

Application No: 19/5426M

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

Proposal: Extension and internal alterations to the existing building to provide 7 no. supported living apartments with associated parking and facilities

Applicant: ', Ivy Lane (Macclesfield) Limited

Expiry Date: 12-Mar-2021

**SUMMARY:**

The proposal is for the conversion and extension of an existing dwellinghouse to create seven supported living units for adults with learning disabilities.

The application site lies within Macclesfield which is identified as one of the Principal Towns.

It is considered that subject to conditions the proposed development would comply with the relevant policies in relation to design, neighbour amenity and forestry. Sufficient off-street parking would be provided in accordance with the adopted parking standards. The proposal has been considered by Highways officers and is considered to be acceptable in terms of highway safety.

The concerns relating to anti-social behaviour and fear of crime are noted but are not considered to hold any weight in the assessment of this application.

**SUMMARY RECOMMENDATION:**

Approve subject to conditions

**REASON FOR REPORT**

The application was called in by the local ward councilor, Cllr Mannion, for the reasons set out below:

*"Significant concerns have been raised with regard to this application. :*

*Over development of the site; the mass and scale of development will adversely affect amenities of surrounding properties.*

*The design is not in keeping with current street scene and surrounding locality.. Inadequate on-site parking provision,*

*The C3 planning category is intended for buildings for up to SIX occupants, the proposal description states that it is for EIGHT. self contained single person units plus communal facilities Therefore, the application is flawed in stating that it falls within the C3 category.*

- *The building on this plot was originally a detached bungalow. This application is the THIRD enlargement and would result in a 3.5 story block of eight flats along with communal facilities.*
- *The scale and mass of the proposed extensions are contrary to the character of the locality which is entirely residential, comprising of bungalows and two-story family houses. The current proposal is not in keeping and is an example of 'cramming'.*
- *The block would also be too close to adjoining properties on Sycamore Crescent. Concerns about noise from communal area(s) affecting neighboring properties.*
- *On-site parking provision is inadequate. No allowance for visitors and health professionals etc. The previous children's home only had maximum of 4 children resident, yet, frequently long rows of parked cars along Sycamore Crescent blocking footpaths and obstructing visibility at the busy road junction.*

*Therefore, I respectfully ask that this application be determined by the Northern Planning Committee"*

## **DESCRIPTION OF SITE AND CONTEXT**

The application is a detached property, which sits on the junction of Sycamore Crescent and Ivy Lane. It is within a predominately residential area of Macclesfield.

The application site was formerly a bungalow. However, it has been extended along the northern elevation. There is a significant change in levels across the site. It now reads as a two-storey property from the rear and as a bungalow when viewed from Ivy Lane.

The properties to the east of the site along Ivy Lane are single storey. To the south, there are larger two storey detached properties. On the western side of Sycamore Crescent, properties are also primarily two-storey.

There is a protected Sycamore tree along the northern boundary of the site (TPO reference: 22-009).

## **DETAILS OF PROPOSAL**

This application seeks full planning permission for the conversion and extension of an existing dwelling house to create seven supported living units for adults with learning disabilities

The proposal has been amended during the lifetime of the application. Alterations have been made to the parking arrangements, with the existing detached garage now proposed to be demolished. The number of units has been reduced from eight to seven. The extensions have been redesigned and the positioning of windows amended.

## **RELEVANT PLANNING HISTORY**

CY/5/06/1705P – approved – 25 September 2006

Provision of a new boundary wall to the above property, after acquisition of garden land for highway purposes (construction of a combined foot/cycleway adjacent to the carriageway)

00/0984P – approved – 20 June 2000

Detached double garage to front

99/1476P – approved – 13 September 1999  
Two-storey rear extension and front conservatory

99/0464P – approved – 27 April 1999  
Two-storey rear extension

45862PB – approved – 30 July 1986  
Two storey extension

## **POLICIES**

### **Cheshire East Local Plan Strategy (CELPS)**

MP 1 – Presumption in Favour of Sustainable Development  
PG 2 – Settlement Hierarchy  
SD 2 – Sustainable Development Principles  
SC 4 – Residential Mix  
SE 1 – Design  
SE 3 – Biodiversity and Geodiversity  
SE 5 – Trees, Hedgerows and Woodland  
CO 1 – Sustainable Travel and Transport  
Appendix C - Adopted Parking Standards

### **Macclesfield Borough Local Plan (MBLP)**

DC2 – Extensions and alterations  
DC3 – Amenity  
DC6 – Circulation and Access  
DC9 – Tree Protection  
DC38 – Residential – Space, light and privacy

## **OTHER MATERIAL POLICY CONSIDERATIONS**

National Planning Policy Framework (NPPF 2019)  
Planning Practice Guidance (NPPG)  
Cheshire East Design Guide

## **CONSULTATIONS (External to planning)**

Macclesfield Town Council

21/01/2020 – object to the application on the grounds of:

- The development is overbearing
- Overdevelopment of the site
- Insufficient parking
- Loss of natural light to neighbouring properties

- Loss of privacy to existing properties (not meeting the standard spacing between habitable rooms as documented in SADPD HOU 11)
- Proximity to a busy highway and junction
- Loss of amenity to neighbours
- The number of rooms exceeds the limit set by Use Class C3.

13/07/2020 – Objection maintained for the reasons above, as well as the development not conforming to policy DC38 of the MBLP.

19/01/2021 – objection maintained for the reasons set out above

### Environmental Health

No objections subject to a condition requiring EV charging

### Cheshire East Highways

18/12/2019 – request for further information regarding the proposed on-site parking provision.

06/07/2020 – the plans show an area for 8 spaces in the car park and it is intended to use the existing access to the site. The access is not sufficiently wide to serve a development consisting of 8 units, the minimum width is 4.25m. Although 8 spaces are shown, only 7 would be available. In accordance with CEC Parking Standards, a minimum of 8 spaces would be needed. An alternative area for bin storage should be provided.

*Further to this, the applicants have reduced the number of units to seven and clarified the width of the access. Highways Officers have confirmed that this is acceptable.*

### Cadent Gas

11/12/2019 - Intermediate pressure pipeline in the vicinity. Information for applicant and should consult HSE.

### HSE

24/02/2021 – The site does not lie within the consultation distance of a major hazard site or major hazard pipeline. At present HSE do not need to be consulted on any developments for this site.

## **OTHER REPRESENTATIONS**

Numerous objections received to the original and revised schemes. The main concerns raised as summarised as follows:

### Character and appearance

- Area is not suitable for such a facility

- Property was originally a bungalow. Proposal would not be in keeping with the original design intent of the area
- Proposal is of poor design
- Design and density not in keeping with the neighbouring properties
- Proposal would be a business in a residential area
- Three storey development would not be in keeping with surrounding area
- Overdevelopment of the site
- Previous use of the site as a children's home was detrimental to the character of the area
- Previously only bungalows allowed on the side of the road that includes the application site, due to the change in levels

#### Neighbour amenity

- Previous schemes have included obscure glazed windows and prevented first floor windows on the northern elevation to protect neighbouring properties. No such considerations as part of this planning application.
- Increase in height will result in a loss of natural light to gardens of neighbouring properties.
- Proposal would result in overlooking of neighbouring properties
- Noise and disruption associated with previous use as a children's home, concerns that the current proposal would cause the same issues
- Concerns regarding the conversion of the garage into a communal lounge

#### Parking and highway safety

- Insufficient parking for visitors
- Existing traffic issues along Ivy Lane. Increase in traffic would raise highway safety concerns
- Junction of Ivy Lane and Sycamore Crescent is dangerous
- Ivy Lane does not have a pavement opposite the site
- Parking was previously an issue when the building was used as a carehome
- Concerns that parking provision would not be sufficient
- Highways safety issues during construction works
- Change to types of residents using the facility could result in additional parking pressures

#### Fear of crime

- Previous issues of crime when used as a children's home
- Nearby properties would be overlooked and targeted
- Queries regarding the type of people living at the site
- Previous issues with anti-social behaviour
- Concerns regarding safety of children within the locality

## Forestry and ecology

- Protected species present on the site
- Queries regarding whether existing boundary hedging and trees are to be retained

## Other matters

- The number of residents goes above what can be considered as part of the C3 use class
- Proposal should be considered by the Planning Committee
- CEC previously advised that any further extensions to the property would be refused
- Inaccuracies in supporting information
- No evidence provided regarding need for such a facility
- Company is bespoke to undertake this development
- Independence Support who are to provide the required care have not yet been inspected by the Care Quality Commission
- Reference to a C3 use in the description should be removed
- Increased pressure on services. Water supply is already poor, this could be made worse by the proposal
- Development would result in reduction of property values

## **OFFICER APPRAISAL**

### **Principle of development**

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

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'. In this case, the provision of 7 residential units would support these functions, albeit on a small scale and would deliver housing within a sustainable location.

### **Use Class**

A number of concerns have been raised regarding whether the proposal can be considered as falling within Use Class C3 (dwellinghouses). Use Class C3 consists of three parts:

- C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener,

secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child

- C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems
- C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger

Neighbours and the Town Council state that as the proposal includes seven units, the number of residents would exceed the threshold for consideration under Use Class C3.

The proposal is for seven separate units. Each unit would have its own kitchen, living area, bedroom and bathroom. Consequently, each one could function as a dwelling in its own right. There would also be a communal kitchen and dining area, but as these facilities are also provided within each of the flats, there would be no requirement for the occupiers to use these facilities if they did not wish to do so.

However, whether the flats can function separately is not the only consideration. Depending on the level of care provided, the use may fall within Use Class C2 (residential institutions), where there is a higher level of care is proposed or C3 (dwellinghouses), where care is more limited. Whether or not the use would be a C2 use or C3 use will be a matter of fact and degree.

The applicant has advised that the scheme would be aimed at providing housing for adults with a learning disability. The envisaged residents are adults ready to leave higher support settings and move into more independent supported accommodation. Two carers would be on hand at the property 24/7, including waking night cover. The carers would not live at the property. Carers would provide help with matters such as budgeting, cooking, shopping and paying bills etc. They would also provide prompting for self-care but critically would not provide personal care to residents. The focus would be on supporting residents to live independently.

Given the above, the applicant has asserted that the proposed units would fall within Use Class C3. Each resident would live in their own individual dwelling, with access to communal care facilities as and when needed. There would be an element of care associated with the development and carers would be on hand 24/7.

Nevertheless, this is not a certificate of lawfulness application, which seeks to determine the use class of the building. It is a planning application for individual supported living accommodation units, where residents would receive some limited care. It is likely that each individual resident would have their own specific care needs and as such the extent to which the development falls within Use Class C2 or C3 may vary depending on the residents living at the site at any one time. Given that it is not a certificate of lawfulness application, confirmation either way in terms of the use class is not required. In any case, a condition will be imposed restricting the development to that as described, supported living accommodation for up to seven residents at any one time.

## **Residential Mix**

CELPs policy SC 4 deals with residential mix. It states that development proposals for accommodation designed specifically for the elderly and people who require specialist accommodation will be supported where there is a proven need; they are located within settlements; accessible by public transport; and within a reasonable walking distance of community facilities such as shops, medical services and public open space.

The applicant has advised that the proposal has been developed to meet a specific need and provided evidence regarding such need. The application has been informally discussed with officers from the Council's Adult Social Care and Health Department. They have confirmed that they are supportive of this development, which would provide provision for future demand for individuals with learning disabilities. It is therefore accepted that the proposal would meet a proven need.

The site is also located within Macclesfield, one of the Principal Towns. There is a bus stop outside the site on Ivy Lane, which provides links to the town centre. As to be expected within one of the Principal Towns, there is a range of facilities within walking distance of the site, including shops along Thornton Avenue and Ivy Road.

It is considered that the proposal would comply with the requirements of CELPS policy SC 4.

### **Character and design**

NPPF paragraph 124 confirms that good design is a key aspect of sustainable development. NPPF paragraph 127 states that amongst other matters developments should:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)

NPPF paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It also states that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development.

At a local level, CELPS policy SE 1 requires developments to make a positive contribution to their surroundings. Amongst other matters, design solutions should achieve a sense of place by protecting and enhancing the quality, distinctiveness, and character of settlements.

Concerns have been raised regarding the scale, massing and design of the extended building, particularly in relation to the neighbouring properties along Ivy Lane and Sycamore Crescent. These include concerns that the proposal would represent an overdevelopment of the site.



The existing property is split level. From Ivy Lane it reads as a single storey dwelling, while from Sycamore Crescent it reads as a two-storey property. This is as a result of the levels changes across the site. The existing two storey elements are later additions. The existing property is not of any particular architectural merit.

The proposed scheme includes a number of extensions to the existing building. This includes the raising of the ridgeline by around 1.6m. A new dormer window would be constructed on the Ivy Lane (Southern Elevation). There would be no change to the height of the gables on the northern elevation, although the western gable would be extended just beyond that of the existing. Single and two storey side extensions are proposed along the Sycamore Crescent (western elevation).

The scheme has been revised during the lifetime of the application, with changes made to the form and design of the extensions. It is considered that the revised design of the extensions would have an acceptable visual relationship with the host dwelling, subject to a condition regarding materials. The dormer window along the front elevation would be set in from the flank walls and as such would not be an unduly dominant feature on the host dwelling.

However, the impact of the extensions on the wider streetscene also needs to be considered. As noted above many of the representations raised concerns that the increased height would result in the dwelling appearing unduly dominant and intrusive within the surrounding area.

On the southern side of this part of Ivy Lane, the houses are larger two storey dwellings. They sit at a raised height in comparison to the application site. The land levels fall away on the northern side of Ivy Lane and to the west. The application site is at the end of a group of four bungalows, (6, 8 and 10 Ivy Lane). It sits further back on the plot than its neighbours.

The neighbouring property to the north, 4 Sycamore Crescent, is also a bungalow. Within the wider streetscene and on the western side of Sycamore Crescent there are existing two storey properties. As noted above, while the site reads as a bungalow from Ivy Lane, from Sycamore Crescent, reads as a two-storey dwelling.

Some of the concerns indicate that the building would end up as having 3.5 stories. This is incorrect. The proposed raising of the roof would primarily affect the southern elevation onto Ivy Lane. The new 'second floor' would be largely over this part of the building. The single apartment within the roofspace would be single aspect with its outlook over Ivy Lane.

On the northern elevation, the dwelling would still only have two levels of accommodation. The height of the gables would not change. No windows are proposed above first floor level along this elevation.

As such while the scheme includes an increase in height, it would still read largely as a two-storey dwelling when approached from Sycamore Crescent. When viewed from Ivy Lane, it would read as a chalet style property. It would be taller than the bungalows adjacent to it, but given that it is at the end of the row, set further back from the Ivy Lane frontage and the surrounding context is somewhat varied, it is not considered that the proposal would be harmful when viewed from Ivy Lane.

The concerns raised by local residents are noted, but it is not considered that the scheme would conflict with either CELPS policies SE 1 or SD 2 or the aims of NPPF chapter 12.

### **Neighbour amenity**

NPPF paragraph 127f) CELPS policy SD 2 1iif) states that all development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of relationship to neighbouring properties, streetscene and the wider neighbourhood.

Saved MBLP policy DC3 relates to amenity. It states that development, including changes of use, should not significantly injure the amenities of adjoining or nearby residential property or sensitive uses due to:

- Loss of privacy
- Overbearing effect
- Loss of sunlight and daylight
- Noise, vibration, smells, fumes, smoke, soot, ash, dust or grit
- Environmental pollution
- Hazardous substances and industrial processes
- Traffic generation, access and car parking

Saved MBLP policy DC38 sets out the space, light and privacy standards for housing developments. It states that new developments should meet the guideline distances, unless the design and layout of the scheme and its relationship to the site and its characteristics, provides a commensurate degree of light and privacy between buildings.

For developments with one or two storeys, a front to front distance of 21m and a back to back distance of 25m should be achieved for dwellings with one or two storeys.

### **10 Ivy Lane**

The application site shares a common boundary with this neighbour. The existing building lies to the northwest of the built form of no.10.

No. 10 is a single storey property, with its vehicular access and drive to the north, and the garden area to the south. The room closest to the boundary with the application site is dual aspect, with windows to both the front and rear.

The proposal includes an increase in the ridge height of the application property of about 1.6m. The residents of this neighbouring property have raised concerns that the development would adversely affect their living environment, including the levels of natural light.

Given the orientation of the application property to the northwest, it is likely that any loss of light would be limited to the late afternoon. The built form is set off from the boundary with this neighbour. Given this, the siting in relation to windows and the position next to the driveway, it is considered that the scheme would not materially harm the outlook or light enjoyed by this neighbour.

No windows are proposed above ground floor level along the eastern elevation facing this neighbour. The proposed development would not materially harm the existing levels of privacy enjoyed by this neighbour.

#### 15 and 17 Ivy Lane

Concerns have been raised that the new first floor windows would overlook these neighbours on the over side of Ivy Lane. In accordance with MBLP a front to front distance of 22m should be achieved. The distance between these windows and the properties opposite would be well in excess of this minimum figure. It is considered that the proposal would not adversely affect the privacy, light, or outlook of the houses on the southern side of Ivy Lane.

#### 30 Ivy Lane

This neighbouring property lies to the west of the site, separated by the road and the side garden of 1 Sycamore Crescent. Given the distance between the built form of the two properties, it is not considered that there would be any adverse impact on the residential amenities of this neighbouring property.

#### 1 Sycamore Crescent

The occupants of this neighbour property have raised concerns that the development would overlook their house and garden, as well as appearing overbearing. The built form of the two properties do not sit directly opposite one another: 1 Sycamore Crescent sits to the north west of the application property. The application site and this neighbour are separated by the road.

Even with the extensions, the built form of the two properties would not be directly opposite one another. Any views from the new first floor windows towards the windows of this neighbour would be oblique and unlikely to materially harm the existing privacy enjoyed by the residents of no.1.

The proposal includes new first floor side windows, facing towards the side garden of this property. Given the distance between the garden and the built form and the separation by the road, it is not considered that the inclusion of these first-floor windows would significantly injure the privacy enjoyed by this neighbour.

#### 4 Sycamore Crescent

This neighbouring property is single storey and lies to the north of the application site, sharing a common boundary. At the closest point there would be a distance of around 21m between the extended building and the boundary with this neighbour. Adjacent to the boundary this neighbour has a detached garage. There are no windows along the flank wall of this neighbouring property facing towards the application site.

Having regards to the separation distance and the lack of windows along the flank wall of no.4, it is considered that the proposal would not materially harm the amenities of this neighbouring property.

## 87 Sycamore Crescent

This property lies to the northeast of the application site and shares a common boundary. The boundary is splayed, with the rear elevation of no.87 angled slightly towards the application site. The houses are not however directly opposite one another. Previous planning permissions have included conditions removing permitted development rights for upper floor windows along the northern and eastern elevations, to protect the privacy of this neighbour.

At the closest point, there is a distance of around 13m between the built form of the two properties. This would not change as a result of the proposal. There would however be new first floor windows along the northern elevation, one in the existing blank gable end and another on the extended gable, which is positioned more centrally on the application site.

Concerns have been raised that the insertion of these new windows would overlook the garden and rear windows of 87 Sycamore Crescent. The back to back distance falls short of the minimum back to back distance of 25m, for two storey properties. As there are no windows at second floor level, the standard for building with three or more stories should not be applied.

Nevertheless, the back to back guideline distance of 25m would not be achieved. In this case, there is not a direct back to back relationship between the two properties and, as such in accordance with saved MBLP policy DC38, a lower distance may be accepted. However, given the proximity of the window closes to the boundary and the built form of this neighbour, without mitigation, the development would result in an unacceptable degree of overlooking.

The proposed plans indicate that the first-floor window closest to the boundary with this neighbour would be angled. This would restrict views towards the boundary and the closest windows of the neighbouring property. It would also ensure views are angled across the application site and away from the boundary and rear windows of the neighbour.

Details of the screening/opaque glass to be used in the eastern part of the window would be required by condition. It would then be necessary for the window and screening to remain in this approved form for the lifetime of the development.

The new window serving the bedroom would be positioned centrally on the site and away from the boundary. It is considered that views from this window would be oblique and as such a restrictive condition would not be required.

Subject to the condition, restricting the views from the first-floor window closest to the boundary, the proposal would have an acceptable relationship with this neighbour.

### **Other amenity considerations**

Saved MBLP policy DC3 does not just relate to the impact of the built form – i.e. privacy, overbearing impact and overshadowing. It also deals with loss of amenity through noise, odours, traffic generation and car parking.

Some residents have raised concerns regarding the number of residents on the site and the additional noise associated with them.

The proposed development would be to provide supported living accommodation for seven residents. In this regard, each unit would function as a residential dwelling. There is nothing to indicate that there would be any additional noise over and above that which would typically be expected from residential properties. Given the nature of the site, on a junction of Ivy Lane, which is a relatively main thoroughfare, and its detached nature, it is not considered that the increased occupation would give rise to a level of activity and comings and goings which would be harmful to neighbouring properties.

However, there is also a care element associated with the development, as there would be carers on hand 24/7 to support residents. The applicant has advised that there would normally be two support staff on site at any one time, although this could on occasion rise to four.

Staff changeovers could have the potential to be disruptive if they were to take place overnight when there is a lower level of ambient noise. To prevent this, a condition is recommended to prevent changeovers between 10pm and 8am, apart from in emergencies.

It is considered that subject to this condition, the level of traffic generation and noise is unlikely to significantly injure the amenities of nearby residents.

Concerns have also been raised regarding the proximity of the kitchens to the boundaries and the potential for odour disturbance. These would be residential properties, rather than commercial kitchens. It is unlikely that any odours from cooking smells would result in any significant injury to residential amenity.

### **Residential amenity for future occupiers**

The proposed units would share the existing garden area to the south of the site along Ivy Lane. All of the habitable rooms would be served by a window, allowing natural light and outlook. It is considered that the proposed development would provide an acceptable level of amenity for future residents, in line with the requirements of NPPF paragraph 127.

### **Parking and highway safety**

Saved MBLP policy deals with circulation and access. It sets out the circulation and access criteria, which should be met by new development. Amongst other matters, it states that vehicular and pedestrian access should be safe and convenient. It also states that provision should be made for access by special needs groups, as well as for manoeuvring vehicles. There should be sufficient space to enable all parking and loading to take place off the street and to allow vehicles to enter and leave in a forward direction.

The adopted parking standards are set out within CELPS Appendix C. One off-street parking space should be provided per one-bedroom unit. In accordance with these standards, seven off-street parking spaces are required.

The revised plans show how seven parking spaces could be accommodated on the site. The Highway Authority has advised that the proposed parking provision would be sufficient.

The previous concerns regarding the width of the access have also been clarified. The revised plans indicate that the width of the existing access would exceed the minimum required.

A number of concerns have been raised regarding existing parking issues in the area and highway safety matters, including concerns regarding the junction of Sycamore Crescent and Ivy Lane and the junction of Ivy Lane and Congleton Road.

The concerns regarding on-street parking stem in part from a former use of the premises as a children's care-home and alleged on-street parking at this time.

These concerns are noted. However, the current proposal is a different proposal to the children's home. The applicant has advised that due to the nature of the use, residents are unlikely to have their own cars and that it is likely that the parking area would be used by staff. Nevertheless, the plans indicate that sufficient parking can be accommodated within the site to meet standards.

While the concerns regarding the safety of the junction are noted, Highways officers have been consulted on the proposal and have not raised any concerns in this regard.

It is considered that the proposal would not result in any conflict with saved MBLP policy DC6 and would meet the minimum parking standards set out in CELPS appendix C.

### **Nature conservation**

CELPS policy relates to biodiversity and geodiversity. It states that development proposals likely to have a significant adverse impact on protected habitats or species will not be permitted except where the reasons for or benefits of the proposal outweigh the impact of the development.

This policy also states that all development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

One of the objectors has advised that they have seen a number of protected species in the locality including badgers and bats. The application has been reviewed by the Council's Nature Conservation Officer. They have not raised any concerns that the proposed development would be likely to result in harm to a protected species or their habitat.

Subject to conditions to protect nesting birds and ensure ecological enhancements, the proposal would comply with CELPS policy SE 3.

### **Forestry**

CELPS policy SE 5 deals with trees, hedgerows and woodlands. It states that where a development would result in threat to or loss of trees of amenity value, it will not normally be permitted, unless there are clear overriding reasons and no suitable alternatives. Saved MBLP policy DC9 broadly reiterates the same requirements.

There are a number of trees across the site, which are not formally protected. There is also an off-site Sycamore, within the garden of 4 Sycamore Crescent, which is formally protected by a Tree Preservation Order (TPO reference: No. 2 1957).

During the lifetime of the application, an Arboricultural Impact Assessment (AIA) has been submitted. This has been reviewed by the Council's Forestry Officer. They are satisfied that the AIA has demonstrated the feasibility of the proposal in terms of retained trees.

Subject to conditions relating to tree protection, tree pruning/felling, arboricultural method statements and no dig construction, the proposal would comply with CELPS policy SE 5 and saved MBLP policy DC9.

### **Fear of crime**

Some of the objections raise concerns that the proposed use would result in antisocial behaviour from the residents of the future units. The risk of crime and disorder, and the perception of it, arising from a proposed use is a material planning consideration. In order to carry weight in the determination of a planning proposal, fear of crime must be based on sound reasons and there needs to be reasonable evidential basis for that fear.

A number of the representations refer to a previous use of the site as a children's care home. During which time, it is alleged that there was frequent anti-social behaviour and police call outs.

The proposal is for a different use to this previous use of the site. It would provide semi-independent living accommodation for adults with learning disabilities aged between 18 to 65 years old. Given the differences between the previous use and the current proposal, any previous issues cannot be taken as tangible evidence that there would likely be anti-social behaviour associated with the current proposal.

Objectors' concerns and anxiety about the proposed use are acknowledged but there is no solid evidence to demonstrate that the proposal to provide semi-independent living for vulnerable adults would result in a spike in anti-social behaviour in the neighbourhood. No weight is given to this in the planning balance.

### **Other matters**

Concerns relating to a reduction in house values as a result of the proposal are not a planning consideration and have not been taken into account.

## **CONCLUSIONS**

The application site lies within Macclesfield which is identified as one of the Principal Towns.

It is considered that subject to conditions the proposed development would comply with the relevant policies in relation to design and neighbour amenity. Sufficient off-street parking would be provided in accordance with the adopted parking standards. The proposal has been considered by Highways officers and is considered to be acceptable in terms of highway safety.

The concerns relating to anti-social behaviour and fear of crime are noted but are not considered to hold any weight in the assessment of this application.

The application is recommended for approval subject to the following conditions:

1. Three-year time limit
2. In accordance with the approved plans
3. Finished levels
4. Tree protection
5. Tree pruning/felling specification
6. Arboricultural method statement
7. No dig hard surface construction specification
8. Hard and soft landscaping
9. Landscaping implementation
10. Window and privacy screen details and implementation – first floor northern elevation
11. Restrictions on use
12. Maximum number of residents – 7
13. No staff handovers between 10pm and 8am (apart from in emergencies)
14. Provision of parking facilities
15. Details of bin storage
16. Details of cycle storage
17. Nesting bird protection
18. Ecological enhancements
19. EV charging points

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 Chairman) 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.



