

Application No: 24/1544M

Location: Mac Multi Activity Centre, GOODALL STREET, MACCLESFIELD, CHESHIRE, SK11 7BD

Proposal: Demolition of existing buildings and the construction of a care home (Class C2), with associated parking, landscaping, and infrastructure

Applicant: Rigby, Cairnwell Developments

Expiry Date: 04-Oct-2024

Summary

The proposals would create 2403sqm of gross new internal C2 Residential Institutions floorspace across 35no. bedrooms brought forward by Exemplar Health Care. 24no. parking spaces and associated bike stores, sheds, external plant equipment and external amenity bays with access are also proposed. The proposals are said once fully operational to provide up to 100no. jobs, with 35no. employees on site to attend to 35no. residents at any one time.

The principle of development concerning loss of a long-term vacant community and leisure facility is considered to be acceptable, as is the erection of a specialist care home facility within Macclesfield Principal Town settlement boundary where new residential developments are targeted towards. No concern is raised with regard to the level of car parking, the vehicular access, nature conservation and biodiversity gains, architectural design and materials palette as proposed.

Notwithstanding this, it is considered that the proposals represent overdevelopment of a constrained site surrounded by existing dense mixed-use forms. The ratio of built form/hard landscaping to external amenity space does not reflect the immediate area, nor what would be expected in of terms of adequate levels of outside space/gardens to serve residents and visitors for a three-storey development of this size and intensity. The site layout fails to provide an ambulance/delivery/collection bay in an appropriate location to serve the development as required under HOU2 of the SADPD. The three-storey scale and bulk of the building, closer to eastern boundaries than existing buildings does not meet spatial distance standards for new development relating to existing development. It is considered that the development will result in detrimental impacts on residential amenity due to overbearing development, loss of privacy and sunlight to rear external amenity spaces and habitable rooms particularly to those on Swettenham Street and Pearson Street due to the height, volume, scale, siting and orientation of the proposals. Additionally, there is insufficient information relating to the impacts of development on off-site trees within neighbouring residential gardens to the north-east. Whilst a specialist care home facility within a settlement boundary is welcomed, as the Council can presently demonstrate a housing land supply of which C2 uses form a part of this supply, it is not considered that the nominal contribution as a windfall site outweighs the other policy conflicts as identified.

The proposals are therefore recommended for refusal as the development fails to comply with local and national planning policies and guidance concerning: design and character, trees and landscaping, residential amenity and highways arrangements.

Summary Recommendation

Refuse

REASON FOR REFERRAL

This application is referred to the Northern Planning Committee as it both meets the automatic call-in for applications for Small Scale Major Development for residential developments of 20-199 dwellings or between 1 and 4ha and also following successful call-in of the application by Councillor Warren. Councillor Warren sought the call-in for the following reasons *'The proposal is too close to existing properties and their small gardens, over development of the site and loss of visual amenity'*.

DESCRIPTION OF SITE AND CONTEXT

The site comprises a vacant detached building last formerly used as an activity centre for children/parties which is said to have ceased in May 2018. The building is a detached unit constructed from red brick and metal profile sheeting sandwiched between recently developed housing/work units to the west. There is a large amount of tarmac hardstanding surrounding the site. The gross internal floorspace is stated as 1477sqm. The site is largely flat. There are 17no. existing parking spaces. There are trees to the eastern boundaries of the site. The on-site pre-development biodiversity value was calculated as 0.35ha. The site is bound to the north by Swettenham Street and to the west by Goodall Street where the existing access is taken. Goodall Street is a 30mph dual flow, single lane highway with pedestrian pavements either side and with uncontrolled on-street parking. Swettenham Street (section to north of site) is a single lane highway with no pedestrian pavements utilised more as a service/access road.

The site is situated in a mixed-use area though predominantly surrounded by residential dwellings to the north, east and south. To the north is public house called The Wharf. To the south are residential properties on Jodrell Street and Pearson Street. To the west are a variety of employment/commercial enterprises and vehicle repair shops. Anderson House and Hardern House are recently completed offices and assisted living to the west in split massing form of two and three storeys finished in contemporary style of black/grey cladding, buff yellow mixed blend brick and matching grey fenestration. To the west is the Bollington Brewery tap house and distillery. Further to the east is the Macclesfield Canal and its Conservation Area. Neighbouring industrial buildings are generally two storeys and completed in a mixture of modern warehouse style or red brick 19th century warehouse building aesthetic. Residential developments are predominantly two storey in scale, semi-detached or terraced in nature and of typical generic material palettes of red brick, feature render, slate or tile roof and upvc fenestration. There is no overarching architectural theme to the area due to the sporadic infilling of the immediate locality over time and transition from industrial/commercial units to the west and more residential properties to north, east and south.

DESCRIPTION OF PROPOSAL

The proposed development description is *'Demolition of existing buildings and the construction of a care home (Class C2), with associated parking, landscaping, and infrastructure'*.

The proposals would create 2403sqm of gross new internal C2 Residential Institutions floorspace across 35no. rooms. The proposals are brought forward as a specialist care home facility by Cairnwell Developments the development arm of Exemplar Health Care described in the submission as a national provider and operator of specialist care homes for those with acute care needs. The acute care needs covered are stated as: adults of all ages living with complex mental health needs, dementia, neuro-disabilities including brain injuries, Huntingtons disease, severe Autism, Parkinsons disease and physical disabilities including cerebral palsy, spinal injuries and musculoskeletal disorders. A letter supporting the application states 12no. full-time jobs will be created covering management and Head of Department jobs and up to 100no. job positions once fully at capacity though initially 40no. positions will be created mostly in nursing and health care assistant positions. It is stated 50% of the nursing and health care assistant positions will be full-time and the rest part-time. It is stated that nursing and health care staff will be on 2no. 12-hour shifts from 8am to 8pm and from 8pm to 8am with some other staff working 'typical business hours' and that management and head of department staff are on 9am-5pm shifts. It is stated that when the home is at full capacity there will be 35no. colleagues on site during the day and 22no. colleagues during the night. The employment created will be in nursing, care, admin, management and maintenance positions. The building is proposed as a three storey, detached block in a gable and valley style with grey picture framing and flat roof dormer features.

Internally the following accommodation is proposed:

Ground floor – 2no. offices; various stores; drugs and nurses rooms; plant; various w/c's; quiet lounge; lounge; dining room; hub; 2no. lifts and 11no. bedrooms.

First floor – kitchen; guest bedroom; 12no. bedrooms; lounge; quiet lounge; dining room; various w/c's; changing area; sluice; hair and beauty room; drugs room; consult room and nurses room.

Second floor – staff room; changing rooms training room; nurse manager office; drugs room; nurses room; sluice; laundry and ironing room; various w/c's; quiet lounge; 2no. dayspace rooms and 12no. bedrooms.

The application form indicates that external facing materials are stated as red and blue brick and wood panelling to walls, dark grey cladding panels to walls, grey framed upvc windows and doors and grey tiles to the roof. A new access road into the site from Goodall Street is to be created. 24no. parking spaces are proposed including 2no. disabled parking spaces. 2no. Sheffield Toast Rack cycle stands are proposed to the frontage alongside 4no. other Sheffield racks to the south. A staff smoking shelter, garden shed, refuse store and external plant area are also proposed throughout the site though elevational details of these are not provided. It is proposed that photovoltaic panels will be installed to the southern roof area and heating will be via air source heat pumps. It is proposed that surface water will be drained via a sustainable drainage system and foul water will be disposed of via mains sewer. A general landscaping plan indicates various kitchen garden, seating, raised beds, hardstanding and fencing. It is stated there will be a biodiversity net gain of 69%.

A pre-application enquiry was not made prior to the submission of this application for the proposed major development.

RELEVANT PLANNING HISTORY

Application Site

20/4698M – Full planning application for demolition of existing structures and construction of dwellinghouses and a building providing residential apartments (Use Class C3) with associated car parking, landscaping and access. – finally disposed of – 11th October 2023

15/3499D - Discharge of Condition 6 on (14/2295M)Change of use to Community Activity and Climbing Centre. Glazed frontage behind roller shutter – approved – 24th February 2017

14/2295M - Change of use to Community Activity and Climbing Centre. Glazed frontage behind roller shutter – approved with conditions – 1st August 2014

47865P – single storey extension and change of use to sewing unit – approved – 28th January 1987

Site to the west – partially built out

23/4516D - Discharge of conditions 4-8, 11 and 14 on application 23/1276M - Proposals for a mixed-use development comprising assisted care living (Class Use C2) and residential accommodation (Class Use C3) with associated parking and landscaping – part approved/part refused – 3rd April 2024

23/1276M – proposals for a mixed use development comprising assisted care living (class Use C2) and residential accommodation (Class Use C3) with associated parking and landscaping – approved with conditions – 2nd October 2023

22/3039M – Variation of condition 2 - approved plans on approved application 17/6028M – approved with conditions – 21st March 2023

21/0949D - Discharge of conditions 3, 4, 5, 6, 7 , 8 & 11 on approval 17/6028M – approved with conditions – 24th May 2022

17/6028M – proposals for a mixed-use development comprising offices, assisted care living and residential – approved with conditions – 15th May 2018

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

SC1 Leisure and Recreation
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
HOU8 Space, accessibility and wheelchair housing standards
HOU10 Backland development
HOU11 Extension and alterations
HOU12 Amenity
HOU13 Residential standards
HOU14 Housing density
HOU16 Small and medium sized sites
INF1 Cycleways, bridleways and footpaths
INF3 Highways safety and access
INF9 Utilities
REC1 Open space protection
REC2 Indoor sport and recreation implementation
REC3 Open space implementation
REC5 Community facilities

Other material policy considerations

National Planning Policy Framework 2023 (NPPF)
National Planning Practice Guidance
SuDS SPD

Environmental Protection SPD
Ecology and Biodiversity Net Gain SPD
Developer Contributions 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)

Environmental Protection – object on the grounds of insufficient information regarding impact of the development on neighbouring residential dwellings regarding noise and cooking odours with regards to plant, equipment etc. relating to the kitchens proposed to serve the development.

Otherwise recommend conditions and informatives relating to noise, disturbance air quality and contaminated land.

Head of Strategic Transport – no objection to parking levels or use of existing access though asked for revised plan to secure an ambulances drop off, spaces for doctors etc.

Canal and River Trust – made an observation with regards to their freehold of Macclesfield Marina to the east; seeks the Conservation Officer is consulted with regards to impact of development on the Conservation Area; that full drainage details are conditioned to ensure no negative impacts or drainage into the canal network; seek that the Trust are consulted when any Phase 2 contaminated land assessment is submitted to safeguard canal from contamination; seek submission of noise assessment to inform design/layout of the scheme and whether mitigation is required.

Raised no objection following receipt of additional drainage information as the canal is not impacted due to the mains discharge.

Confirmed no objections subject to conditions regarding the Noise Impacts concerning future occupations and surrounding areas.

ANSA Greenspace Officer – no objections or seeking of planning obligations/developer contributions – whilst development triggers requirement for open space facilities as per SE6 of the CELPS the particular type of residents means this would not fairly and reasonably apply and as such contributions are not requested.

Cheshire Fire and Rescue – made comments recommending inclusion of sprinklers to consider/reduce risks to: business continuity; sustainability; environmental impact; risk to fire fighters; risk to occupants and impacts on the wider community.

Network Rail – no objections.

Cadent Gas – no objections subject to informatives.

Lead Local Flood Authority – no objection subject to prior to commencement condition seeking submission of foul and surface drainage strategy with sufficient infiltration testing, confirmation of attenuation tank, flow rates and hydraulic modelling durations.

United Utilities – no objection subject to condition: drainage implemented in accordance with Foul and Surface Water Drainage Design drawing as submitted dated 15th March 2024 and implementation on prior to occupation basis.

Strategic Housing – no objection. Sought confirmation of this from Adult Social Care Officer.

Adult Social Care – consulted however no comments were returned at time of report.

Designing Out Crime Officer – no objections subject to additional details/ conditions to secure: secure gates/fencing at the site entrance to protect parking areas with CCTV or pin code access to prevent mis-use of car parking; re-consideration of close boarded fencing to parking areas 3-12 to allow for better natural surveillance instead using 1.8 bow top railings; exterior lighting plan submission; CCTV scheme externally and internally; refuse areas must be secured to reduce issues such as bin diving, dumping and arson and gates to garden areas should be lockable for security reasons.

Macclesfield Town Council – support the proposals and feel it is a good location.

REPRESENTATIONS

Macclesfield Civic Society – made observations as follows:

- New development of care home would fit in with the mixed character of the locality and be a welcome addition to social care provision in the town.
- The design and external appearance are well thought out.
- The development may result in less impact on the area due to traffic generation or disturbance due to the nature of care to be provided.
- Parking areas and manoeuvring areas are proposed back onto rear external amenity areas of existing residential development on Jodrell Street and Goodall Street which may lead to disturbance from light and noise, though perhaps dealt with by landscaping scheme submission of fencing/hard surfacing treatments.
- Insufficient provision of disabled parking spaces for size of development.
- Insufficient provision of space for ambulance or larger transit vehicle.

14no. letter from the public was received objecting to the development summarised as follows:

- Development would create additional traffic in a busy part of town before and after construction.
- The new access onto the highway has insufficient visibility and may become dangerous due to limited space on exiting highway due to on-street parking issues.
- The surrounding highway network is unsuitable for large vehicles or ambulances that may service the development due to narrow lanes and tight junctions and parked cars at Goodall Street, Brook Street and Turnock Street.
- The development would detrimentally impact residential amenity of surrounding properties due to the three-storey height, scale and siting resulting in a loss of privacy, overbearing impacts and loss of natural light/overshadowing.

- The development is not in keeping with the character and appearance of the local area in architectural style or material palette in particular black painted bricks.
- The development has insufficient on-site parking considering 100no. jobs are said to be created and as a result will harm existing on-street parking issues experienced in the immediate area.
- The application is unclear as to how many employees there will be at the site, one comment says 100no. full and part-time jobs.
- The development results in the unjustified loss of mature trees without sufficient consideration or mitigation.
- The development will result in the loss of biodiversity including common newt, great crested newt, birds and bats also due to loss of on-site trees.
- The development would detrimentally impact the setting of nearby Conservation Areas due to it being oversized and representing overdevelopment.
- The application has many errors such as comments that surrounding buildings are between 2 to 4 storeys in height when most are only 3 storeys.

3 no. letters from the public were received making observations as follows:

- Impact on residential amenity of surrounding properties from: noise from heat pumps, kitchens and air conditioning units. Mitigating acoustic fences may assist.
- Impact on residential amenity of surrounding properties from: odours from refuse and kitchens. Mitigating ozone filters for odours may assist.
- Impact of the development on parking on surrounding streets regarding parking, access and highways safety concerns.
- A new care home would fit in with mixed character of the area and social care needs of the town.
- Proximity of parking to shared boundaries may be problematic from a noise disturbance perspective.
- The number of disabled bay spaces seems rather low with no parking or areas for ambulances or larger transit vehicles.

1no. Letter from the public was received in support of the application:

- The application brings jobs and a development which will be quiet in nature once built.
- The removal of trees is concerning but may be mitigated by securing replacement planting.

OFFICER APPRAISAL

Principle of the development

The site is located within the Macclesfield Principal Town settlement boundary area. In the defined settlement boundaries is where new developments including residential uses are targeted for due to their sustainable locations relative to existing infrastructure and services. It is also where leisure, retail, commerce and employment is targeted, due to the siting close to transport and other existing infrastructure and facilities.

Concern was raised as to how much employment was to be generated at the site due to conflicting statements in the submission. This has been since clarified and is as reflected in the proposals section of this report.

The proposals would result in the loss of a vacant leisure facility, most recently used as a Children's Activity Centre. It is noted that this use ceased in around 2018 and since has sat vacant. Policy SC1 Leisure and Recreation of the CELPS seeks to protect and enhance existing leisure and recreation facilities unless a needs assessment has clearly proven them to be surplus to a local community needs or unless alternative provision of equivalent or better quality is to be made. This policy also seeks relative enhancements of such facilities will be supported and that applicable major development likely to impact such services will be expected to contribute towards them. Policy REC5 Community Facilities of the SADPD seeks that development proposals retain, enhance and maintain community facilities that make a positive contribution to the social or cultural life of a community. It notes that the particular benefits of any proposal that secures long-term retention of a community facility will be given positive weight in determining planning applications and any facility making a positive contribution to the social or cultural life of a community should be retained unless suitable alternative provision is made.

Whilst the last use was for a leisure, recreation and community purpose, this private leisure establishment has been long ceased for over 8 years, as can be evidenced from TripAdvisor reviews that stop from May 2018 onwards, it is thus not considered sensible or just to seek an assessment of need or consideration of alternative provision on this occasion regarding SC1 of the CELPS. The site is also not listed as an asset of community value or otherwise. Though the loss of any leisure, recreation and community purpose is regrettable, due to the passage of time in this instance, it is considered that there would be a negligible impact on leisure, recreation and community facilities in Macclesfield when considering the settlement and other facilities available on the whole which justifies the loss in its entirety on this occasion.

In terms of the need for a specialist care home facility in this location policy HOU2 Specialist housing provision of the SADPD is most relevant. This policy supports the delivery of specialist housing which meets an identified need that is designed to support a specific use or group intended for, this includes those for older people. The proposals would provide a rather large facility providing specialist care within a settlement boundary close to existing facilities and within a mixed-use area. The Councils current Housing Land Supply position is that the Council has deliverable supply in excess of the minimum of 5 years required under national planning policy. As a consequence of the decision by the Environment and Communities Committee on 1 July 2022, to carry out an update of the Local Plan Strategy (LPS), from 27 July (the fifth anniversary of its adoption), the borough's deliverable housing land supply is now calculated using the Council's Local Housing Need figure. The latest published assessment of deliverable housing land supply can be found in the Cheshire East Housing Monitoring Update (base date 31 March 2022) which confirms a deliverable five-year housing land supply of 11.6 years.

The proposals would provide a nominal contribution as a windfall site to the Council's demonstratable 11.2-year housing land supply of which C2 uses contribute to (bedrooms are counted as dwelling units). The proposals would also lead to job creation far exceeding those in place when the previous activity centre use was operational, again within a settlement boundary location where employment generation is targeted.

It is therefore considered that the principle of the development is acceptable.

Design, built heritage and local character

Between them the listed policies and guidance seek that new development is of an appropriate size, scale and design that is commensurate to the character of the area in which it would be situated, whilst championing higher quality design to enhance and improve the wider borough. The proposals also seek to preserve and enhance built heritage assets and landscape character.

Concern was raised during consultation at the architectural design, scale and siting of the development not being in keeping with the surrounding mixed-use area. Concern was raised that the proposals represent overdevelopment of the site in comparison to immediate form and that this may adversely impact the setting of the Conservation Area.

The application is supported by a Design and Access Statement, Energy Statement and Planning Statement alongside several drawings.

The proposed architectural design and material palette is not dissimilar to those recently implemented to immediate neighbouring developments along Goodall Street at Harden House, Anderson House and that immediately to the south. These neighbouring forms use brick, black accent panels, black/grey upvc fenestration arranged in an almost gable ended warehouse style reflecting the mixed use and semi-industrial original nature of this site and immediate area. No concern is raised as to the architectural design narrative nor indicated materials, though full details can be secured by condition. The NDSS standards for bedroom sizes appears to be met throughout the development. The development is also step free. The Conservation Officer supported the proposals not raising any concern as to impacts on the setting of nearby designated heritage assets.

Notwithstanding this, it is considered that due to the increased height, bulk and volume of built form in comparison to what is insitu and the immediate neighbouring form, represents overdevelopment and over-intensification of a heavily constrained site. The site albeit in a built-up area in comparison to that insitu and similar residential development appears overly dense. Whilst the new buildings on Goodall Street are of three storeys, as such there is some scale comparison there, when read in conjunction and in relation to the modest two storey residential properties to the north, east and south on Swettenham Street, Jodrell Street and Pearson Street will appear overly dominant, visually prominent and closer to shared boundaries. In addition, comparing the floorspace of the development with the plot size, it is clear as per ANSA Greenspace commentary that the ratio of built form to external amenity space serving a development of this size is an under-provision. The majority of external amenity areas are constrained by neighbouring development or the building planned and due to siting would likely be in shade for a large proportion of the day. The proposals lack meaningful and well-considered outdoor space. In comparison to the original submission the amended layout due to the results of the Noise Impact Assessment to provide an area for external plant has further reduced the on-site external amenity areas for residents and visitors. This external plant area albeit mitigating for noise from plant from a 3.5m timber fence, the fence in itself would also present detrimental impacts on the character and appearance of the area due to its dominating height albeit on the back street portion of Swettenham Street would be visible from within the site itself and also from Goodall Street and rears of properties on Swettenham Street. Details such as shed, planting, storage, cycle stores, retaining walls etc. are noted on the drawings provided however specific details are not yet provided, though could be controlled via planning condition.

Overall, the proposals are considered to be contrary to policies and guidance as follows concerning design and character: SD1, SD2, SE1, SE2 and SE4 of the CELPS, GEN1, ENV5, HOU2 and HOU10 of the SADPD and the CE Design Guide and Housing SPD.

Living conditions

Between them the listed policies and guidance seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. Developers will be expected to minimise and mitigate the effects of possible pollution arising from the development itself, or as a result of the development (including additional traffic) during both the construction and the life of the development. Where adequate mitigation cannot be provided, development will not normally be permitted.

Concern was raised as to the impact on neighbouring properties amenity due to the siting and scale of the development proposed. Concern was raised that the proximity of parking spaces to the boundaries of properties on Goodall Street and Jodrell Street may result in detrimental impacts due to noise, damage and fumes from vehicle movements. Concern was also brought up regarding noise, vibration and discharge from associated plant for the development including ventilation from kitchens etc.

Policies HOU12 and HOU13 set out that sufficient spatial distances between existing development and new development must be created to allow for natural light, mitigation of overshadowing, overbearing and dominant effects and to allow for privacy. Table 8.2 sets out these minimum standards as below:

Table 8.2 Standards for space between buildings

Position/height of building	Standards for space between buildings from the centre line of any window
1. Habitable room facing habitable room or facing non-residential buildings	
1 or 2 storeys	<ul style="list-style-type: none"> 18 metres front to front of buildings 21 metres back to back of buildings
3 storeys or upwards	<ul style="list-style-type: none"> 20 metres front to front of buildings 24 metres plus 2.5 metres per additional storey back to back of buildings
2. Habitable room facing non-habitable room	
1 or 2 storeys	<ul style="list-style-type: none"> 14 metres
3 storeys or upwards	<ul style="list-style-type: none"> 2.5 metres per additional storey
3. Allowance for differences in level between buildings	
All cases where 1 and 2 (above) are applied and difference in level exceeds 2 metres	<ul style="list-style-type: none"> Add 2.5 metres to distance
Each further 2 metres difference in level	<ul style="list-style-type: none"> Add additional 2.5 metres per 2 metres difference in level

The average distance between habitable rear rooms of the two storey properties on Swettenham Street (East) and the rear elevation of the development is 21m. The distances between the new development and those on Swettenham Street (East) and Pearson Street falls short of the minimum 24m standard for three storey buildings back-to-back. The three-storey rear elevation, with expanse of habitable room windows, is also positioned approximately 5m from the rear garden boundaries of the properties on Swettenham Street. As a result, it is considered that the development would cause detrimental impacts as a result of an overbearing effect on the neighbouring occupants and future occupants of extant permission for other new neighbouring residential development due to proximity and scale and also direct overlooking and loss of privacy into habitable rooms and rear garden areas from height. It is not considered that the levels difference between the site and Swettenham Street provides justification for space distance standards not to be met due to the height, mass and expanse of new development proposed.

At the time of report writing there is also an extant permission ref: 23/1276M for immediate neighbouring development of a mixed C2/C3 development to the west on Goodall Street. The minimum distances appear to be met between that development and this, as is the case with the recently built assisted living and office developments Anderson House and Hardern House also to the west. With this said it does appear from site photos that that development has not been built out in total accordance with the approved plans, albeit due to distance standards being met it is not problematic for the current application.

The development is considered to be contrary to policies and guidance concerning protection of residential amenity including SE1 of the CELPS, HOU10, HOU12 and HOU13 of the SADPD and the Cheshire East Design Guide SPD.

In terms of contaminated land and pollution control, the application is supported by a Phase I and II Risk Assessments regarding contaminated land and a Noise Impact Assessment, following initial concerns raised by the Environmental Health Officers and the Canal and River Trust.

The supporting Noise Impact Assessment (NIA) states that there will be installation of external plant including the following:

- 3 no. Mitsubishi CAHV-R450YA-HPB heat pumps (71 dB(A) sound power level (per unit)) – to be installed to northern boundary of the site in an external plant compound.
- 3 no. Toshiba MHP0604HS-E condensing units (71 dB(A) sound power level (per unit)) - to be installed to northern boundary of the site in an external plant compound.
- 1 no. Toshiba SM304ATP-E condensing unit (62 dB(A) sound power level) – to be installed to southern boundary of the site.

It is understood that the MHP0604HS-E condensing units can operate in low-noise mode during the night, which reduces noise levels by circa 4 dB(A). The kitchen is proposed to be served by intake and extract vents using Woods MaXfan Compac axial fans with silencers on the vent path to external louvres, noting the kitchen will only operate during daytime hours between 0700 and 1800. Noise monitoring was undertaken on Swettenham Street. The NIA recommends the erection of a 3.5m high solid timber, double thickness, fence be installed around the external plant and further to this seeks that the condensing unit be mounted at ground level and screened by a 2m high solid timber, double thickness, fence. The NIA concludes that subject

to this mitigation that there would be no negative impacts on residential amenity or the acoustic character of the area.

The updated Phase I and II assessments have been submitted to the Environmental Health teams for consideration, in their response they note the reports submitted are simply updates of the original submitted Phase II report and did not address the issues in their previous response to include a Phase I that is conducted in line with the Land Contamination Risk Management (LCRM) and a site walkover with conceptual site model. In regards to the Phase II investigation they note this was also limited and did not cover investigation of the former depot area which is an area of potential contamination due to its past use. They therefore recommend prior to commencement conditions are used to secure this information alongside other conditions concerning verification reports, soil importation testing and reporting of previously undiscovered contamination.

The Environmental Health officers also reviewed the supporting NIA and raise no objection to the development, further to use of planning conditions attached to any approval of the development, to secure implementation of the mitigation scheme within the NIA. The Canal and River Trust however made observation that they consider against paragraph 193 of the NPPF that the NIA did not adequately consider ensuring the ongoing operation activity at the Marina and potential noise of associated boating activity, maintenance and construction are recognised in the consideration of the application. Whilst the NIA does not refer to the canal/boating activity to the east on balance it is considered that the proposals are some 60m away from the edge of the basin and due to the presence of building and trees between these forms that it would be disproportionate to request this be incorporated into the NIA on this occasion.

In terms of the electric vehicle charging and ultra-low emission boilers sought for inclusion by the Environmental Health Officers as this is covered under Building Regulations for new developments it would not meet the tests for the use of planning conditions to include it in any approval issued for this development.

Highway safety and parking

Between them the listed policies seek to deliver safe, sustainable, high quality, integrated transport systems that encourage a modal shift away from car travel to public transport, cycling and walking; supportive of the needs of residents and businesses and preparing for carbon free modes of transport. They also seek to protect and maintain public rights of way and enhance them where detrimental impacts require mitigation or allocations indicate.

The proposals use a new access point of 5.5m wide from Goodall Street, an adopted 30pmh highway. The new access proposed no dedicated pedestrian infrastructure/pavements to connect with the existing infrastructure on Goodall Street.

The proposals are accompanied by a Transport Statement. This states that 24no. vehicle spaces (including 2no. disabled spaces) and 4no. cycle spaces will be provided (though the plans show 5no.). The Transport Statement states that delivery and servicing will be as follows: refuse collection 1no. heavy goods vehicle per week; food delivery – maximum 3no. heavy goods vehicle per week; clinical waste collection – 1no. transit van per week; clinical equipment 1no. transit van per week; incontinence products 1no. every 12 weeks transit van and medication 1no. small van per day. Swept path analysis supports the proposals also. The Transport Statement at Table 6.7 states a net vehicle trip generation contrasted against the

existing use would be 4no. from 0800-0900 hours; -2no. trips 1700-1800 and between 0700-1900 5no. trips.

Appendix C Parking Standards highlights that for a C2 for a specialist care home use class 'residential homes and nursing homes' land use as proposed that for residents 1no. space per three bedrooms and for staff 1no. per resident staff and 1no. per 2 non-resident staff are to be provided. This generates a requirement of 30no. Total spaces calculated as $35\text{no. bedrooms}/3 = 11.6$ rounded up to 12no. spaces and $35\text{no. non-resident staff}/2 = 17.5$ rounded up to 18no. spaces. This shows an under-provision of on-site vehicular parking. With this said, the minimum standard parking space dimensions of 4.8m x 2.5m which all appear to be met across the site, as do the disabled parking bays and minimum car park aisle width for one-way routes. The cycle parking requirement generated from the development is 1no. space per 10 units equating to 3no. which is met by the proposals, subject to further details on their security, specification, colour and materials as this is not within the submission.

The Transport Statement argues for the proposed 24no. spaces provision as: they consider that the recommended parking levels are met, that otherwise the parking survey carried out at an existing Exemplar Care Home in Leeds shows a parking standard significantly below the Council's recommended standards could cater for the maximum parking demand at the site; other permitted/existing Exemplar sites shows the parking provision for Macclesfield is in line with the higher ratio for similar Exemplar sites. They also argue that there are bus services into Macclesfield and beyond within 1km of the site and also train links to Manchester and London in a similar distance resulting in the development being otherwise sustainably and well located with regard to public transport options.

In addition to the parking requirements, HOU2 of the SADPD sets out in paragraph 3. *'iv. the design of the proposal, including any individual units of accommodation, should be capable of meeting the specialist accommodation support and care needs of the occupier. This includes pick up and drop off facilities close to the principal entrance suitable for taxis (with appropriate kerbs), minibuses and ambulances and the ability to provide assistive technology and internet connectivity where relevant.'*

The proposals do not provide any pick-up or drop off facilities. It is considered this policy does apply as the development is for all ages.

This has been reviewed by the Highways Officer who raises no objection to the access or level of parking proposed noting only 35no. staff are proposed to be working at the site at any one time. It is also considered due to proximity to existing pedestrian infrastructure, public transport and wider area connections from the Town Centre a short walk away including train station renders the site a sustainable location regarding transport options. They do however raise concern at the lack of ambulance or medical etc. drop off bays for the development as sought for in policy. The Highways Officer seeks that 1no. ambulance bay of 9m (l) x 2.7m (w) is provided to the north of the entrance which will cater for a large size ambulance but also allow other visiting similar vehicles or drop-offs or deliveries/collection to be undertaken. Whilst this would remedy the HOU2 requirement it would inadvertently result in detrimental impacts on future occupants of the ground floor bedrooms on the western elevation due to vehicle noise, fumes and poor outlook and also result in loss of further external amenity areas where the ratio of this is already under that expected or deemed sensible for a development of this size. As this bay has not been provided the proposals are contrary to policies SD1 and SE1 of the

CELPs and HOU2, HOU10 and INF3 of the SADPD and the Housing SPD as sufficient ambulance drop off/pick up bays have not been provided.

Biodiversity and nature conservation

The listed policies of the development plan and guidance seek that all development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests, instead planning for net gains. Where appropriate, conditions will be put in place to make sure appropriate monitoring is undertaken and make sure mitigation, compensation and offsetting is effective. Where such impacts are unavoidable, development proposals must satisfactorily demonstrate a new environmental gain by appropriate mitigation, compensation or offsetting.

The application is supported by a Biodiversity Survey and Report, Assessment of Biodiversity Net Gain, Bat Roost Assessment and Bay Survey. The Nature Conservation Officer has reviewed the proposals and notes that as no bats were recorded during the bat survey efforts it is not reasonably likely that bats are present or will be affected by the development. The Nature Conservation Officer reviewed the Biodiversity Net Gain Metric and confirms that the development is likely to deliver a net gain on the site due to the increase in tree planting and grassland on the site thus complying with the Mitigation Hierarchy and Biodiversity Hierarchy. They also sought that additional ecological enhancements for urban birds such as house sparrow and swift be included to comply with policy SE3 requirements and protection of nesting/breeding birds during the construction period. The development is considered to be in compliance with policies and guidance covering nature conservation and biodiversity net gain subject to conditions.

Trees and hedgerows:

Between them the listed policies and guidance also seek to protect the continued health and life expectancy of trees, hedgerows or woodlands and where loss of or threat to them is proposed development will not normally be permitted unless there are clear overriding reasons for allowing development and that there are no suitable alternatives.

The application is supported by a Tree Survey and Constraints Report (TS), Tree Protection Plan (TPP) and Arboricultural Impact Assessment (AIA). The majority of the on and off-site trees are to be retained with 3no. trees lost as a result of the development G2 Sycamore (1no. tree on-site); T16 Goat Willow and G1 Ash. To other areas in close proximity to off-site trees and within their root protection areas no dig surfacing is proposed. The Forestry Officer has reviewed the proposals and objected to the proposals due to the conflicts in the distances of the development from off-site trees to the north-east of the site which are providing visual relief and green screening from the development and existing neighbours to the east. The distances of development relative to these trees and their RPA is shown differently on supporting drawings and the proximity of the scheme and its drainage has not been adequately appraised in the supporting AIA, TPP or TS so it is not possible to understand the impact of the development on these trees required on a prior to determination basis. This was relayed to the applicants' agent during the course of the application and whilst it was stated by the agent additional information to this regard was provided this has not been the case and to this end there is insufficient information regarding the impact of the development on trees. The proposals are considered to be contrary to policies SD1, SD2 and SE5 of CELPS and ENV6 of the SADPD.

Water management and flood risk prevention

The site is located in flood zone 1 where there is a low pluvial flood risk. Between them the listed policies seek that developments must integrate measures for sustainable water management to reduce flood risk, avoid an impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation. New development must be designed to be safe, taking into account the lifetime of the development and the need to adapt to climate change, seeking improvements to current surface water drainage network and be designed to manage surface water noting it is not sustainable to drain surface water to public sewers. New development should incorporate water efficiency measures.

The application form states surface water will be handled via Sustainable Urban Drainage System and fouls via mains sewer. A detailed Flood Risk Assessment, United Utilities and CCTV Drainage Strategy and Drainage Strategy also supports the application which states for fouls the existing site discharges via a private network which discharges into the existing United Utilities combined sewer infrastructure 150mm diameter at the site entrance. The Surface Water drainage system will be SuDS based with a variety of perforated pipes and attenuation tanks under permeable paving areas which are proposed to connect to the existing UU combined network via 300mm diameter new pipework under the new access road. The foul drainage will also connect into existing infrastructure to the west. This has been reviewed by the LLFA Officer who does not object to the proposals however seeks that further information as to infiltration testing, connections and discharge rates be provided on a prior to commencement basis via appropriately worded planning condition. Despite this the applicants have provided additional information on this basis to which the Canal and River Trust raise no objection to the proposed drainage scheme as it does not connect directly into the canal network. The LLFA reviewed the additional calculations and amended drainage layout and sought that the following be considered and can be remedied appropriately by appropriately worded planning conditions, due to their being some additional calculations information regarding the SuDS to be provided to justify the design chosen.

It is considered subject to the use of planning conditions that the proposals are in compliance with the listed policies and guidance concerning water management and flood risk prevention.

Other material considerations

Due to the major scale nature of the proposals the NHS, Education and ANSA Greenspace Officers were consulted on the application to understand whether developer contributions towards off-site projects were required as a result of additional pressures or needs generated on these existing infrastructures as a result of the development. Each confirmed that in this instance contributions were not required due to the type of resident destined to occupy the building and that their needs would be catered for within the building or site itself without having detrimental or additional impacts on existing infrastructure.

Due to the Council's demonstrable housing land supply, it is not considered that the nominal contribution of 35no. G2 units provides sufficient positive weight in which to outweigh the policy conflicts as highlighted, nor the job creation. Inclusion of solar/PV panels, air heat pumps etc. are also welcomed however are not considered to represent a scale or type of which is exceptional regarding use of climate change initiatives that exceed those general required in planning policy nor building regulations for this to provide substantial positive weight to outweigh highlighted issues.

It is not considered material considerations have been presented that outweigh the conflicts with policies and guidance at local and national levels.

Conclusion

It is considered that on balance the proposals do not represent sustainable development and conflict with policies and guidance as highlighted concerning design/character, residential amenity, highways arrangements and trees.

The proposals are therefore recommended for refusal for the following reasons:

1. Due to the size, scale, bulk, siting and orientation of the proposed development it results in the overdevelopment of a heavily constrained site. The three-storey form, singular large massing and volume is considered to be visually prominent and overbearing in the wider area from Jodrell Street, Pearson Street and Swettenham Street vistas in particular in comparison to that insitu. The built form including hard-landscaping to external amenity space ratio does not reflect themes of similar residential developments in the area, nor the quantum of built development proposed and future needs of occupants, visitors and staff regarding provision of adequately proportioned and well-positioned, on-site external amenity space. The mitigatory 3.5m timber screening for external plant to the north of the site would be prominent and unsightly and be detrimental to the character of the site and immediate area visible from Swettenham Street and Goodall Street. Dues to the scale of the development it fails to provide for 1no. ambulance/drop-off/pick-up bay to serve the development which includes specialist care for all ages including the elderly/older persons. The development is considered to be contrary to policies and guidance SD1, SD2, SE1, SE2 and SE4 of the Cheshire East Local Plan Strategy 2017, GEN1, ENV5, HOU2, HOU10 and INF3 of the Site Allocations and Development Policies Document 2022, the Cheshire East Design Guide SPD and Housing SPD.
2. The development is considered to result in overbearing impacts and loss of privacy to rear habitable rooms and external amenity/garden areas of existing properties on Swettenham Street and Pearson Street due to the three-storey scale, siting and orientation of the proposed new building. The development is considered to be contrary to policies and guidance: SE12 of the Cheshire East Local Plan Strategy 2017, ENV15, HOU2, HOU10, HOU12 and HOU13 of the Site Allocations and Development Policies Document 2022 and the Cheshire East Design Guide SPD.
3. There is insufficient information to ascertain the impact of the development on off-site trees. The proposals are considered to be contrary to policies SD1, SD2 and SE5 of Cheshire East Local Plan Strategy 2017 and ENV6 of the Site Allocations and Development Policies Document 2022.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions and/or Informatives or reasons for approval prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation

with the Chair of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

