

Application No: 15/5536M

Location: LAND ADJACENT TO BELONG CARE HOME, 103 KENNEDY AVENUE, MACCLESFIELD, SK10 3DE

Proposal: To provide a new 30 space surface car park

Applicant: Mr Nigel Franklin, Belong Construction Ltd

Expiry Date: 05-Feb-2016

**SUMMARY:**

Numerous letters of representation have been submitted in support of the proposed development and are summarised below. The application site is considered to be an important green, open space, elevated above the road, the surrounding footpaths and the local car park serving the nearby shops. The open space is considered to be in of significant importance in contrast to the tightly packed housing areas within the locality of the area. The replacement of the open space with a car park is contrary to Policy RT1 (Protection of Open Space) and is unacceptable in principle. The proposed mitigation strategy is not considered to be sufficient to off set the loss of the existing open space.

**SUMMARY RECOMMENDATION:**

**REFUSE**

**REASON FOR REPORT:**

This application has been called in to be determined by Northern Planning Committee by Cllr Hardy as there is significant public interest in the proposed development.

**REASON FOR DEFERRAL**

The application was deferred from the Committee on 6 April for further information on the following:

- The number of bed spaces within the existing care home and number of care home residents
- The number of existing parking spaces within the care home and whether there are any restricted (i.e. for disabled / staff use only)
- Whether any of the additional activities within the care home (i.e. café etc.) attract or are open to various members of the public – not just residents of the care home and if so do they have the benefit of Planning Permission.
- Confirmation and clarification on the proposed levels of the site
- Whether access to the existing parking is public or private.

- The parking justification for 30 spaces and the situation with any replacement car park for deliveries.

The information has been received and expanded upon in the principle of development, amenity and the access and parking provision section of the report.

## **PROPOSAL:**

Full planning permission is sought for the installation of a 30 space car park associated with the neighbouring Belong Care Home. The footprint of the car park would occupy approximately 900m<sup>2</sup> of existing open space, as designated by the Macclesfield Borough Local Plan 2004.

## **SITE DESCRIPTION:**

The application site is a roughly rectangular shaped piece of land located to the north of Kennedy Avenue. The site comprises a sloping grassed area. The surrounding area is residential in character, with some retail units to the west.

The site falls within the Macclesfield Settlement Zone Line and is designated as existing open space as per the adopted local plan.

## **RELEVANT HISTORY:**

None relevant.

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework (2012)

### **Development Plan:**

The Development Plan for this area is the Macclesfield Borough Local Plan 2004. The relevant policies are listed below:

BE1 – Design Guidance

RT1 – Protection of Open Spaces

RT7 – Cycleways, Bridleways and Footpaths

T1 – General Transportation Policy

DC 1 – 6 – Design and Amenity

DC 8 – 10 – Landscaping and Tree Protection

## **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP.1 – Presumption in Favour of Sustainable Development

SD.1 - Sustainable Development in Cheshire East

SD.2 - Sustainable Development Principles

SE.1 - Design

## **CONSULTATIONS:**

**Highways:** No objection;

*“There are no highway grounds for refusal of this application, as the existing facility has 30 parking spaces and the proposal for a further 30 space car park will still result in an under provision of parking when compared to CEC’s parking standards; additionally the layout of the car park access is satisfactory and there is sufficient visibility along Kennedy Avenue for safe use*

*However, I am still of the view that the footpath running along the western boundary of the care home between Kennedy Avenue and the footpath to the north known as Becks Lane should be widened from 1.2m to 3.0m, to allow pedestrians and cyclists to pass.”*

**Environmental Health:** No objection subject to a construction hours of operation informative.

**Public Rights of Way:** object to the proposal as there is no currently no proposal for the path to be suitably diverted under the Town and Country Planning Act 1990 (TCPA) by the applicant.

**Parks Development Manager:** object to the proposal as summarised below;

1. The loss of the existing Public Open Space (POS) would be contrary to council policy
2. Even with the replacement open space proposal, there would be a net loss of open space, in terms of both quality and quantity, which would be contrary to policy
3. The loss of the POS would be unacceptable

**United Utilities:** no objection subject to a surface water condition

## **TOWN/PARISH COUNCIL:**

**Macclesfield Town Council:** *“the application is unreservedly supported by this committee and this committee recommends that the support for the application, as evidenced by the residents’ petition, should be noted by Cheshire East Council’s Planning Department.”*

## **REPRESENTATIONS:**

A large number of letters of representation were received from local residents and are summarised below:

Letters in support:

- Existing parking problems
- Insufficient car parking provision in the area
- Congestion on Kennedy Avenue would be relieved
- Kennedy Avenue is currently dangerous due to traffic
- Improved road safety

Letters of objection:

- There is more than enough parking provision in the area

- The parking at the neighbouring shops is under used
- Loss of amenity
- Loss of open space
- Concern over levels and boundary treatment

A letter of support has been received by David Rutley, MP for Macclesfield

## **APPRAISAL:**

### **Principle of Development**

Policy RT1 (Protection of Open Space) states that *“areas of recreational land and open space as shown on the proposals map will be protected from development. Redevelopment of a building footprint which does not harm the integrity of the open space will normally be permitted. Open space uses will be enhanced as appropriate. Additional or replacement educational buildings may be permitted provided that the integrity of the open spaces is not harmed.”*

The proposal is for the installation of a new 30 space car park that would be located on existing open space. The land in question is identified on the Macclesfield Local Plan proposals map as Existing Open Space and is therefore subject to Policy RT1 which states that areas of open space as shown on the proposals map will be protected from development. The relevant policies contained within the adopted local plan protect incidental open space too small to be shown on the proposals map. The land is also identified within the CEC Open Space Assessment [OSA] as Open Space. The OSA forms part of the background evidence for and informs the emerging local plan and has been used in the formation of the Green Space Strategy [GSS]. Disposal of the open space or any part of the open space would be contrary to current [and emerging] policy.

Disposal of open space may be considered if a substantial case can be made for the benefits of the change of use and/or a package of mitigation measure can be shown to provide a replacement facility of similar or enhanced size/quality/ benefit.

Open space is provided for the benefit of the whole community and the Local Authority's view is that a change in allocation should not be at the expense of the majority.

The application site sits alongside Kennedy Avenue and forms part of a larger area of open space which in turn forms part of a network of green space on both sides of Kennedy Avenue. The land in question is considered to be a linking corridor (or green corridor) and is considered to be of particular importance in the current policies (and the GSS).

The application site is considered to be an important green space, elevated above the road, the surrounding footpaths and the local car park serving the nearby shops by gentle slopes and is considered to be in stark contrast to the tightly packed housing areas within the locality of the area. The collection of open spaces on both sides of Kennedy Avenue form a spacious green 'breathing space'. The elevated nature of the open space and its wide views and surveillance area mean it feels secure and comfortable to be in, or alongside. The application site is also elevated above the floor level of the neighbouring Belong Care home and above the central residents' garden and social area. The open space forms a visual amenity to those within the care home and garden.

A mitigation strategy has been proposed and comprises converting the car park to the rear of the nearby shops into open space to off set the open space that would be covered by the proposed car park.

The existing car park to the rear of the shops provides parking for the shop operators and the residents above the shops. It also provides access to the rear of the shops for deliveries and emergencies. Sufficient access for emergency and service vehicles would need to be retained. It is a well used car park and has benefitted from some improvements over recent years. It is set below the level of Kennedy Ave and visibility into the parking is limited from Kennedy Avenue. It is currently hard surfaced. The car park to the rear of the shops is currently well used and closure would displace those residents and shop operators currently using it, with no replacement facility proposed.

The support of the local residents is noted however it is considered that the existing open space makes a substantial contribution to the local environment, public realm, footpath system and local community as well as residents of the neighbouring care home. The application site comprises a pleasant green open space and it is considered that the replacement open space would be restricted in size, be of lower quality than the lost open space. It would be of lower value, in both quantity and quality.

The application has been reviewed by the Parks Development team who have identified that open space is provided for the benefit of the whole community and the Local Authority's view is that a change in allocation should not be at the expense of the majority and would have an unacceptable impact on the amenity of local residents who use the existing open space on a regular basis.

The application site sits alongside Kennedy Avenue and forms part of a larger area of open space which in turn forms part of a network of green space on both sides of Kennedy Avenue. The land in question is considered to be a linking corridor (or green corridor) and is considered to be of particular importance in the current policies (and the GSS).

The proposed development is contrary to Policy RT1 and paragraph 74 of the Framework it is not considered that the proposed mitigation would off set the loss of the existing open space.

## **Amenity**

There is no impact on loss of privacy, no overbearing effect, no loss of sunlight, no noise/vibration/dust impacts or environmental pollution, no hazardous substances or no traffic generation, access/car parking so the development is in accordance with policy DC3.

The proposed site plan shows the levels associated with the proposed car park and the relationship with the existing Care Home. The maximum level of the proposed car park on the boundary would be 155.8 AOD. The neighbouring existing site level would be 154.4 AOD. This represents a level change of approximately 1.4 which is considered acceptable as the relationship is already established (at present this is no restriction in terms of public access to the open space and this is also to remain unchanged).

## **Design**

The design of the proposed car park is suitable to the use it will serve and there are no issues with the design.

Overall it is considered that the proposed development is acceptable in terms of its size, scale and bulk and its relationship with the surrounding dwellings. The proposal is therefore considered to be in compliance with Policies DC1 (Design) of the adopted Local Plan.

### **Access and Parking Provision**

The proposed development would not mean any increase in bedrooms therefore there will be no impact on access or parking. At present there are 72 beds and 18 one bed apartments. There are currently 70 care home residents and 19 tenants (the majority of which occupy the apartments). The tenants are more independent and do not have as strict care requirements as the care home residents i.e. residents who do not require full time assisted care. The care home residents require more care than the tenants. The existing car parking provision comprises 30 spaces (including 6 disabled spaces). It is noted that very few of the residents use a private car due to the nature of the associated use. The Agent has advised that;

*“There are no specific car parking spaces for either staff or resident use. Not all of our staff drive to work, some use the bus or walk to work. Staff have been encouraged to use the public car park at the rear of the shops, however some report that they are reluctant to do so when finishing a late shift (10pm) as they feel unsafe in this particular location in the evening and in the dark. The Belong parking spaces come under pressure when staff are crossing over shifts and there will be double the amount of people in the building for 30 mins (18 +18). The staffing levels are necessary to provide a good standard of care to an increasingly dependent client group.”*

It is noted that there is provision for an ambulance drop off/pick up point in the undercroft car park and that this can sometimes cause issues in terms of parking provision and emergency access.

The Agent has advised that on site bistro and hairdresser facilities are accessible to the general public. It is noted that these facilities are utilised by those visiting the care home and are either family or friends of the care home residents. As identified above the care home residents do not occupy the existing car parking spaces and there is no specific provision for visitors. However if 18 members of staff are on site at any one time this leaves 12 spaces, 6 of which are disabled. It is recognised that there is an under provision of car parking, as per Highway's comments. The emerging car park standards set out that for residential homes and nursing homes there should be a car parking provision of 1 space per 3 beds and for the staff 1 per resident member of staff and 1 per non resident member of staff. This means that there should be a total of 49 car parking spaces for the care home.

It is advised that the proposed car park will be accessible to the public and visitors.

The proposed development is in accordance with the Cheshire East Local Plan Submission Version parking standards and it is not considered that the development will have a detrimental impact on highway safety.

### **Planning Balance & Conclusions**

The replacement of the open space with a car park is contrary to Policy RT1 (Protection of Open Space) and is unacceptable in principle. The proposed mitigation strategy is not considered to be sufficient to off-set the loss of the existing open space.

The application site is considered to be an important green, open space, elevated above the road, the surrounding footpaths and the local car park serving the nearby shops by gentle slopes and is considered to be of significant importance in contrast to the tightly packed housing areas within the locality of the area.

The proposal is therefore found to be unsustainable in the social, environmental and economic sense. The application is in contrary to the relevant policies of the Development Plan and NPPF advice and it is therefore recommended that the proposal is refused.

*In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Northern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.*

*Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement should they be required.*

**REFUSE for the following reason:**

**The Local Planning Authority considers that the proposed development is unacceptable by reason of its location on an area of protected open space. The application site is an important green space that forms part of a network of green space alongside Kennedy Avenue. No suitable mitigation measure has been demonstrated to off set the loss of the open space and as such the proposed development would have a negative impact on the character of the area and the amenity of the surrounding residential area. As a result the development would be contrary to RT1 (Protection of Open Space) of the Macclesfield Borough Local Plan 2004 and the Council's Open Space Assessment and Green Space Strategy and the NPPF.**

