity

Local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearby residential properties through a loss of light, overbearing effect or loss of sunlight/daylight. Similarly, saved policy DC41 of the MBLP states that proposals should not result in overlooking of existing private gardens and should not lead to excessive overshadowing of existing habitable rooms.

The original submission contained a rear decking area to both properties which would have been elevated approx. 1m above the ground level of the surrounding dwellings. Due to concerns from the case officer amended plans were received removing the decking areas and replacing them with steps down to the rear garden area. This revision removes the potential overlooking element.

There is no breach of the interface distances between dwellings set out in policy DC38. While the ground floor rear elements do extend slightly further to the rear than the adjoining properties this is only single storey and would not cross a 45 degree line taken from the rear windows of either number 18 or 26.

It is considered that the impact on the amenity of the neighbouring properties is acceptable and would accord with saved policies DC3, DC38 and DC41 of the Macclesfield Borough Local Plan (MBLP).

Highways

The proposal includes a new access and provision would be made for two car parking spaces.

There are no material highway implications associated with this development proposal. The proposals for the access arrangements are satisfactory and off-street parking provision is in accordance with CEC minimum parking standards for residential dwellings which recommends 2no. parking spaces for dwellings with 3no. bedrooms. The addition of two additional dwellings would not have a significant impact on the local highway network.

No objections are raised by the Head of Strategic Infrastructure.

Ecology

No significant ecological issues are raised by the proposal. The nature conservation officer raises no objections. A condition requiring the incorporation of features into the scheme suitable for use by breeding birds is recommended to lead to an ecological enhancement as required by policy SE3 of the CELPS.

Landscape

The submitted site plan demonstrates that there would be sufficient space to the front to provide an appropriate amount of planting with hedging to the front and separating the two properties. This would be commensurate with the character of the area. Detailed landscaping plans for the site can be secured by condition.

Flood Risk

A number of comments relate to the impact upon existing drainage infrastructure arising from the proposed development. No objections are raised by United Utilities subject to appropriate drainage conditions. Subject to these conditions the proposal is considered to comply with policy SE13 of the CELPS.

Contaminated land

Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site. The underlying soil should be proven to be suitable for use in a residential setting garden setting.

As such, and in accordance with the Framework and policy SE12 of the CELPS conditions are recommended relating to unforeseen contamination, the testing of soil imported onto the site, a scope of works to address risks posed by land contamination, and a verification report.

Coal Mining

The application site falls within the Coal Authority's defined Development High Risk Area. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform a Coal Mining Risk Assessment Report.

The report correctly identifies that the application site may have been subject to past coal mining related activities, namely probable shallow coal workings associated with a thick coal seam outcrop. The report recommends intrusive site investigations to establish depth to coal seams and the presence of workings as well as drift and bedrock depth.

The Coal Authority concurs with the conclusions and recommendations of the submitted Coal Mining Risk Assessment Report, relating to intrusive site investigations. A condition relating to intrusive site investigations and remedial works is therefore recommended.

Comments have been received in representation relating to the stability of the land, and the proposed intrusive site investigations will further inform the safety and stability of the proposed development and will identify appropriate remedial works, where required.

Heritage

The site lies close to the Macclesfield Canal Conservation Area. The Council's conservation officer has confirmed that the proposal would not have any affect upon the conservation area and they recommend approval subject to ensuring the materials used are those specified in the application.

Other Issues

A number of comments have referred to the 'special views' and 'historical interest' of the site. The site forms a gap between dwellings within an established area of residential properties. As noted above, the site is near but not within a conservation area and the introduction of the two infill dwellings would not harm the character of the area and is in accordance with Green Belt policy. Case law has established that the loss of a view is not in itself a material planning consideration. Objections raised about concerns over construction vehicles and power supply capacity are also not matters that can be considered to withhold the grant of planning permission.

PLANNING BALANCE, CONCLUSIONS AND REASON(S) FOR THE DECISION

The comments from local residents have been fully taken into consideration. The site comprises an infill development within the infill boundary of the Poynton Neighbourhood Plan in the Green Belt in a sustainable location, with access to a range of local services and facilities nearby, including public transport links.

Green Belt policy allows for limited infill dwellings as set out in policy HOU 1 of the PNP, CELPS policy PG3 and paragraph 145 of the Framework. This proposal, following the receipt of revised plans reducing the scale of the development, has now overcome concerns raised in previous applications for development on this site and is compliant with Green Belt policy.

The design and scale of the proposed semi-detached dwellings is compatible with its surroundings, with a commensurate degree of spacing provided to the adjoining properties. The development is acceptable in terms of its impact on residential amenity, highways safety, ecology and environmental health. The proposal accords with the Development Plan, where it is consistent with the Framework, and is deemed to be a sustainable form of development in environmental, social and economic terms. There are no material considerations that would justify a decision contrary to the Development Plan and in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be granted.

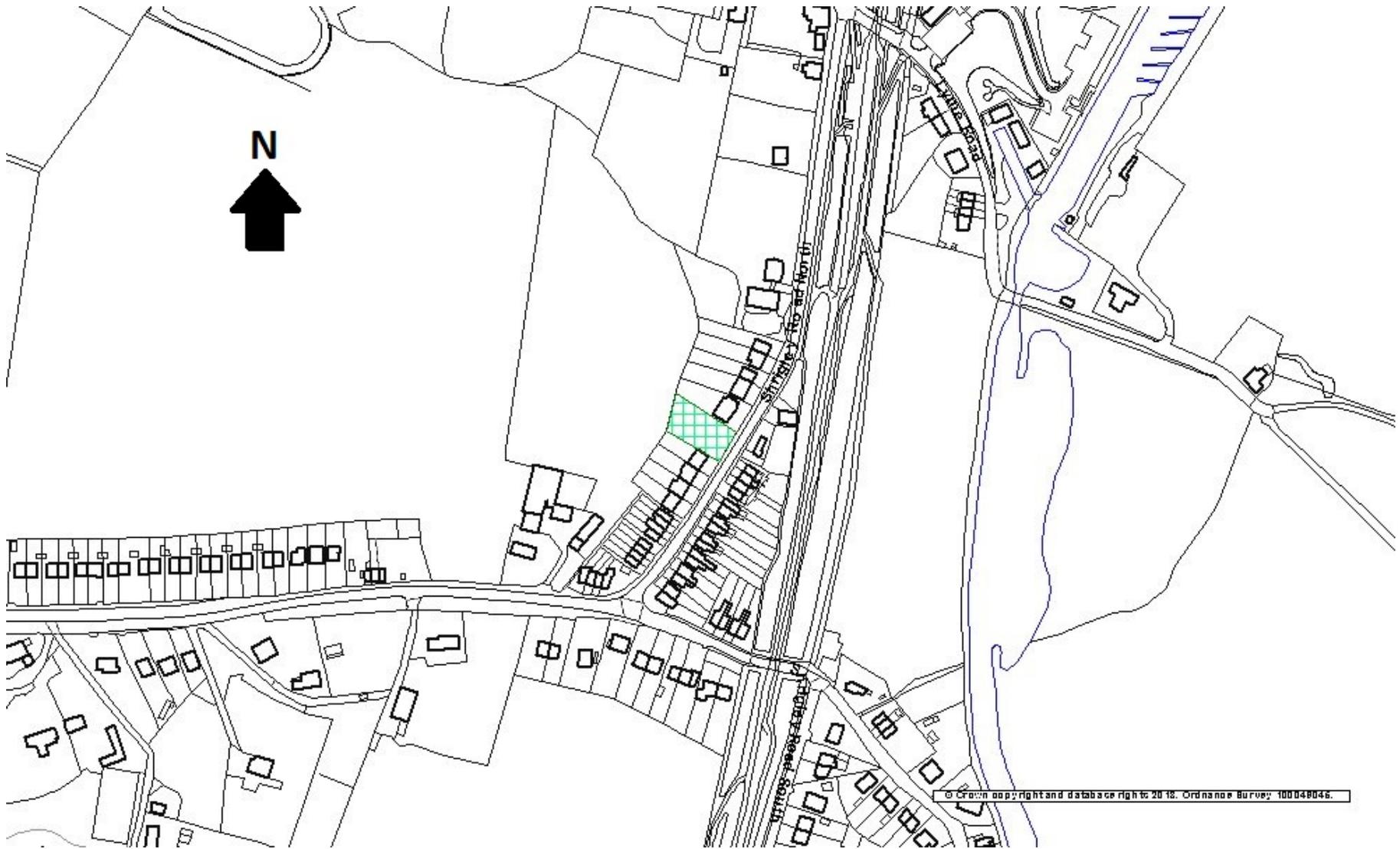
Therefore, a recommendation of approval is made subject to conditions.

RECOMMENDATION: APPROVE subject to following conditions

- 1. Commencement of development (3 years)**
- 2. Development in accord with approved plans**
- 3. Submission of samples of building materials**
- 4. Landscaping - submission of details**

- 5. Submission of landscaping scheme**
- 6. Landscaping (implementation)**
- 7. Details of ground levels to be submitted**
- 8. Parking to be provided and retained**
- 9. Contaminated Land (scope of works for the addressing of risks posed by land contamination to be submitted)**
- 10. Electric Vehicle Infrastructure**
- 11. Dust management Plan**
- 12. Foul and surface water shall be drained on separate systems**
- 13. Surface water drainage scheme required**
- 14. Contaminated Land (verification report**
- 15. Scheme of intrusive site investigations / remedial work to be submitted**
- 16. Details of boundary treatments to be submitted**
- 17. Contaminated Land (unexpected contamination to be reported)**
- 18. Nesting birds**
- 19. Breeding birds (incorporation of features)**

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 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.



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Application No: 19/2254M

Location: FERNLEA, STANLEY ROAD, KNUTSFORD, CHESHIRE, WA16 0DJ

Proposal: Construction of 3 dwellings following demolition of the existing dwelling

Applicant: Mr Phil Thewlis, PLT Properties LTD

Expiry Date: 19-Jun-2020

SUMMARY

The application site lies within a predominantly residential area of Knutsford. Within such locations, new residential development is deemed to be acceptable in principle, subject to its adherence with all relevant policies of the development plan.

It is deemed that the design of the scheme responds well to its prominent location within the streetscene providing an attractive feature which also respects the character and heritage of Knutsford. The proposed redevelopment of the site has been designed in a way that will adequately protect the amenities of the occupiers of nearby dwellings.

The proposal is considered to overcome concerns of the local planning authority that have been expressed regarding previous attempts to redevelop this site.

The development creates no concerns in relation to; highways, landscape, trees, ecology or flood risk, subject to conditions.

Although objections to the development have been received, it is considered that the proposal is in accordance with the relevant policies of the Development Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise.

For the above reasons, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL:

This application has been called in to Northern Planning Committee by Councillor Tony Dean, for the following reasons;

1. *Is overdevelopment of the plot*
2. *Damages the amenity of the people living in Tynedale by overlooking*
3. *Includes gardens too small for adequate family space*
4. *Is not in keeping with the nearby properties in St. John's Road, and denigrates the nearby Conservation Area*

DESCRIPTION OF SITE AND CONTEXT

This application relates to a residential plot comprising of a detached bungalow and detached garage and associated garden, located on a prominent corner location between Stanley Road and an access to Stanley Road Trading Estate within a predominantly residential part of Knutsford.

There are two Conservation Areas within close proximity of the site comprising of the Town Centre Conservation Area on the opposite side of the road to the east of Libris Place and St John's Conservation Area on the opposite side of St John's Road.

DETAILS OF PROPOSAL

Full Planning permission is sought to demolish a large, detached bungalow and associated ancillary outbuilding and erect 3 dwellings.

The 3 dwellings would comprise of a pair of 3-storey, semi-detached, 3-bed properties and a single, detached 2-storey, 3-bed unit.

Revised plans have been received during the application process following detailed discussions with Council Officer's in order to overcome concerns in relation to heritage and design, given the prominence of the location.

RELEVANT HISTORY

17/6144M - Construction of 3 detached dwellings following demolition of the existing dwelling – Withdrawn 10th September 2018

05/1118P - Retention of Amendments To Applications 04/2398p And 05/0378p Including Raising Height Of Garage To 5.6m, Alterations To Fenestration And Raising Of Boundary Wall To 2.1m – Approved 19th July 2005

05/0378P – New Boundary Wall – Approved 13th April 2005

04/2395P - Erection of Detached Garage And 2 Metre High Boundary Wall – Approved 18th November 2004

03/2099P - Demolition of Bungalow and Erection Of 1 Detached Dwelling And 4 Town Houses (Resubmission Of Application 03/0501p) – Refused 22nd October 2003 – Appeal Dismissed 26th August 2004

03/0501P - Demolition of Detached Bungalow and Erection Of 1 No Detached Dwelling And 4 No Terraced Dwellings – Refused 16th April 2003

01/2843P - Demolition of Existing Bungalow & Erection of New Dwellinghouse & 7 Flats In A Two/Three-Storey Block – Refused 23rd January 2002

01/2305P - Demolition of Existing Bungalow & Erection of New Dwellinghouse & 7 Flats In A Two/Three-Storey Block – Withdrawn 30th October 2001

72137P - Ground Floor Extensions and New Access – 3rd November 1992

ADOPTED PLANNING POLICIES

The aspects of the Cheshire East Council Development Plan that are relevant to the application proposals include; the Knutsford Neighbourhood Plan, the Cheshire East Local Plan Strategy (CELPS) and the Macclesfield Borough Local Plan (MBLP). The relevant policies within that document are detailed below;

Knutsford Neighbourhood Plan (Made 14th March 2019)

C4 – Utilities, D1 – The Knutsford Design Guide, D2 – Local Distinctiveness, D3 – Landscape in New Development, D4 – Sustainable Residential Design, E5 – Pollution, HW1 – Health and Wellbeing, HE1 – Landmarks, Views, Vistas and Gateways, HE2 – Heritage Assets, HE3 – Conservation Areas, H1 – Housing mix, H2 – Previously Developed and Infill Development, T3 – Public Transport, T4 – Parking

Cheshire East Local Plan Strategy (CELPS)

MP1 - Presumption in favour of sustainable development, PG1 - Overall Development Strategy, PG2 – Settlement Hierarchy, PG7 - Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, IN2 - Developer contributions, SC3 – Health and Wellbeing, SC4 - Residential Mix, SE1 – Design, SE2 - Efficient use of land, SE3 - Biodiversity and geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 - Green Infrastructure, SE7 – This Historic Environment, SE9 - Energy Efficient Development, SE12 - Pollution, Land contamination and land instability, SE13 - Flood risk and water management and CO1 - Sustainable Travel and Transport

Macclesfield Borough Local Plan (MBLP)

DC3 - Protection of the amenities of nearby residential properties, DC6 - Circulation and Access, DC8 – Landscaping, DC9 - Tree Protection, DC13 & DC14 – Noise, PDC38 - Guidelines for space, light and privacy for housing development

Other material planning policy considerations

National Planning Policy Framework (NPPF) 2019
National Planning Policy Guidance (NPPG)

CONSULTATIONS (External to Planning)

Head of Strategic Infrastructure (HSI) – No objections, subject to an informative regarding entering into a S184 Agreement

Environmental Protection (Cheshire East Council) – No objections, subject to the following condition/s; implementation of noise mitigation measures, provision of electric charging points, provision of low emission gas boilers, submission/approval of a soil verification report (if soil is imported onto site) and that works should stop should contamination be identified. Informatives are also proposed.

United Utilities – No objections, subject to a number of conditions including; that foul and surface water be drained on separate systems, the prior submission/approval of a surface water drainage scheme and the prior submission/approval of a sustainable management and maintenance plan of drainage measures

Natural England – No objections

Flood Risk Manager – No objections

Network Rail – No objections, subject to informatives and conditions including; all drainage should be directed away from the railway & the prior submission of noise and vibration mitigation measures

Knutsford Town Council – Object to the proposed development for the following reasons;

- The development will lead to a loss of privacy to the adjacent property on Stanley Road and within the site due to the overlooking of principal windows to private garden spaces.
- The materials palette chosen are not sympathetic to the adjacent Conservation Areas.
- The gardens provided for plot three are insufficient as they do not provide an adequate amount of usable space for a family property.
- The council is concerned that the proximity of three storey properties to the junction of Stanley Road will create a narrowing effect to the street scene

OTHER REPRESENTATIONS:

Neighbour notification letters were sent to all adjacent properties in relation to the original submission. In response, comments were received from 7 interested parties. The main areas of concern raised included;

- Design – Out of keeping with surrounding area, overdevelopment of site (density), impact upon streetscene, loss of bungalows, height out of character
- Highway safety – Congestion, pedestrian safety, on-street parking concerns, disruption during construction, lack of parking provision
- Amenity – Loss of privacy, lack of proposed amenity space

- Proposals are similar to previous refusal/do not address issues

In response to the re-consultation on the revised plans, comments have been received from 3 properties. The main areas of concern include;

- Highway safety – on-street parking concerns
- Amenity – Loss of privacy
- Contrary to Knutsford NP policies for the following reasons
 - D1 (Knutsford Design Guide) – Does not compliment its surroundings or respond to localised conditions
 - D2 (Local Distinctiveness) – Does not deliver a scale, mass and density commensurate with surrounding townscape
 - HE3 (Conservation Areas) – Impact upon Conservation Area
 - H1 (Housing Mix) – Does not provide the housing type needed
 - H2 (Previously Developed and Infill Development) – plot ratio, scale and height not commensurate with surrounding townscape
- Design – General concerns regarding scale and massing adjacent to Tynedale

OFFICER APPRAISAL

Principle of Development

The application site is located within a predominantly residential part of Knutsford, where there is a general presumption in favour of development, just outside of the defined Town Centre as determined by the MBLP as well as being just outside the 'Central Zone' as defined by the Knutsford NP.

Policy PG2 of the CELPS identifies Knutsford as a Key Service Centre. Within such locations, development of a scale, location and nature that recognises and reinforces the distinctiveness of the town will be supported to maintain the vitality and viability.

Policy H1 of the Knutsford NP supports residential development on brownfield sites, (which the application site represents), which primarily seeks to deliver specific types of housing. This includes; 2/3 bedroom family housing and housing for older people.

The floor plans submitted with the application show that the proposals would each be 3-bed units. The policy also requires the applicant to demonstrate how they have delivered a mix of housing which responds to the site's specific location. In response, although all units are 3-bed units, the applicant has advised that all 3 dwellings would be suitable for young professionals, families or retired couples given the open plan layout and the sites sustainable location within walking distance to the local shops, restaurants, bars, parks, schools and very close to major transport links. These points are agreed with.

Policy H2 of the Knutsford NP states that new housing on previously developed land within the urban area should be approved, where such schemes are able to meet a number of design criteria including;

- Ensuring the proposed scheme has a plot ratio, density, scale and height which is commensurate with the surrounding townscape
- Preservation of vegetation (paraphrased)
- Provision of on-site parking (in accordance with Policy T4) including bin storage, which does not dominate the streetscene.

In response;

- The proposed dwellings would represent a total site coverage of 23%, which is just 4% more than the existing buildings on site.
- Libris Place (opposite) is around 40 meters in width and is some 10 meters in height. Plots 2 and 3 opposite are 24.9 meters across and 8.7 meters in height. As such, the pair of semi's is commensurable in form (albeit smaller) to Libris Place, opposite.
- Plot 1 has been designed so that the scale, massing and height is proportional to Tynedale
- The positions of the dwellings on the site now maximise the potential to open up the site and make efficient use of the available space on this triangular shaped plot.
- The design, with particular regards to the incorporation of the undercroft parking on Plots 2 and 3, creates scope to green up the street scene and further enhance the kerb appeal.
- Most mature vegetation would be retained and any trees removed will be replaced with a 3:1 ratio.
- Additional landscaping is proposed along the northern boundary to screen the road.
- Parking is provided to Cheshire East standards
- Appropriate bin storage is proposed

The proposal involves an increase in mass and scale of built form on the site compared to the existing situation. It is considered that this has been done in a sensitive and innovative way and for the above reasons, it is deemed that the proposal meets the requirements of Policy H2 of the Knutsford Neighbourhood Plan. The principle of development is considered to be acceptable.

Design

The application site is located in a prominent location and as such, it is deemed that design is a key element of the assessment.

In addition to the above design policies within the Knutsford NP for new residential development such as that proposed, Policy SE1 (Design) of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

Policy SD2 of the CELPS states that development should contribute positively to an areas character and identity, creating or re-enforcing local distinctiveness in terms of; height, scale, form, grouping, choice of materials, design features, massing and impact upon the streetscene. These policies are supplemented by the Cheshire East Design Guide SPD.

Policy D1 of the Knutsford NP states that new development of all types and scales should be of a high design quality and complement its surroundings. Design solutions must positively

respond to localised conditions, landscape and built vernacular. All planning applications must demonstrate how schemes comply with the Design Guide or justify why they do not.

Following detailed discussions during the application process with the input of the Council's Urban Design Officer, the applicant arrived at the design now under consideration. The Council's Urban Design Officer, in response to the current proposals has assessed the design of the scheme against the criteria of the Cheshire East Design Guide SPD. This procedure breaks down the design assessment into 9 sections and supplements the design policies of the CELPS. It should also be noted that the design considerations of the Knutsford NP would be considered as part of this all-encompassing assessment. These sections are; sustainability of location, parking, storage, context and locally distinctive design, scale and massing, density, materiality, green infrastructure and environment. The acceptability of each section is assessed using a traffic light system in order to assess acceptability, with 'green' being acceptable, 'amber' meaning needs more work or 'red', meaning a fail. This assessment is broken down below;

Sustainability of location (Green)

The development is located close to Knutsford Town centre and is served by local transport links to local and national destinations. There are many local facilities within walking distance of the site.

Context and locally distinctive design (Green)

The proposal sits amidst traditional and contemporary designs with heights ranging from single-storey to three-storeys.

Whilst the illustration of the design appears contemporary, the base of the design comes from the classical proportions of the adjacent traditional buildings. The scale and proportion of window openings, bays and parapet details have been successfully transferred to the design. The development is in a prominent location, a short distance from Knutsford Station, Adams Hill and A50 Toft Road junction and provides the potential for a key gateway to this area. The design responds to this opportunity by providing a feature towards this junction and also a corner turning feature to St Johns Road/Stanley Road.

Scale and massing (Green)

The proposal respects and reflects the scale of the adjacent bungalow and apartments. The single dwelling reduces height to align with the adjacent bungalow's ridge line. Whilst this block is two-storeys, it forms the function of a bookend to St John's Road and corner turner with focal point/feature to Stanley Road.

The relationship of development on this site to the bungalows on St Johns' Road was a concern of an Inspector as part of a historical application that was refused (and subsequently dismissed) for 4 townhouses (ref: 03/2099P) in 2004. However, for the above reasons, the current proposals are deemed to overcome this as a concern.

The three-storey element of the proposal provides a gateway feature into the street, relocating street clutter and greening the street scene. The scale of this block is well proportioned and set back within the site to avoid any proximity issues with the three-storey apartment block opposite. This set-back also overcomes another concern raised by the Inspector on the

abovementioned previously dismissed appeal. Within the Inspector's decision, 'tunnelling' was deemed an issue as was the overbearing and dominant nature of the proposals upon the streetscene. However, on this historical application, the development sat at the front of the site parallel with Stanley Road and Libris Place opposite, whereas the application proposals are set well back. As such, this historical concern is deemed to have been nullified as a result.

Where there is a pinch point, screening and skew views are used to overcome any potential privacy issues. The rear of the proposal incorporates openings to provide natural surveillance to the access road to the trading estate rather than a blank façade.

Density (Green)

The development is located in the centre of Knutsford which is a mix of tight, high density grains and some lower density areas. Adjacent to the site is a mix of medium and high density residential along Stanley Road and low density retail/commercial development within Stanley Road Trading Estate/Booths and civic buildings fronting Toft Road.

Whilst the development replaces one dwelling with three, the latter is more characteristic of the density and built form within Knutsford Town centre and the adjacent site.

Materiality (Amber)

The materials palette (envelope and surface) reflects elements of the local architecture but would require further verification to ensure permeable and high quality specifications are being achieved.

Parking (Green)

The undercroft design ensures that cars do not dominate the street scene or amenity space, providing a secure and out of sight solution for two of the three homes. The existing boundary wall which sits adjacent to the pavement on Stanley Road is retained, providing an element of visual continuity along the street frontage.

Electric charge points are provided for each of the dwellings to enable future proofing and storage for alternative sustainable travel modes have been provided.

Storage (Green)

Cycle and bin storage have been provided, integrated into the design of the buildings.

Green infrastructure (Green)

Whilst the development does not incorporate areas of public realm, the enhancement of the street has been achieved by greening the existing wall and the addition of high level structural planting (trees).

There is individual amenity provision in addition to communal gardens to the front of the homes. Balconies provide access to further outdoor space that is enhanced with greened screens.

Environment (Green)

The design incorporates active aspects of sustainability from the inclusion of Roof top PV units for energy creation, Green roof for active greening, habitat creation and water attenuation.

The use of green screening to the balconies not only provides visual shading but contributes to the greening of the street scene and vertical habitat.

EV points to the parking spaces provide the opportunity for future proofing and encourage a more environmentally friendly form of transport.

This assessment concludes that 8 of the 9 criteria were assessed as 'green' with the remaining section, 'amber'. The amber assessment was in relation to 'materiality', simply because the specific detail of materials had not been provided. However, subject to the materials being conditioned for prior approval and the detail agreed at discharge of conditions stage, this too would be assessed as 'green'.

Within the Knutsford Design Guide, there is a section that states that the development of gardens within the town shall only be supported in exceptional circumstances and should subsequently meet a set of design criteria. Whilst it is accepted that part of this development would be on garden land, only 4% more of the plot is being developed than the existing built form that is to be demolished. Furthermore, this element of the Design Guide is only one part of many. The design of the scheme, in the round, is deemed to meet the vast majority of the requirements of the Knutsford Design Guide as well as the Cheshire East Design Guide. The scheme is considered to positively respond to the site's characteristics.

As such, it is deemed that the design of the proposed development is acceptable, adhering with the relevant design policies of the Development Plan.

Heritage

The application site lies within relative close proximity to two Conservation Areas. These comprise of St John's Conservation Area, located approximately 8 metres to the west and the Town Centre Conservation Area, located approximately 11-12 metres to the north-east, both on the opposing sides of highways. There is also a Grade II listed building 27 metres to the north-east within the Town Centre Conservation Area.

As such, the impact of the proposed development upon the setting of these heritage assets is a consideration.

Policy SE7 of the CELPS states that development should seek to avoid harm to heritage assets including their setting, and make a positive contribution to the character of Cheshire East's historic and built environment.

Policy HE1 of the Knutsford NP seeks to protect Landmarks, views, vistas and gateways. Policy HE2 seeks to conserve and protect heritage assets. Policy HE3 refers to Conservation Areas and the impact of development upon these.

The Council's Heritage Officer has been involved in detailed discussions helping to arrive at the latest set of proposals. In response to these the Heritage Officer has advised that although the proposal would be larger and more prominent adjacent to the Town Centre Conservation Area, it is her view that the proposal would relate in form and mass to the library/apartment development on the other side of Stanley Road. With carefully detailed elevations and complementary materials the Council's Heritage Officer has advised that this could result in the

creation of a gateway to St John's Conservation Area, creating a better form of urban design in an area which has little architectural or historic character currently.

The Heritage Officer goes on to state that she agrees with the Council's Urban Design Officer that this scheme is a good example of contemporary design.

Part of the concern of the Inspector back in 2004 was the impact of the dominance and visually intrusive nature of the development when viewed from the adjacent Conservation Areas. This is not a concern of the Council's Heritage Officer as part of this application. The 2004 scheme, as previously advised, was more prominent and intrusive largely because of its position at the front of the site, where most of the development in this instance, is pushed back towards the rear of the site.

On the above basis, the Council's Heritage Officer considers the scheme would improve the neutral impact of the existing bungalow on this unusual corner plot and would create a new positive character which would not harm the setting of the adjacent Conservation Areas.

The proposals are therefore deemed to adhere with Policy SE7 of the CELPS and policies HE1 to HE3 of the Knutsford Neighbourhood Plan.

Amenity

Policy DC3 of the MBLP states that development should not significantly injure the amenities of adjoining or nearby residential property or sensitive uses due to (amongst other considerations); loss of privacy, sunlight and daylight, an overbearing impact and environmental considerations.

Policy DC38 sets out separation standards as does the Cheshire East Design Guide. The separation standards within Policy DC38 of the MBLP state that for 3-storey properties, there should be a separation distance of 28 metres between habitable rooms and 16.5 metres where only one of the buildings impacted includes habitable rooms. However, the more up-to-date Cheshire East Design Guide SPD refers to the standards within the emerging SADPD, which sets a minimum standard separation distance for 3-storey development of 20 metres (front-to-front) and also encourages the *'use innovative, design led approaches to ensure privacy without slavishly responding to the minimum distances approach'*

Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

The closest neighbouring dwellings to the proposed development would be the occupiers of Tynedale a bungalow on the adjoining plot to the south-west and the occupiers of Libris Place, a part two-storey apartment block (with an internal second floor mezzanine level) on the opposite side of Stanley Road.

Tynedale

Tynedale is a detached bungalow on St John's Road. Its side elevation would lie parallel and 5.2 metres away from the dwelling proposed on plot 1.

There is a tall hedgerow between the sites at this juncture and within the relevant side elevation of Tynedale is a kitchen window (also served by another opening on the rear elevation), 2 doors and 2 roof lights.

Three openings are proposed on the proposed elevation closest to Tynedale (Plot 1). Of these three, two would be obscurely glazed and non-opening. The third would be a ground-floor window to a kitchen which would be screened by boundary treatment. As such, subject to the obscure glazing being conditioned, no privacy issues for this neighbour are deemed to occur as a result of the proposals with regards to this elevation.

The occupiers of Tynedale have raised concerns about overlooking into their private amenity space from the openings within the side elevation of plot 2. To rectify this, the applicant has agreed to obscurely glaze all of the first and second floor windows on this elevation and this is shown on updated plans. The windows could also be non-opening up to 1.7 metres above floor level. Subject to these being conditioned accordingly, it is deemed that this is an effective solution. The rooms of the proposed dwellings would receive adequate light as the obscurely glazed windows would serve non-habitable rooms or, where they serve habitable rooms, at least one principal clear glazed window would exist in a separate elevation.

It is considered that the windows on the principal elevation of plot 2 are sufficiently offset from Tynedale so as not to result in a loss of privacy. As such, the privacy of the occupiers of Tynedale would be adequately safeguarded by the proposed development.

Given that none of the openings within the side elevation of Tynedale represent sole windows to principal habitable rooms, no significant concerns with regards to loss of light or visual intrusion are envisaged either.

It should be noted that as part of the dismissed appeal for 4 townhouses on this site back in 2004, where a two-storey dwelling was proposed in a similar location to that currently proposed, the Inspector found no amenity issues in relation to Tynedale.

Libris Place

The principal elevations of the dwellings sought on plots 2 and 3 which form the proposed semi-detached units would be between 12.1 metres and 27.6 metres away from the principal elevation of Libris Place. This variation in distances is because these semi-detached units would be erected at an angle to Libris Place.

The dwelling proposed on plot 1, the detached unit, would be approximately 14.5 metres away from the principal elevation of Libris Place.

Privacy

No concerns are raised about the proposed ground-floor accommodation of any of the 3 dwellings sought upon the occupiers of Libris Place, as this accommodation would be predominantly screened by existing and proposed boundary treatment.

In consideration of the dwellings proposed on plots 2 and 3, at first-floor level, the layout proposed seeks the inclusion of 8 openings facing in the direction of Libris Place (although offset). Working from the closest to the furthest openings to Libris Place, these would comprise of; x3 obscurely glazed windows which would be between 13.7m and 17m from Libris Place

and x5 clear windows between 19 and 27.6 metres from Libris Place. These clear windows are deemed sufficiently far enough away and sufficiently offset so not to result in privacy concerns.

At second floor, again 8 openings are also proposed. In addition, x3 balconies are sought. Working from the closest to the furthest openings to Libris Place, these would comprise of; x7 screened openings (balconies by a 1.9 metre-tall, green wall/screen and windows by obscure glazing). These would account for all openings between 12.1m and 22m from Libris Place. The remaining 2 openings would comprise of clear windows, but these would be between 24.5 and 26.5 metres from Libris Place, far enough away so not to cause concern with regards to privacy.

For the above reasons, it is not deemed that the dwellings proposed on plots 2 and 3 would significantly injure the privacy of the occupiers of Libris Place.

In terms of the dwelling proposed on plot 1, at first-floor level, the layout proposed seeks the inclusion of 4 openings facing in the direction of Libris Place (although offset). Working from the closest to the furthest openings to Libris Place, these would comprise of; x3 obscurely glazed windows which would be between 14.8m and 21.5m away from Libris Place and x1 clear window 25 metres from Libris Place.

As the only clear opening proposed would be approximately 25 metres from Libris Place, it is not considered that the dwelling proposed on Plot 1 would significantly injure the privacy of the occupiers of Libris Place.

Loss of privacy to the occupiers of Libris Place was a concern of the Inspector on the 2004 appeal. However, this proposal differs as previously explained as the application proposals are set-back within the site whereas this historical proposals were forward of the site, closer to Libris Place.

Light

The application units would be located to the south of Libris Place, therefore, there is a potential for the development to impact upon the light of the occupiers of this neighbouring block mostly in the winter months. In response to this concern, the applicant commissioned a daylight and sunlight survey. This concluded that none of the proposed development would breach the light standards as set out in the widely used BRE Report '*Site Layout Planning For Daylight and Sunlight – A guide to good practice*'. As such, there are no concerns regarding a loss of light as a result of the development upon Libris Place.

Loss of light was not a concern of the Inspector as part of the 2004 application which was closer to Libris Place than the current application proposals.

Visual obtrusion

Although 3-storeys in height, it is deemed that the flat-roofed nature of the building, with a maximum height of 8.6 metres, a typical height of a two-storey dwelling, in conjunction with the off-set relationship to Libris Place, ensures that the occupiers of Libris Place should not be detrimentally impacted in relation to visual obtrusion.

Again in 2004, the Inspector did not raise visual obtrusion as a concern.

Amenity of future occupiers

Each of the 3 dwellings shall be afforded a private amenity area (garden space), sufficient for them to undertake normal activities such as sitting outside, having a BBQ or hanging out washing. Although the level of private amenity space provided to plot 3 appears limited, the plans show an additional amenity area forward of the dwelling proposed on plot 2, which would be shared between plots 2 and 3, providing additional space. There are no minimum standards within existing policy.

In terms of loss of privacy, light or visual obstruction, clearly plots 2 and 3 would not directly impact each other. The south-east elevation of plot 1 has the potential to result in a loss of privacy for the future occupiers of Plot 2, in terms of their private amenity space. As such, the x2 first-floor bedroom windows proposed within plot 1 that would be obscurely glazed in the event of approval.

Environmental considerations

The Council's Environmental Protection Officer has reviewed the submission and advised that they have no objections, subject to the following condition/s; implementation of noise mitigation measures, provision of electric charging points, provision of low emission gas boilers, submission/approval of a soil verification report (if soil is imported onto site) and that works should stop should contamination be identified.

As a result of the above reasons, subject to the suggested conditions (minus the gas boiler condition as it is not deemed to meet the conditions tests and should be dealt with under Building Regulations), it is considered that the application proposals would adhere with Policy DC3 and DC38 of the MBLP and the amenity aspects of Policy SE1 of the CELPS.

Highways

The application proposes to retain the existing access and create a new, second access 9 metres further to the west to serve the dwelling proposed on plot 1.

Two off-street parking spaces are proposed for each of the 3 dwellings as well as turning space.

The Council's Head of Strategic Infrastructure (HSI), has reviewed the proposals and advised that there are no material highway implications associated with the above proposal. The proposal for access to each of the dwellings is acceptable and there is sufficient space within each plot for off-street parking provision to be in accordance with CEC parking standards. All vehicles can safely enter and exit each parking space in a forward gear.

No highways objections are raised subject to an informative regarding entering into a S184 Agreement for the new vehicular access.

Subject to the above and a condition to implement the access, the proposal is deemed to adhere with the requirements of Policy DC6 of the MBLP.

Landscape & Trees

The site falls within a predominantly residential area of Knutsford and relates to an existing residential plot. The existing site has a brick wall on the Stanley Road frontage and the frontage off the access road down to the trading estate. The northern corner and along St John's Avenue is hedgerow.

The application seeks to retain the majority of this existing arrangement and replace to match existing where necessary. It is not considered that the proposal would result in any wider landscape considerations subject to a condition for the specific detail of the boundary treatment to be agreed.

In relation to trees, the Council's Tree Officer has advised that she has no concerns, subject to the submitted tree protection measures identified in the AIA, Arboricultural Method Statement, Tree Protection Report and Tree Protection Plan, being conditioned for implementation.

As such, subject to the conditions as suggested, the application is deemed to adhere with the relevant landscape and tree policies of the Development Plan.

Ecology

The application site falls within Natural England's SSSI impact Zone (Tatton Meres). Natural England have reviewed the proposals and advised that they have no objection to the proposals as they do not consider they will have a significant adverse impact upon this statutory protected site.

The Council's Nature Conservation Officer has advised he has no objections to the proposed development, subject to a number of conditions including; a condition to protect nesting birds, the prior submission/approval of breeding bird and roosting bat features and that the landscaping scheme be updated so it includes the retention and enhancement of existing hedgerow where possible and compensatory replacement where possible.

Subject to these conditions, the proposal is therefore deemed to adhere with Policy SE3 of the CELPS and the ecology policies of the development plan.

Flood Risk and Drainage

The application site does not fall within a Flood Risk Zone 2 or 3 and is not of a scale that triggers the requirement of a Flood Risk Assessment (FRA) or sequential test to accompany/be considered as part of the application. As such, no flood risk concerns are raised and the Council's Flood Risk Officer has raised no objections.

In relation to drainage, United Utilities have been consulted and have advised that they have no objections, subject to a number of conditions including; that foul and surface water be drained on separate systems, the prior submission/approval of a surface water drainage scheme and the prior submission/approval of a sustainable management and maintenance plan of drainage measures.

Subject to the above recommended conditions, the application is deemed to adhere with Policy SE13 of the CELPS and the other drainage policies of the development plan.

PLANNING BALANCE, CONCLUSIONS AND REASON(S) FOR THE DECISION

The application site lies within a predominantly residential area of Knutsford. Within such locations, new residential development is deemed to be acceptable in principle, subject to its adherence with all relevant policies of the development plan.

It is deemed that the design of the scheme responds well to its prominent location within the streetscene providing an attractive feature which also respects the character and heritage of Knutsford. The proposed redevelopment of the site has been designed in a way that will adequately protect the amenities of the occupiers of nearby dwellings.

The proposal is considered to overcome concerns of the local planning authority that have been expressed regarding previous attempts to redevelop this site.

The development creates no concerns in relation to; highways, landscape, trees, ecology or flood risk, subject to conditions.

Although objections to the development have been received, it is considered that the proposal is in accordance with the relevant policies of the Development Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise.

For the above reasons, the application is recommended for approval.

RECOMMENDATION: APPROVE subject to the following conditions;

1. Time (3 years)
2. In accordance with approved plans
3. Submission/approval of facing and roofing materials
4. Obscure glazing - Implementation
5. Obscure balcony screens – Implementation
6. Noise mitigation - implementation
7. Electric Vehicle Charging Points
8. Soil verification
9. Works to stop if contamination identified
10. Implementation of access
11. Landscape - implementation
12. Submission/approval of boundary treatment
13. Submission/approval of levels
14. Trees protection - Implementation
15. Nesting birds
16. Submission/approval of breeding bird and roosting bat features
17. Foul and surface water be drained on separate systems
18. Submission/approval of a surface water drainage scheme

- 19. Submission/approval of a sustainable management and maintenance plan of drainage measures**
- 20. Removal of PD Rights A-E**

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 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.



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Application No: 18/4540M

Location: Site of The Kings School, WESTMINSTER ROAD, MACCLESFIELD

Proposal: Erection of Retirement Living Housing (Category II type accommodation) and erection of Extra Care Retirement Accommodation for Older People (Use Class C2), with associated communal facilities, landscaping and car parking.

Applicant: McCarthy & Stone Retirement Lifestyles Ltd and YourLife Management Services Ltd

Expiry Date: 10-July-2020

SUMMARY

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. The proposal provides 31 dwellings for older persons and 58 extra care retirement apartments of an acceptable scale relative to the principal town of Macclesfield and would deliver housing within a highly sustainable location near to the Town Centre Boundary. The site is largely brownfield in nature and therefore its redevelopment to provide retirement accommodation in such a highly sustainable location aligns with the general principles of national and local policy. The proposals would provide much needed accommodation contribute towards creating a mixed and balanced community. There are benefits derived from ensuring a sustainable future use is secured for such an important and prominent site within Macclesfield

The design of the scheme is acceptable and would sit well in the existing surroundings and would not undermine the setting of the designated heritage assets to the south on the main Kings School campus. In highways terms, the impact from the scheme would be no greater than that of the school use and therefore the local highway network would be able to accommodate the likely traffic movements generated by the proposal. Adequate parking would be provided having regard of the size, type and scale and the sites' highly sustainable location adjoining the town centre boundary.

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants having regard to the character of the area. The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology, flood risk, noise and air quality.

It has been demonstrated, and independently verified, that the scheme cannot bear the cost of any commuted sums or affordable housing provision that would normally be expected as part of the retirement living housing as the scheme would be unviable. This is an adverse impact of the scheme but is outweighed by the benefits.

The proposal is for sustainable development which would bring environmental, economic and social benefits. The proposal is therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy and the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF. The application is therefore recommended for approval subject to conditions and the necessary Section 106 obligation.

SUMMARY RECOMMENDATION

Approve subject to conditions and completion of a s106 agreement

PROPOSAL

The application is for the erection of Retirement Living Housing (Category II type accommodation – Use Class C3) and the erection of Extra Care Retirement Accommodation for Older People (Use Class C2), with associated communal facilities, landscaping and car parking. The proposed Retirement Living Housing comprises of 31 units comprising of 11 x 1 bed and 20 x 2 bed apartments. The proposed Extra Care Retirement Accommodation comprises of 58 units comprising of 30 x 1 bed and 28 x 2 bed apartments.

It is important to note that during the life of this application, there have been two rounds of formal amendments. The original scheme proposed a more traditional architectural style to its design. Following officer concerns that the design needed to be developed further, the applicant formally submitted a design which was more contemporary in its design approach. However, this did not achieve an acceptable standard of design and following concerns expressed by objectors and officers, the applicant amended the scheme to return to a more traditional design and it is this latter design that is now for consideration as part of this application. This has also resulted in a loss of 2 units bringing the total down from 91 to 89.

SITE DESCRIPTION

This application relates to part of the King's School campus located on Westminster Road, Macclesfield, due to be vacated this summer upon completion of the new school at Prestbury.

The site measures approximately 0.84 hectares in size. It is bound by Coare Street to the south, Westminster Road to the west beyond which is the Sainsbury's supermarket. To the north is residential development comprising of a new housing development currently under construction and to the east lies existing terraced and semi-detached properties on Coare Street and New Hall Street. New Hall Street terminates at the eastern boundary of the site.

The site is presently occupied by 3 separate school buildings comprising of 2 single storey buildings and a 3 storey building. Together, the existing buildings form a u shape centred on an area of hardstanding used for car parking and servicing this part of the school campus. There is a footbridge which crosses over Coare Street and links this part of the campus to the main school campus to the south.

There are a number of mature trees along the Westminster Road frontage. The Westminster Road and Coare Street boundaries are formed by natural stone walls. The vehicular access serving the site is at a mid point along the Westminster Road frontage and there is a pedestrian access off Coare Street towards the eastern end of the site. The levels of the site slope down from south to north and terminate on a retaining wall at the northern boundary.

The site is designated as being within the predominantly residential area of Macclesfield according to the Macclesfield Borough Local Plan (MBLP) 2004.

RELEVANT HISTORY

The site has been subject to a number of applications in the past relating to its use as a school, although none are recent and none have any relevance to the consideration of this application. More recently, residential development has been approved on the site as part of a larger development including the sports pitches and playing fields to the north. Those relevant are:

15/4285M – Demolition of existing buildings and structures, residential development up to 150 units, landscaping, supporting infrastructure and access – Approved 23-Jan-2017

17/6044M - Application for variation of Conditions 1, 3 (phasing plan), 4, 5, 8, 16 and 21 on approved application 15/4285M – Approved 21-May-2018

18/3073M - Non-material amendment to 17/6044M – Approved 29-Jun-2018

18/3545M - Reserved matters approval (appearance, landscaping, layout and scale) on Outline application 15/4285M for the erection of 132 dwellings, landscaping and associated infrastructure – Approved 13-Dec-2018

19/1027M - Non-material amendment to approved application 18/3545M - Reserved matters approval (appearance, landscaping, layout and scale) on Outline application 15/4285M for the erection of 132 dwellings, landscaping and associated infrastructure – Approved 25-Mar-2019

19/1971M - Modification to affordable housing element of the S106 agreement on outline application 15/4285M relating to the affordable housing scheme approved on 18/3545M - Reserved matters approval (appearance, landscaping, layout and scale) on Outline application 15/4285M for the erection of 132 dwellings, landscaping and associated infrastructure – Approved 27-Nov-2019

19/2149M - Non-material amendment to 18/3545M - Reserved matters approval (appearance, landscaping, layout & scale) on Outline application 15/4285M for the erection of 131 dwellings, landscaping and associated infrastructure – Approved 19-Aug-2019

19/3168M - Non Material Amendment to 18/3545M – Approved 19-Jul-2019

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy

The following are considered relevant material considerations as indications

PG2 – Settlement Hierarchy
PG7 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 – Developer Contributions
SC1 – Leisure and Recreation
SC3 – Health and Well-Being
SC4 – Residential Mix
SC5 – Affordable Homes
CO1 - Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SE 1 - Design
SE 2 - Efficient Use of Land
SE 3 - Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 7 – Historic Environment
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE12 – Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Macclesfield Borough Local Plan

NE3 – Protection of Local Landscapes
NE11 – Protection and enhancement of nature conservation interests
NE17 – Nature Conservation in Major Developments
RT5 – Open Space Standards
RT6 - Recreation/Open Space Provision)
H9 - Occupation of Affordable Housing)
DC3 – Amenity
DC6 – Circulation and Access
DC8 – Landscaping
DC9 – Tree Protection
DC15 – Provision of Facilities
DC17 – Water Resources
DC35 – Materials and Finishes
DC36 – Road Layouts and Circulation
DC37 – Landscaping
DC38 – Space Light and Privacy
DC40 – Children’s Play Provision and Amenity Space
DC41 – Infill Housing Development
DC57 – C2 Residential Institutions
DC63 - Contaminated Land)

Other Material Considerations:

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Cheshire East Design Guide

CONSULTATIONS (External to Planning)

Environmental Protection – No objection subject to conditions and informatives relating to electric vehicle infrastructure, travel planning, noise mitigation, use of low emission boilers, construction environmental management plan, dust control and contaminated land.

Flood Risk Manager – No objection in principle but state that some of the drainage details will require updating in respect of flow rates and ground conditions.

Head of Strategic Infrastructure (Highways) – No objection. The proposed retirement development in replacement of the former school will not result in materially worse traffic conditions on the local highway network and is located in a good location to benefit from the range of local facilities that are available locally. No highway objections are raised.

Housing Strategy & Needs Manager – No objection. The applicant has provided a viability assessment which has been independently verified, which states that the scheme would be unviable with any affordable housing provision, provided both on-site, or as an off-site financial contribution. As this has been independently verified, I have no objection to the proposals

NHS Eastern Cheshire Clinical Commissioning Group – No comments received.

United Utilities – No objection subject to foul and surface water drainage being connected on separate systems, the submission of a surface water drainage scheme and a sustainable drainage management plan.

ANSA – No comments received.

Education - No comments received.

Environment Agency – No comments received

Macclesfield Town Council

The Town Council does not support the application and comments that the following should be taken into account:

- i. Health and wellbeing of the residents;
- ii. Building fire safety;
- iii. Impact on Macclesfield services (e.g. GPs) and infrastructure;
- iv. Sufficient landscaping;
- v. Mixed community living.

OTHER REPRESENTATIONS

Full details of all representations are available on the online planning file. Representations have been received from 15 addresses over two periods of consultation objecting to this application on the following grounds:

- New development should not be at the detriment to the existing residents of Coare street and the surrounding area
- Overdevelopment of the site
- Density of the scheme is too high
- Impact on privacy and amenity of neighbours
- Impact of additional traffic including noise
- Coare Street is already congested coupled with a busy junction at Pownall street / Beech Lane & the Sainsbury roundabout
- Why has the Kings School site been split into 3 different developments
- Council must look at all 3 planning applications on the town centre redevelopment of the Kings School site together so traffic impact on the local area can be assessed as well as cumulative effects
- Existing infrastructure including drainage cannot cope
- No drainage management plan has been submitted
- The suggestion that later living residents will not have cars is an unrealistic & and outdated observation
- Insufficient onsite car parking provision for residents of the new development including visitors/deliveries
- Area is already saturated with on street parking, which will be made worse by the proposals
- Proposed access will sit adjacent to the one of the proposed accesses for planning ref; 19/1068M to the south
- Existing residents need assurance that adequate infrastructure for both water pressure & drainage is in place
- Increased hard surfacing will further add to rainwater runoff and the current sewers will not be able to cope
- Noise and light disturbance from proposed access
- New houses and flats design/ height is unsympathetic to surrounding architecture
- The density of housing proposed and accompanying traffic will impact severely on air quality
- How are older person's expected to sit on balconies near to an air quality management area
- Impact on mature trees
- Reduction in landscaping
- Loss of privacy, daylight, sunlight and outlook for existing residents
- Assurance that the proposed tree planting will not grow to such a height as to cast shade onto neighbouring gardens
- Construction noise, Construction traffic, Construction parking will all heavily impact lives of local residents
- Coare Street is very narrow and should be blocked half way down to avoid potential traffic issues and reduce 'rat running'
- Coare Street is 'access only' but is not policed

- The original designs were preferable to the contemporary redesign which would appear incongruous and at odds with the historical context of the site with no gabled features, no cupolas or chimneys and no Juliet balconies
- The design is unimaginative
- Impact on air quality from additional traffic
- Road safety for residents
- The Bellway scheme to the north promised more greenery, which has subsequently been lost
- Trees need to be conserved as there is a thriving house sparrow and owl population in the area, as well as bats
- Maintenance of the side of existing properties must be retained

Macclesfield Civic Society made the following comments:

- The proposal would free up housing within the town and this would increase social mobility
- Would provide a good mix of accommodation
- The scheme would be acceptable subject to the impact on the townscape and adjacent development being acceptable
- The character of adjacent development is mixed
- The separation from existing development and from prospective developments yet to take place appears appropriate
- The elevations show a stepping down of the building profiles to the north and east – are the bulk and height of the 4 storey buildings acceptable in scale for integration into the townscape – this should be examined critically and assessed carefully
- The landscaping along the road frontages should take into account considerations of air quality
- A section 106 obligation may be required to deal with the specific nature of the occupancy of the scheme
- The site can be served by public transport with a bus route adjacent along Westminster Road. Walking and cycling to the town centre and other facilities would be a possibility depending upon the preferences and physical abilities of residents and staff. A key question is whether Coare Street should remain as a through route.
- There is no air quality assessment taking account of traffic flow emissions and the impact
- The surveys undertaken indicate external noise levels from traffic require mitigation to secure reasonable living conditions for residents

Following the receipt of amended plans proposing a more contemporary design, the Civic Society further commented that they did not support the contemporary re-design.

(Note: The scheme for consideration has reverted to a more traditional design since these further comments were made).

APPRAISAL

Background

The application is a full application for the redevelopment of part of the existing King's School site at Westminster Road in Macclesfield for retirement living and extra care retirement accommodation. This follows the plans to relocate Kings School from its current two separate girls and boys campuses in Macclesfield town to a newly constructed girls and boys school at the site adjacent to the existing Derby Fields off Alderley Road near Prestbury. The King's School are proposed to vacate both Fence Avenue, Westminster Road and the Cumberland Street sites which will be redeveloped for housing. Work to construct the new school is well underway as is the residential development of the land to the north of the site. The income from the development of the sites including this site will provide financial support to the development of the new school which is scheduled to be completed this summer.

Principle of Development

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined "in accordance with the plan unless material considerations indicate otherwise". The National Planning Policy Framework reinforces a 'presumption in favour of sustainable development' and states that decisions that accord with an up to date development plan should be approved without delay.

Macclesfield is identified as one of the 'principal' towns in Cheshire East where CELPS Policy PG 2 seeks to direct 'significant development' to the towns in order to 'support their revitalisation', recognising their roles as the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport.

As per para 11 of the Framework and CELPS Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (social, economic and environmental) and compliance with the Development Plan in accordance with Sec.38 (6). The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up to date development plan without delay"

In this case, the provision of 89 no. units (including C2 and C3 uses) would be of an acceptable scale relative to the principal town of Macclesfield and would deliver accommodation including an element of housing within a highly sustainable location near to the boundary with the Town Centre which bounds Cumberland Street to the south. The site is largely brownfield in nature and therefore its redevelopment to provide residential units and accommodation for older persons in such a highly sustainable location aligns with the general principles of national and local policy.

Saved MBLC Policy DC57 relates specifically to C2 accommodation and advises that such proposals should be well located (preferably in a residential area) in terms of proximity to bus services and local shops. The site is well located in terms of its proximity to local shops and services and as it would adjoin existing market housing in a predominantly residential area and would not lead to a concentration of specialist accommodation. DC57 also goes on to say that

proposals must not cumulatively result in a concentration of non specialist accommodation and should secure an adequate level of amenity for existing and future residents and comply with other relevant development plan policies relating to parking and access. The principle of development aligns with the thrust of Policy DC57. Compliance with relevant amenity policies and parking and access will be considered later in the report.

Having regard to the above, the general principle of the development is found to be acceptable. As per para 11 of the Framework and CELPS Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (economic, social and environmental) and compliance with the Development Plan.

The Council can now demonstrate a 5 year housing land supply and therefore the relevant policies concerning the supply of housing should be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged. It is important to note that this site will deliver up to 31 properties for older persons within a key service centre. Proposals like this that bring forward development of such sites make a valuable contribution to maintaining a 5 year housing land supply and preventing inappropriate development elsewhere.

The development results in the re-use of a previously developed site and the principle is found to be acceptable subject to accordance with other key material considerations as detailed below.

SOCIAL SUSTAINABILITY

Affordable Housing

The Cheshire East Local Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) states in settlements with a population of 3,000 or more, the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all such sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

The CELP states in Policy SC5 justification paragraph 12.44, 'The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year.' This is for the whole borough of Cheshire East.

This is a proposed development of a total of 89 units. However, 58 of the units would be for Extra Care Retirement Accommodation for Older People (Use Class C2). The extra care element enables the frail elderly to buy care packages tailored to their needs which change over time with the ageing process as their level of care increases as opposed to the 'one and all' approach of a residential care home. The Strategic Housing Manager has confirmed that use class C2 does not trigger the need for affordable housing as this type of accommodation relates to residential institutions, residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. However, the remaining 31 units would be

for Retirement Living Housing (Use Class C3), which is market housing and would trigger the requirement for affordable housing as well as other infrastructure requirements. In order to meet the Council's Policy on Affordable Housing, there would normally be a requirement for 9 of the dwellings to be provided as affordable dwellings. This would comprise of 6 as rented units and 3 as intermediate.

The current number of those on the Cheshire Homechoice waiting list with Macclesfield as their first choice is 1488. This can be broken down to 827x 1 bedroom, 413 x 2 bedroom, 173 x 3 bedroom, 45 x 4 bedroom and 30 x 5 bedroom dwellings.

The waiting list also shows a requirement for 142 x 1 bedroom, 9 x 2 bedroom and 2x 3 bedroom Older Person dwellings. These dwellings can be via flats, cottage style flats, bungalows and lifetime adaptable homes.

If there is an agreed onsite provision that is below 30% or a commuted sum is agreed, Housing will usually require an Overage/Clawback clause to be agreed. This is to cover any uplift in value on the development during its completion and any connected raise in commuted sum amounts or increased on site provision for Affordable Housing. In this case, owing to the nature of the accommodation for older persons, any affordable housing would likely be secured by way of commuted sum rather than delivered on site. CELPS Policy SC 5 recognises that some developments may not be able to afford the full cost of affordable provision and on that basis can be acceptable on their own merits.

Viability

The application is the subject of a viability appraisal which states that the development would be unviable insofar as it would not yield a sufficient gross development value (GDV) attractive enough for a developer to bring the site forward. This has been independently appraised by a consultant instructed by the Council. The applicant states that the site is subject to abnormal costs and is therefore supported by a financial viability appraisal. The Council has had this independently appraised. In terms of ensuring viability and deliverability the NPPF (paragraph 57) states that;

'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'

The Planning Practice Guidance (PPG) says that decisions must be underpinned by an understanding of viability; ensuring realistic decisions are made to support development.

The Council's independent advisor has concluded their full review of the financial viability assessment (FVA) submitted by the applicant. Upon first review of the applicant's FVA, the Council's advisor noted that a full review of the scheme for the purposes of financial viability

was not possible as an element of the proposed scheme was excluded (the C2 element) from the submission. The applicant has subsequently submitted an Addendum which has now addressed this issue.

This review has concluded that the scheme will not be able to deliver any affordable housing and / or other commuted sum payments whilst remaining a viable development opportunity. This has been fully appraised and agreed by the Council's independent advisor and as such it is confirmed that the development cannot bear the cost associated with providing a fully policy compliant level of affordable housing provision nor can it pay any commuted sums required to mitigate some of the impacts, for example, healthcare or public open space contributions.

The Gross Development Value ("GDV") of the overall scheme is in the region of £26 million. National Planning Practice Guidance advises that a minimum profit level of between 15-20% of GDV is the industry accepted standard which reflects the minimum enhancement a developer would reasonably expect to achieve in order to bring a site forward for this type of development. In this case, the developer is assuming 20% of GDV. This is at the upper end of the range and given the high level of demand for such accommodation it could be argued that the associated reduced level of risk to the developer could justify a reduced rate. However, the Council's independent advisor has concluded 20% level is reasonable in the current climate of market instability and noting the large initial financial outlay that this project involves before receiving any income from sales. If a reduced assumed profit margin were to be accepted by the developer then that might enable the viability of the scheme to contribute a level of commuted sums in mitigation of impacts. Officers are in negotiation with the applicant on this point and Members will be updated accordingly.

Housing Mix

Local Plan Policy SC 4 identifies the need for housing developments to offer a mix of housing types, size and tenures to accommodate the specific requirements of the demographic. Reference is made to the need for development proposals to accommodate units specifically designed for the elderly and people who require specialist accommodation. This scheme primarily offers accommodation for the elderly in the form of the 31 no. retirement living one and two bed apartments, which coupled with existing committed development to the north of the site and the proposed C2 accommodation, would contribute towards creating a mixed, balanced and inclusive community. The proposal is fully in line with objectives of the policy to meet the needs arising from the increasing longevity of the borough's older residents. The Planning Statement submitted with the application evidences the need for this type of accommodation in the local area. The proposal is considered to comply with Local Plan Policy SC 4.

Public Open Space

Policies RT5 and DC40 of the MBLP set out the amenity open space requirements for housing development (per dwelling). The retirement living housing element of the scheme would place a greater burden on open space and recreational facilities in the area and accordingly, the applicants would normally be expected to make a financial contribution towards the Borough Council's sports, recreational and open space facilities in lieu of on-site provision. The Macclesfield S106 Supplementary Planning Guidance on S106 Agreements provides the formulae for calculating off site financial contributions.

There is a requirement for the provision of amenity greenspace at a rate of 20sqm per dwelling of the 31 retirement living apartments. Given that the housing element of the scheme would be for older persons and not family dwellings, there would be no requirement for children's play provision. There would also be a requirement to provide Recreation and Outdoor Sport (ROS) in line with Policy SC2 of the Local Plan and the playing Pitch Strategy. In lieu of onsite provision, contributions of £500 per 1 / 2 bed apartment (excluding any affordable properties) would normally be sought. This commuted sum would be used to make additions, enhancements and improvements at the pitches, courts and greens within the three town centre parks in Macclesfield; West, South and Victoria, in line with other adjoining developments.

However, in light of the viability case, it has been demonstrated that the scheme cannot bear the cost of any commuted sums and accordingly, they are not sought in this case.

Healthcare

Whilst the NHS Eastern Cheshire Clinical Commissioning Group has been consulted on the application, no response requesting any financial contributions towards healthcare provision has been received.

Education

The retirement living housing element of the scheme would not place any greater burden on local education provision given the type of accommodation proposed. The units are not 'family dwellings' owing to their size (i.e. maximum of 2 bed) and owing to the occupation by older residents. Accordingly, whilst no comments have been received from Education, the scheme would not trigger a requirement for commuted sums towards education provision.

ENVIRONMENTAL SUSTAINABILITY

Design, Character and Appearance

Between them, the NPPF and Local Plan Policies SD1, SD2, SC4, SC5, SE1, SE4 and C01 from the CELPS and DC8, DC35, DC36 and DC37 of the MBLP seek that all development should be: locally distinctive; high quality; sustainable; well-designed and durable responding to the heights, scale, form and grouping, materials, massing, green infrastructure and relationship to existing built form in the immediate as well as wider areas. Good connections through infrastructure and access from the site into the wider area and landscaping / topographical themes through street hierarchy and landscaping is also expected from new development.

Following discussions with the applicant, the scheme has been the subject of a number of revisions. This included an attempt by the applicant to deliver a contemporary design and this was subject to a second consultation, which attracted some criticism from officers as it did not achieve an appropriate quality of design in its context and from objectors also. The applicant then subsequently reverted back to a more traditional design approach but heeded comments from officers regarding the scale and the way in which the elevations were articulated. As such, the scheme as amended is smaller in scale compared to the original submission and has resulted in the loss 2 units.

The scheme would comprise of two blocks arranged in an L shape to help turn the corner of the site where it occupies a frontage to both Westminster Road and Coare Street. It would be four storeys in height, but in parts, the upper level accommodation would be contained within the roof space. The overall scale and prominence would be softened by the retention of the strong tree line along the Westminster Road frontage coupled with a set back from the road and development either side. The scale of the building and roofline would step down to account for the natural topography of the site.

The elevational design to Coare Street and Westminster Road provides a varied roofscape and bays which break up the massing of the building, further enhancing the composition of the blocks. An overall good use of diversity of form and the scale of buildings are in proportion to the space and buildings adjacent to the proposal. Even though the height of the buildings is higher than the adjacent residential buildings, the space separating them is large enough to accommodate this.

The proposal uses traditional proportions and materials similar to those present within the Edwardian / Victorian properties in the vicinity and so is successful in its design and materials. With respect to fenestration, the windows have been amended with use of a more traditional slim frame and a good reveal / recess to achieve more depth to the facades. The exact detail of these matters will be secured by condition.

Turning to boundary treatments, the site is characterised by its stone wall running around the perimeter of the road frontages. These are an important feature both in terms of characterising the street and referencing the heritage links with the main school campus to the south. It is proposed that these will be retained, albeit general modifications will be required to accommodate the proposed access into the site and also the closing of the Westminster Road access. It is important that the gap where the existing access is closed off is formed by a continuation of the existing boundary wall. Any materials removed by the opening of the proposed access on Coare Street should be reused to close up the existing access. This detail will be secured by condition.

Existing and proposed levels should be submitted to illustrate changes in levels within the site and also the relationship with Coare Street, Westminster, Road, the approved housing development to the north and 63 New Hall Street. This detail will be secured by condition. This will also determine a more appropriate use of boundary fencing along the northern boundary in particular where there is a drop in levels and an existing retaining wall. A more sensitive approach in the form of soft landscaping proposed and wrought iron railings or similar / dwarf wall behind hedging will be required to ease the transition so as to not appear intrusive from Westminster Road and the development to the north.

The proposal will not have a significant landscape or visual impact as the site is a previously developed site and there are existing unsightly buildings already in situ which would be removed to make way for the proposals. A condition will be recommended requiring a detailed landscape scheme to be submitted and agreed. The scheme provides good opportunities for soft planting and retention of existing tree specimens. The areas of amenity space to the north present a good buffer with the residential development to the north. Parking is tucked to the side and rear of the development and has avoided any frontage parking which is a positive of the scheme.

As amended, overall this is a well designed building which will sit well in the existing surroundings. Conditions relating to landscaping, materials and window and balcony detailing will be included on the decision notice. Having regard to the above, the design is found to be acceptable and in accordance with Policies SE 1 and SD 2 of the CELPS and the CEC Design Guide.

Impact on Designated Heritage Assets

To the south of the site on the main Kings School campus, there are 2 principal listed buildings comprising of the original school (now library) and Headmasters House and the lodge. There are also a number of pre-1948 curtilage listed elements: the extensive stone walls around the perimeter of the site, the main school building circa 1911, the Science block and the cricket pavilion (both 1930s).

The setting of heritage assets is defined in policy as the surroundings within which assets are experienced and often this is expressed in terms of views. The setting of the assets at Kings are interrelated and contribute to one another. The principal view of the heritage assets is that from Cumberland Street to the south and accordingly, the site subject of this application plays less of an important role in that view. The main campus and its buildings turn their back on Coare Street where there are some unsympathetic additions to the rear. It is here where the application site shares its relationship with the main school campus.

The existing buildings on the site are also unsympathetic and of poor architectural merit. This proposal would result in the removal of the existing unsympathetic footbridge which crosses Coare Street and links this site with the main campus. The proposal put forward presents an opportunity to deliver a better quality of design than the current arrangement and therefore it is considered that the impact of the proposal would be to enhance the setting of the adjoining heritage assets as it currently stands. On this basis, the scheme is found to comply with CELPS Policy SE 7.

Archaeology

The application site is not within an area of identified archaeological potential and accordingly the proposal is found to be acceptable in this regard and compliant with Macclesfield Borough Local Plan Policies BE23, BE24 and SE 7 of the Cheshire East Local Plan.

Trees

Policy SE5 of the CELPS states *“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 contains 14 individual trees, a number of which are mature specimens. Of particular note are seven mature Beech/Sycamore specimens that are located on the Westminster Road frontage which are visually prominent and contribute the tree lined character of the road. There

are two specimens on Coare Street near to the pedestrian footbridge and one in the north eastern corner. Trees within the site are not currently protected by a Tree Preservation Order. The application is supported by a Tree Impact Assessment and Arboricultural Method Statement which advises that only 1 specimen is identified for removal. This relates to a mature beech tree (T4) located along the Westminster Road frontage. This specimen has been found to have the decay fungi *Ganoderma* and has been identified for removal due to its condition and potential risk to the adjacent highway.

The proposed Retirement Living accommodation sits on a similar footprint to the existing Kings School building and some existing hard surfacing within the root protection area of retained trees is to be removed and replaced hard surfacing is proposed close to trees T13 and T14. The removal of existing hard surfacing is considered in the supporting Arboricultural Method Statement, which also confirms there are no special considerations required for the replacement hard surfacing adjacent to trees 13 and 14. Given the measures proposed in the method statement, the Council's Principal Forestry and Arboricultural Officer is satisfied that this complies with the design requirements of BS5837:2012. Reference is made in the Method Statement to regrading works and changes in levels within the site. Specific reference is made to trees T8 and T9 on the Coare Street frontage and the Tree Protection Plan alludes to the proposed grading being varied to account for roots. In the absence of any levels detail, it would be appropriate that levels details are submitted where there is an impact on tree protection areas. This matter could be dealt with by condition. Any significant levels changes that may become apparent may require the Arboricultural Method Statement and Tree Protection Plan to be amended.

The British Standard BS5837:2012 also considers issues of social proximity, shading and end use of space having regard to the retention of trees and the proposed development. The supporting Arboricultural information does not go into this aspect in any great detail, however, the only trees which are relevant with regard to these design considerations are Sycamores (T1 and T2) where they are located about 11 and 11.5 metres respectively from the proposed new build. Ideally separation distances of at least 12 metres or the height of the tree(s) would reduce the impact of shading /improve daylighting and private amenity space. However, the large size of windows goes some way to address this and the separation is only modestly short. On this basis, the relationship is acceptable.

The removal of the diseased Beech tree located adjacent to the existing access to the site shall be replaced as part of the landscape scheme and it is noted that *Acer Campestre* (Field Maple) and *Carpinus Betulus* (Hornbeam) are shown on the submitted landscape layout. The Council's Principal Forestry and Arboricultural Officer considers that these are adequate for the purposes of mitigating the loss of the Beech tree. On this basis, the scheme is found to be acceptable (subject to condition) in terms of its impacts on retained trees and accords with CELPS Policy SE 5.

Highways and Parking

The site currently benefits from an existing access from Westminster Road, but no vehicular access to Coare Street. The existing Westminster Road access would be closed and a new single access is proposed off Coare Street to serve the proposed development. The proposed vehicular access would serve the development and its car park, which would accommodate a total of 63 car parking spaces to serve 58 retirement units (31 one bedroom and 28 two

bedroom) and also 31 retirement living apartments (11 one bedroom and 20 two bedroom). The existing pedestrian footbridge linking the site to the main school campus to the site would be removed as part of the application.

Traffic Generation - The lawful use of the site as a school in regard to the traffic generation needs to be taken into account when considering this application. The school use generates a substantial number of trips to and from the site. The applicant has assessed the likely traffic generation of the new proposal and the site will produce low traffic generations with approximately 15 two-way movements in the peak hours as would be expected from a retirement development. It is considered that the proposal will not result in a material increase in traffic generation from the site and as such not result in any capacity problems on the local highway network.

Parking - The Council's guidance on Parking Standards is set out in Appendix C of the CELPS. It sets out minimum standard for residential dwelling houses and recommended levels for all other uses (which would include the C2 element of the use). The parking standards are clear that parking provision will also take account of: the availability and cost of parking spaces on site and close by; how regular and frequent public transport is; how easy it is to access a site by safe walking and cycling routes; operational needs of proposed developments; and relationship between different land uses - such as the proximity to shops, employment and facilities.

There are 30 car parking spaces provided for the extra care units and 26 for the apartments with 7 spaces for staff and visitors (total 63). The applicant has submitted parking demand figures for McCarthy & Stone developments. The information submitted indicates that level of parking proposed is sufficient for the number of units on the site. The Council's car parking standards do not have a specific category for retirement living although based upon sheltered / retirement housing accommodation the provision of 26 spaces is required, with 56 spaces required for the extra care facilities (total 82). The parking standards for extra care require 0.5 spaces for residents to be provided and assessment of other extra care facilities has shown that very few if any car trips are made by residents and that car parking demand is mainly from staff and visitors. Consideration also needs to be given to the location of the site and whether it is readily accessible to non car modes and the access to local facilities. This site is located close to the town centre and has a range of facilities within easy walking distance. In these circumstances car ownership levels are normally lower than in rural locations. Having regard to the nature of the accommodation and the position of the site in a highly sustainable location, the level of car parking is considered to be acceptable.

Access - The current access to the site on Westminster Road would be capable of serving the proposal. However, the proposal seeks to close this existing access and create new vehicular one on Coare Street further along the site frontage. Coare Street is predominately a residential street and has on-street parking on the southern side of the road opposite the development site. However, the Council's Highways Officers have advised that there are no technical reasons to object to the access as the presence of on-street parking occurs in many urban areas and the site will have low traffic generation. There will be infrequent trips to the site by larger vehicles such as refuse or delivery vehicles and on this basis, the proposed access arrangements are deemed to be acceptable. The proposed access would operate safely with the access proposed on the opposite side of the road under planning ref; 19/1068M, which is

currently being considered by the Council. This adjacent access would serve 27 parking spaces.

Accessibility - The site is located close to the town centre and has good pedestrian connectivity to the footpath network. There are controlled pedestrian crossing facilities on Westminster Road near to its junction with Coare Street and further beyond on Cumberland Street and Churchill Way that provide linkages to the town centre. There are numerous bus services available within easy walking distance of the site and also the bus and rail stations in Macclesfield are within a reasonable walking distance. The site is considered to have good accessibility given its proximity to the town centre and is therefore highly sustainable.

Therefore, the Head of Strategic Infrastructure (HSI - Highways) has confirmed that the application is acceptable and the application is found to be acceptable in this regard.

Residential Amenity

Saved policy DC38 of the Macclesfield Borough Local Plan (MBLP) states that new residential developments should generally achieve a distance of between 21 metres and 25 metres between principal windows and 14 metres between a principal window and a blank / flank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

The nearest neighbouring properties to the site are those which 'side onto' the eastern boundary of the site. These are no. 81 Coare Street and no.s 60 and 63 New Hall Street. Also of relevance are the properties currently being constructed by Bellway Homes to the north of the site. Whilst these are not yet occupied, the amenity of the future occupiers of these units requires consideration.

The nearest part of the smaller block fronting Coare Street would achieve a distance of 18 metres with the side elevation of no. 81 Coare Street. No. 81 benefits from a ground floor and first side facing window. Whilst the ground floor window appears to be secondary, the first floor appears to be primary (serving a bedroom). There are windows proposed in the ground, first second and third floor of the elevation facing the gable of no. 81. However, as the building is well set back and not directly adjacent, any views would be at an oblique angle and not direct. The same conclusions can be drawn for no. 60 New Hall Street which also benefits from side facing windows although the separation here is greater at 21.5 metres. As such, there would be no material harm to these neighbouring properties by reason of direct overlooking, increased sense of enclosure or loss of light.

With regard to no. 63 New Hall Street, the separation here would be in excess of 42 metres and therefore there would be no material harm to the amenity afforded to the occupiers of this property. There would be some betterment in terms of the existing buildings being demolished which currently share a closer relationship.

Turning to the new residential development being constructed by Bellway Homes to the north, the rear gardens of plots 13-18 back onto the northern boundary, however, a distance of 21 metres is achieved between the nearest part of the larger retirement block which would be

offset by 45 degrees to the nearest plot in any event. The larger block would sit alongside a three storey apartment block proposed by Bellway Homes and owing to amendments, the proposal would step down to ease the transition with this neighbouring proposed building. Whilst there are some windows proposed in the side elevation, these are secondary and could be reasonably obscurely glazed by condition.

Elsewhere, the proposal would meet with the separation standards and the amenity afforded to future residents (in terms of light and outlook) of the proposed scheme would be acceptable having regard to the character of the area and subject to further considerations relating to noise.

The proposal is for a residential type use in close proximity to other residential properties. The proposed car park would be sited alongside the common boundary shared with no. 81 Coare Street and no.s 60 and 63 New Hall Street. It is not considered that this would unduly affect the amenity of these occupiers having regard to the limited number of spaces along the boundary and having regard to the current use as a school play ground. On that basis the proposal will not have any adverse impacts on existing residents in respect of noise, dust, odour or any other environmental impact. Traffic generation is low as considered elsewhere in the report. Whilst some disruption may be apparent during the construction process this is for a limited time and a condition requiring a construction management statement will be included on the decision notice.

Noise

The application is supported by Acoustic Report which details noise mitigation measures in order to ensure that occupants of the proposed units are not adversely affected by current and future traffic noise on Westminster Road and the activities associated with the nearby Sainsbury's food store. This would comprise of the incorporation of noise mitigation within the façades facing Westminster Road and Coare Street comprising of upgraded acoustic glazing for bedrooms and living rooms. Provided that the noise mitigation measures as detailed in the acoustic report are implemented, it is considered that there should be no adverse impacts on health and quality of life of the future residents resulting from road traffic noise in the area or the adjoining food store. The Council's Environmental Protection Unit has confirmed acceptance of the submitted noise information. The proposal complies with Policy SE12 of the CELPS and DC14 of the MBLP relating to noise and soundproofing.

Air Quality

Policy SE 12 of the Local Plan 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. When assessing the impact of a development on Local Air Quality, regard is had to the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality May 2015).

Whilst this scheme itself is not of a scale requiring 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.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. The Council's Environmental Protection Unit (EPU) has advised that this can be achieved by conditions relating to travel planning, dust control and the provision of electric vehicle infrastructure (three Mode 2 compliant Fast Electric Vehicle Charging Points with cabling provided for a further three units (to enable the easy installation of further units). Subject to these conditions, the proposal will comply with policy SE 12 of the CELPS.

Ecology

Macclesfield Borough Local Plan Policy NE11 and CELPS Policy SE 3 seek to protect nature conservation interests and indicate that where development would adversely affect such interests, permission should be refused. The application has been supported by a protected species survey for bats. The buildings on site were assessed as having potential to support roosting bats. The initial report recommended that a single bat activity survey be undertaken to determine the presence/absence of roosting bats at Buildings B1 and B3 (the two buildings fronting Westminster Road). Following the receipt of a bat activity survey, the Council's Nature Conservation Officer has confirmed that only a low level of bat activity was recorded and so on balance has advised that roosting bats are not reasonably likely to be present or affected by the proposed development. Subject to conditions to safeguard nesting birds and the incorporation of features into the scheme for use by breeding birds, the proposal is considered to comply with policy NE11 of the MBLP and SE3 of the CELPS.

Flood Risk and Drainage

The site is located within Flood Zone 1 where flooding from rivers and the sea is very unlikely with less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. Whilst the Environment Agency has not commented on the application, they are not a Statutory Consultee on this application as the site does not affect a main river or tributary. Subject to conditions (including a surface water drainage strategy and updated flow rates and ground conditions), the proposal would not give rise to flooding or drainage issues based on the Council's won flood risk advice. Therefore the development is considered to comply with policy SE 12 of the CELPS.

Contaminated Land

The submitted Phase II contaminated land assessment has been assessed by the Council's Environmental Protection Unit, who have offered no objection. Any risk from further contamination not already identified can be picked up by further monitoring and secured by appropriate conditions. Consequently the proposal complies with policy DC63 of the MBLP and CELPS Policy SE12.

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 (including the Town Centre) including additional trade for local shops and businesses, jobs in construction and economic benefits to the

construction industry supply chain. There will also be local employment opportunities connected to the care provision on the site.

S106 HEADS OF TERMS

- Age restriction of occupation of flats (55 years plus or spouse thereof)

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 age restriction is necessary due site planning factors identified in the report that are only acceptable having regard to this type of use and future occupants of the development.

It is necessary, directly relates to the development and is fair and reasonable in relation to the scale and kind of development.

Other Issues Raised by Representation

A number of the points of objection have been addressed in the main body of the report and the remaining points are addressed below.

Building fire safety has been raised as a concern by some objectors. The development would need to comply with relevant fire safety regulations covered by separate legislation and is not a material planning consideration.

The future maintenance of any existing properties adjoining the site would be civil matter between relevant landowners and is not a material planning consideration.

The future health and wellbeing of residents has been duly assessed in terms of amenity impacts and air quality in the main report above. Any additional health considerations would be separate matters for the health service.

With regard to concerns that this application is being considered independently of the planning application and listed building consent currently being considered to the south of the site (planning ref;s 19/1068M and 19/1069M), these are standalone applications and must be assessed on their own merits. Any cumulative impacts have been assessed taken into account in the assessment above.

CONCLUSIONS, PLANNING BALANCE AND REASONS FOR DECISION

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. The proposal provides 31 dwellings for older persons and 58 extra care retirement apartments of an acceptable scale relative to the principal town of Macclesfield and would deliver housing within a highly sustainable location near to the Town Centre Boundary.

The site is largely brownfield in nature and therefore its redevelopment to provide retirement accommodation in such a highly sustainable location aligns with the general principles of national and local policy. The proposals would provide much needed accommodation and correspondingly, a diverse community taken with surrounding uses. There are benefits derived from ensuring a sustainable future use is secured for such an important and prominent site within Macclesfield

The viability of the scheme would result in the lack of any affordable housing provision, contributions towards healthcare and public open space. It has been demonstrated that the scheme cannot bear the cost of any commuted sums or affordable housing provision that would normally be expected as part of the retirement living housing as the scheme would be unviable and this has been independently corroborated. This is an adverse impact of the scheme. However, it is considered that the benefits of the scheme cited above would outweigh this harm. Notwithstanding this, a further update will be provided on viability and this recommendation is subject to the outcome of further negotiations with the applicant.

In design terms, as amended, this is a well designed scheme which would sit well in the existing surroundings and would not undermine the setting of the designated heritage assets to the south on the main Kings School campus.

In highways terms, the impact from the scheme would be no greater than that of the school use and therefore the local highway network would be able to accommodate the likely traffic movements generated by the proposal. Adequate parking would be provided having regard of the size, type and scale and the sites' highly sustainable location adjoining the town centre boundary.

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants having regard to the character of the area.

The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology, flood risk, noise and air quality.

The proposal is for sustainable development which would bring environmental, economic and social benefits. The proposal is therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy and the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF. The application is therefore recommended for approval subject to conditions and the necessary Section 106 obligation.

RECOMMENDATION: APPROVE subject to conditions and the completion of a s106 legal agreement

The application is recommended for approval subject to the completion of a s106 agreement for a restriction of occupation for the future occupants of both the Retirement Living Housing (Category II type accommodation) and Extra Care Retirement Accommodation outlined above and the conditions listed below:

1. Commencement of development (3 years)
2. Development in accordance with approved and amended plans
3. Construction of access and parking made available for use prior to first occupation
4. Landscaping scheme to be submitted and approved to include replacement planting
5. Landscaping scheme to be implemented
6. Details of boundary treatments to be submitted, approved and implemented including retention of boundary walls and re-use of stone from new access to close up existing access
7. Development shall be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan
8. Details of ground levels to be submitted, approved and implemented
9. Foul and surface water drainage to be connected on separate systems
10. Scheme of surface water drainage and management plan to be submitted, approved and implemented
11. Details of external facing materials to be submitted, approved and implemented
12. Windows to be set behind a reveal of at least 100mm
13. Balcony detailing to be submitted, approved and implemented
14. Development to be carried out in accordance with submitted noise survey with mitigation provided prior to first occupation
15. Supplementary Phase II contaminated land investigation to be submitted and approved
16. Verification of remediated contaminated land to be submitted and approved
17. Details of bin / refuse storage to be submitted, approved and implemented prior to first occupation
18. Details of pile foundations to be submitted, approved and implemented
19. Travel Plan to promote alternative / low carbon transport options for staff and residents to be submitted, approved and implemented
20. Electric Vehicle Infrastructure to be provided prior to first occupation comprising of three Mode 2 compliant Fast Electric Vehicle Charging Points with cabling provided for a further three units (to enable the easy installation of further units)
21. Scheme of dust control to be submitted, approved and implemented
22. Submission, approval and implementation of a Construction Environmental Management Plan
23. Obscured glazing on side elevations of upper floors
24. Accordance with Ecological Assessments
25. Nesting bird mitigation measures to be submitted, approved and implemented
26. Details of external lighting to be submitted, approved and implemented
27. Incorporation of features into the scheme for use by breeding birds to be submitted, approved and implemented

28. Details of cycle storage to be submitted, approved and implemented

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 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.

