

Application No: 14/0046M

Location: Former Garage, Buxton Road, Macclesfield, SK10 1LZ

Proposal: Demolition of MOT Testing Centre and Garage and Re-development for Use Class C2 Residential Accommodation with Care comprising 47 Apartments for Persons aged 60 and over with Communal Facilities, Parking and Associated Private Amenity Space

Applicant: Mrs P Smith, Adlington and Canal and River Trust

Expiry Date: 21-Mar-2014

### **SUMMARY RECOMMENDATION**

Approve, subject to conditions.

### **MAIN ISSUES**

- The principle of the development
- Impact of the design on the character and appearance of the Conservation Area
- Highways safety, access, parking, servicing and pedestrian safety
- Residential amenity issues
- Arboricultural and forestry implications
- Ecology implications
- Landscaping
- Surface water drainage
- Other drainage matters
- Environmental Health issues (including land contamination)
- Developer contributions
- Other material considerations

### **REASON FOR REPORT**

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the Council's constitution such applications are required to be considered by Committee.

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 is located east of Macclesfield town centre, with a range of local shops and services nearby. East of the site is the Macclesfield Canal; whilst to the south is Buxton Road. To the west is a footpath with houses beyond; whilst to the north are car parks and the playing fields of Kings School. Bus stops on Buxton Road near the site give access to the town centre and Macclesfield railway station.

The former garage comprises three main single-storey blocks, built between 1930s and 1950s around a forecourt adjoining Buxton Road. Approximately two thirds of the northern part of the site is vacant land with canal moorings. There is a substation on the eastern boundary of the site. The site has a single vehicular access point from Buxton Road.

The site itself is broadly level with the canal side, however the general topography falls east-west and extensive stone retaining walls run along the north and west boundaries. The south boundary rises to Buxton Road bridge

There is no significant vegetation on the site. However, there are off-site mature trees (subject to a TPO) to the side of 38 Lime Grove which partially overhang the site. It is worthy of note that all the trees within a Conservation Area are afforded similar protection.

The site lies within the Macclesfield Canal Conservation Area and it is immediately adjacent to Buxton Road Conservation Area.

## **DETAILS OF PROPOSAL**

This application seeks full planning permission for the demolition of an MOT testing centre and garage and the re-development of the site for residential accommodation (Use Class C2) with care comprising 47 apartments for persons aged 60 and over, with communal facilities, parking and associated private amenity space at Buxton Road in Macclesfield.

The proposed building is centrally located on the site in a linear block with a double aspect. The proposed accommodation is three storeys in height. Access is from Buxton Road with parking to the front. The main entrance of the building would face Buxton Road. The scheme would comprise; 6 one bed apartments, 34 two bed apartments and 7 three bed apartments. The building would be mainly red brick, with render gables with a slate roof.

Within the development, there would be a; communal lounge, restaurant, office and facilities for 24 hour care, reception and small shop for residents, quiet lounge, hairdressers, therapies suite, spa room/ assisted bathroom, guest suite and internal 'mobility scooter' store.

The Care Statement accompanying this planning application sets out how the scheme would operate. A C2 permission will restrict the age and use of the scheme, following the same principles to that established for previous consents considered by the Council.

## **RELEVANT HISTORY**

There is no relevant planning history of the site that relates to this application.

## **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).

### **Local Plan Policy:**

The front section of the application site lies within a housing proposal allocation, whilst the rear portion of the application site lies within a 'Mixed Use Area' as defined by the Macclesfield Borough Local Plan (MBLP). The site lies across the Canal from Puss Banks School which lies within the designated Green Belt and Area of Special Landscape Value, but these designations do not apply to the application site. The site is however within the Macclesfield Canal Conservation Area, therefore the relevant Local Plan policies are considered to be: -

- Policy H4: Housing Sites in the Urban Areas;
- Policy E1: Mixed Use areas;
- Policy H13: Protection of residential areas;
- Policy BE1: Design Guidance;
- Policy DC1: New Build;
- Policy DC3: Amenity;
- Policy DC6: Circulation and Access;
- Policy DC8: Landscaping;
- Policy DC9: Tree Protection;
- Policy DC37: Landscaping;
- Policy DC38: Space, Light and Privacy;
- Policy DC57: C2 Residential Institutions;
- Policy BE3: Conservation Areas;
- Policy BE4: Design Criteria in Conservation Areas;
- Policy NE1: Landscape Protection and Enhancement;
- Policy NE2: Protection of Local Landscapes;
- Policy NE11: Nature Conservation;
- Policy RT1: Open Space;
- Policy T2: Provision of public transport;
- Policy T3: Pedestrians; and
- Policy T4: Access for People with Restricted Mobility.

### **Other Material Considerations**

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. The relevant Sections include:-

- The Framework (paragraph 7) requires good design as a key aspect of sustainable development. Developments should contribute positively to making places better for people. It notes 'good design' is more than aesthetics and takes account of for example function, optimising site potential to sustain the locality, and creating safe and accessible environments.
- The Framework (paragraph 13) relates to conserving and enhancing the historic environment with particular relevance to conservation areas and impact of development upon heritage assets.

### **Supplementary Planning Guidance:**

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- Supplementary Planning Guidance on Section 106 Development (Macclesfield Borough Council);
- Macclesfield Canal Conservation Area Appraisal and Management Proposals.

### **Cheshire East Local Plan Strategy – Submission Version**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28 February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

### **CONSULTATIONS (External to Planning)**

**Canal & Rivers Trust:** The Canal & River Trust in its capacity as statutory consultee has no objection to planning permission being granted. It should be noted that the Trust is joint applicant and the terms of the sale agreement will require the developer to work in co-operation with the Trust to ensure that any risks to the canal during demolition and construction are addressed.

**Highways:** No objections, subject to conditions.

**Crime Prevention Officer:** No comments received at the time of writing this report.

**Environment Agency:** No objections subject to conditions to control contamination remediation and if any unexpected contamination is found. A condition is also suggested to control foundation details.

**United Utilities:** No objections subject to conditions to control foul and surface water details and the diversion of the sewer on the site.

**Environmental Health:** No objections, subject to conditions to control working hours, pile foundation operations and floor floating of concrete, dust control measure and to resolve land contamination issues.

**Cheshire East Adult Services:** No formal objections, but question the demand for residential nursing homes in Macclesfield.

**Cheshire East Housing:** No objections.

**Cheshire East Education:** No objections.

**Cheshire East Leisure Services:** No objections, but have requested a Greenspace contribution of £35,250.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Not applicable.

## **REPRESENTATIONS**

The application has been duly advertised on site by the means of a site notice and neighbouring properties have been written to directly. Notice was also published in the local press.

### **Macclesfield Civic Society:**

The Society considers that the redevelopment would be of benefit and accord with the national and local policy framework. The type of housing to be provided would be welcome and this appears to be an appropriate site close to shops and other services and accessible by various transport modes.

The Society also considers that the layout and configuration of buildings on the site are appropriate. They have some slight concerns regarding height and would ask that if the roof height could be reduced to lessen local visual impacts when viewed from Buxton Road, the canal towpath and William Street.

The Society have also stated that given the nature of the use the limited parking provision appears appropriate though an age-occupancy condition may be necessary to secure this in the longer term. Visibility at the access point to the east is limited by changes in level and this was always a point of concern when considering proposals for this site.

Consideration should be given to the retention of existing boat moorings along the west side of the canal to retain the character of the area and provide a focus of interest for residents of the scheme though this will require some form of access for boat owners through the site.

The Society also considers the metal fencing should be reconsidered and soft landscaping used to demarcate boundaries (set back a short distance from the canal bank if moorings are to be retained).

#### **Local Residents:**

**4 letters of objection** have been received from local residents and their objections can be summarised as follows: -

- Have a boat moored here and so do many other people and it is their home;
- Welcome the redevelopment on the site, but have concerns with regard the height of the building and planting that could affect the garden of No. 173 Buxton Road;
- The proposed dwelling is not of a design in keeping with the scale and appearances of the immediate area west of the site as the adjacent properties are mainly residential 2 stories;
- There are a number of TPOs in place at the top of Lime Grove described as "Civic Amenity";
- The proposed site is a full story above the adjacent property so a further three story development would significantly impact that eye-line, regardless of the partial masking from the existing mature trees;
- The Context Elevations are misleading as the Sketch views included seem to only include views from South East, North East & South West, not from North West;
- The proposed site plan seems to include seven mature trees along the boundary of 38 Lime Grove; in fact there are only four;
- The siting of the proposed three story building at the top of the rise results in the overlooking (front and back) to 38 Lime Grove;
- The height of the development is such that even with leaf cover this would lead to a significant reduction in privacy to 38 Lime Grove;
- The siting of the proposed three story building completely across the top of the road, a full two stories above the site wall will significantly reduce the amount of daylight falling on 38 Lime Grove;
- The development is too high and will overlook gardens and houses due to the orientation of the blocks, leading to a loss of privacy to neighbouring properties in Buxton Road and Lime Grove;
- The western side of the site the top of the boundary wall is shown as 161.28m;
- The finished floor level of the 1st storey is shown as 161.60m;

- The finished floor level of the 2nd storey is shown as 164.45m;
- Therefore two floors of flats will be looking directly over the gardens of properties in Lime Grove (particularly no. 36 Lime Grove), leading to a loss of privacy and enjoyment of the gardens;
- The ridge height of the block of flats is shown as 170.20 m which is 9 metres higher than the boundary wall. This will have a materially overbearing impact on properties in Lime Grove (particularly no. 36 Lime Grove); and
- The scheme needs to be reduced in height and the layout redesigned to minimise the impact upon neighbouring properties in Lime Grove (particularly no. 36 Lime Grove).

**4 letters of support** have been received from local residents and their comments can be summarised as follows: -

- Impressed with the applicants retirement home at Heaton Chapel;
- The proposed area on Buxton Road would very much be enhanced by a similar development;
- The proposals is something which Macclesfield needs;
- Few of the public who have expressed negative interests to the scheme
- Look forward to the plans being passed and possibly purchasing an apartment myself;
- This development is to be welcomed as providing much needed sheltered accommodation in this part of town and the restoration of this site to an attractive local facility can only be a good thing;
- Development of this site to provide sheltered apartments for 50+ households is a very good use of this Brownfield land which has been derelict and an eyesore for many years;
- This development could be considered sustainable because of its siting close to amenities such as buses to town and Buxton and Victoria Park(s);
- The sympathetic development proposed will also release family homes in the town when elderly people move to more appropriate accommodation;
- All these factors are in keeping with the policies of Cheshire East so this application should be supported;
- The building will face onto the canal and it is to be hoped that there will be attractive landscaping around it;
- At the moment the site is hideous, with fly tipping of rubbish and a jumble of old tumble down sheds and garages;
- It will not impinge on any neighbouring properties;
- There will be some increase in traffic should all the units be filled by car owners. However the proximity to public transport makes this likely to be minimal as many of the elderly residents may choose this move to take the opportunity to get rid of their cars and use the plentiful public transport available to them from Buxton Road;
- As this is currently a derelict site adjoining the canal there are no issues regarding loss of important trees or nature conservation;
- As this site will be viewed from the Cheshire RC walk which is routed along the canal towpath on the opposite side of the canal, it is to be hoped that the buildings will be in keeping with local architectural style and the site landscaped appropriately; and
- My Husband and I have lived Off Buxton Road for the past 50 years and would like to stay in the area. Being pensioners and living in a house at the moment we have been thinking of moving into an apartment.

A full copy of all the comments made by the local resident toward this application as summarised above, can be viewed on the electronic file on the Council's public access website.

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted the following documents, details of which can be read on file: -

- Planning Statement;
- Design and Access Statement;
- Care Statement;
- Ecological Appraisal;
- Ground Investigation Report;
- Landscape and Visual Impact Assessment;
- Transport Statement;
- Arboricultural Assessment; and
- Draft S.106 Legal Agreement.

## **OFFICER APPRAISAL**

Having considered this application, it is the considered view that the main issues in this case are:

### **The principle of the development (*the development plan*):**

The front section of the application site lies within a housing proposal allocation, whilst the rear portion of the application site lies within a 'Mixed Use Area' as defined by the Macclesfield Borough Local Plan (MBLP).

The principle of a residential proposal on the front section of the site is acceptable as it falls within a housing allocation.

Mixed use areas comprise several of the older industrial areas where many of the buildings are no longer suitable for their original purpose. Such areas often have poor access to the main road network, car parking is frequently inadequate and industry sometimes adjoins housing areas. By today's standards, the areas and buildings are not necessarily suitable for their original manufacturing purpose. A wide range of new uses may be permitted in such areas. It is considered that the principle of a residential development on the rear section of the site is acceptable as there is no conflict with other proposals of the plan and it will not materially harm adjoining or nearby uses. In this instance, residential is preferable and is a more sensitive use than the existing use on the site.

### **The principle of the development (*SHLAA*):**

The site has been identified as 'sustainable', 'suitable', 'achievable' and 'deliverable' for housing in the most recent Cheshire East Strategic Housing Land Availability Assessment (SHLAA). The application site is addressed in two parts (housing allocation to the front and mixed use area to the rear) in line with the policy allocations above.

### **The principle of the development (*Need*):**

The Council has some evidence that is sourced from the *emergent* vulnerable persons housing strategy\*. The key messages from the data are:

- There is a current oversupply of residential and nursing accommodation in Macclesfield town when taken against current demand;
- The earliest projected need for either residential or nursing homes is a slight requirement for residential accommodation in 2030; and
- There is a distinct current undersupply in Macclesfield for both extra care and sheltered accommodation, which should be the development priorities.

*\*Members should be aware that officers would wish to caveat this data by saying that it is a key evidence source in the emergent vulnerable persons housing strategy, which is currently out for consultation. As such, the strategy is not yet ratified nor does it have a surrounding planning policy at this time. Therefore little weight can be afforded to this.*

The application proposals are difficult to judge in this case given the elements of the provision, particularly the composition of the apartments and the flexibility of the care provision. This would be in-keeping with the extra care model, and promises a superior arrangement to classical residential care homes.

However, it could be argued that given that the development would only be catering for those with higher care needs, it was more typical of a residential institution. Extra care typically admits a portion of tenants with lower needs so that they can live independently with a limited level of support in an amenable environment, in order to curtail the chances of their care needs escalating in a crisis and provide a smoother transition into old age living.

However, this development seems to aim to only admit those who already have substantial needs upon their entry and require more intensive care, so would not have the same community needs mixture and flexibility of tenure that characterise many extra care schemes.

Whilst the above is noted, there is no requirement within the Local Plan, or within the NPPF that requires a needs assessment. Therefore, need is not a material planning consideration in this case. This has been established during the public inquiry for the appeals at Coppice Way in Handforth.

### **The principle of the development (*Development Management Policy*):**

As stated above, 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:

- (i) 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;
- (ii) A satisfactory balance of residential uses must be maintained in any neighbourhood and that the concentration of specialist housing and care facilities is avoided;
- (iii) The development must not materially prejudice the amenity of neighbouring property by virtue of overshadowing, overlooking, loss of privacy and noise disturbance;

- (iv) The development must comprise a reasonable sized private garden in the order of 10sq metres per resident, for the use of residents, which has a pleasant aspect and is not overlooked or overshadowed;
- (v) That the development satisfies the general requirements for all developments including the provision of onsite car parking for residents, staff and visitors;
- (vi) 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:-

- (i) It is considered that the site falls in a sustainable location, close to the town centre, shops and facilities. Bus routes run adjacent to the site.
- (ii) It is not considered that the proposed care facility would give rise to a concentration of specialist housing or care facilities.
- (iii) As the site is surrounded by existing residential properties to the south and north, relationship between these properties and the proposed development 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 contained in a three storey block, it is considered that this scheme broadly accords with these guidelines. Detailed assessments on impact on residential amenity are outline in the relevant section below.
- (iv) Accommodation would be provided for up to 95 residents. This would require a private garden in excess of 950 sq metres for the use of the residents. The garden area for the development would be well 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. The applications proposals also include balcony and internal amenity spaces;
- (v) The application proposals include parking provision for 33 cars. The site lies in a sustainable location. The Strategic Highways Engineer has raised no objections; this matter is considered in more detail below under the highways section.
- (vi) Given the historic use of the site, the Strategic Highways Engineer raises no significant concerns with regards to vehicular or pedestrian access.

### **Summary of the principle of the development:**

The proposal 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.

### **Impact of the design on the character and appearance of the Conservation Area:**

It is accepted that this application proposes a large three storey building. However, the east canal side elevation shows how the proposals establish a scale and rhythm appropriate to its setting. Gables give a rhythm appropriate to the building's proposed use while respecting the characteristics of traditional canal side architecture. The west side has a lower key scale and rhythm, responding to the topography and the largely domestic properties adjacent to the west. It is considered that this side is viewed is partially fragmented by existing trees and buildings.

It is considered that the crucial view of the development is from the canal bridge on Buxton Road. The scheme has been design to show a corner focal point which articulates transition between the canal side and Buxton Road and is adjacent the main entrance marked by a colonnade. It is also considered that the scale of building diminishes westwards from the corner.

In relation from the view facing the canal, the linear massing of the building is articulated by a rhythm of gables, recessed link and changes in building angle responding to constraints and context. The recessed links help break up the building and selected gables are rendered to introduce some castellation.

It is considered that overall given the previous use of the site and the amendments that have been received to the elevations, that the scheme in its current form does preserve the character of the conservation area.

### **Highways safety, access, servicing and pedestrian safety:**

The Strategic Highways Manager raises no objections to the proposals. The site is located within walking distance of local amenities on Buxton Road and essential services within the town centre, with the main strategic (rail) public transport connections and no further than 15 minutes travel on foot. Buxton Road is on a bus route. The site is therefore considered to be sustainable for the purposes of promoting viable alternatives to staff that would be employed at the site.

The Strategic Highways Manager has reviewed the proposal and would make the following comments on highways and transportation grounds. All recommendations are provided within the context of the National Planning Policy Framework (NPPF), which states that "severe" residual cumulative impacts should be demonstrated in order to prevent or refuse a development on transport grounds (paragraph 32).

It is proposed to maintain and improve the existing Site access/Buxton Road junction to serve the development. Visibility splays of 40m are proposed and that is considered to be a sufficient visibility for the speed limit on Buxton Road, in the absence of speed survey data. A 1.8m delineated footway access is proposed to serve the development on the entrance to the car park. It is considered that the proposed Site access arrangements provide a suitable means of access for the proposed development.

Notwithstanding the sustainable location of the site, the supply of parking has been agreed by the Strategic Highways and Transportation Manager, both in terms of employees at the site, and visitors during designated periods.

Revised proposals for the scheme show the provision of 33 car parking space. This is an increase from 24 originally proposed. The car parking provision has been based on the following breakdown: -

- 1 space per 5 apartments for visitors = 9.4
- 1 space per 2 non-resident staff (max) on site at any one time = 4.5
- Spaces for those residents able to drive + flexible spaces (1 per 3.5 apartments) = 17.4

This gives a total of 31.3 spaces, where as 33 are being provided.

To conclude, the Strategic Highways Manager raises no objection, following the provision of additional parking (totalling 33 spaces), and representative information regarding typical daily activity at other sites that the applicant operates, subject to a Travel Plan, which would seek to ensure that the proposed level of parking is ultimately sufficient to meet the identified needs of staff and visitors.

### **Residential amenity issues:**

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.

The Gables would be located about 28m from the building. The views of the people inside that house would be reduced significantly by that distance. 36 Lime Grove would be located about 26m from the building. Views of the building and overlooking from the site to No.36 would be partially blocked by No.38 Lime Grove.

173 Buxton Road would be in the region of 35m from the buildings. The occupiers of No. 173 would not suffer a material loss of privacy, having regard to that distance and the angle of views from the building entrance elevation to that building. Properties on Lime Grove and 173 Buxton Road are separated by a public footpath, high boundary wall & significant vegetation. Amendments to the scheme have been secured with additional screening and this would mitigate any loss of privacy to these properties.

It is considered that the occupiers of The Gables, 36 and 38 Lime grove and 173 Buxton Road would not suffer a material loss of privacy, having regard to that distance and the existing topography of the site.

Houses at William Street face the site across the road and canal and are over 43m from the development which would substantially reduce any overlooking into the house from the development.

Illustrative sun paths for the proposed developments have been submitted with the application. They show that throughout the day the proposed building has no detrimental impact on sunlight and daylight of adjoining properties, nor is it affected by neighbouring buildings.

The application site is in proximity to existing residential 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. A condition should be imposed to control hours of demolition and construction works in the interest of residential amenity. A condition should also be imposed in the event that piled foundations and floor floating are necessary. A condition to minimise dust emissions arising from demolition / construction activities is also suggested.

### **Arboricultural and forestry implications:**

The application is supported by an Arboricultural Assessment which indicates that an assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas and respective Tree protection details onto a proposed Master Plan. As a consequence it is possible to determine the direct, or indirect impact of the proposed layout on retained trees.

The development proposals require the removal of four individual trees and six groups in order to facilitate the design build footprint and associated peripheral landscape features including car parking. All are considered to be low value self set specimens (Category C), which contribute little to the amenity of the immediate area, or the wider landscape aspect. A number of those identified for felling would have required removal irrespective of development by virtue of their social proximity to a number of existing features. Strategic replacement specimen planting should be seen as a significant net gain compared with those specimens which are schedule to be removed.

Standing off site to both the north and west are two groups of trees protected as part of a 2006 Tree Preservation Order. The development proposals as presented are located a significant distance from any individual or collective Root Protection Area (RPA), with adjacent features such as compacted ground associated with an informal track and boundary wall significantly restricting root development within the site. Protective fencing will not be required.

Issues in terms of social proximity in relation to the protected off site trees are also not considered to be a significant factor given the acceptable layout distances between proposed build and trees. Any subsequent tree application could be confidently dealt with on merit.

### **Ecology implications:**

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the

requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that whilst a European Protected Species has been recorded on site they are unlikely to be adversely affected by the proposed development. Therefore the planning authority do not have to consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) maintenance of the favourable conservation status of the species and (iii) that the development is of overriding public interest.

The Council's Ecologist has reviewed the application submission and it is not anticipated that there would be any significant ecological issues associated with the proposed development. No evidence of occupation by bats was recorded in association with any of the buildings within the site. However, if planning consent is granted conditions are recommended requiring the lighting scheme for the site to be agreed. This would be to protect light spill onto the canal. Conditions are also suggested to safeguard breeding birds and to ensure some additional provision is made for roosting bats and breeding birds on the site.

### **Landscaping:**

As part of the application a Landscape, Townscape and Visual appraisal has been submitted. The application site is adjacent to the Peak park fringe Local Landscape Designation Area, (formerly ASCV). This is a transitional area adjacent to the Peak National Park and has many of the qualities associated with the National park. The Peak park fringe is a distinctive landscape of stone walls, steep slopes and recognisable skylines including Mow Cop, Tegg's Nose and the Kerridge Ridge.

The proposed development is for a three storey development with a car parking area and landscape works. It is considered that whilst this proposed building would be significantly lower in height than the Hovis Mill, the proposed development has a greater ridge height than any of the adjacent or nearby buildings. That being said, three storey building can reflect the continuous building massing along this stretch of the Macclesfield Canal.

It is considered that the proposed landscape scheme provides an attractive setting for the benefit of residents and to the canal side, both for the residents' amenity and for appropriate public visual amenity from Buxton Road Bridge and the canal towpath. Boundary treatment can be conditioned. Overall it is considered that there will be an improvement from the existing garage use on the site.

### **Drainage matters:**

It is considered that the scheme will not adversely affect drainage in the area as a water supply can be provided.

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Permission would be required from United Utilities regarding connection to the water mains/public sewers therefore a planning condition would not be required. There is a public sewer that crosses site and this would need to be diverted before work would commence on site.

**Contamination:**

The application area has a history of use as a garage and wharf and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. Supporting reports contained within the application submission recommend that intrusive investigations are required in order to identify any contamination and make recommendations for remedial measures. A condition is suggested to control this submission prior to commencement of operations.

**Developer contributions:**

The proposed residential apartments with care are to be occupied by residents over 60 years of age who are assessed to determine their need for care and the occupancy of the apartments would be controlled via a Section 106 Agreement.

**Affordable Housing:**

It is considered that given the level of care proposed, the scheme would fall within Class C2 use and as such it does not have an affordable housing requirement.

**Education:**

Bearing the above in mind, the scheme does not have an education requirement

**Greenspace:**

Within the Local Plan and SPG the requirements for amenity public open space provision includes sheltered accommodation. The policy states that such housing should provide 20sqm per dwelling. As this is rarely provided on site (most sites not being suitable for onsite public open space) a commuted sum of £750 per bed space would be required in those instances. Unfortunately this refers to sheltered housing which this scheme is not.

The scheme would fall within Class C2 use and as such it does not have a Greenspace requirement. In addition, due to the care assessment requirements and the eligibility criteria for those only in need of care being of an average age of 80+ would be expected for the development. It is therefore also considered that the future residents are unlikely to create an additional drain on Greenspace assets.

**Other material considerations:**

At the moment the northern part of the site at Buxton Road Wharf is leased to Peak Forest Cruisers. The current moorings fronting the site are private moorings operated and managed by the tenant. The moorings are occupied by way of mooring licences between Peak Forest Cruisers and the individual boater which can be terminated by either party on giving 1 month's notice.

Peak Forest Cruisers have entered into a legal agreement and will vacate the site prior to redevelopment. In May 2013 following marketing of the site and the selection of Adlington as preferred developer, Peak Forest Cruisers invited all the moorers to a meeting. The boaters

were updated on the proposed development of the site and advised that the moorings would not be available following redevelopment. A representative of the Canal & River Trust attended this meeting and offered to supply details of alternative mooring sites if required.

Prior to this meeting there were 10 boats moored at the site, however after the meeting a number chose to relocate and the numbers were reduced to 3. An additional boat is now moored at the site making it 4.

Since the meeting Peak Forest Cruisers have been keeping the boaters updated on progress and emphasising that they will need to vacate the moorings. There are no authorised residential moorings at this site.

The applicants understand that Mr Ludlow has a mooring licence at the site on the terms set out above. The Canal & River Trust is willing to provide details of alternative mooring sites in the area if any of the boaters request this.

At the northern end of the application site the canal widens and accommodates some of the private moorings. Removal of these moorings will allow the Canal & River Trust to designate this as an authorised winding hole which will discourage boats from turning in unsuitable locations elsewhere along this stretch of canal.

## 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 (*Especially one which allows the level of care to be changed without causing inconvenience of the residents*) 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
- The proposal accords with relevant policies of the Development Plan and therefore, should be approved without delay.

It is considered that the proposed development for the demolition of a MOT testing centre and garage and the re-development of the site for residential accommodation (Use Class C2) with care, comprising 47 apartments, for persons aged 60 and over with communal facilities, is acceptable and the application is recommended for approval subject to conditions and the completion of a Section 106 Agreement.

\* \* \* \* \*

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

### Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A20EX - Submission of details of windows and balconies
5. A09EX - Rainwater goods and flues
6. A01LS - Landscaping - submission of details
7. A04LS - Landscaping (implementation)
8. A12LS - Landscaping to include details of boundary treatment
9. A19MC - Refuse storage facilities to be approved
10. A04HA - Vehicular visibility at access to be approved
11. A07HA - No gates - new access
12. A01HP - Provision of car parking
13. A04HP - Provision of cycle parking
14. A06NC - Protection for breeding birds
15. A08MC - Lighting details to be approved
16. A22GR - Protection from noise during construction (hours of construction)
17. A23GR - Pile Driving
18. A17MC - Decontamination of land
19. A04NC - Details of drainage
20. Travel Plan
21. Measures to encourage nesting birds

22. A scheme to minimise dust emissions

23. Unexpected contamination

24. Sewer easement

