

Application No: 18/4540M

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

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

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

Expiry Date: 10-July-2020

SUMMARY

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

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

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

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

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

SUMMARY RECOMMENDATION

Approve subject to conditions and completion of a s106 agreement

PROPOSAL

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

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

SITE DESCRIPTION

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

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

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

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

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

RELEVANT HISTORY

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

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

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

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

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

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

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

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

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

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy

The following are considered relevant material considerations as indications

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

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

Macclesfield Borough Local Plan

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

Other Material Considerations:
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

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

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

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

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

NHS Eastern Cheshire Clinical Commissioning Group – No comments received.

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

ANSA – No comments received.

Education - No comments received.

Environment Agency – No comments received

Macclesfield Town Council

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

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

OTHER REPRESENTATIONS

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

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

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

Macclesfield Civic Society made the following comments:

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

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

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

APPRAISAL

Background

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

Principle of Development

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

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

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

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

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

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

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

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

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

SOCIAL SUSTAINABILITY

Affordable Housing

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

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

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

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

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

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

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

Viability

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

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

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

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

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

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

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

Housing Mix

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

Public Open Space

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

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

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

Healthcare

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

Education

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

ENVIRONMENTAL SUSTAINABILITY

Design, Character and Appearance

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

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

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

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

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

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

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

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

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

Impact on Designated Heritage Assets

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

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

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

Archaeology

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

Trees

Policy SE5 of the CELPS states *“Development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives”*.

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

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

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

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

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

Highways and Parking

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

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

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

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

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

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

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

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

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

Residential Amenity

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

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

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

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

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

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

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

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

Noise

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

Air Quality

Policy SE 12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy. When assessing the impact of a development on Local Air Quality, regard is had to the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality May 2015).

Whilst this scheme itself is not of a scale requiring an air quality impact assessment, there is a need to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Macclesfield has four Air Quality Management Areas and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

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

Ecology

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

Flood Risk and Drainage

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

Contaminated Land

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

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Macclesfield (including the Town Centre) including additional trade for local shops and businesses, jobs in construction and economic benefits to the

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

S106 HEADS OF TERMS

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

Community Infrastructure Levy (CIL) Regulations

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

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

Other Issues Raised by Representation

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

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

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

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

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

CONCLUSIONS, PLANNING BALANCE AND REASONS FOR DECISION

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

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

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

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

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

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

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

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

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

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

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

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

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

