

Application No: 23/1487M

Location: PEAKSIDE HOUSE, ALDER COURT, MACCLESFIELD, CHESHIRE, SK10 2XG

Proposal: Erection of two chimney stacks and associated plant equipment, condenser and cylinder storage compounds, timber screening, alterations to existing car parking and landscaping, removal of existing condenser units and associated works.

Applicant: c/o agent, Orbit Investments (Properties) Limited

Expiry Date: 10-Nov-2023

## **SUMMARY**

The proposed development seeks to erect two galvanized steel chimney stacks, along with associated plant equipment, cylinder and condenser storage, and timber screening to the rear and sides of a two-storey office building situated in Tytherington Business Park, which lies within the Macclesfield settlement boundary.

The proposed use of the building is for research and development of pharmaceutical products and processes - Class E(g)(ii). A number of other buildings in the immediate area operate under the same or similar usage. As such, development to support this functionality is considered acceptable in principle.

The design of the proposed development is in scale with existing buildings within the immediate vicinity and is in keeping with the commercial character of the site. Any harmful visual impacts would be sufficiently mitigated by the proposed screening, as well as retention and enhancement of existing trees and vegetation bordering the site.

No harmful impacts are deemed to be generated by the proposals with regard to design, amenity, ecology, air quality, odour, operational noise, vibration, dust or highways safety, subject to the imposition of conditions where necessary.

Subject to standard conditions for development of this type, along with any other conditions deemed appropriate to ensure the development complies with development plan policies, the application is recommended for approval.

## **SUMMARY RECOMMENDATION**

**Approve Subject to Conditions**

## **REASON FOR REFERRAL**

The application was called-in to the Northern Planning Committee by Cllr David Edwardes (Macclesfield Tytherington Ward) for the following reasons: -

*"I and many residents are concerned about what will be emitted from the chimneys. Will there be odours and noxious substances? There is a playground and a Nursery School nearby. The chimneys are totally out of keeping with the general character of the Business Park. What exactly is the research planned for the building? There is mention of loss of parking spaces. How many spaces and will it still meet the CEC criteria. Basically there is not nearly enough information in the application and it must be scrutinised by Northern Planning. I am therefore "calling it in"."*

## **DESCRIPTION OF SITE AND CONTEXT**

Tytherington Business Park is a mixed-use business and residential development to the North of Macclesfield off the Silk Road, entirely within the Macclesfield settlement boundary. Peakside House, the site to which this application pertains, is one of 18 commercial units within this development, which range from 2-3 storeys with red brick facades, corrugated roofing and extensive fenestration.

The site borders the Western edge of the business park, where a treeline and swale separate the site from the residential development beyond. To the North, East and South are commercial units. The business park is served by Springfield Way and Larkwood Way running North-South, beyond which the residential component of the park sits adjacent to the Silk Road to the East of the site.

Key to the consideration of this application is the contextual use of the surrounding commercial units, as the building immediately South of the site operates as a children's nursery, while beyond that there is an existing precedent for pharmaceutical and research-based activity, including the buildings Alderley Court and Birchwood House, operated as laboratory space by Alderley Analytical and Peak Proteins respectively.

## **DETAILS OF PROPOSAL**

Full planning permission is sought for the following development:

- The erection of two chimney stacks to the rear of the building, measuring 1.7m in width and 14m in height from ground level, terminating approximately 3m above the roofline of the building. These stacks would be constructed of galvanized steel set in a concrete base, with a PVC liner coloured green.
- Erection of 2.5m timber screening to the South, West and East sides of the building to serve as separate air processing, condenser and cylinder storage compounds.
- Removal of existing external condenser and processing equipment from the South elevation of the building, made redundant by the installation of 8 new condensers positioned around internal fume extraction systems.

- Minor alterations to existing landscaping and car park, due to the loss of 18 car parking spaces to facilitate external plant equipment, leaving a total of 98no. spaces on site, including 4 disabled access spaces.

The proposed use of the building is described as a bespoke laboratory facility for research in the sector of life sciences and oncological drug discovery. The facility would accommodate up to 100 staff predominantly in research-based roles and the purpose of the proposed chimneys would be for the intermittent safe extraction of minor chemical side products from 100 internal fume cupboards within the building.

## **RELEVANT HISTORY**

**83318P** – SITE FOR B1, B2 AND B8 DEVELOPMENT COMPRISING OFFICES, RESEARCH DEVELOPMENT FACILITIES, LIGHT AND GENERAL INDUSTRY AND WAREHOUSING – Withdrawn 01-Feb-1996

**97/0237P** – SITE FOR B1, B2 AND B8 DEVELOPMENT COMPRISING OFFICES, RESEARCH AND DEVELOPMENT FACILITIES, LIGHT AND GENERAL INDUSTRY AND WAREHOUSING – Withdrawn 29-Apr-1997

**00/2797P** – ERECTION OF A TWO-STOREY B1 OFFICE BUILDING (RESERVED MATTERS) – Approved 05-Feb-2001

**02/1597P** – FACIA LETTERING & INTERNALLY ILLUMINATED FREE STANDING SIGN – Approved 12-Feb-2003

**03/2125P** – ERECTION OF OFFICE BUILDING (B1) AND CHILDRENS NURSERY (D1) – Approved 13-Oct-2003

## **POLICIES**

### Cheshire East Local Plan Strategy (CELPS) 2017

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

EG1 Economic Prosperity

SC3 Health and Well-being

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE9 Energy Efficient Development

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood Risk and Water Management

CO1 Sustainable Travel and Transport  
CO4 Travel Plans and Transport Assessments  
Strategic Priority 1  
Appendix C Parking Standards

Site Allocations and Development Plans Document (SADPD) 2022

PG9 Settlement Boundaries  
GEN1 Design principles  
GEN5 Aerodrome Safeguarding  
ENV1 Ecological network  
ENV2 Ecological implementation  
ENV5 Landscaping  
ENV6 Trees, hedgerows and woodland implementation  
ENV7 Climate Change  
ENV12 Air quality  
ENV14 Light pollution  
ENV15 New development and existing uses  
ENV16 Surface water management and flood risk  
ENV17 Protecting water resources  
HOU12 Amenity  
HOU13 Residential standards  
INF1 Cycleways, bridleways and footpaths  
INF3 Highways safety and access  
INF7 Hazardous Installations  
INF9 Utilities

Other Material Considerations

National Planning Policy Framework 2021 (NPPF)  
National Planning Practice Guidance  
Cheshire East Borough Design Guide 2017  
Tytherington Business Park Development Brief 1989

**CONSULTATIONS (External to planning)**

**Regulatory Services and Health (noise/residential amenity)** - No objection

**Regulatory Services and Health (Air Quality)** - No objection

**Lead Local Flood Authority** - No comments received

**CEC Highways** – No comments received

**Macclesfield Town Council** – No comments received

**REPRESENTATIONS**

109no. letters of representation have been received objecting to the proposal on the following grounds:

- The close proximity of the location to a neighbouring Children's nursery and the potential impact on their health.
- The pollution to the environment of anything that will be burnt on site.
- The potential noise that will be generated in a quiet residential area
- Insubstantial screening between the commercial unit and residential development to the West
- The business park is offices, not industrial uses, so the development is out of character with the area.
- The proposed development and use of the site would increase traffic into the development and create parking pressure, due to loss of 18 spaces on site for the stacks and associated equipment.
- There is demand for suitable business premises in the area and therefore the site shouldn't be subject to inappropriate industrial activity which could better be situated to other developments such as Alderley Park.
- The chimneys will pose an eyesore to residents of dwellings within close proximity of the site, as well as those who use Springwood Way for access through the site.

1no. letter of representation has been received supporting the scheme, on the grounds that the proposed use of the site would bring high quality business and employment to the area.

A 2-week period of re-consultation was undertaken following receipt of the air quality assessment, during which a further 7no. letters of representation were received raising further objections on the following grounds:

- Low water pressure throughout the wider development may be exacerbated by the proposed tenant.
- Any detriment to air quality in close proximity of the children's nursery is unacceptable.
- The chimneys will have an impact on the value of properties nearby and on local businesses.
- Lack of information within environmental report.
- Detrimental to the aesthetics of the area.
- Potential for future change of use and extent of operations & emissions from the building.

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is located in Macclesfield, a Principal Town settlement as defined within policy PG2 of the CELPS. This policy states that within Principal Town locations *'significant development will be encouraged to support their revitalisation, recognising their roles as the most important settlements in the borough.*

Policy MP1 of the CELPS seeks that, wherever possible, the council *'will always work proactively with applicants to find joint solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.'*

Policy SD1 of the CELPS seeks to create a '*strong, responsive and competitive economy for Cheshire East*' by prioritising '*investment and growth within the Principal Towns and Key Service Centres*'. Further to this, Strategic Priority 1 of the CE local plan sets out that the delivery of economic prosperity and economic growth is dependent on creating '*a viable and flexible supply of quality employment land and premises*' including business parks, in order to attract '*new and innovative businesses, to enable existing businesses to grow, to bring empty plots into economic use and to create new and retain existing jobs.*'

It is noted that there has been significant concern raised through representations, that the proposal would see the use of Peakeside House moving away from its original purpose as an office building, to a use which is out of character with the business park. However, the proposed tenant is only one of a number of life sciences firms moving to Tytherington Business Park to setup laboratory spaces within former commercial and office units. This represents the flexibility and adaptability of the employment spaces built on this site between 1997-2003, in responding to the needs of new and existing, innovative and high value businesses.

The principle of the development would therefore support the aims and strategic priorities of the local plan, by bringing new use to an unoccupied building, attracting new employment to the area and reinforcing the already strong presence of the pharmaceutical research and development industry in Macclesfield and Cheshire East.

It should also be noted that, contrary to many of the comments received in response to this application, the land use classification of the site would remain as Class E (Commercial, Business and Service), as it has been designated since its construction and was marketed as such for a period of over 15 months prior to this application. This is evidenced both in the design & access statement and the air quality assessment provided with the application, which underline that the use of the site will be purely research-based, functioning under operating hours of 7.30-5pm and involving no industrial scale processing of chemical substances or incineration.

Uses within class E, including research and development, are generally those that can be carried out in a residential area without detriment to its amenity. This will be discussed further below.

Taking the above into consideration, it is considered that the principle of this development is acceptable, subject to its compliance with other relevant policies of the local plan.

### **Design & Character**

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

SD2 of the CELPS states that development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of; height, scale, form and grouping, choice of materials, external design features, massing of development, green infrastructure and relationship to neighbouring properties and street scene. These policies are supported by the Cheshire East Design Guide SPD.

Policy GEN1 of the SADPD states development proposals should reflect the local character and design.

During the course of the application concern was raised through public consultation responses that the proposals due to their size, scale and design represented overdevelopment of the site in a form that is not in keeping with the building to which the development pertains, or with surrounding commercial and residential buildings and would thus be considered detrimental to the character and appearance of the area. This concern was raised with particular regard to the Children's Nursery to the South of the site and the residential properties on Cotton Crescent to the West, from which the greatest number of objections were received.

The proposal is primarily for the erection of two chimney stacks to the rear of the building measuring 1.5m in width at the widest point and extending 3m above the ridge of the existing building, with a maximum height of 14m. The proposed chimneys, whilst being above the ridge height of the main building, are not excessively large so as to appear dominant and out of scale; the projection of the chimneys 3m above the roofline will represent a relatively minor addition when viewed from the frontage.

To the rear and sides, the chimneys will appear more visible, despite being partially screened by trees and vegetation to the South and West, as well as the 2.5m fencing proposed which would minimise the visual impact of the chimney bases and associated plant equipment. The applicant has proposed cladding the chimneys in green pvc lining, as stated in the design & access statement and application form, suggesting that this will help to visually merge them with the site and immediate surroundings, reducing the industrial appearance of the scheme. However, whilst this green cladding may help blend the chimneys with the existing landscaping at lower levels, at the upper level it may appear rather incongruous. A galvanised steel or grey colour may in fact be preferable, similar to lamp posts in the vicinity. Discussions are ongoing with the applicant regarding the materials, and further details will be provided as an update.

It should also be noted that while Peakside House is two-storeys in height, other units to the South and beyond the nursery are three-storey and higher than the extent of the proposed stacks, owing to the lower ground level of Peakside House. Unfortunately, the landscaping to the rear and East side of the site appears to have been reduced over recent years and is lacking in coverage; as a result the stacks will inevitably be visible and eye-catching from within the business park, and will fundamentally change the character of the office building, and be reflective of its proposed use.

Policy GEN1, whilst seeking to maintain the beauty and aesthetic quality of buildings and places, also makes equal provision for supporting schemes which "*create buildings and spaces that function well, are fit for purpose and yet are innovative, adaptable and flexible*". This development adds to the external form of the existing building, while being wholly reversible should the function of the space return to its original office use in future. As such, the application can be seen to represent a flexible and innovative re-use of a vacant building, in response to changing business needs and economic conditions within the business park and the wider borough.

Based on the fact that the local plan strategic priorities give significant weight to proposals which sustainably promote the growth of business and economic prosperity, combined with the

degree of visual relief afforded to the site by way of the stacks not surpassing the extent of vertical massing on the business park and being sufficiently screened from view by treelines and separation from residential areas, the proposal is considered acceptable in accordance with the relevant design policies of the local development plan.

### **Living Conditions**

CELPS Policy SE1 states that development should ensure an appropriate level of privacy for new and existing residential properties. Policy HOU12 of the SADPD states development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive users or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

Due to the nature of the proposals, there is no risk of a loss of sunlight or privacy towards nearby residential properties in the immediate area. However, during the course of publicity period, concerns were raised from interested parties regarding potential overbearing impacts, environmental disturbance in the form of air pollution and noise from the stacks and issues with access and traffic due to a potential shortage of parking on site following the removal of 18 existing spaces.

Policy HOU11 refers predominantly to extensions and alterations to residential buildings. However, within the additional information attached to this policy, it is stated that in assessing whether a development is out of keeping with the scale of its surroundings and therefore overbearing, attention will be drawn to height, massing and material finishes. While the height of the stacks exceeds that of the roofline, their overall massing in comparison with the footprint of the building is minimal.

The nearest residential development to the position of the Western stack is 65m, separated by two treelines either side of the swale between the business park and the residential area. To the East, the closest residential developments are positioned behind two large warehouse units which would completely obscure any view of the chimneys from these properties.

### **Environmental Disturbance & Pollution**

Policy SE12 of the CELPS seeks that all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm.

Policy ENV12 states that proposals likely to have an impact on local air quality will be expected to provide an air quality assessment. Where this assessment shows that the development would cause harm to air quality either in construction or operation, without appropriate mitigation, permission will be refused.

The potential for harm to the local air quality was the most significant concern raised in representation by residents of the surrounding area, with particular regard to the proposed use of the chimneys and the substances which would be emitted into the atmosphere around the site, especially towards the children's nursery to the immediate South and residential properties to the West. As no air quality assessment was provided with the initial application pack, many local residents were concerned that industrial scale processes such as chemical manufacturing or incineration would cause harmful pollution to be discharged from these stacks in an area dominated by residential and non-industrial commercial space. Due to the scale of the chimneys and lack of information initially provided as to the exact function and operation of the building, it is understandable that such concerns were raised.

However, during the course of the application, an air quality assessment was provided which carried out an analysis both of dust and particulate effects from the construction phase, as well as emissions relating to the operational phase and the increase in vehicle movement to and from the site. This assessment firstly concluded that in the construction phase, dust emission from earthworks and construction processes would be '*small*' in each instance. Secondly, the assessment concluded that during the operational phase, even in the hypothetical 'worst case scenario' in which 5L of acetone (the most hazardous substance to be used on site) was spilled simultaneously in all 50 fume cupboards serviced by each chimney stack, the air concentration of harmful fumes would be 760ppm (parts per million) which is roughly 1.5x the workplace exposure limit for an 8-hour period. Given that this scenario is extremely unlikely and that the extraction system would split the contaminated air between both stacks, it is therefore concluded that the potential harm to sensitive receptors in the immediate area would be negligible.

The Environmental Health team were consulted following the receipt of this assessment and confirmed that they had no objection to the proposals as the predicted impact was '*not significant*'.

A Noise Impact Assessment was also conducted on site by the applicant, which concluded that the noise impact of the site operation would be low at the nearest residential receptors and there would be no adverse impact on the nearby office buildings and the children's nursery. As such the report indicates that no noise mitigation measures are required and these methodology, assessment and conclusions are accepted by the Environmental Health team. Standard informatives were recommended to address noise generative issues, vibration and dust from the construction phase.

Based on the above, the proposed development is considered acceptable in line with the relevant policies of the local plan regarding amenity, pollution and all other environmental disturbances.

### **Nature Conservation**

Policy SE3 of the CELPS and ENV2 of the SADPD require all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

In consultation with the nature conservation officer, no objections were raised subject to a condition recommending the submission of a biodiversity enhancement strategy to be

implemented prior to development, including provision for nesting birds and roosting bats. Subject to this condition the proposal will comply with the biodiversity policies listed above.

### **Highways Safety & Parking**

Policy CO1 of the CELPS considers matters of highway safety, while Appendix C of the CELPS identifies Parking Standards in Principal Towns and Key Service Centres and for the remainder of the borough. The LPA will vary from the prescribed standards where there is clear and compelling justification to do so.

Policy INF3 of the SADPD refers to highway safety and access, stating development should provide safe access to and from the site for all highway users.

It is noted that one of the concerns raised by residents of the area in response to this proposal was the likelihood of increased traffic through the business park and parking pressures resulting from the creation of new jobs on the site and loss of 18 existing parking spaces.

Appendix C states that for sites operating under 'light industry' (formerly class B1), the required provision of parking is given as 1 space per 30m<sup>2</sup> of floorspace. The total internal floorspace of Peakeside House is given as 2,336m<sup>2</sup> on the floorplan provided on the Orbit Investments website, which results in a parking requirement of 77 spaces and a disabled space requirement of 2. These standards are comfortably met, despite the removal of 18 spaces, as the remaining provision will total 98 spaces and 4 disabled spaces. Furthermore, the provision of 20 cycle spaces is included in the proposal, which exceeds the requirement of 6 for this site, as determined based on the Appendix C requirements.

Based on the above, in combination with the fact that no pollution concerns were raised by Environmental Health regarding any changes to vehicle movements to the site, the application is considered to comply with the relevant policies of the local plan regarding highway safety and parking.

### **CONCLUSION**

The comments received in representation are acknowledged and have been considered within the assessment above. However, it is considered that whilst the proposed chimney stacks and associated works will have some visual impact within the immediate vicinity of the site, they are appropriately scaled and suitably limited in form so as not to cause any significant harm to the overall character and appearance of this commercial area. Furthermore, it is noted that Tytherington Business Park is emerging as a focal point for businesses within the pharmaceutical research and drug discovery industry and this development represents safe and precautionary additions to a vacant building in order to support the growth of this industry and enhance the local economy and employment quality. There is no harmful amenity, environmental or highways impacts anticipated as a result of this scheme, and therefore it should be supported in order to contribute to the delivery of Cheshire East Strategic Priority 1 for *'Promoting Economic Prosperity'* by pro-actively exploiting growth opportunities and building on the current success of the pharmaceutical industry in Macclesfield and the wider borough. A recommendation of approval is therefore made.

## **RECOMMENDATION**

### **Approve subject to the following conditions.**

1. Time period for implementation - 3 years
2. Development to be in accordance with approved plans
3. Materials to be agreed
4. Provision of vehicle and cycle parking as shown on approved plans, including 4no. disabled parking bays and retention thereafter.

*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 Chair (or in their 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.*

