

# Strategic Planning Board Updates

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**Date:** Wednesday, 14th November, 2012  
**Time:** 10.30 am  
**Venue:** Crewe Alexandra Football Club, Gresty Road, Crewe

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The information on the following pages was received following publication of the committee agenda.

**Planning Updates** (Pages 1 - 20)

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Please contact Sarah Baxter on 01270 686462  
E-Mail: [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies, requests for further information or to arrange to speak at the meeting

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**STRATEGIC PLANNING BOARD – 14<sup>th</sup> November 2012****UPDATE TO AGENDA**

**APPLICATION NUMBER:** 12/3564N

**LOCATION:** Land off Vicarage Road, Haslington CW1 5RR

**1. REPRESENTATIONS**

Since the publication of the report, the applicant's agent has submitted a letter making the following points.

**Planning History**

- They wished the Members to note that at the last local plan inquiry the Inspector considered the site suitable for development and that he acknowledged that Haslington was a sustainable location for new development

**Open Space**

- The applicant confirmed that, subject to a £35k cap, contributions would be acceptable to them for either the skate park or onsite provision of children's play space.

**Health Services**

- These providers have sufficient capacity for additional residents to be accommodated with the existing medical practices.

**Oak Tree**

- They agree the car parking should be provided away from the canopy of the oak tree.
- It is the applicant's intension to preserve the oak tree at the site entrance and visual amenity it affords.
- Prior to the submission of reserved matters, they will undertake a 'hand dig' excavation over the roots of the oak to establish the size and spread of the roots. Once this is understood, proposals will be drawn up showing the precise nature of the non-dig method of road structure and sub base construction.

**Retention of trees for bats**

- The oak tree will be retained.
- Should the Ash tree will be removed (as it is dead), alterative mitigation will be provided for bats.

**Agricultural Land Quality**

- There are no significant brownfield sites in Haslington. As such, any development in the settlement will involve the loss of some higher grade agricultural land.
- The site suffers from agricultural limitations created by its small size, shape, topography and perched water at its northern end.

**2. OFFICER COMMENTS**

Officers have no additional comments to add to those contained within the Committee Report

**3. RECOMMENDATION**

As per the outlined original report on pages 56 and 57.

**STRATEGIC PLANNING BOARD – 14 November 2012**

**UPDATE TO AGENDA**

**APPLICATION NO.**

12/1578M

**LOCATION**

Land adjacent to Coppice Way, Handforth

**UPDATE PREPARED**

13 November 2012

**REPRESENTATIONS**

One further letter of representation from a local resident has been received since the last meeting which notes that approval of this scheme would undermine the responses to the Draft Handforth Town Strategy Consultation.

**APPLICANT'S SUBMISSION**

The applicant has submitted further information in support of the proposal, which notes the following:

- The application is for a Continuing Care Retirement Community (Care Village)
- Cheshire East Council's Adult Social Care Scrutiny Committee in the recent 'Residential Provision Review' issued on 5 July 2012 states at 8.33;  
*"The case for developing additional Extra Care Housing in Cheshire East appears strong. There is a wide range of national evidence which shows that they improve the health and wellbeing of residents whilst reducing costs. An evaluation of an extra care housing scheme in Bradford sought to understand both the costs and the outcomes delivered by the scheme. It found that the better health enjoyed by those living in the scheme meant that health care costs were lower (more than a 50% reduction), mainly through a reduction in the intensity of nurse consultations and hospital visits."*
- Handforth Health Centre are currently taking on new patients
- The original committee report is incorrect where it states that the proposed Care Village would operate differently to other models due to it not providing care services directly to the close care cottages. Care homes cannot legally provide care to anyone who is not a permanent resident of the care home. The delivery of care to the close cottages requires a separate registration under a separate entity as a domiciliary care provider. The level of integration is the same as most other care village models.

- Reference to the application being a departure from the Local Plan - as the Plan was an old style Plan (pre October 2004) and the saved policies are not accorded the same weight as those in the new style Plans as set out in the NPPF therefore limited weight should be attached to this application being a departure.
- Greater significance should be accorded to the Council's shortfall in their 5 year housing land supply, as has been done in other committee reports, not least to inform Members more fully as this supersedes the need argument put forward at Appeal (which has been satisfied).
- The application site is sequentially preferred to other sites that have been approved in the countryside (as they were not earmarked to meet future development needs) such as the one at Alsager at the rear of the Old Mill or Loachbrook Farm where the Council lost the Appeal.
- Members should be made aware that Adult Services obtained advice from a barrister to support their objection but this advice has not been made known and no new evidence emerged as a result.
- Members should also be reminded of their recent decision regarding the change of use to C2 for the hotel at Disley which was approved and the need to be consistent, there were no objections of proximity to the border, need or impact on local services nor any associated restrictive conditions. The hotel could be converted to a 90 bed care home as one of its C2 uses.

## **OFFICER APPRAISAL**

In terms of the comments raised by the applicant that are not addressed in the original report, it is acknowledged that care villages will vary in operation and extent of facilities, and the applicant's comments regarding the legal requirement for different care providers for the cottages and the care home are acknowledged.

With regard to the application being a departure from the local plan, this is still considered to be the case. Paragraph 215 of the NPPF explains that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. There is reference to safeguarded land at paragraph 85 of the NPPF, and policy GC7 of the Local Plan is considered to be adequately consistent with the NPPF in this regard for considerable weight to be afforded to this policy.

The relevance of the Council's shortfall in our 5-year housing land supply is related to the use class issue outlined in the original report. Whilst the development would provide elderly persons accommodation, as a *sui generis* use housing policies do not strictly apply, which is why the affordable housing provision is not in line with the Council's Affordable Housing Interim Planning Statement.

Similarly, other, less sequentially preferable sites referred to by the applicant that have seen approvals for development in the countryside are for more traditional housing schemes, and are not therefore directly comparable.

No confirmation has been received from Adult Services whether a Counsel opinion was obtained by them.

The comments received from a local neighbour regarding the application undermining the public responses to the Draft Town Strategy are acknowledged; however, the issue of prematurity has been considered by Inspectors on other sites. Notably within the Loachbrook Farm appeal, where the Inspector identified that refusal on the grounds of prematurity would seldom be justified because of the delay which this would impose in determining the future use of the land.

### **ADULT SERVICES**

Comments have been received from Cllr Janet Clowes (Portfolio Holder for Health & Adult Social Care), which are attached with this update.

The comments from Cllr Clowes are acknowledged, however, it is considered that the applicant has adequately addressed the concerns of the Inspector within their needs assessment and sequential site search. In terms of viability, there is no planning requirement for the economic sustainability of the proposal to be demonstrated, and there is no evidence to show that the proposal would not be economically viable. There is a growing elderly population, and it is considered that there is, and will continue to be, a need to provide suitable accommodation to enable our aging population to live full independent lives for as long as possible. The proposed care village will be one way to achieve this and provide a wider choice in this area. Finally, no evidence regarding the impact on local health services has been presented.

### **CONCLUSION**

As in the original report a recommendation of approval is made as outlined on pages 76 and 77 of the agenda.

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Cllr Janet Clowes: Response to Application 12/1578M (November 2012).

Review of arc4 Needs Assessment: April 2012

#### **The housing need context in Cheshire East**

- Overall Cheshire East is considered a self-contained housing market area;
- Across Cheshire East current housing demand exceeds supply and there is a need to stimulate the housing market at all levels;
- The Local Authority can not demonstrate an up to date five years supply of housing;
- The Cheshire East 2010 SHMA indicates an annual shortfall of 1,243 affordable homes and an annual shortfall of 2,753 open market homes;
- The proposal would free up larger family homes and thereby contribute to meeting the current demand for family housing;
- Due to the current economic conditions house building has fallen for 3 years;
- There has been a reduction in the number of affordable houses completed;
- There has been a loss of care home provision as homes have closed as they are not fit for purpose resulting in increased current demand;
- The proposal would contribute the current need for affordable housing;
- Home ownership in Cheshire East is higher than average;
- Housing aspirations are traditional and the proposal meets those aspirations;
- The proposal includes highly desirable bungalows;
- 76.9% of people aspire to owning a house, only 7.8% aspire to a flat: this indicates a greater need for houses than flats. The proposal meets this need;
- There is a current need for 213 en suite single bedrooms in Care Homes within 5km;
- There is a current need of 524 en suites single bedrooms in Care Homes within 10km in Cheshire East; The proposal will provide 58 single en suite care beds;
- There is a recognised need to provide diversity in elderly accommodation – the proposed Continuing Care Retirement Community will meet this need with specialist accommodation that is not available elsewhere;
- The proposal will help to meet the current need for housing supply, affordable housing, diversity in specialist elderly housing and the current shortfall in single en suite bedrooms in care homes.

**In conclusion, the development proposals are both appropriate and acceptable on the basis of needs evidence and there are no reasons to refuse the application on this basis.**

## **12/1578M: Land Adjacent to Coppice Way, Handforth**

(Appeal Decision: 28.10.2010) APP/R0660/A/10/2123053, APP/R0660/10/2123054, APP/R0660/A/10/2123055, APP/R0660/A/10/2123056

The re-submission of this application follows the Appeal Inspector's objection to the proposals ".because the evidence does not demonstrate adequately that the sites are the most appropriate to cater for the needs of the elderly in this part of Cheshire East."

In response, the Applicant commissioned a 'Needs Assessment' from arc4 (April 2012) to support a revised application that has made a number of statements defining the perceived housing need context in Cheshire East.

I have addressed each of these in turn:-

- **Overall Cheshire East is considered a self-contained housing market area**  
Agreed
- **Across Cheshire East current housing demand exceeds supply and there is a need to stimulate the housing market at all levels**  
Agreed : as evidenced in the current work being undertaken by Cheshire East to formalise its Local Plan for 2014 – 2025
- **The Local Authority can not demonstrate an up to date five years supply of housing**  
Agreed
- **The Cheshire East 2010 SHMA indicates an annual shortfall of 1,243 affordable homes and an annual shortfall of 2,753 open market homes.**  
This is clearly stated in the 2010 SHMA.
- **The proposal would free up larger family homes and thereby contribute to meeting the current demand for family housing.**

[There is no substantive evidence to support this statement.](#) The statement only has legitimacy if all future residents of the proposed CCRC currently reside in Cheshire East. However the SHMA identified that:-

"3.12 Many people attending the focus groups were adamant that they would want to remain at home but most acknowledged that if they could not remain at home they would consider 'anything' rather than go into residential care."

[Cheshire East Housing Team together with Registered providers offer schemes to aid people to downsize if they wish to do so](#)

- **Due to the current economic conditions house building has fallen for 3 years**  
This is evidenced in the current work on the Local Plan for Cheshire East.
- **There has been a reduction in the number of affordable houses completed.**

This reflects the reduction in the completion of all forms of housing development (not just affordable).

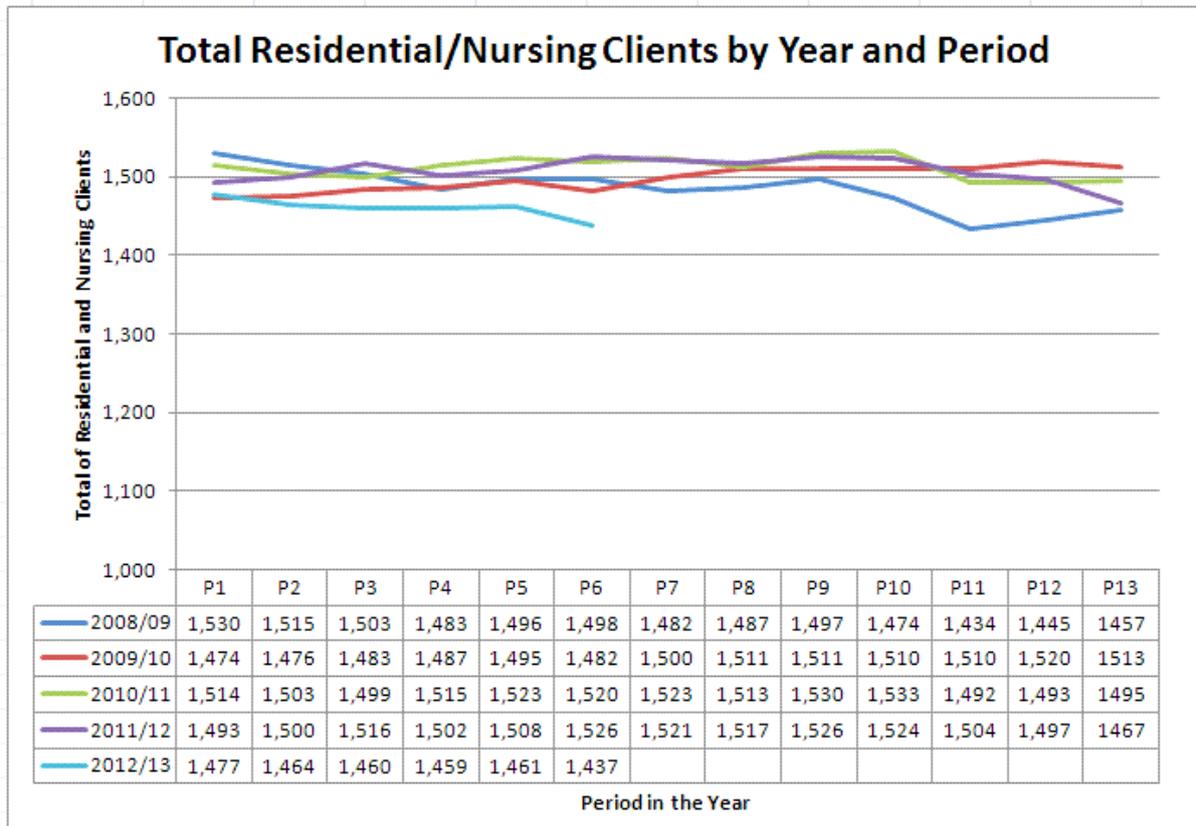
- ***There has been a loss of care home provision as homes have closed as they are not fit for purpose resulting in increased demand.***

It is accurate to say that there have been care home closures in Cheshire East for a variety of reasons (including ageing properties).

**This has NOT resulted in an increased demand.**

The figures below identify a stable (and decreasing) population in residential and nursing care which indicates that despite a rising older population, more older residents are choosing alternative models of care of which the most popular is remaining in their own homes - “extra care at home”

**Table 1: Cheshire East Clients being supported in residential or nursing care homes (2008/09 – 2012/13 )**



Meeting adult social care demand is complex and since the 2010 SHMA the Council has adopted more versatile and sophisticated systems to meet customer need, in conjunction with partners in the NHS, registered landlords, the private sector and third sector groups. (See later section)

- ***The proposal would contribute to the current need for affordable housing***

A development of this size will have a **minimal impact on affordable housing** requirement

Current evidence from the Joseph Rowntree Foundation suggests that the 'affordability' of CCRC accommodation requires closer scrutiny in the current economic climate affecting all socio-economic groups (JRF "Who can afford retirement housing?" September 2012)

Evidence shows that

- customers who own their own homes are choosing to sell and then rent CCRC and extra care properties (not buy outright) in order to secure their financial futures.  
*(There are no units available for rent on the Coppice Lane Development)*
- Financial security for customers is undermined if they enter the system too soon.

The JRF recommend that prospective customers for their CCRC and extra care provision should  
*"...ideally be in their mid to late 60's and in reasonable health"* (JRF website: November 2012)

A major concern with this proposal is that it suggests entry at 55 years of age (Most extra care providers in both the Registered Landlord and private sectors in Cheshire East have a minimum age of entry of 60 years (and 65 in some cases).

The average age of Cheshire East customers entering nursing homes is 80 years.

- ***Home ownership in Cheshire East is higher than average***  
Agreed.

But as evidenced above (and in the 2010 SHMA) this does not equate to a wish to buy CCRC or Extra care provision in later life.

*"the majority of older people responding to the SHMA survey are opting for a rental option" (2.87 p14)*

*(As stated above here are no units available for rent on the Coppice Lane development.)*

- ***Housing aspirations are traditional and the proposal meets those aspirations.***
- ***The proposal includes highly desirable bungalows.***
- ***76.9% of people aspire to owning a house, only 7.8% aspire to a flat: this indicates a greater need for houses than flats. The proposal meets this need.***

These statements are based on research (also conducted by arc4 when contributing to the SHMA 2010), that used the toolkit published by 'More Choice, Greater Voice' toolkit in 2008.

The resulting research no longer accurately reflects the socio-economic environment facing older people in Cheshire East.

*The majority of older people in the Cheshire East catchment area already own their own home, (as confirmed by arc4 above), the majority of which are of traditional design.*

*It is therefore argued that the 'aspirational' statements above are irrelevant as 'indicators of need' in this context.*

a) Eminent recent research (JRF 2012, WRVS 2012, CLG 2011) confirms that the majority of older people who already own their own home want to stay there. This is confirmed by CEC's own 'Local Account' 2011/12 and 'Ageing well in Cheshire East' (2011/12)

Bungalows or adapted homes have always been a popular choice for older people but attract a high market premium especially in Cheshire East (north) where there is a higher density of older people.

*Bungalows on the Coppice Lane Development are expected to attract equally high 'open market prices'. Affordable (shared ownership) options (80% market value) still represents a higher price than many older people are able to purchase when other service and care/future care costs are factored in.*

For example the price of a 1-bedroomed bungalow currently for sale at the **Prestbury Beaumont Assisted Living Community** (Prestbury SK10) on 11<sup>th</sup> November 2012, is currently £145,000 for a long leasehold. A monthly service charge is payable, and all other household expenses must be met by the householder. Care costs are additional and will be based on a holistic assessment of need. (A two-bedroomed apartment is on the market on the same site at £235,000).

*This is a similar CCRC to that proposed at Coppice Lane and lies 10.2km from Handforth.*

Whilst the arc4 Need Assessment (April 2012) refers to the JRF supporting CCRC development, these papers were dated 2006 and have been superseded by "**Who Can Afford Retirement Housing?**" (JRF, September 2012) where caution is advised for all socio-economic groups and in an environment where;

*"..even those with high incomes/savings may find retirement housing unaffordable because of potentially limitless care costs when savings exceed the threshold. The uncertainty of managing increasing housing charges (and care costs) impacts across the income scale, although people renting privately and those with savings are the most vulnerable" (p4)*

The Hartrigg Oaks CCRC operated by the JRF has a number of financial options for potential residents that are clearly stated on their website. This fiscal modelling was tested robustly following consultation with similar providers in the United States, prior to planning or construction being commenced, to ensure that provision was sustainable in the longer term for those that satisfied the criteria for entry.

***The Draft Operational Plan (April 2012) for the Coppice Lane CCRC application provides only service detail ;***

- i) There is no evidence of the financial modelling underpinning this proposal to reassure Cheshire East Council and future purchasers of its economic sustainability.
- ii) There is no evidence to guarantee continuity of care though the various CCRC provisions:

This is of essential importance in the context of meeting strategic housing needs for our older population and to minimise risk of service failure as such residents become more frail in the future.

It should be noted that a highly controversial application at Storthes Hall, Kirkburton, West Yorkshire for a CCRC was passed at appeal in 2005.

After 7 years, the development has not yet started due to 'unfavourable economic climate', and on 24<sup>th</sup> October 2012 the application was bought back to planning for a further time extension.

Whilst there are new systems by which this may be granted, the developer is still unable to confirm when the work might start.

This delay is proving problematic for the longer term strategic planning of older peoples' care provision by Kirklees Council and its other provider partners.

(<http://www.examiner.co.uk/neighbourhood-news/denby-dale-shepley-villages/news/2012/10/24/>)

At a time when Cheshire East is embedding housing for the elderly and disabled into its Local Plan (to meet its new Public Health duties under the Health & Social Care Act 2012), *this again requires the applicant to provide robust financial modelling for this proposal.*

- ***There is a current need for 213 en suite single bedrooms in care home within 5km.***
- ***There is a current need for 524 en suite single bedrooms in care homes within 10km in Cheshire East.***
- ***There is a need to provide diversity in elderly accommodation – the proposed CCRC will meet this need with specialist accommodation that is not available elsewhere.***

It is difficult to assess the usefulness of these projected figures except to note the following:

- CEC is cognisant of care home standards and the desirability of all providers to comply with providing en suite bedrooms.
- CEC is aware of care home closures in recent years.
- Closure of care homes has reflected the pressures on some care providers to compete in a rapidly changing market place, to maintain and improve capital assets and function within a depressed economic climate.
- The developers of the The Coppice Lane CCRC application must also be able to operate within this depressed economic climate.
- *Despite the rising older population, demand for care home places is actually beginning to fall slightly in Cheshire East. There are currently 95 vacant care home beds in the Wilmslow SMART area alone. (CEC; 10.2012)*

### **Choice and Diversity for Older Customers:**

The Cheshire East Council is also working within the same challenging environment and is actively implementing a diverse range of care options to best meet the needs and choices of our ageing population AND to comply with our statutory roles and responsibilities

**What is Extra Care?**

The SHMA (2010) states that

- “there is no one accepted definition of an extra care service” (5.1)
- Design and location of schemes may differ, but the range of services provided is broadly similar.
- “there is no agreed formula or mechanism for establishing the number of extra care units needed in any particular area” (6.1)

Therefore:-

**Cheshire East’s Sustainable Communities Strategy 2010 – 2025**  
**‘Ambition for All’**

sets out a clear policy statement that directs how Cheshire East will meet its commitments, many of which are already being implemented to good effect. Cheshire East has adopted the broader principles of Extra Care defined in the SHMA 2010 (5.11) whereby

***independent living is facilitated through ‘living at home, not in a home’.***

For example:-

Table 2: Residential and ‘Extra Care at Home’ Provision

<b>Wilmslow SMART Area (11/2012)</b>	<b>East Cheshire Clinical Commissioning Area (11/2012)</b>	
<b>Residential/Nursing Care beds</b>	<b>Extra Care Housing Schemes</b>	<b>No. Units</b>
1,321 (95 current vacancies)	Oakmere, Handforth (rent/shared ownership/purchase)	53 units
	Prestbury Beaumont, SK10 (Continuing Care Retirement Community – ‘Close Care’) (leasehold)	23 Flats / bungalows + 27 bed Care Home
	Hanna Court, Handforth (shared ownership/purchase)	40 units
	Belong, Macclesfield	18 units

**Other Facilities in Handforth offering ‘Extra care at Home’ (Sheltered housing, Assisted living) (11/2012)**

Ferndale, Handforth	34 Flats	1 Vacancy
Gwyneth Morley Court, Handforth	49 Flats	0 vacancies

Care Provision in Cheshire East (11/2012)		
<b>Total CEC Residents supported</b>	<b>4,104</b>	
Domicillary Care arranged by CEC	1,349	
Residents receiving Direct Payments	522	(To arrange their own care)
Residents receiving DP & CEC care	(333)	
Total CEC residents in residential settings	1,900	(includes nursing & residential homes, extra care, sheltered housing, respite care)

Cheshire East works with its multi-disciplinary SMART Teams to assess the health and social care needs of customers. The Wilmslow Team serves the area covering the proposed development.

Cheshire East is actively promoting **Personal Budgets** for all customers with assessed need in line with Government policy in order to provide choice.

**The draft Care and Support Bill includes plans to make personal budgets mandatory from 2015.**

*This has significant repercussions for the Coppice Lane CCRC application and its financial viability.*

*If residents exercise their right to spend their personal budgets on care services purchased outside the CCRC this needs to be factored into pre-development financial modelling.*

### **First Response Reablement: Occupational Therapy and Assistive technologies**

Evaluation of this new approach is on-going but to date 'Peaks and Plains' (Registered Landlord) have provided 'Telecare' services in the East Cheshire CCC Area:-

#### **Assistive Technology to support residents in their own home.**

No. of Customers receiving First response Reablement (Jan'12 --> )	No. Customers at home after 10 months <i>without</i> additional support	Reduction in customers requiring residential placement
873	67%	1+ per week

Current contract aims to provide for 1200 telecare customers by June 2013.

#### **Assistance offered to Older People wishing to remain in their own home**

Disabled Facilities Grants Care & Repair Team	C&R Team advises grant Applications & offers advice to self-funders who fund their own adaptations.
Independent Living centre Wilmslow SMART Team	1,128 customers (over 55 years) have received adaptations and equipment

.(Peaks & Plains: 09.11.2012)

**Main conclusions:**

The scope of the arc4 Needs Assessment relies in large part on the SHMA 2010 and has not been up-dated to adequately address the comments of the Planning Inspector or to examine other legislation enacted during 2012 (as well as the NPPF) that impact on planning, housing and the strategic needs of Health & Social care provision.

The Needs Assessment for this Application:-

1. Has failed to adequately respond to the new patterns of tenure being sought by Older People in Cheshire East in the current economic conditions.
2. Whilst acknowledging that “Cheshire East is a self-contained housing market area”, arc4 has attempted to justify ‘need’ through the disparate property landscapes of adjoining local authority areas.  
The residual high levels of social housing in Wythenshawe and Stockport, and lower market prices of housing stock (of all types) in South Manchester, in comparison with Wilmslow and Handforth, require a far more detailed market analysis than that provided by simple projections of population statistics.
3. The CCRC model requires a significant financial commitment from purchasers. In the light of points 1 and 2, the ‘stalled’ scheme at Stothes Hall and the advice of the Joseph Rowntree Foundation (2012), the applicant must provide robust evidence of the financial modelling used to inform the design and demonstrate the economic sustainability of this application.
4. Has erroneously extrapolated that a rising older population combined with care home closures equates to the need for more care beds and ‘close-care’ dwellings.
  - This is in direct contradiction of arc4’s assertion in the SHMA 2010 that “There is no agreed formula or mechanism for establishing the number of extra care units needed in any particular area” (6.1)
  - This is in direct contradiction of Cheshire East’s data that shows, despite a rising older population, residential and nursing home client numbers are actually falling.
  - This fails to acknowledge the wider definition of ‘Extra care’ offered in the SHMA (2010) and adopted by Cheshire East’s ‘Sustainable Communities for All Strategy 2010-2015. In this context Cheshire East is actively encouraging ‘living at home, not in a home’, offering a wide choice of assisted living options for older people in the Borough.
5. Has failed to recognise the impact of current and imminent legislation on the economic sustainability of the CCRC model.  
The Council is already required to proceed with the Personalisation Agenda which enables customers to receive a direct payment with which they can purchase the care they want. CCRC’s will need to factor this in to their own ‘care offer’ including potential losses if residents choose to purchase their care from a provider ‘outside’ the CCRC.

(When the Draft Care and Support Bill is passed in 2015, Personalisation will become mandatory.)

6. Has failed to demonstrate the viability of the development to be implemented promptly (with realistic timescales for completion), in order that delays do not compromise the viability of other care provider businesses in the short and longer term, and that the essential planning of older people's care by the integrated partnership of the Council, EC CCG and other partners is not hampered in the Handforth and Wilmslow area.
7. The life expectancy of residents in Cheshire East is higher than the national average, so individuals must plan prudently for longer retirements. This needs assessment has not appropriately factored this into the operational plan for this application. (If residents enter at 55 years, they will require sufficient funds to support them (and future care) for a further 30+ years.)
8. There is a case for Care Villages, but they are not 'a cheap option' and even in the USA (where the Concept has been popular since its inception in 1910), the economic climate is causing concern:-  
*"The picture currently isn't pretty. As the economic downturn has made it tougher for potential new residents to sell their existing homes and move in, a number of individual communities and one of the country's largest developers of such facilities, Erickson Retirement Communities, have sought bankruptcy protection"* (Wall Street Journal May 30<sup>th</sup> 2012)

The assessment and identification of need has not materially altered sufficiently to warrant a departure from policy GC7 (Safeguarded Land)

This application fails to provide evidence of economic sustainability in the shorter term (development) and longer term (financial modelling for implementation) (NPPF 2012) and in failing to demonstrate economic sustainability, this application, if granted cannot provide social sustainability (NPPF 2012)

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Cllr Janet Clowes: MSc PGCE RGN  
Portfolio Holder: Health & Adult Social Care  
Cheshire East Council.

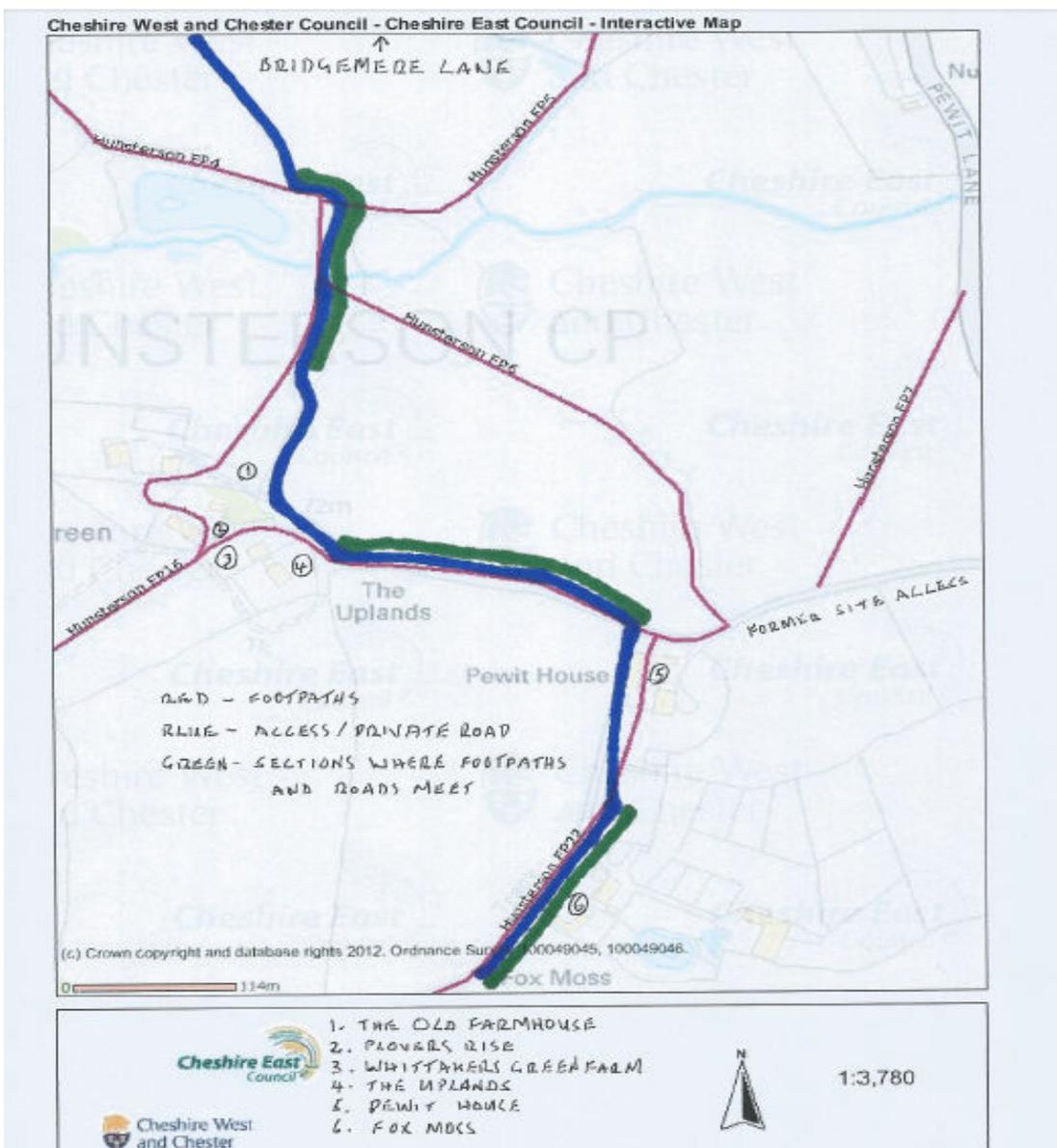
**STRATEGIC PLANNING BOARD – 14<sup>th</sup> November 2012**

**UPDATE TO AGENDA**

**APPLICATION NUMBER:** 12/1445N

**LOCATION:** Whittakers Green Farm, Pewit Lane, Hunterston

Doddington and District Parish Council have submitted the following plan. This is an extract from the Definitive footpaths map of the Hunterston area showing the footpaths and areas where the application site access road meets the footpaths.



### **Public Rights of Way Unit**

A further point of clarification has been provided in respect of the fact that the access road is not an adopted highway and the implications of this on use of the Highways Act for repairs quoted in their earlier comments.

Sections of the Highways Act 1980 refer to public rights of way as well as adopted roads (as they are all classed as highways). Under the legislation the Local Authority can serve notice on any landowner for disturbance of the surface sufficient to render it inconvenient for the exercise of the public right of way and require it to be reinstated to a suitable condition. This is by virtue of section 131A of the Highways Act (as amended by the Rights of Way Act 1990).

### **Further neighbour representations**

One letter of representation has been received from a local resident requesting that the application be delayed further to consider the following points:

- Questions the scope of the noise assessment and considers that the monitoring sites chosen were not close enough to the operating routes of the lorries or were in a weight restricted area.
- States that the section of Bridgemere Lane from the site to the A529 is inadequate to cope with any large trucks and in view of this questions why the weight limit has been made permanent. Also states that the truck movements are having visible damage to the fabric of the verges and surface of Bridgemere Lane (the section to the A529).
- Raises enforcement matters on the site and questions why the site has not been prosecuted over recent alleged breaches of planning conditions.

In response to the first point, the scope of the noise assessment has already been assessed in full by Environmental Protection Officers and considered acceptable. Furthermore the queries raised about the choice of monitoring location has been previously addressed in the update report for Strategic Planning Board on 12<sup>th</sup> September 2012.

The impact of the proposal on the highway network has been previously addressed in the committee report for Strategic Planning Board on 12<sup>th</sup> September 2012. The proposal has been deemed acceptable by the Highways Officer. It is noted that there is no increase in vehicle numbers proposed, and there is currently no restriction on the size of vehicle able to access the site in connection with this proposal.

In granting the permanent 7.5t weight restriction order on sections of Bridgemere Lane, the Strategic Director for Places and Organisational Capacity took into

account potential impacts on the condition of the highway network and deemed this to be acceptable.

Matters of enforcement are not considered to be of relevance in the determination of this application and are dealt with under separate legislation.

### **RECOMMENDATION**

**That the Committee endorse the view that the application would have been Approved subject to the following:**

- **Replication of all conditions on consent 7/P04/0124, 7/2006/CCC/1, 7/2007/CCC/7 and 7/2009/CCC/1 with the exception of those conditions being removed by this application.**

**Instruct the Head of Development not to contest the forthcoming appeal against non-determination and make representations to the Planning Inspectorate accordingly.**

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