

Application No: 13/1365M

Location: Trinity Court, Risley Street, Macclesfield, Sk10 1BW

Proposal: Extensions to the existing care home to provide an increase in the number of bedrooms. There are 40 existing bedrooms, the extensions will allow 29 bedrooms to be added to provide a total of 69 bedrooms. The extensions include enlarging the buildings footprint to the east and west, and adding an extra floor (third floor) to most of the building - the additional floor will be in the form of a mansard. The existing single storey wing, closest to Riseley Street, will be altered to be three storeys (currently one storey), where it faces the site car park toward the west, however the roof of this part slopes down to retain the single storey building closest to the houses on Grosvenor Street.

Applicant: Edmund Carley, Oaklyn Construction Ltd

Expiry Date: 06-Aug-2013

Date Report Prepared: 19 July 2013

SUMMARY RECOMMENDATION

Approve, subject to conditions and the completion of a S106 agreement

MAIN ISSUES

- Principle of the Development
- Developer Contributions
- Design, Layout and Visual impact;
- Landscape/Trees;
- Highways;
- Residential Amenity;
- Nature Conservation;
- Environmental Health; and
- Other Material consideration, or matters raised by third parties.

REASON FOR REPORT

This application is brought before Members in line with the Council's Constitution, any development in excess of 10 dwellings should be determined by Committee. The application seeks full planning consent for an additional 29 bedrooms.

Subject to the recommended conditions and Legal agreement, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

DESCRIPTION OF SITE AND CONTEXT

The application site consists of a nursing home. The site is near to the town centre and Macclesfield District General Hospital. The area is predominantly residential in character, but with some commercial property along one site boundary. The properties range from Victorian, through Edwardian to contemporary.

The site adjoins residential properties to the south, across Riseley Street (three storey Victorian properties), and to the east to the rear of properties on Grosvenor Street (including Western Garage), and to the rear/side of properties which front Whalley Hayes (the road opposite Sainsburys). The site also has a boundary with commercial properties at the top end of Grosvenor Street. To the north of the site (on Cumberland Street) are commercial properties and to the west are a children's day nursery, offices and a Masonic Hall.

The application site comprises a detached part single, part two storey brick built nursing home which was built in the 1980's. The building has brick walls and sloping roofs. The windows are a similar brown colour to the walls and roof. The internal layout of the building is extremely complicated. The existing building is not aesthetically pleasing.

The nursing home has 40 bedrooms and communal lounge areas as well as on site catering and admin rooms. The existing bedrooms do not benefit from ensuite bathrooms. Ensuite bathrooms are very much part of a modern standard for nursing homes. The nursing home has been vacant for approximately 5 years, since it was closed.

The existing nursing home has the main vehicular access from Riseley Street (to the south) and 11 car parking spaces are currently provided in a forecourt area. 4 additional car parking spaces are accessed from Whalley Hayes.

There are a number of mature trees located along the boundaries of the site, the majority of which are protected by a Tree Preservation Order.

The site falls within a Predominantly Residential Area as outlined in the Macclesfield Borough Local Plan 2004.

The application site is bound to the northern boundary by a hit and miss fence (approximately 1m in height) and a 1m to 2m high brick wall to the southern boundary.

The application site is located within a predominantly residential area.

There is a clear mix in the type, age and design of properties within the immediate area (including semi detached and terraced two storey dwellings and commercial properties) and no single architectural characteristic prevails.

DETAILS OF PROPOSAL

Full Planning Approval is sought for the construction of an additional 29 bedrooms. The total number of bedrooms would therefore, be increased to 69.

The proposals also seek to enhance the amenity standards within the care home and bring them up to a modern level of acceptability. Each of the 40 existing bedrooms amenity spaces will be increased by approximately 25% with the provision of ensuite facilities, shower wet room and WC. The result is a proposal which see an extension of the floor plan outwards towards all the boundaries. This allows for a rationalisation of the structure and simplification of the buildings envelope and built form.

The proposal will enable Trinity Court to have three separate floors to address various levels of care, although all residents will be free to move around the whole building as they choose.

The roof structure would be removed completely apart from the wing on the eastern boundary. The new second floor accommodation would be a mansard type structure clad in slate. The mansard will sit behind a parapet wall in traditional mansard style in order to minimise the impact of the additional storey when viewed from ground level. In the main, the additional floor with a mansard style roof will be no higher than the existing ridge height of the building.

Internally, many of the walls (previously required to support the roof structure) would be removed to create brighter, airy spaces. An outdoor roof terrace would be formed on the first floor, on the eastern side of the care home, in the area opposite Western Garage. Two atrium areas would also be formed. The care home would benefit from a communal garden/amenity space around the building.

The main access to the parking area would be from Riseley Street, in a similar position to the existing, however, the area has been enlarged (from 11 spaces) to accommodate 12 cars (including 3 disabled spaces). A further 4 spaces are proposed off Whalley Hayes.

A location has been identified for refuse bins, on the western side of the care home.

The application is made by Oaklyn Construction, a local company who have been providing care for the elderly for almost 25 years in three other facilities.

RELEVANT HISTORY

29149P	40 Place elderly persons home with staff accommodation - Approved - 22-Apr-1982
66124P	Retention of use as elderly persons home -

Approved - 11-Mar-1991

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

North West of England Plan Regional Spatial Strategy to 2021:

Please note that the Secretary of State for Communities and Local Government revoked the North West Regional Strategy on the 20 May 2013. Therefore, this document no longer forms part of the Development Plan.

Local Plan Policy:

The site is located within a predominantly residential area as allocated on the Macclesfield Borough Local Plan. A number of trees on the site are protected by Tree Preservation Orders (TPO's). Therefore, the relevant Macclesfield Local Plan Saved Policies are considered to be:

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- NE11 Nature Conservation;
- BE1 Design Guidance;
- RT1 Open Space;
- T2 Provision of public transport;
- DC1 New Build;
- DC3 Amenity;
- DC6 Circulation and Access;
- DC8 Landscaping;
- DC9 Tree Protection;
- DC37 Landscaping; and
- DC38 Space, Light and Privacy
- DC57 C2 Residential Institutions

Other Material Considerations:

National Policy:

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Supplementary Planning Documents:

The following Supplementary Planning Documents (SPDs) have been adopted and are a material consideration in planning decisions:-

- Supplementary Planning Guidance on Section 106 Development (Macclesfield Borough Council); and

CONSULTATIONS (External to Planning)

HIGHWAYS:

The Strategic Highways Manager raises no objection, subject to a Section 106 agreement attached to the delivery of a site Travel Plan, and contribution towards the ongoing implementation and enforcement of Traffic Regulation Orders within the Macclesfield Resident Parking Zone, and on Whalley Hayes. It is considered that these measures are necessary to limit the severity of the proposed development on the amenity of surrounding residential streets.

ENVIRONMENTAL HEALTH:

No objection is raised subject to conditions relating to hours of operation and dust control.

MACCLESFIELD CIVIC SOCIETY:

Macclesfield Civic Society support the scheme in principle. This is a good location for such a facility and its return to beneficial use is to be welcomed. The factors to be assessed include the effect of the increased height and massing upon the amenities of nearby residents in terms of potential overlooking and dominance and secondly, the impact upon the mature tree cover on the site which has value in screening/softening the impact of the new building form.

REPRESENTATIONS

The planning application was advertised by the Council through neighbour notification letters that were sent to all adjoining land owners and by the erection of a site notice. Neighbours were renotified and a new site notice was posted, with a revised description of development to ensure that residents were fully aware of all the proposals. The last date for comments expired on 26th July 2013.

Representations have been received from 6 properties on Grosvenor Street and Whalley Hayes. The objections/concerns raised are summarised as follows:

- Affect on privacy / overlooking and consequential loss in property value;
- Lack of clarity from the plans;

- Existing loss of early afternoon sun to properties on Whalley Hayes due to the size of the Lime Trees that run along the boundary from Whalley Hayes towards Riseley Street and the Tree at the front of Trinity House,
- In the proposal, Trinity Court is referred to as an "existing nursing home". However, the property was in fact a residential care home subject to specific legislation. The legislation specific to nursing homes can have a major impact on the requirements which would have to be included in the proposed plan for the site;
- Lack of parking despite the increase in clients, staff and visitors.
- There is no indication of a supply of disabled parking;
- There is no indication of trade access and parking;
- Parking on Cumberland Street is open to public parking and two parking spots are directly in front of a fire exit;
- The impact of outdoor security lighting on residents' properties, and potential to infringe on privacy;
- The building footprint is to be increased by approximately 30% which reduces the garden area for clients;
- The application indicates that the property is currently NOT vacant. I understand the property IS currently vacant;
- There should be no building working on Saturday or Sunday Extensive gardening work has already been carried out on a Sunday (2nd June) despite the assurance on the proposal that building work will only occur Mon-Sat.;
- Confirmation of who owns and maintains the retaining boundary wall between the back gardens of Grosvenor Street and Trinity Court is requested. When this was owned by Trinity they declared they owned and were responsible for maintenance. Trees have been removed (Trinity Grounds) and caused severe damage to the wall on both sides;
- An assurance is needed that the new owners will keep the tree/shrub growth under control on the Trinity side of the wall between Trinity and Grosvenor Street. Damage to the wall and even the possibility of it being pushed over is possible if trees are left to grow too close or even into the brickwork;
- The area around the complex is a good residential area where residents take pride and care of their surroundings. Increasing the height and the capacity of the home simply seems "out of place" here. It cannot be described as being sympathetic with the immediate area.

APPLICANT'S SUPPORTING INFORMATION

The following detailed reports were submitted with the application:-

- Design & Access Statement;
- Planning Statement
- Arboricultural Statement
- Heads of Terms for S106 legal agreement.

OFFICER REPORT

Principle of the Development C2 - INSTITUTIONS:

The site is identified as being within a predominantly residential area within the Macclesfield Borough Local Plan.

The site (including the open space beyond) is identified within the Strategic Housing Land Availability Assessment 2012 (SHLAA) as part of the Council's 5 year land supply. The site is assessed as being suitable, available, developable and deliverable. Therefore, it has to be acknowledged that this site would come forward for development.

There is no objection in principle to the extension of the care home within a predominantly residential area. It is considered that this development on this site would provide a much higher standard of accommodation than that already available.

The relevant Local Plan Policy for assessing this application is Policy DC57. This policy states that proposals for residential institutions, accommodating seven or more people will be subject to the following criteria:

1. The site must be close to local facilities such as bus services, local shops and other community facilities and is normally sited in a residential area;
2. a satisfactory balance of residential uses must be maintained in any neighbourhood and that the concentration of specialist housing and care facilities is avoided;
3. the development must not materially prejudice the amenity of neighbouring property by virtue of overshadowing, overlooking, loss of privacy and noise disturbance;
4. the development must comprise a reasonable sized private garden in the order of 10 sq metres per resident, for the use of residents, which has a pleasant aspect and is not overlooked or overshadowed;
5. that the development satisfies the general requirements for all developments including the provision of on site car parking for residents, staff and visitors;
6. vehicular and pedestrian access should be safe and convenient, particularly by the adequate provision of visibility splays.

Each of the above criteria is addressed below: -

1. The site falls in a sustainable location, close to the town centre, shops and facilities. Bus routes run close to the site.
2. Although the Macclesfield District General Hospital and Prestbury House Care Home are nearby, it is not considered that the extension of this existing care facility would give rise to a concentration of specialist house.
3. As the site is surrounded by existing residential properties to the east and south and commercial properties to the west. The relationship between these properties and the proposed extended care home has been considered. Local Plan policies DC3 and DC38 relate to amenity for residential development. DC38 sets out guidelines for space between buildings which developments should aim to meet.

These policy tests have been taken into account when assessing this application and whilst the scheme is a high density scheme that is compact, it is considered that this scheme broadly accords with these guidelines.

In further detail, working in a clockwise direction around the site from the north: -

The north east elevation - fronting Whalley Hayes.

- There are no properties opposite this elevation.

The east elevation - fronting the side elevation of 58 Whalley Hayes.

- The distance between the proposed extended care home and the side elevation of no 58 Whalley Hayes would be approximately 24m – Local Plan Policy DC38 requires a minimum distance of 16.5m for the interface distance between a three storey building with habitable rooms and side elevation of another property. Although the proposal includes the addition of a third floor, there would be no increase in the height of the care home and due to the orientation of the properties, it is not considered that there would be a significant loss of light to the properties fronting Whalley Hayes. A first floor roof terrace is proposed approximately half way along the eastern elevation of the care home. This would face Western Garage. It is not considered that there would be a significant impact on neighbouring properties due to the distance of the roof terrace from the boundary and mature tree cover.

The east elevation - fronting the rear elevation of 9 Grosvenor Street.

- The distance between the proposed extended eastern elevation of the care home and the rear elevation of 9 Grosvenor Street would be approximately 21.5m – Local Plan Policy DC38 requires a minimum distance of 16.5m for the interface distance between a blank elevation of a three storey building and rear elevation of another property.

The east elevation - fronting the rear elevation of 3 - 9 Grosvenor Street.

- The distance between the proposed extended eastern elevation of the care home and the rear elevations of nos 3 – 9 Grosvenor Street would be approximately 21m – Local Plan Policy DC38 requires a minimum distance of 25m for the interface distance for the back to back distances between a rear elevation with habitable rooms and the rear elevation of another property. The potential for overlooking to these properties was considered by the original architects of the care home and the proposals do not encroach significantly on this area. The Grosvenor Street properties are at a lower ground level than the care home site and there is a wall on the boundary between the properties. Given that the care home would only be single storey in this part of the site, it is considered that there would be no overlooking from the care home windows, and the extended care home would not appear overbearing.

The south elevation - fronting the 8-12 Riseley Street.

- The distance between the proposed extended two/three storey southern elevation of the care home and the front elevation of the Riseley Street properties would be approximately 19.5m – Local Plan Policy DC38 requires a minimum distance which would range between 16.5m and 21m for the interface distance for the front to front distances, dependant on the siting of windows. In this case there is one window on this elevation, opposite no. 10 Riseley Street. Given that this relationship would be at a slight angle and there is a degree of screening provided by mature trees along the Riseley Street boundary, it is considered that this relationship would be acceptable, and the extended care home would not appear overbearing.

The western elevation – fronting commercial properties.

- The western elevation of the extended care home would largely face commercial properties and this relationship is considered to be acceptable. The southern wing would have some windows incorporated in it on all three floors, however, due to this elevation being at an approximately 80 degree angle; it is not considered that there would be a significant amount of overlooking.

In conclusion, it is considered that the application proposals do not have a detrimental impact on residential amenity to the surrounding properties through overlooking, loss of privacy or overbearing. This is due to the distances proposed, their relationship and existing boundary landscaping.

4. Accommodation would be provided for up to 69 residents. This would require a private garden in excess of 690 sq metres for the use of the residents. The garden area on the eastern side of the care home would be in excess of 1 000 sq metres, which would have a pleasant aspect and due to the mature landscaping, it would not be overlooked or overshadowed;
5. The existing car parking provision would be retained and parking provision for 16 cars would be made available. Comments are awaited from the Strategic Highways Engineer, in relation to the level of parking proposed, however, the site lies in a highly sustainable location and the Whalley Hayes car park is located close by, therefore, it is not anticipated that an objection would be received from the Strategic Highways Engineer on the grounds of lack of parking.
6. As above, comments are awaited from the Strategic Highways Engineer, however, given the historic use of the site as a care home, it is not anticipated that the Strategic Highways Engineer would have any significant concerns with regards to vehicular or pedestrian access.

The proposal therefore complies with the key relevant Development Plan policy for care home development: DC57. In accordance with paragraph 14 of the NPPF, the decision taker should be granting permission unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

As such Members should only be considering a refusal of planning permission if the disbenefits of the scheme significantly and demonstrably outweigh the benefits of approval.

Developer Contributions:

The Council would be looking for a commuted sum in order to provide Amenity Open Space within the immediate locality. Additionally, in accordance with the Council's SPG on S106 (Planning) Agreements, in line with the current CEC policy.

The SPG requires a contribution of £750 per bedroom, therefore the total contribution required based on 29 bedrooms is £21 750. The requirement for play and sport and recreation are waived in recognition that future residents are unlikely to make use of such provision.

The commuted sum would be used to make amenity improvements, additions and enhancements in West Park, which is across the road from the development. Amenity improvements include by way of example; seating, landscaping, access improvements, signage and interpretation etc and may also include projects specifically targeted at the future residents of the care home, such as appropriate fitness equipment.

Design, Layout and Visual impact:

The proposed extensions are clearly large in nature, by virtue of the way the buildings footprint would be made both wider and the fact that the majority of the site building would be increased in height from two to three stories to provide the additional bedrooms. The middle section would have an additional storey added in order to make a large reception/foyer area and communal areas on the upper floors, which would have atrium roofs above.

The existing building has a dated appearance. The proposals add larger amounts of glazing and the render will provide a modern design.

It is considered that the scale of the development is in keeping with the massing, rhythm and general character of the existing context.

The external walls would be treated in a mixture of render (colour to be agreed) and hanging slate. The pitched roofs would be slate. These materials are considered to be acceptable for this location.

Landscape/Trees:

The Arboricultural Officer has been consulted with regards to the proposal and raises no objections.

The proposed re-development of the site can be accommodated with the removal of a limited number of low value trees and shrubs, the impact of which on the amenity of the area is considered negligible.

The two primary alterations to the existing site in arboricultural terms relate to the expanded build footprint and alterations to the car parking layout.

Some trees are highlighted for removal within the group which front Riseley Street. These are considered to be of low value. These don't form part of the existing Tree Preservation Order on the site which was served in 2007, and are not considered worthy of formal protection.

The revised car parking layout associated with the southern aspect of the site encroaches within the Root Protection Area of the linear group of Limes which form the Riseley Street frontage. Existing levels appear to be able to accommodate the revised layout with new hard surfacing to be installed to an engineered designed specification and method statement. It is considered that this relationship would be acceptable.

The expanded build footprint has no direct implications in terms of direct impact on protected trees with the revised footprint established an acceptable distance from the group adjacent to 58 Whalley Hayes. The tree adjacent to 11 Grosvenor Street was omitted from the Tree Preservation Order as a result of its position in relation to the existing building. A number of areas of ground protection, and an engineered designed surfacing will be required, but this can be accommodated within current best practice guidelines, without detracting from the trees.

The revised footprint does not establish a significantly worse relationship to the protected trees. Issues of light and nuisance, should an application be received under the TPO legislation, could be confidently dealt with on merit.

With an appropriate condition, officers are comfortable that the development can proceed without having a detrimental impact on the protected trees and the proposal is considered to comply with Policy DC9 of the Local Plan, which seeks the retention of protected trees.

The majority of the existing boundary treatments can be retained and overall, a satisfactory landscape scheme is capable of implementation and the proposal complies with policy DC8 of the Local Plan.

Highways:

The Strategic Highways Manager raises no objections to the proposals. The site is located within a comfortable walking distance of amenities and essential services within the town centre, with the main retail centre lying within a five minute walk of the site entrance, and all local (bus) and strategic (rail) public transport connections no further than 10 minutes travel on foot.

The site is therefore considered to be sustainable for the purposes of promoting viable alternatives to staff that would be employed at the site.

Access and Parking

The principal means of access to the site would be via Riseley Street, as per that of the historic care home use on the site. It would provide access to 12 car parking spaces. A further 4 spaces would be provided to the rear of the site (via Whalley Hayes), utilising existing bays located at 90 degrees to the public highway.

Notwithstanding the sustainable location of the site, it should be noted that the supply of parking is a concern to the Strategic Highways and Transportation Manager, both in terms of employees at the site, and visitors during designated periods. The recommended standards used by Cheshire East Council state the following for residential institutions: -

- Residents: 1 per 3 beds
- Staff: 1 per resident staff and 1 per 2 non-resident staff
- Provide drop off / pick up with easy access to the entrance for ambulances

If applied to the recommended standard, there would be a requirement to provide 23 spaces for residents alone, which significantly exceeds the proposed level of 16. This allocation is clearly not feasible within the footprint of the site, and could not be achieved even if the available green space was reduced to provide additional bays. It is acknowledged that the level of car ownership amongst residents is likely to be low in view of the type of provision and the location of the site, therefore a more modest level of provision would be appropriate.

The Planning Statement asserts that the site would create employment for 80 staff; however, in view of the 24 hour a day / 7 day a week operation of such sites, it is likely that the actual requirement at a specific time would be significantly less than this, and the applicant's prediction that there would be a requirement for approximately 15 staff at a given time appears sensible. Notwithstanding this, there would be additional demands upon parking created at shift change times that would potentially create congestion within the site and its environs if the available resource is not managed correctly from the commencement of operations at the site.

Resident Parking Zone H (Riseley Street)

The immediate frontage to the site on Riseley Street is of a residential nature, characterised by terraced property. It has been subject to historic occurrences of on-street parking nuisance associated with major trip attractors to the area, including the town centre and the nearby General Hospital. To this end, the local street network defined by Cumberland Street to the north and Chester Road to the south has been designated as the Macclesfield Zone H Residents Parking Zone (Prestbury Road), and was implemented in 2011. The zone includes Riseley Street and its immediate environs, with designated bays, and "No Waiting" restrictions to prevent parking outside of the permitted area. This scheme effectively reduces opportunities for users of the Trinity Court Scheme to use local streets for parking purposes to the immediate south of the site without penalty.

Whalley Hayes

To the northern frontage of the site, Whalley Hayes is of strictly limited width, and therefore, not conducive to parking, as it would potentially obstruct the onward flow of traffic close to the junction with Cumberland Street. There is an existing "No Waiting at any Time" plate at this location; however, it is relatively inconspicuous at present and not reinforced by associated

road markings such as double yellow lines. It is considered that additional enforcement is required at this location to prevent overspill parking from the site at this sensitive location.

Public Parking

It is fully acknowledged that the sustainable location of the site provides ready access to sustainable travel modes and amenities within the town centre. It also enables access to significant levels of public parking within a comfortable walking distance. The closest parking provision is located at Whalley Hayes within 75 metres of the site entrance, with 258 spaces available on a daily basis. The tariffs for this car park range between 70p for one hour, up to £5.50 for the full day.

The location of this car park is considered to be an advantage to the site in terms of directing visitors to this location. For staff, the cost may prove prohibitive if there is no perceived alternative to the private car. The car parks are free of charge outside of the daytime period (08.00 – 18.00); however, this may not be considered a viable option to lone, or vulnerable staff members during hours of darkness.

Emergency Vehicles

It is noted that there is no specific provision identified on the submitted plans for the accommodation of emergency vehicles. It is not clear whether such provision is required for a development of this nature; however, it is considered that the means to which it would take place should be adequately demonstrated.

Highways Summary

In summary, the Strategic Highways Manager raises no objection, subject to a Section 106 Agreement attached to the delivery of a site Travel Plan, and contribution towards the ongoing implementation and enforcement of Traffic Regulation Orders within the Macclesfield Resident Parking Zone, and on Whalley Hayes. It is considered that these measures are necessary to limit the impact of the proposed development on the amenity of surrounding residential streets:

- Parking within the site is considered to be insufficient; however, the potential severity of this impact within the local area is reduced by the following:
 - The presence of the Macclesfield Resident's parking zone would serve to limit the extent to which local overspill demand could be manifested on surrounding streets to the south of the site (including Riseley Street), without risk of penalty to the user.
 - There is limited opportunity to park on street to the north of the site – existing restrictions exist on Whalley Hayes, of which the effectiveness could be improved by a suitable contribution
 - The site is located adjacent to a large public car park for use by visitors and staff – the car park is free of charge after 18.00
 - The site lies in a sustainable location, with access to amenities and public transport within a comfortable walking distance

- Measures could be put in place through a suitable site Travel Plan that would look to achieve the following, not only from the perspective of limiting impact upon local parking, but also in terms of the commercial benefits to the operator:
 - Provision of a suitable parking management plan, identifying relative priority for the following user groups:
 - Residents (including those with disabilities)
 - Staff (including lone or vulnerable users on late shifts)
 - Visitors
 - Emergency Vehicles
 - Provision of additional capacity through “contract” permits for the Whalley Hayes Car Park to address essential car user needs at the site
 - Promotion of sustainable measures to staff and visitors:
 - Information for walking, cycling and public transport
 - Viable incentives to use of sustainable modes (discounted travel, national bike schemes etc)
 - Provision of appropriate covered cycle parking in accordance with emerging Cheshire East Standards

Accessibility:

The purpose of the building is to provide a safe and tranquil environment for elderly people, many of whom will be wheelchair users, have sight and hearing impairment, and require a high level of carer attention. Aside from the standard observance of such details as flush thresholds, appropriate door and corridor widths and conveniently located electrical controls, the applicants have ensured that the expansion and simplification of spaces enhances the overall environment for its end users. All of the communal amenity areas have adjacent toilets and subsidiary food preparation areas. Colours will be light and simple with bold primary colours, identifying significant items such as handrails, doors, or changes of floor texture – providing clarity, as well as aesthetic appeal.

While the existing lift is proposed to be retained, it is understood that it is woefully inadequate for its purpose and inappropriately located. A new, larger lift is proposed, located prominently within the expanded entrance foyer.

In the event of fire, under the British Standard regime, the evacuation times are significantly extended. The applicant has provided generous refuge areas at each staircase landing, to allow staff the time to effectively evacuate the residents with the appropriate equipment.

Nature Conservation:

The Council's Ecologist has confirmed that there are unlikely to be any significant ecological issues associated with the proposed development.

Environmental Health:

The application site is surrounded by a mixture of both existing residential properties and commercial properties, and whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Therefore, a condition is suggested to control hours of demolition and construction works in the interest of residential amenity.

A condition to control dust from the construction is suggested to reduce the impacts of dust disturbance from the site on the local environment.

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present on the site. The Council's Contaminated Land officer has no objection to the application subject to the imposition of a condition to require a contaminated land Phase I report site and any subsequent remediation required.

OTHER MATERIAL CONSIDERATIONS

It is considered that the majority of issues raised by residents have been addressed in the main body of the report above. In addition, the following is noted: -

- The loss of property value is not a material consideration,
- This issue of security lighting has been raised.
- It is understood from the applicant that the existing security lighting is temporary, as the building has been targeted by vandals and been the subject of criminal damage. It is considered that it would be reasonable to allow low level, security lighting on the building, to assist staff and residents alike. However, in the interests of protecting neighbour amenity, it is recommended that a condition is attached to require details of any lighting to be submitted prior to installation.
- The agent has confirmed that the boundary wall is historic and was in existence before the modern domestic residences on Grosvenor Street, therefore the boundary wall must be the responsibility of the applicant. Ultimately, any disputes about repairs and maintenance of the wall are a civil matter.
- The applicant has provide assurance that the grounds will be landscaped to the benefit of the residents of the care home, however, they will endeavour to provide benefit to the neighbours too.
- Officers requested further information on the likely levels of staff who may be present on site at any one time. The applicant has confirmed that staffing levels will follow shift patterns with the expectation of 16 - 20 persons on site at any one time. The applicant aims to give employment to both young and more mature people who live locally and who may walk, cycle or use public transport to travel to Trinity Court. The applicant considers that the proposed number of parking spaces will be sufficient for normal daily traffic i.e. staff, doctors, ambulance and disabled access. The applicant is in addition, happy to propose a travel plan for both staff and visitors to the care home, which could

be secured by way of a S106 Legal Agreement as noted by the Strategic Highways Manager.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed scheme is a sustainable form of development for which there is a presumption in favour. The provision of a modern form of care home provision is a significant benefit of the scheme and should be viewed in the context of wider social sustainability, as well as the development being located in a sustainable location.

At the heart of the National Planning Policy Framework is a **presumption in favour** of sustainable development. Paragraph 14 of NPPF states that decision takers should be approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

As such Members should only be considering a refusal of planning permission if the disbenefits of the scheme significantly and demonstrably outweigh the benefits of approval.

In this instance, it is considered that the proposed extension to the care home to provide an additional 29 bedrooms is acceptable and the application is recommended for approval subject to conditions and the completion of a Section 106 Agreement.

HEADS OF TERMS

- Commuted sums of £21 750 to provide Amenity Open Space at West Park.
- The delivery of a site Travel Plan, and contribution towards the ongoing implementation and enforcement of Traffic Regulation Orders within the Macclesfield Resident Parking Zone, and on Whalley Hayes. It is considered that these measures are necessary to limit the severity of the proposed development on the amenity of surrounding residential streets:
 - The Travel Plan would look to achieve the following, not only from the perspective of limiting impact upon local parking, but also in terms of the commercial benefits to the operator:

Provision of a suitable parking management plan, identifying relative priority for the following user groups:

- Residents (including those with disabilities)
- Staff (including lone or vulnerable users on late shifts)
- Visitors
- Emergency Vehicles

- Provision of additional capacity through “contract” permits for the Whalley Hayes Car Park to address essential car user needs at the site
- Promotion of sustainable measures to staff and visitors:
- Information for walking, cycling and public transport
- Viable incentives to use of sustainable modes (discounted travel, national bike schemes etc)

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 commuted sum in lieu for amenity open space is necessary, fair and reasonable, as the proposed development will provide an addition 29 bedrooms in a care home, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities accordingly. The contribution is in accordance with the Council’s Supplementary Planning Guidance.

A Travel Plan with associated measures is necessary, fair and reasonable, as it is considered that these measures are necessary to limit the severity of the proposed development on the amenity of surrounding residential streets:

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

Application for Full Planning

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

1. A03FP - Commencement of development (3 years)
2. A05EX - Details of materials to be submitted
3. ATRA1 - Tree retention
4. ALS61 - landscaping - details of boundary treatment
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. A22GR - Protection from noise during construction (hours of construction)

8. A17MC - Decontamination of land
9. A04HP - Provision of cycle parking
10. All arboricultural works shall be carried out in accordance with Cheshire Woodlands Arboricultural Statement
11. Bin and Cycle Store in accordance with approved details
12. Dust control
13. Plan to be submitted which shows location for service / emergency vehicles to park

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