

Application No: 11/3199M

Location: TERRITORIAL ARMY YPRES BARRACKS, CHESTER ROAD,  
MACCLESFIELD

Proposal: Extension to Time Limit on Planning Permission 07/0430P (Erection Of A  
Continuing Care Retirement Community)

Applicant: Achillean Group Ltd

Expiry Date: 22-Nov-2011

**Date Report Prepared: 10 November 2011**

### **REASON FOR REPORT**

This is an application for a major development which according to the Constitution needs to be determined by Northern Planning Committee.

**SUMMARY RECOMMENDATION Approve subject to conditions and the satisfactory completion of a S106 Agreement**

#### **MAIN ISSUES**

Whether there has been a significant change in circumstances or policy since the original grant of permission.

Are there any other material changes in either policy or circumstances that would justify a decision other than approval?

The Heads of terms for the S106 Agreement

### **DESCRIPTION OF SITE AND CONTEXT**

The site is irregular in shape and lies to the south of Chester Road. It extends to some 3.6 Hectares and sits approximately 2.5m below the road level of Chester Road. It can be split into two distinct parcels, the previously developed land comprising of the area of the former Territorial army barracks and compound, which has been demolished since the original application was approved; and the area of mounded woodland to the south of the former barracks compound. The previously developed part of the site is intended to be the focus of the residential development currently proposed, whilst the mounded area of woodland/unmaintained open space to the rear is intended to be an ecological/amenity area.

The wider area is mixed in character, with residential land uses predominating. Chester Road is a main arterial route into the town centre. Fieldbank Road is a road which provides a rear access to the hospital and is extensively used as an alternative access for the hospital..

## **DETAILS OF PROPOSAL**

This application seeks to extend the time limit for implementation of the extant planning permission which was granted after the completion of a s106 Agreement on 18 September 2008 for the development of a continuing care community on the site of the former Territorial Army Barracks. The design and layout of the proposal remain as previously approved.

The development would comprise 49 care apartments, staff and communal accommodation and basement car parking within the main care building to the rear of the site, 38 care mews cottages and 27 care apartments located in two 'L' shaped blocks to the Chester Road frontage and to the inner access road.

The development will be served via a new access road which will take access via a new arm of the existing Chester Road / Fieldbank Road signal controlled crossing and parking will be provided within a basement parking area and a number of surface level parking areas.

Various ancillary facilities, such as a shop, fitness suite, library and restaurant will be provided within the main building and the scheme also involves amendments to the existing open space to the west / south of the site. The existing footway / cycleway between Chester Road and Westbury Drive / All Hallows School will be retained although the applicant proposes to amend it slightly and provide a connection to it from the proposed new access road.

The Extra Care 'model' has developed to allow older people to live independently with their own front door within a community but where 24 hour care is available should it be required. A basic package of domiciliary care is provided to all residents with additional care available on a pay per use basis so that as residents' needs change and a more intensive programme of care is required, once living within the Continuing Care Retirement Community residents can then access all the care services without the upheaval of moving. It is key to the concept that once within the community, a resident would not need to move from their home within the community to another unit within the facility to access greater levels of care since all units within the development have the same facilities.

## **RELEVANT HISTORY**

07/0430P Erection Of A Continuing Care Retirement Community (Class C2) Comprising 49no. Care Apartments Within The Main Building, 38no. Care Mews Cottages And 27no. Care Apartments Within 3 Storey Buildings With Formation Of New Access, Car Parking And Associated Landscaping. - Approved 18 September 2008 subject to S106 Agreement

09/3213M - Erection Of A Residential Development With Associated Landscaping, Access And Car Parking Arrangements As Well As Landscape Alterations To The Wider Area Of Existing Open Space – Resolved to approve subject to S106 Agreement (unsigned to date)

## **POLICIES**

DP1 (Spatial Principles)  
DP2 (Promote Sustainable Communities)  
DP4 (Make the Best Use of Existing Resources & Infrastructure)  
DP5 (Manage Travel Demand, Reduce the Need to Travel & Increase Accessibility)  
DP7 (Promote Environmental Quality)  
DP9 (Reduce Emissions and Adapt to Climate Change)  
RT2 (Managing Travel Demand)  
EM1 (Integrated Enhancement and Protection of the Region's Environmental Assets)  
EM2 (Remediating Contaminated Land)  
EM5 (Integrated Water Management)  
EM18 (Decentralised Energy Supply)  
MCR3 (Southern Part of the Manchester City Region)  
L1 (Community Provision)

### **Cheshire Replacement Waste Local Plan (Adopted 2007)**

Policy 10 (Minimising Waste during construction and development)  
Policy 11 (Development and waste recycling)

### **Local Plan Policy**

NE11 (Nature Conservation)  
NE12 (Sites of Biological Importance)  
BE1 (Design Guidance)  
RT1 (Protection of Open Space)  
T2 (Transport)  
DC1 (Design New Build)  
DC3 (Amenity)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Tree Protection)  
DC36 (Road layouts and Circulation)  
DC37 (landscaping)  
DC38 (Space, Light and Privacy)  
DC40 (Open Space standards)  
DC57 Residential Institutions;  
DC63 (Contaminated Land including Landfill Gas)

### **Other Material Considerations**

National planning guidance in the form of PPS1: Delivering Sustainable Development, PPS3: Housing; PPS4: Planning for Sustainable Economic Growth and PPS9: Biodiversity and Geological Conservation, PPG13 Transport, PPG17 Open Space, Sport and Recreation and the former Macclesfield Borough Council Saved Policies Advice Note are also of relevance to the consideration of this proposal.

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 The use of Conditions in Planning Permissions.

Relevant legislation also includes the EC Habitats Directive, the Conservation (Natural Habitats &c.) Regulations 1994.

Ministerial Statement March 2011 – Planning for Growth

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

**Strategic Highways Manager** – Raises no objection. There have been no changes in circumstances on the highway network that would justify reaching a different conclusion to that previously.

**Housing Strategy Manager** - supports the application. Does not consider there to be need for affordable housing given the overall function of the site akin to a care home.

**Environmental Health:** No objection subject to conditions.

**Environment Agency:** Have considered the updated Flood Risk Assessment submitted with the application. Raise no objections subject to conditions.

## **OTHER REPRESENTATIONS**

None received

## **APPLICANT'S SUPPORTING INFORMATION**

The application is supported by a Planning Statement, Operational and Need Assessment, Tree Assessment, updated Flood Risk and Drainage Assessment and an updated Ecological Appraisal. These documents can be viewed online.

The planning statement states in support of the application that:

The proposal has been prepared in the context of current local, regional and national planning policy guidance, and accompanying background material.

The ageing population indicates a strong and continuing demand for extra care accommodation.

The proposal will provide residential accommodation together with a significant level of care including domiciliary and personal care as required by individual residents across the development. Nursing care will also be available as will:

- Mobility assistance;
- Help with bathroom usage;
- Assistance with eating;
- Assistance with taking medicines;
- Laundry and ironing;

- Cleaning.

In this case, the level of care to be provided in the purpose built accommodation means that the development sits within the definition of a C2 Use Class, Residential Institution.

## **OFFICER APPRAISAL**

This is an application for an extension of time of an existing permission that was extant when the application was originally submitted. The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. The development proposed will by definition have been judged acceptable in principle at an earlier date. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances may have significantly changed, either in development plan policy terms or in terms of national policy or other material considerations.

## **MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION**

There are not considered to be fundamental changes in policy, changes in circumstances or other important material considerations since the original application was determined in 2008.

## **IMPACT UPON PROTECTED SPECIES AND MATERIAL CHANGES IN CIRCUMSTANCES SINCE THE SCHEME WAS ORIGINALLY GRANTED PERMISSION**

Ecological surveys and assessment reports were provided in respect of the 2008 application. These were updated as part of this application and have found no protected species on site. This is considered to be acceptable to the Nature Conservation Officer.

## **RENEWABLE ENERGY AND IMPACT UPON CLIMATE CHANGE**

Since the application was originally granted planning permission in 2008, the Regional Spatial Strategy for the North West has been adopted as part of the Development Plan. Policy EM18 of the Regional Spatial Strategy deals with decentralised and renewable energy supply. In advance of local targets being set through the Cheshire East Local Development Framework, EM18 requires that all major developments secure at least 10% of their predicted energy requirements from decentralised and renewable or low carbon sources.

This is considered to be a material change in the policy framework since the scheme was originally granted permission. The applicant has not submitted any supporting information that the proposal will meet this policy. A condition is therefore necessary to ensure compliance with the policy framework.

## **PROPOSED HEADS OF TERMS**

The proposed heads of terms for the section 106 agreement are as follows (and are identical to the S106 Agreement attached to the original planning permission on this site) -

- (1) Amenity Open space: to provide public access and a long term landscape and habitat management plan dealing with wildlife and protected species, management of the existing open space, establishment and management of the new amenity spaces, public access issues, a table of maintenance operations and timings and cost implications for the developer
- (1) Use of the site for care accommodation: to be based upon Bayerton operational model document accompanying the application dated April 2007; approval of an operational plan prior to occupation dealing with facilities management, shared space and services, tenure and tenure mix including priority to local residents, care assessment, care delivery; initial and subsequent sales, rental units, care provision, care assessment, shared space and services and age restriction and continuity of care management

## **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.

In terms of the amenity open space it is necessary and serves an important planning purpose that the area is properly maintained as amenity space in future.

It is considered in respect of the delivery of the extra care provision as put forward, that the requirements stipulated are necessary, directly related to the development and are fair and reasonable in relation to the scale and kind of development proposed.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The Greater Flexibility Guidelines issued by the Government recognises that there are situations where flexibility and responsiveness to the challenging circumstances faced by the development community can easily be accommodated by the Local Planning Authority.

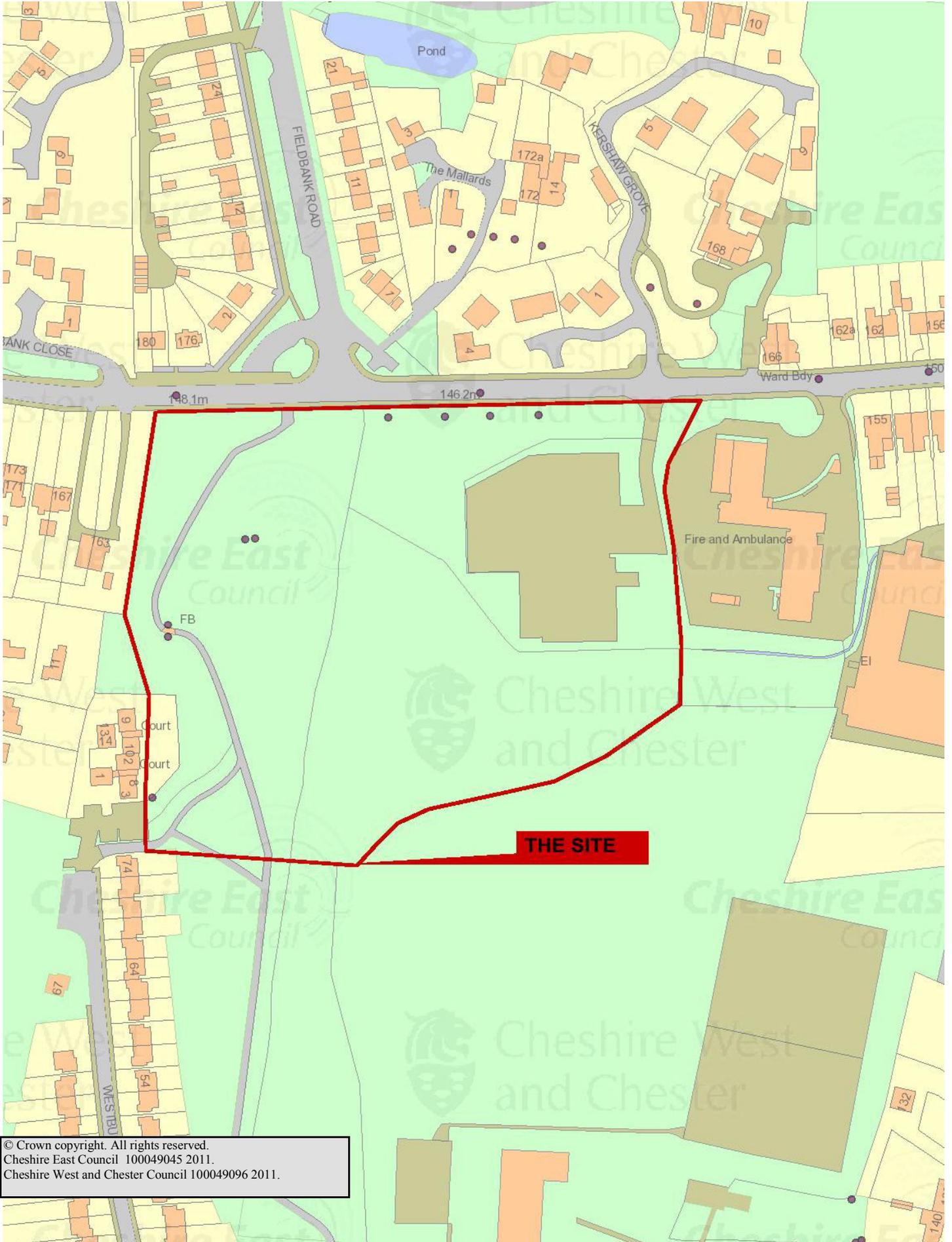
In this case it is considered that the application stands alone and there are no material changes in policy either at development plan level or at national government level or any other material consideration which would justify refusal of permission to renew the planning permission. The minor changes in the policy framework concerning renewable energy that have changed since the original decision was made can be addressed via planning condition

## Application for Extension to Time Limit

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

1. Provision of car parking
2. Landscaping - submission of details
3. Tree retention
4. Submission of samples of building materials
5. Submission of landscaping scheme
6. Tree protection
7. Development in accord with revised plans (unnumbered)
8. Commencement of development (3 years)
9. Landscaping (implementation)
10. Drainage and surfacing of hardstanding areas
11. Pedestrian visibility within car parks etc
12. Landscaping to include details of boundary treatment
13. Construction of junction/highways
14. Construction of highways - submission of details
15. Submission of landscape/woodland management plan
16. Submission of landscape management plan
17. Protection from noise during construction (hours of construction)
18. Protection of highway from mud and debris
19. Submission of construction method statement
20. scheme for wetland
21. breeding birds
22. Pedestrian access ramp to be constructed
23. Upgrading cycleway/footway
24. The residential units shall be provided for care accommodation only in accordance with Class C2
25. Details of ground levels to be submitted
26. signal controlled junction to be provided
27. existing footway to be widened
28. Provision of cycle parking facilities

29. Disposal of foul and surface waters to be approved before commencement
30. All finished floor levels shall be set at 144.35 metres above Ordnance Datum
31. renewable energy
32. Lighting scheme for access roads
33. waste audit
34. Surface water drainage
35. details of drains
36. No gates or other means of obstruction shall be erected across the access road
37. Details of access road to be submitted
38. existing bus stops to be upgraded
39. Details of retaining wall to be submitted
40. Oil storage
41. shower/changing provision



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Cheshire West and Chester Council 100049096 2011.