

Application No: 22/4661M

Location: 28, IVY LANE, MACCLESFIELD, CHESHIRE, SK11 8NR

Proposal: Extension and internal alterations to the existing building, and demolition of the existing garage, to provide 6 no. supported living apartments (Use Class C3) with associated parking and facilities

Applicant: Ivy Lane (Macclesfield) Limited

Expiry Date: 14-Apr-2023

SUMMARY

The proposed development description is '*Extension and internal alterations to the existing building, and demolition of the existing garage, to provide 6 no. supported living apartments (Use Class C3) with associated parking and facilities*'.

The proposals would see the conversion and extension of the existing building to create 6no. supported living flats/accommodation which include communal facilities and staff office, for adults with learning disabilities within the settlement boundary of Macclesfield, a Principal Town, where such development is encouraged due to the existing provision of infrastructure and services in the immediate and wider vicinity.

The reason for the previous appeal on this site being dismissed, which related to the flat roof dormer window, is considered to have been addressed in this latest submission. It is therefore considered that the proposals comply with all relevant policies and guidance with regards to the principle of the development, design, residential amenity, trees, highways safety and parking.

SUMMARY RECOMMENDATION

Approve subject to conditions.

REASON FOR REPORT

This application has been called-in to the Northern Planning Committee for the following reasons:

"This application is very similar to a previous one at this location [19/5426M] that was refused at Northern Planning, and a subsequent appeal was dismissed.

Significant concerns are again being raised with regard to the amended application:

Over development of the site; the mass and scale of development will adversely affect amenities of surrounding properties. The design is not in keeping with the current street scene and surrounding locality and there is inadequate parking provision.

The Planning Inspector drew the following threefold conclusions: the harmful effect on the character and appearance of the surrounding area, the proposals would conflict with the Development Plan policies of Cheshire East Council and there were no other material considerations which would outweigh the conflict.”

DESCRIPTION OF SITE AND CONTEXT

The site and buildings were most recently operated as a children’s home, however at the time the application was made is vacant. Further to a site visit conducted in March 2023 it is clear the site is in wide disrepair with many windows and doors boarded over and vegetation within the site overgrown. The site has declining levels from the south to the north and from east to west. As a result of the levels and historic extensions the property over time has changed from a single storey bungalow to single storey in appearance from Ivy Lane and part single and part double storey to Sycamore Crescent and the rear elevation. There are 3no. existing parking spaces for vehicles on hardstanding using a level dropped kerb access from Sycamore Crescent, the only access into the site. There are various hedgerows and trees forming a mature, tall and dense vegetative boundary treatment and screening of the internal site from surrounding public vantage points in the highway and also to boundaries with neighbouring residential properties. There is a protected Sycamore tree along the northern boundary (TPO 22-009).

Residential properties in the immediate area / neighbouring the site do not have a consistent architectural style nor material palette though it can be said it is of typical domestic style comprising use of white facing render, red brick, slate or grey tiles roofs and white upvc fenestration. The scale of residential properties neighbouring and in the immediate Ivy Lane/Sycamore Crescent area are either single or two storeys tall and are a variety of detached and semi-detached in type.

DETAILS OF PROPOSAL

The proposed development description is *‘Extension and internal alterations to the existing building, and demolition of the existing garage, to provide 6 no. supported living apartments (Use Class C3) with associated parking and facilities’.*

The application form indicates that 6no. market one-bedroom residential units will be created. The proposals will result in the loss of 1no. four-bedroom detached dwelling. The extensions are proposed to the front, rear and sides of the existing building of single and two storey scale. The proposed external facing materials are noted as: roof to match existing; dark grey windows and coping; white render and brickwork to match. Internally the proposals will create:

Ground floor: Office with toilet; open plan communal kitchen living and dining room; entrance lobby and 2no. one-bedroom flats.

First floor: 4no. one-bedroom flats.

Each one-bedroom flat will have an open plan living, dining and kitchen area, store and en-suite bedroom and are between 40-49sqm in floorspace each.

Despite what is stated on the application form it is proposed that the development would provide accommodation for vulnerable adults with learning difficulties aged between 18-65 years old. It is proposed that Aemulator Community Interest Company (CIC), a specialist social landlord will lease the site and issue individual tenancies and specialist housing management support. Independence Support Limited (ISL) are proposed to be the care provider, who are said to be a Macclesfield based specialist supported living provider for people with varied needs, an approved supported living provider for Cheshire East Council (CEC). It is proposed that ISL will work with CEC Adult Social Care Team to undertake full assessments of prospective tenants needs to ensure each person's needs can be met within the scheme and that living at the site would be an appropriate placement for that individual. It is proposed that each tenant will receive one to one support hours with on-site staff meeting their assessed needs. It is stated that staff will be on site 24 hours a day to provide on-going support to tenants to enable independent living and achieve goals. ISL provide support such as: supported housing; employment/vocation; help at home and community involvement. A Service Model Briefing Note supports the application. It is stated each flat will have a warden call system which connects them to on-site staff.

It is proposed that 4no. full-time employees will be created as part of the development. 7no. parking spaces and widened existing access will be created as a result of internal re-arrangements and demolition of existing double garage.

The application is supported by Landscaping Plans which indicate existing trees and hedgerow boundary treatments are to be retained and pruned and other existing low level stone walls will also be retained. Some new timber fencing and gates are proposed for installation. As part of the landscaping works a new ramp will be constructed to provide level access to the external amenity space leading to a new level patio to be finished in textured paving flags in Silver Grey. It is proposed that the driveway and parking area will be in cellular ground reinforcement with gravel surface with setts rumble ramp and a grassed cellular reinforcement for 4no. of the 7no. car parking spaces closest to neighbours no. 4 Sycamore Crescent to the north. A bin storage area finished in flags is proposed to the east elevation. A detailed planting plan supports the application indicating 3no. new Mountain Ash, 3no. new Cherry and new hedgerow planting to the eastern elevation are to be planted in addition to areas of shrub/low level feature planting as part of the proposals.

RELEVANT PLANNING HISTORY

19/5426M - Extension and internal alterations to the existing building to provide 7 no. supported living apartments with associated parking and facilities – refused at Northern Planning Committee – 11th March 2021 – dismissed at appeal APP/R-66-W/21/3278617

06/1705P – provision of a new boundary wall to 28 ivy lane, Macclesfield after acquisition of garden land for highway purposes (c.c.c) – approved with conditions – 25th September 2006

06/0159T – Works to TPO trees – not decided – 20th July 2006

CY/5/06/1705p - Provision of a new boundary wall to the above property, after acquisition of garden land for highway purposes (construction of a combined foot/cycleway adjacent to the carriageway) – approved with conditions – 25th September 2006

00/0984P - detached double garage to front – approved with conditions – 20th June 2000

99/1476P - two-storey rear extension and front conservatory – approved with conditions – approved with conditions – 13th September 1999

99/0464P – two-storey rear extension – approved with conditions – 27th April 1999

45862PB – two storey extension – approved – 30th July 1986

RELEVANT PLANNING POLICIES

Cheshire East Local Plan Strategy (CELPS) 2017

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 Well-being

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

SE9 Energy Efficient Development

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood Risk and Water Management

CO1 Sustainable Travel and Transport

CO4 Travel Plans and Transport Assessments

Appendix C Parking Standards

Site Allocations and Development Policies Document (SADPD) 2022

PG9 Settlement Boundaries

GEN1 Design principles

ENV1 Ecological network

ENV2 Ecological implementation

ENV5 Landscaping

ENV6 Trees, hedgerows and woodland implementation

ENV7 Climate Change

ENV12 Air quality

ENV14 Light pollution

ENV15 New development and existing uses

ENV16 Surface water management and flood risk

ENV17 Protecting water resources

HOU2 Specialist housing provision

HOU11 Extension and alterations

HOU12 Amenity
HOU13 Residential standards
INF1 Cycleways, bridleways and footpaths
INF3 Highways safety and access
INF9 Utilities
REC5 Community facilities

National Planning Policy Framework 2021 (NPPF)
National Planning Practice Guidance
Trees and Development SPD
Cheshire East Design Guide SPD
Housing SPD
Housing Strategy 2013-2023
Vulnerable and Older Persons' Housing Strategy 2020-2024
Nationally Described Spatial Standards

CONSULTATIONS (External to Planning)

Cadent Gas – no objection – subject to use of informatives for separate consents/ adherence to working standards separate to planning considerations.

Manchester Airport – no objection – subject to use of informatives regarding separate consents/ adherence to working standards separate to planning considerations.

CEC Highways – no objections for the following summarised reasons:

- Low volume of traffic movements associated with the proposals and as such no material impacts on the safe operation of the immediate or wider highways network are anticipated.
- Existing site access is to be increased to 4.5m wide is acceptable.
- Car parking provided on-site is in compliance with CEC parking standards.

Cheshire Brine – no comments to make.

Environmental Health – no objection – subject to use of conditions such as: site specific dust management plan, ultra low emission boilers, electric vehicle parking provision and residents travel plan and also subject to the use of informatives covering construction hours, pile foundations and reporting of previously undiscovered contaminated land.

Strategic Housing – support the proposals for the following summarised reasons:

- 6no. supported living flats within a Principal Town location aligns with strategic priorities and direction from the Strategic Housing team.
- The proposals support the aims of promoting independence for residents with learning disabilities and complex needs including those with learning disabilities as referred to in the 2018-2023 Housing Strategy and the Vulnerable and Older Persons' Housing Strategy 2020-2024.
- The strategies seek to ensure adults with a learning disability are able to access suitable accommodation which includes specialist supported living with a focus on independence and self-contained units which the proposals provide. This is further promoted through

the Adult Social Care 'My Life, My Choice' document seeking to align thinking across council departments to increase the provision of this type of department.

- All units meet the NDSS.
- Whilst there is no mix of tenure, size or type all proposed as 1no. bedroom units this is expected for such a scheme and as such no concerns are raised.

Adult Services – support the proposals.

Macclesfield Town Council – object to the proposals for the following summarised reasons:

- The proposals comprise the overdevelopment of the site and result in development that is overbearing.
- There is insufficient parking provided and the proposals are in close proximity to a busy highway and junction.
- The proposals would result in a loss of amenity, privacy and natural light to neighbouring properties contrary to policy HOU11 of the SADPD.
- The design of the proposals is not in keeping with the character of the area and the development is contrary to policies SE1 and SD2 of the CELPS.

REPRESENTATIONS

21no. letters of representation have been received objecting to the proposal on the following grounds:

- No improvements following previously refused application and dismissed appeal, the proposals would not be in keeping with the character and appearance of the surrounding area, due to the size, scale and overall architectural design, noting the existing building has been heavily extended.
- The proposal for flats is not in keeping with the housing type predominant in the immediate area.
- The proposals as a result of further extensions would result in limited external amenity space for future occupants.
- The proposals are pure C3 use class and not supported living and little in the submission makes them suitable for supported living.
- The proposals result in the overdevelopment of the site and overbearing form that will result in detrimental impacts to privacy amenity of neighbouring form through overlooking.
- Insufficient access arrangements and parking for the development which may result in congestion and highways safety issues from site users parking and using the surrounding highways network.
- The parking arrangements will result in parked vehicles or standing vehicles with running engines causing odour and fumes pollution to immediate neighbouring property.
- There are existing issues with the Sycamore Crescent/Ivy Road and Flower Pot junction due to parking and visibility which causes problems for pedestrians, cyclists and vehicle users and this development will worsen that.
- The location is not sustainable for the intended users who require support and are likely to use public transport and not private vehicles to travel, of which few services remain and is otherwise a great distance from the town centre.
- The proposals may result in the loss of trees and hedgerows which presently afford visual and privacy amenity to the site and surrounding area.

- Concern that the usage of the property may result in increased anti-social behaviour in and around the site resulting in detrimental impacts on the amenity of neighbouring residents and passing public including school children caused by noise and other disturbances. This may also worsen existing issues experienced at a nearby public footpath.
- The site has a history of anti-social behaviour and crime relating to the previous childrens home use resulting in police call outs and fear of crime from neighbouring residents.
- Uncertain how refuse and recycling will be managed.
- The disrepair of the property should have no weight in the planning balance due to accused deliberate neglect.
- The public consultation timing and period is inappropriate.
- The development would be contrary to title deeds that stipulate only bungalows are to existing in this side of Sycamore Crescent.

OFFICER APPRAISAL

Background

This application is a resubmission of refused application and a dismissed appeal ref:19/5426M.

19/5426M had the description of development of *'extension and internal alterations to the existing building to provide 7no. supported living apartments with associated parking and facilities'*.

The application was heard by the Northern Planning Committee in March 2021. Officers recommended that the application be approved subject to conditions, however the application was refused by the Committee for the following 2no. reasons:

1. 'The proposed development, by reason of its height, scale and design would appear as a discordant feature, which result in overdevelopment of the site and would adversely affect the character and appearance of the area. It would fail to comply with CELPS policies SD 2 and SE 1.'

2. 'The proposed development would result in an unacceptable degree of overlooking of neighbouring properties. It would fail to meet the minimum standards set out within saved MBLP DC38. The proposal would result in significant injury to the amenities of neighbouring properties, contrary to saved MBLP policy DC3.'

The appeal was dismissed by the Planning Inspectorate on a single ground with regards to the impact of the inclusion of a flat roof dormer extension and increased height of the building as part of the proposals, which they considered would have a harmful effect on the character and appearance of the surrounding area. The detail behind this reason for dismissal is as per below paragraphs taken from the decision letter:

'8. The proposed increase in height of the building, although not significant in isolation, would exacerbate the visual effects of the large dormer when viewed from the Lane. The resulting form of development would fail to harmonise with the three other dwellings in the Lane's street scene. I have come to this conclusion having regard to the landscaping scheme proposed which, whilst providing an attractive soft edge to the boundary, would not entirely screen the roofscape.'

'9. The materials of the dormer, whilst softening its visual effects, would not be sufficient to overcome the harmful effects from its physical massing. Moreover, whilst there are examples

of other dormers in the area, they do not form part of this street scene and the coherent relationship between the appeal building and the three other dwellings.'

'13. Drawing the above together, I find that the proposal would have a harmful effect on the character and appearance of the surrounding area. I therefore find conflict with the requirements of Policies SE1 and SD2 of the Cheshire East Local Plan Strategy 2010 - 2030 (2017) (CELPS). These require, amongst other things, that developments contribute positively to an area's character and identity.'

The current application seeks to address the reason for dismissal and also now reduces the number of supported living flats from 7no. to 6no. with other internal accommodation remaining the same.

Principle of the development

The site is located in Macclesfield, a Principal Town settlement as defined within policy PG2 of the CELPS. This policy states that within Principal Town locations *'significant development will be encouraged 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.'*

Further to this policy PG7 Spatial Distribution of Development states *'1. The Principal Towns are expected to accommodate development as shown:*

ii. Macclesfield: in the order of 20 hectares of employment land and 4,250 new homes'

The principle of the development would therefore support these aims and would also provide a nominal contribution to the overall supply of specialist housing accommodation by an increase of 5no. residential units (6no. in total) to the overall housing land supply.

During the course of the application concern was raised by the interested parties that the proposals did not represent true C3 use class and instead constitute C2 use class with regards to the Use Class Order. Use Class C3 covers dwellinghouses and Use Class C2 covers Residential Institutions defined as *'use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 dwellinghouses)'*.

As noted within the Officer Report accompanying 19/5426M the proposals include separate residential living units where each occupant would have their own kitchen, living area, bedroom and bathroom, consequently each unit has the potential to function as a dwelling in its own right. Also proposed is a communal kitchen, dining and living facilities room for occupants to make use of, though there is no requirement for them to do so. As discussed in the Officer Report for 19/5426M whether or not the use would be C2 or C3 is a matter of fact and degree with regards to levels of care proposed to support future occupants. The applicants state that the scheme would be aimed at providing housing for adults with learning disabilities with the intended occupants being deemed ready to leave higher support settings to move into more independent supported accommodation. It is proposed there will be 24-hour care including waking night cover with a dedicated staff office on site with w/c. Carers would not live at the property however they would provide assistance to occupants such as budgeting, shopping etc. otherwise described in the supporting ISI document. with the overall focus being supporting the residents to live independently. Each resident would live in their own individual dwelling with access to communal and individual care facilities/assistance as and when needed, as such the

element of care associated with the proposals is 24 hours a day, seven days a week. Taking these points into account in this instance due to the varying needs of support for proposed residents the development appears to fall within C2 and C3 use classes dependent on the individual residents care requirements which may change fluidly over time as a result. Notwithstanding this, it is considered that confirmation of use class is not required and that a condition may be used to ensure that the development is restricted to the use as described to support the independent living of up to 6no. residents at any one time.

The proposals are considered to support the aims of policies SC4 Residential Mix of the CELPS and HOU2 Specialist housing provision of the SADPD which are supportive of residential development that meet a proven need; are located within settlements; accessible by public transport and within reasonable walking distances of community facilities such as shops, medical services and public open space. As with the previous application, the applicant reiterates the proposals have been developed to meet a specific need. The proposals have been reviewed by Cheshire East Council's Adult Social Care department who confirm their support of the proposals which would provide for future demand for individuals with learning disabilities. It is considered that the site is suitably and sustainably located with bus stops outside the site on Ivy Lane providing public transport links to the town centre with retail and community facility options also provided on Thornton Avenue and Ivy Road within walking distance of the site. The proposals have also been reviewed by the Strategic Housing Officer who supports the scheme as it would support the transition the wider Council seek from shared accommodations which can be difficult to let and reduce independence for tenants, to accommodation such as that proposed which provides a focus on independence with relevant support, but with some communal facilities alongside self-contained units. They consider that the proposals are fully reflective of a highlighted need for such specialist supported living accommodation for vulnerable adults including those with learning disabilities and deliver them at full Nationally Described Space Standards (NDSS). The Strategic Housing Officer considers that the proposals are in full compliance with the strategic priorities for this type of accommodation in a Principal Town location and that the development is in compliance with the 2018-2023 Housing Strategy and Vulnerable and Older Persons' Housing Strategy 2020-2024.

Taking into consideration these points it is therefore considered that the principle of the development is acceptable.

Character & Design

Policy SE1 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 area's character and identity, creating or reinforcing local distinctiveness in terms of; height, scale, form and grouping, choice of materials, external design features, massing of development, green infrastructure and relationship to neighbouring properties and street scene. These policies are supported by the Cheshire East Design Guide SPD.

Policy GEN1 of the SADPD states development proposals should reflect the local character and design.

During the course of the application concern was raised in the public consultation responses that the proposals due to their size, scale and design represented overdevelopment of the site in a form that is not in keeping with the surrounding residential properties in the area, thus

detrimental to the character and appearance of the area. Concern was also raised that the proposals would result in an insufficient provision of external amenity space.

In comparison to the appeal scheme, the current proposals have reduced the scale of the development to Ivy Lane to single storey nature, as per the existing arrangement. The current proposals remove the appeal scheme's flat roof dormer which formed the sole reason for the appeal being dismissed. The roof ridge in the current application is now 5.6m from ground level, identical to that of the existing dwelling. Further to this the proposed amendments to the external amenity areas, which is considered to be of a suitable size comparative to the number of occupants/ internal accommodations, providing ramped access to the rear garden area is considered to be an improvement on the existing situation. The sizes of the individual flats also meet the NDSS. The footprint is the same as the appeal scheme to which the Inspectorate had raised no issue with this in their decision on the 2019 scheme.

The proposals have been reviewed by the Design Officer who raised no objections to the amended proposals noting the improvements to the reduced massing and scale of the scheme following on from the appeal. Taking into account, the other points raised it is considered that the current application addresses the reason for dismissal and as such it is considered the proposals are in compliance with the listed policies regarding design and local character.

Living Conditions

CELPs Policy SE1 states that development should ensure an appropriate level of privacy for new and existing residential properties. Policy HOU12 of the SADPD states development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive users or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

HOU11 relates to extensions and requires compliance with HOU12, and HOU13 sets out standards for space between buildings.

During the course of the application objections from interested parties were received raising concern that the proposals did not overcome the previous reason of refusal. The comments were concerned that there would still be detrimental impacts as a result of the development on neighbouring amenity with regards to the overdevelopment of the site having an overbearing impact on immediate neighbours due to the size, scale and siting of the proposals, also resulting in a loss of privacy.

The current proposals have removed the second storey, flat roof dormer element to the Ivy Lane frontage. Aside from this amendment the ground and first floor proposals are the same as the appeal scheme in terms of internal layout, accommodations and location/design of fenestration. The current proposals compared with the appeal scheme and to a large extent the existing building are set across the same footprint, with minimal increases to this. The main concerns with the appeal scheme were the amenity considerations for no. 87 Sycamore Crescent located to the north-east of the site, a two-storey detached dwelling located on higher ground.

Whilst the 19/5426M application was refused by the committee with regard to impacts on residential amenity, the Inspector did not dismiss the appeal on these grounds, solely dismissing that application on design grounds. In the Inspector's decision letter where they consider the impacts of the development on amenity they state:

'15. For the purposes of Policy DC38 a habitable room includes both bedrooms and kitchens where the kitchen includes a kitchen diner. Given the open plan nature of Flat 3 the kitchen dining area would comprise a habitable room. In this regard, the distances between the windows would fall short of the standards set out in the policy for facing buildings. However, the policy stipulates that these standards are for guidance and can be varied, amongst other things, depending on the site characteristics.

16. The windows would not face directly towards the windows of No 87 and any view would be angled. Moreover, the nearest window would have a chamfered design, with the angle and opening mechanism restricting views toward No 87. I was able to see during my site visit how the existing vegetation and change in ground level restricts views of the existing gables of the north façade at present. Whilst the situation with the vegetation could change and the proposal introduces a new design, it would, in any case, be designed in a manner that would ensure that there would be no significant overlooking.

17. The proposal would result in a reduction in windows on the first-floor eastern elevation from the existing arrangements. A degree of overlooking of gardens in residential areas, such as this, is not unusual and, given the number of windows and their position, in comparison with the existing arrangement, the proposal would not result in a significant degree of overlooking of garden space.

18. I therefore conclude that the proposal would result in an acceptable effect on the living conditions of the occupiers of No 87, with particular reference to overlooking. As such, I find no conflict with Policy DC38 or Policy DC3 of the LP. These seek, amongst other things, to ensure high standards of living conditions for existing occupants.'

Whilst the MBLP and its policies have been replaced by the SADPD, the relevant policies in the SADPD are HOU11, HOU12 and HOU13. These policies are very similar to those considered in the appeal scheme with regards to amenity considerations and spatial distancing standards. In comparison to the appeal scheme, the proposals as a result of overall reductions made, represent a betterment in terms of amenity considerations due to the lesser bulk. In addition, the landscaping scheme proposes the retention and enhancement of existing mature, dense hedgerows and tree boundaries to the site which provide effective screening of the site from neighbouring properties.

The Environmental Health officer has reviewed the proposals and raises no objections to them with regards to pollution control and contaminated land considerations subject to the use of conditions as previously highlighted.

Taking into account the result of the appeal, it is considered that the proposals would not cause significant detrimental impacts on the living conditions of neighbouring or site occupants. Subject to the use of conditions it is considered that the development is in compliance with policies and guidance covering residential amenity.

Highway safety and parking

Policy CO1 of the CELPS considers matters of highway safety. Appendix C of the Cheshire East Local Plan identifies minimum Parking Standards for residential development in Principal

Towns and Key Service Centres and for the remainder of the borough. The LPA will vary from the prescribed standards where there is clear and compelling justification to do so.

Policy INF3 of the SADPD refers to highway safety and access, stating development should provide safe access to and from the site for all highway users.

During the course of the application objections were received relating to detrimental impacts as a result of the development on highway safety and parking as a result of the parking and access proposed to service the site, which was considered to be in an area which is reported to experience existing issues regarding both matters.

The site has a sole access point for vehicles, cycles and pedestrians from Sycamore Crescent. Sycamore Crescent is an adopted highway, without parking restrictions of 30mph speed limit with pedestrian pavements either side. This road leads south to form a junction with Ivy Lane. It is proposed that the existing site access will be retained and widened from 4.2m to 4.5m leading to amended hardstanding for the parking of 7no. vehicles. The parking spaces have dimensions of 4.9 x 2.5m.

The site is within Macclesfield, a Principal Town location as defined in policy PG2 of the CELPS. Appendix C of the CELPS states for a C3 usage for each one-bedroom dwellings, 1no. parking space of at least 4.8m x 2.5m should be provided. If one considered this as a C2 use Appendix C seeks provision of 1no. space per 10no units for sheltered residential accommodation. Taking this into account the proposals meet the policy and guidance tests with regards to parking provision and minimum dimensions. The Highways Officer has reviewed the proposals and raised no objections. Should the application be approved a condition to seek the provision of this parking and access on a prior to occupation of the development and retention thereafter is recommended to ensure sufficient off-site parking provision for the lifetime of the development.

At this time, it would appear no cycle parking spaces have been provided as part of the proposals. Notwithstanding this, it is clear there is sufficient space within the site boundaries for 7no. covered, secure cycle parking spaces to be secured via condition.

Subject to the use of conditions it is considered that the proposals are in compliance with the policies and guidance covering highways safety and parking.

Nature conservation

Policy SE3 of the CELPS and ENV2 of the SADPD require all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

The Nature Conservation Officer has reviewed the proposals and raises no objection subject to the use of conditions to secure no demolition or conversion works during breeding bird season unless in accordance with prior agreed methodology and the submission of a biodiversity enhancement scheme for breeding birds.

Trees

Policy SE5 of the CELPS and ENV6 of the SADPD relate to trees, hedgerows and woodland. The objective of the policies is to protect trees that provide a significant contribution to the amenity, biodiversity, landscape or historic character of the surrounding area.

The Forestry Officer has reviewed the proposals which include supporting Landscaping and Arboricultural Plans/Statements. They raise no objections to the proposals. They noted that the updated Arboricultural Impact Assessment dated 11th October 2022, surveyed 7no. individual trees and 2 groups on the site and identified that a total of 2 individual and 1 group trees all low quality C category trees will be removed to accommodate the proposal (T1 and T7 and part of G1 and G2). The report considers the demolition of an existing structure regarding off-site trees T5 and T6, the T5 Sycamore afforded protection under a TPO No. 2 1957. Some crown raising proposed is considered acceptable and subject to a no-dig solution being secured in this area it is not considered that this will result in a significantly inferior relationship to the T5 tree than currently exists. The Forestry Officer considers that the incorporation of a new ramp does not appear to result in an increased incursion of the existing bank to the west with the loss of 1no. individual tree and pruning of overhanging branches to the southern side of the low-quality group G1 not considered to present any significant arboricultural implications.

It is considered the AIA demonstrates the feasibility of the proposals in terms of retained trees. Notwithstanding this the Forestry Officer recommends prior to commencement style conditions to secure submission and approval of tree protection plans, tree pruning/felling specifications and arboricultural method statement to ensure appropriate methodology for tree protection, excavation and construction in close proximity to existing vegetation, demolition of garage and breaking out of hard surfaces under supervision, as well as a construction specification for the engineer designed surface. As a result of the proposed removal/retention sufficient soft vegetative landscaping will be retained on site to provide good screening and softening for the development.

No issue is raised with the proposed landscaping, hard landscaping or boundary treatments shown on the Landscaping Plan/Planting Plan as such these will form conditions attached to any approval of the development.

Subject to conditions it is considered that the development is in compliance with listed policies and guidance regarding trees and hedgerows.

Anti-social behaviour and fear of crime

As with the appeal scheme objections were raised highlighting concern that the proposed use would result in antisocial behaviour from the residents of the future units.

The risk of crime and disorder, and the perception of it, arising from a proposed use is a material planning consideration. In order to carry weight in the determination of a planning proposal, fear of crime must be based on sound reasons and there needs to be reasonable evidential basis for that fear.

A number of the representations refer to a previous use of the site as a children's care home. During which time, it is alleged that there was frequent anti-social behaviour and police call outs. The proposal is for a different use to this previous use of the site. It would provide independent living accommodation for adults with learning disabilities aged between 18 to 65 years old.

Given the differences between the previous use and the current proposal, any previous issues cannot be taken as tangible evidence that there would likely be anti-social behaviour associated

with the current proposal. Objectors' concerns and anxiety about the proposed use are acknowledged, but there is no evidence to demonstrate that the proposal to provide independent living for vulnerable adults would result in a spike in anti-social behaviour in the neighbourhood.

Other issues

During the consultation period letters were received raising concern at the timing and duration of the consultation period that occurred in regards to this application. The public consultation period that has taken place was in accordance with the statutory requirements set out in the Development Management Procedure Order (DMPO) for 21 days.

Other public letters raised concern at the development being in conflict with title deeds, notwithstanding this these are civil matters that cannot be considered as part of the determination of planning applications.

CONCLUSION

It is considered that the reduction of the proposal's size, scale, volume and massing through the removal of the previously proposed flat roof dormer to the buildings southern elevation has successfully addressed the sole reason to which the Inspectorate refused the previous appeal (19/5426M), with regard to impacts on the character and appearance of the area. As with 19/5426M it is considered that the development is in compliance with the listed local and national planning policies for the creation of supported living accommodation for adults with learning difficulties to lead independent lives within Macclesfield, a Principal Town settlement. It is therefore recommended the application is approved subject to conditions.

RECOMMENDATION:

Approve subject to the following conditions.

- Time 3 years
- Approved plans
- Materials as per application
- prior to commencement submission of tree protection details
- prior to commencement submission of tree pruning/fell specification
- prior to commencement submission of arboricultural method statement
- prior to commencement submission of no dig specifications.
- Prior to occupation provision of secure cycle parking details for 7no. cycles (1no. staff and 6no. residents) with prior to first occupation implementation
- Prior to occupation provision of parking for vehicles and retention thereafter.
- Provision of bin store on prior to occupation basis.
- Prior to occupation landscaping plan and planting as per submitted details and as per landscaping management plan.
- Prior to erection submission of external lighting details.
- Prior to first occupation submission of residents travel plan and prior to first occupation implementation
- Restriction of Use of the site in line with submitted details as per ISL Service details letter for vulnerable adults.
- Maximum number of residents – 6no.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions / Informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

