

Application No: 12/0127M

Location: Land At, PARK GREEN, PARK STREET, MACCLESFIELD, CHESHIRE, SK11 7GY

Proposal: Mixed Use Development of Assisted Living Residential Apartments (61 no.) and a Cafe, Both With Associated Landscaping and Servicing. Undercroft Parking is Provided for Residents. Existing Office Block to be Demolished

Applicant: Mr Alistair Watson

Expiry Date: 16-May-2012

**Date Report Prepared:** 25 October 2012

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions and s106 agreement

#### **MAIN ISSUES**

- Impact upon the character and appearance of the Conservation Area
- Impact upon the amenity of neighbouring properties
- Impact upon highway safety
- Affordable housing provision

#### **REASON FOR REPORT**

The proposal is a major application, and therefore qualifies to be considered by the Northern Planning Committee.

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

The application site comprises a prominent office block, which has been vacant for some time and parking area with soft landscaping fronting onto Park Green. The site is located within a Mixed Use Regeneration Area and the Park Green Conservation Area as identified in the Macclesfield Borough Local Plan. The High Street Conservation Area is located on the opposite side of Park Street.

#### **DETAILS OF PROPOSAL**

This application seeks full planning permission for the demolition of the existing office block and the construction of a mixed use development comprising 61 assisted living apartments and a café with undercroft parking.

## **RELEVANT HISTORY**

There is no planning history specifically relevant to the current proposal.

## **POLICIES**

### **Regional Spatial Strategy**

Relevant policies of the RSS include: DP1 Spatial Principles; DP2 Promote Sustainable Communities; DP3 Promote Sustainable Economic Development; DP4 make the Best Use of Existing Resources and Infrastructure; DP5 Manage Travel Demand - Reduce the Need to Travel, and Increase Accessibility; DP7 Promote Environmental Quality; DP9 Reduce Emissions and Adapt to Climate Change; RDF 2 Rural Areas; Policy L1 Health, Sport, Recreation, Cultural and Education Services Provision; L2 Understanding Housing Markets; L4 Regional Housing Provision; L5 Affordable Housing; RT2 Managing Travel Demand; RT9 Walking and Cycling; EM1 Integrated Enhancement and Protection of the Region's Environmental Assets; EM3 Green Infrastructure; EM16 Energy Conservation and Efficiency; EM18 Decentralised Energy Supply; MCR3 Southern Part of the Manchester City Region.

Of the remaining saved Structure Plan policies, only policy T7: Parking is of relevance.

### **Local Plan Policy**

Relevant policies of the Local Plan include: NE11 Nature Conservation; BE1 Design Guidance; BE2 Historic Fabric; BE3 Conservation Areas; BE16 protecting the setting of listed buildings; H2 Environmental Quality in Housing Developments; H9 Affordable Housing; H13 Protecting Residential Areas; DC1 Design; DC3 Residential Amenity; DC6 Circulation and Access; DC8 Landscaping; DC9 Tree Protection; DC38 Space, light and privacy; DC63 Contaminated Land, MTC12 Mixed Use Areas, MTC13 and MTC14 Park Green Area, MTC19 Town Centre Housing

### **Other Material Considerations**

National Planning Policy Framework (The Framework)

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

Strategic Highways Manager – No objections to the proposed use of the site when compared to the former use. Having regard to other similar care establishments, the number of spaces being provided on other sites are similar in ratio to this proposal, as residents do not tend to have a high car ownership rate especially when the site is located in a town centre.

Environmental Health – No objections subject to conditions relating to sound insulation, plant and equipment details (including extraction equipment for cafe), hours of operation for service vehicles, hours of construction, environmental management plan and contaminated land.

Leisure Services – No objections subject to financial contribution towards the provision of offsite open space, and outdoor sport and recreation facilities.

Housing - The affordable housing requirement would be 30% which equates to 18 units as there is identified affordable housing need.

United Utilities – No objections subject to conditions relating to drainage.

Environment Agency – No objections.

Strategic Crime Reduction Officer (Cheshire Constabulary) – Makes a series of safety recommendations that can be forwarded to the developer.

English Heritage – No comments, but offer general observations on the proposal, noting that it is a significant improvement to the existing layout of the site.

## **OTHER REPRESENTATIONS**

One letter of representation has been received from the Macclesfield Civic Society making the following comments on the application:

- Removal of the existing building is welcomed
- Concern over the removal of trees
- Flat roof to Park Green frontage could be improved
- Do contrasting colours add to the street scene?
- Lack of parking
- Design and scale of building not in keeping
- Loss of light, outlook and privacy for neighbours
- Loss of green space

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted a Design & Access statement, a Heritage Statement, a Phase I Contaminated Land report, a site waste management plan, a design and access statement for the landscape proposals, a transport statement, an air quality statement and a Planning Statement. The planning statement concludes that:

- The proposal will result in an attractive residential development and will enhance the character of the area in this key location.
- The proposals are at the minimum density to make the scheme viable.
- The café and active frontage to Park Green are deemed to be a mutually supportive use to the assisted living development.
- The proposal will regenerate a disused brownfield site and will place no further demand on the existing transport infrastructure.
- The proposal is supported by policies which encourage the redevelopment of previously developed land and the efficient and sustainable use of the site.
- Respects the heritage of Macclesfield

## **OFFICER APPRAISAL**

### **Principle of Development**

The principle of this mixed use development which comprises 61 assisted living residential apartments (use class C3) and the ground floor café (use class A3) fronting onto Park Green is acceptable within a Mixed Use Area and is compliant with policy MTC12 of the Local Plan.

## **Design / Conservation Area**

Historic plans for the locality indicate that the site was formerly densely developed with properties fronting directly onto Park Green, Parsonage Street and although of lesser density directly onto Park Street. Taking into account this historic pattern of development and the existence of the open space around the green, no objections are raised in principle to a fairly dense form of development which largely follows the footprint suggested.

The scale of the proposed development has been carefully considered in relation to that of surrounding buildings in both conservation areas. The proposed building would comprise 3 main storeys of living accommodation above ground level along Park Street, with an additional lower ground floor level towards the Park Green end of the site taking advantage of the slope of the land.

The proposed development sits below the height of the existing 5 storey building on the site, and below the level of the highest part of the listed Paradise Mill to the North. Although the elevations indicate the mill building to the south of Chapel Mill which is in fact no longer in existence, this is useful in that it shows the scale of the development is similar to that of surrounding former as well as remaining mills. Whilst the block would be taller than the domestic properties within High Street Conservation Area, taking into consideration the width of the highway, and the height of the existing building, it is not considered that the overall scale of development is inappropriate, or would, in itself have any detrimental impact on the character or appearance of either conservation area. The design incorporates breaks in the proposed roofscape along Park Street, visually breaking up the line of the roof, which is welcomed.

The proposed materials of English bonded brickwork, ashlar and slate are clearly designed to complement the materials of the Victorian and earlier buildings within Park Green Conservation Area and to a lesser extent those in High Street Conservation Area. Although the use of ashlar on domestic properties is not typical in this locality, the fact that high quality finishes are proposed is a critical determinant in considering impact on the character of the conservation area.

The element of the proposal fronting onto Park Green would be prominent and would sit forward of the adjacent buildings to the west. The proposed flat roof on this element has been very carefully considered. There are a number of flat roofs to buildings and elements of buildings within and close to the boundary of Park Green Conservation Area some of which have a negative impact (particularly the existing building on this site, the Royal Bank of Scotland building on the corner of Park street and the Natwest sited just outside the NW boundary) Others however have no negative impact such as the Bath Store building on the corner of Sunderland Street and elements of Gradus Mill and Weatherspoons.

Having regard to the proposed use of high quality facings (predominantly ashlar for this element) the overall building scale and flat roof design is considered to be acceptable. However, some of the proposed detailing gives cause for concern.

Firstly the proposed landscaping proposals originally indicated a number of angled structures projecting up above the roof line with tensile shade structures. It is considered that these would appear as incongruous features in the conservation area. It has been requested that these elements are removed from the proposal.

Secondly there are concerns over the ad hoc position of windows in this element of the proposal and the horizontal emphasis of the front elevation to Park Green which is considered to be in contrast with the general pattern of fenestration and building proportion which has a more vertical emphasis. The NPPF makes it clear that local authorities should seek to reinforce local distinctiveness and to do this, more vertical emphasis and regularity of fenestration is required.

English Heritage has not objected to the proposal but has suggested the incorporation of more brickwork. As a compromise it has been suggested that the buff sandstone is changed to red, a similar colour to the brick. Revised plans are currently awaited to address all these points. The revisions will be reported to Members in an update.

Overall, subject to the receipt of these amendments the proposal would not have an adverse impact on the significance of the existing heritage assets.

### **Amenity**

The nearest properties to the application site are those on the opposite side of Park Street. The nearest of these properties will be approximately 19 metres from the proposed building, which is closer than the existing. However, it is considered that due to the reduction in height from the existing, the impact upon this property is acceptable. Properties further to the north on Park Street are approximately 24 metres from the proposed development, which is considered to provide a commensurate degree of space, light and privacy for adjoining neighbours and the future occupants of the proposed development.

Relationships with all other surrounding properties are considered to be acceptable and no significant amenity issues are therefore raised. The proposal is therefore considered to comply with policies DC3 and DC38 of the Macclesfield Borough Local Plan.

### **Highways**

The Strategic Highways Manager has assessed this application and notes that the proposed development consists of 61 assisted living apartments in total, which is split into 39No. 1 bed and 22No. 2 bed apartments. The site will also incorporate a small café on the ground floor. Having regard to the existing lawful use of the site as offices, the proposed use raises no significant issues regarding the traffic impact of the development. In terms of the level of car parking, the site will provide 20 parking spaces in total, 13 spaces for residents and 7 for staff. There is also public car parking very close to the site. Other similar care establishments, have similar levels of on site parking provision as residents do not tend to have a high car ownership rate especially when the site is located in a town centre. The proposed café would be adequately served by existing public car parks.

It should be noted that some of the outdoor seating area is within highway land, but no objections have been raised by Highways over the principle of this use, given that an adequate footpath will remain.

## **Housing**

The Council's Interim Planning Statement on Affordable Housing states that Cheshire East will seek 30% affordable provision on all sites over 15 units. The affordable housing requirement would therefore equate to 18 units as there is identified affordable housing need.

This site is located in the Macclesfield and Bollington sub-area for the purposes of the Strategic Housing Market Assessment 2010, this shows that there is a need for 245 new 1 or 2 bed older persons affordable units between 2009/10 – 2013/14. This equates to an annual requirement for 49 x 1, or 2 bed older persons affordable units.

In addition to the housing need identified in the Strategic Housing Market Assessment; Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East. There are currently 46 applicants on Cheshire Homechoice who require accommodation for over 55's, these applicants require 26 x 1 bed, 8 x 2 bed and there are 12 applicants who have not specified the number of bedrooms required.

The required tenure split would be as required by the Affordable Housing Interim Planning Statement, which is 65% social, or affordable rent, and 35% intermediate tenure units. This would equate to 12 units for social or affordable rent and 6 units as intermediate tenure. The preferred option for the Housing section is that the developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Tenant Services Authority to provide social housing.

In response to being advised of this requirement, the applicants have submitted a viability assessment of the proposed development which concludes that the development cannot provide any affordable housing and be viable. Given the need identified above for older persons affordable accommodation, the Council has employed the services of a consultant to independently appraise the applicant's viability assessment. These comments are awaited, but could potentially have a significant bearing on the recommendation. For the purposes of this report, the recommendation will include a requirement for the provision of 18 affordable units.

## **Ecology**

The nature conservation officer does not anticipate there being any significant ecological issues associated with the proposed development.

## **Trees / landscaping**

The submitted Landscape Appraisal appears to show only three trees of the 13 trees within the application site will be retained. These three trees comprise of one flowering Cherry and two semi mature Norway Maple fronting Park Street. All the existing trees within the site present a low to slightly moderate contribution to the visual amenity of the area. In terms of the historic character of the Conservation Area, all the trees are recent plantings and therefore their contribution to the Conservation Area is considered to be relatively low.

However, the group of trees fronting onto Park Green do provide continuity of the landscape character in the street scene linking existing mature planting to the north east of Parsonage Street and opposite the site through the Park Green Memorial Gardens. The possibility of

setting the building back to retain these trees has been investigated with the applicant, however, it has not been possible to provide this set back.

The visual impact of the tree line in this location does make a positive contribution to the appearance of the Conservation Area, and is considered to be a crucial aspect of the development. Therefore, whilst the loss of the trees cannot be resisted, proposals for replacement planting will have to be carefully considered both in relation to the future use of the site at this location and to ensure that new planting is in harmony with the existing tree lined character of Park Green. Underground services in the vicinity will also need to be checked to ensure that it is feasible to plant the replacement trees where indicated. Appropriate landscaping conditions are therefore recommended.

### **Leisure**

The development does trigger the need for the provision of open space and recreation / outdoor sport, or a commuted sum for the provision of off site facilities.

The residents of town centre developments, where little or no on site amenity space is provided, need good access to outdoor amenity space and opportunities. Providing such access is part of building healthy and sustainable communities and assists in integrating the development and its new residents into the local area.

Based on the requirements of the Council's SPG on planning obligations, which is triggered on all housing developments of 6 or more dwellings of 2 or more bedrooms, the de. This is derived from a requirement of £1500 per bed space in apartments for offsite provision of open space (applicable to the 22 two-bed apartments only), which equates to £66,000, and a requirement for £500 per two-bed (or more) apartment again for off site provision, which comes to £11,000. This results in a total sum of £77,000.

The commuted sums could be used to make additions, enhancements and improvements to existing facilities within easy reach of the development and which between them provide a range of opportunities for the new residents. South Park and Victoria Park are the nearest major town parks. Allotments are located at South Park and there are amenity areas at park green Cenotaph and Christ Church.

The Council's SPG on planning obligations and policy IMP4 of the Local Plan also seek to secure contributions towards environmental improvements in town and district centres, in respect of significant developments within the town or district centres. This is one such development. The site occupies a key location in terms of the contribution it makes or could make to the wider public realm in this area, and work has been done by the Council looking at public realm in this area in particular. Given the particular nature of the proposal and the likely requirements of the development, it is considered that improvements to public realm within the immediate area would better satisfy the needs of the development. Again, having regard to the specific nature of the proposal, and the current economic climate it is proposed to waive the contribution required for environmental improvements, but to use the commuted sums received for open space and recreation primarily for public realm improvements in the area.

## **Noise**

The submitted Noise Assessment Report has identified that the site is subject to relatively high levels of externally generated noise. If planning permission is granted in such locations, then conditions should be imposed to ensure a commensurate level of protection against noise. The report advises that noise mitigation measures should be provided throughout the proposed development, based on the highest externally recorded noise levels. Environmental Health agree with this recommendation.

The British Standard 8233:1999 'Code of practice for sound insulation and noise reductions for buildings' provides two design ranges of 'Good' and 'Reasonable' standards. In view of the high levels of externally generated noise at the application site, Environmental Health recommend that a condition is attached to an approval that the structural design criteria throughout the proposed development should achieve the 'Good' standard as specified in BS8233.

## **Air Quality**

An Air Quality Assessment has been submitted with this application due to its proximity to the London Road Macclesfield Air Quality Management Area. The assessment considers the proposals likely impact on traffic in the area and predicts potential changes in air pollution concentrations as a result. In addition the potential for dust generation during the construction phase is considered.

The report confirms that the development will have a negligible impact on local air quality, however recommends mitigation to ensure that dust is not generated during construction to ensure that amenity of nearby surrounding residential properties is not adversely affected. An appropriate condition is therefore recommended.

## **Contaminated land**

The application area has a history of use as a Brewery, Coal Yard and Works and therefore the land may be contaminated. Also having regard to the fact that the application is for new residential properties which are a sensitive end use and could be affected by any contamination present, and the report submitted in support of the application has identified potential sources of contamination and recommends that an intrusive investigation is required, a condition requiring a phase II contaminated land condition is recommended.

## **Heads of terms**

Should Members be minded to approve the application, then it will be subject to a section 106 legal agreement to secure:

- 18 units of accommodation to be made affordable, in perpetuity.
- A commuted sum of £77,000 to be paid to the Council in lieu of on site public open space and / or for public realm improvements

## **Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

(a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of affordable housing would help to sustain the existing community of Macclesfield as it would provide additional affordable housing for a specific group of people where there is an identified need

The commuted sum to be paid to the Council to enhance open space / public realm facilities in the local area to provide opportunities for all parts of the community including the new residents.

On this basis the provision of the commuted sum and affordable housing is necessary, directly relate to the development and is fair and reasonable in relation to the scale and kind of development.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The principle of the development in this Mixed Use Area is considered to be acceptable. The impact of the proposal upon the significance of the nearby heritage assets (conservations areas and listed buildings) is not considered to be significant, and subject to the requested amendments, the proposal will help to reinforce local distinctiveness. Subject to appropriate replacement planting, the proposal will have an acceptable impact upon the appearance of the Park Green Conservation Area. The other outstanding issue relates to the viability of the scheme. The applicant's contention that the scheme cannot be viable and provide affordable housing is being investigated, and will be reported to members in an update. However, for the reasons outlined above, the application is recommended for approval.

Application for Full Planning

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. A02EX - Submission of samples of building materials
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. A04NC - Details of drainage
8. A22GR - Protection from noise during construction (hours of construction)
9. A23GR - Pile Driving - details to be submitted
10. Detailed scheme of sound insulation / noise control measures to be submitted
11. Details of plant and equipment to be submitted

12. Details of filtration and extraction system to be submitted
13. Service vehicles - restriction on hours
14. Environmental Management Plan to be submitted
15. Phase II investigation to be submitted



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