

Application No: 22/2347M

Location: 17 & 19, HOLLY ROAD SOUTH, WILMSLOW, CHESHIRE, SK9 1NQ

Proposal: Demolition of existing buildings and erection of 34 Retirement Living Apartments including Lodge Manager's office and reception, communal facilities, guest suite, car parking and landscaping

Applicant: c/o Agent, Churchill Retirement Living

Expiry Date: 08-Sep-2022

## **SUMMARY**

The application site lies within Wilmslow, which is identified as a Key Service Centre where the principle of residential development on the site is acceptable. The site is sustainably located and is in walking distance of the town centre, public transport and services and facilities within Wilmslow. The development complies with Policies SE 2, SD 1 and SD 2 of the CELPS in this regard.

The amended proposals represent an acceptable form and design that would sit appropriately within the surrounding urban environment. Residential amenity would be maintained for existing residents and future occupants and the proposals comply with CELPS policy SE1 and SD2, SADPD Policy HOU 12, HOU13 and GEN1 and WNP policy H2.

The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology, flood risk, noise and contamination.

The financial viability of the scheme has been independently assessed and contrary to the applicant's conclusions, the LPA consider that the development could include contributions towards affordable housing, and/or NHS and open space contributions. However, there is no mechanism in place to provide the requisite obligations. As such, the proposal fails to accord with the requirements of Policies IN2, SE6, SC2 and SC5 of the CELPS in this regard.

Insufficient information has also been supplied to determine the impact of the development on the long-term health and wellbeing of the retained tree cover.

The proposals do not comply with the relevant parts of the development plan listed above, insufficient detail is supplied to consider the remaining matters

above, and the factors in favour of the development are not considered to outweigh the harm identified above. Accordingly, the application is recommended for refusal.

### **SUMMARY RECOMMENDATION**

Refuse

### **REASON FOR REFERRAL**

This application is referred to the Northern Planning Committee because it is for a residential development for over 20 units, and under the terms of the Council's Constitution it requires a Committee decision.

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

The site currently comprises 2no. large, detached dwellings situated on the southern side of Holly Road South. The site is located to the south of the town centre of Wilmslow and is located in a residential area within the settlement boundary, as defined in the Local Plan.

The site is relatively flat and rectangular shaped some 0.3ha in size and takes access from Holly Road South (located to the north), backing on to Paxford Place at the rear (south). Individual residential properties are located with the east and west. Currently the dwellings located on site are centrally positioned within each plot with planted boundaries and mature trees. The trees within the garden of both plots are the subject of Tree Preservation orders (Wilmslow Urban District Council 1973 -Alderley Road and Macclesfield Borough Council Wilmslow – Paxford Place 1982). Parking is laid out the front of each property.

The site is around 800m from the centre of Wilmslow with access to its shops, services and public transport networks. The road junction with Alderley Road and Holly Road South is 60m to the west.

The immediate context of the site is characterised by large properties within relatively spacious plots and mature trees to the frontage. Development becomes more closer knit when moving away from the site, and particularly at the immediate rear of the site where on Paxford place, properties are single storey and more closely arranged as a residential estate. The site located is within flood zone 1.

### **DESCRIPTION OF PROPOSAL**

This application seeks full planning permission for the demolition of the 2no dwellings on the site and erection of 34 retirement apartments with associated communal facilities (including residents lounge, coffee bar, internal bin store, utility and store, buggy store, garden area and a guest bedroom), car parking and landscaping. The building will be 3 storeys and provide the following;

- 23no. 1 bed apartments
- 10no. 2 bed apartments
- 1no 3 bed apartment

The application states that apartments are sold with a lease restricting occupation to someone aged 60 years or over with a spouse or partner of at least 55 years.

Access is to be taken from Holly Road South from the two existing accesses. Car parking for 16 vehicles is arranged to the front of the site, along the front and to the side with a mobility scooter store and charging points to the east. The front boundary would consist of a railings with planting and trees behind.

The proposed apartment block would be located in the centre of the site, rectangular in form. The building would have front facing gables with flat roof dormers and a centrally lowered two storey section. Revised plans were received during the course of the application that reduced the massing of the link and redesigned this element as a contemporary flat roof design with large areas of glazing to the front elevation. The building would have a varied roof line. Individual balconies are proposed on all units on the first and second floor with regular even spacing glazing and doors throughout at both front and rear. The extent of glazing is reduced on the side elevations. The building would be a maximum of 59m in width, 21m in depth and set back from Holly Road South by 14m and off the rear boundary by 10m. Proposed building materials are red and cream brick with 'basketweave' bond detailing below windows and concrete tile roof. Doors and windows would be Upvc. Landscaped grounds surround the apartment block. All TPO trees are proposed to remain on site.

The application is accompanied by the following information;

- Design and Access Statement
- Transport Statement
- Landscaping Strategy
- Ecology survey
- Affordable Housing Viability Assessment
- Statement of Community Involvement
- Drainage strategy
- Flood risk and drainage technical note

Additional information was submitted to address consultee comments;

- Visibility assessment and vehicle tracking,
- Arboricultural assessment, tree management and protection plans,
- Bat survey.

Discussions are currently underway with the developer regarding the site viability following the LPA's independent assessment of the site viability assessment submitted in support of the application. This is not yet resolved however, due to the applicant's private contractual obligations with the site, the applicant has requested that this application be determined and therefore the LPA have prepared this report on the basis of the information submitted.

## **RELEVANT HISTORY**

### 17 Holly Road South

12/1815M - Single Storey Rear Extension - Approved with conditions / 29-Jun-2012

12/2673D - Discharge of Condition 4 on Application 12/1815M - Approved / 04-Oct-2012

49196P - Side extensions - Approved / 03-Jun-1987

### 19 Holly Road South

19/2712M - Outline application with some matters reserved for demolition of 19 & 21 Holly Road South and any ancillary outbuildings and construction of a three-storey building consisting of 12 apartments, associated car parking and new vehicular and pedestrian access - Not decided (Finally disposed of) / 06-Sep-2022

54499P - Revised elevations to previously approved plan and erection of fence- Approved / 12-Oct-1988

52889P - Extension and conversion of garage and reroofing of house - Approved / 21-Apr-1988

51604P - Extensions re-roofing and new garage - Approved / 07-Jan-1988

### **RELEVANT PLANNING POLICY**

Para 215 of The Framework indicates that relevant policies in existing plans will be given weight according to their degree of consistency with The Framework.

### **Cheshire East Local Plan Strategy 2010-2030 (CELPS)– Adopted July 2017**

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and Well-being

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE8 Renewable and Low Carbon Energy

SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

## CO4 Travel Plans and Transport Assessments

### Appendix C – Parking standards

#### **Cheshire East Site Allocations and Development Policies Document (SADPD)- Adopted December 2022**

PG9 Settlement Boundaries

GEN1 Design principles

ENV2 Ecological implementation

ENV5 Landscaping

ENV6 Trees, hedgerows and woodland implementation

ENV7 Climate Change

ENV12 Air quality

ENV14 Light pollution

ENV15 New development and existing uses

ENV16 Surface water management and flood risk

ENV17 Protecting water resources

HOU1 Housing Mix

HOU 2 Specialist Housing Provision

HOU 6 Accessibility space, accessibility and wheelchair housing standards

HOU10 Amenity

HOU 11 Residential Standards

HOU 12 Housing Density

HOU 13 Housing Delivery

INF1 Cycleways, bridleways and footpaths

INF3 Highways safety and access

INF6 Protection of existing and proposed infrastructure

INF9 Utilities

REC 2 Indoor sport and Recreation Implementation

REC3 Open space implementation

#### **Wilmslow Neighbourhood plan**

LSP1 – Sustainable Construction

LSP2 – Sustainable Spaces

LSP3 – Sustainable Transport

NE5 – Biodiversity Conservation

NE6 – Development in gardens and Amenity Space

TA1- Residential Parking Standards

TA2 – Congestion and Traffic Flow

TA5 – Cycling in Wilmslow

CR1 – Community Facilities

H2 - Residential Design

H3 – Housing Mix

#### **Other Material Planning Considerations**

Housing Supplementary Planning Document July 2022

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

**Highways (CEC)** – No objections following receipt of additional information.

**Environmental Protection (CEC)** – No objection subject to conditions regarding contamination, soil importing, EV charging and low emission boilers and informatives regarding hours of construction works, piling, dust management and floor floating.

**Local Lead Flood Authority (CEC)** – Comments on additional information - no objections in principle to the current development proposals however we wish to highlight the following further information required at detailed design stage. Recommend conditions regarding ground and finished floor levels, detailed drainage strategy and informatives regarding applicants responsibilities watercourses and infiltration testing. It is noted that local residents have raised concerns regarding flood risk and drainage issues therefore if the residents have any photographic evidence of this affecting the proposed development site, then we encourage them to submit this as part of the current planning application.

**Education Services (CEC)** – No comments received

**Strategic Housing (CEC)** – There is a need for rented over 55 accommodation and Intermediate need for the over 55's. However with the viability statement presented, I do not object as long as the viability statement is found to be valid via independent review.

**Childcare Development Manager** – No comments received

**Cadent Gas** – No comments received

**NHS Clinical Commissioning Group** – Require a section 106 contribution of £24,051 for use at Wilmslow Health Centre for the creation of a Multi-disciplinary team hub.

**Ansa Greenspace** – Comments awaited.

**United Utilities** – Comments on additional information - the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted condition is required regarding drainage.

**Wilmslow Town Council** – Object and recommend refusal on the grounds of inadequate parking provision as highlighted by CE strategic transport officer.

## **OTHER REPRESENTATIONS**

### **Residents**

45 representations of objection have been received from 17 addresses and are summarised below;

### Highway matters

- Lack of parking spaces for 32 apartments – 20 of which are 2 bed plus manager and support staff with only 16 proposed spaces.
- No emergency vehicle parking
- Lack of parking will result in disputes
- No provision for EV charging
- Inadequate space for construction parking
- Increase in traffic overall at an existing busy location
- TRICS assessment – the net impact is more than triple the current TRIP level
- Proximity to roundabout junction is very close
- Insufficient space on site for refuse and service vehicles
- Expansion of school will place more school children on Holly Road South and this development would be a threat to their safety,
- Existing on street parking is time limited and in high demand
- Development would cause serious congestion at road about
- Conflict with recently built cycle lanes on Holly Road South,
- Property entrance is close to junction with Alderley road and roundabout and is dangerous
- Likely that vehicles accessing the site will block neighbouring drives.

### Design

- Development is unappealing
- Size does not reflect character or scale of surrounding development
- Doesn't compliment street scene
- Overdevelopment
- Out of proportion and type with neighbouring properties
- Proposals dwarf neighbours
- Comparing height with the Beeches is inaccurate-this development has a bigger footprint and is closer to the front of the site
- Not enough garden and recreational space
- Too dense and intensive design for this site
- Depth of building is wider than existing properties along Holly Road South
- Out of character of existing spacious tree lined street
- Development not in keeping with bungalows at the rear of site
- Car parking along frontage would be highly visible and alien in street
- Building will change and damage the character in appearance and increased activity
- There are no other 3 storey buildings on the road
- Continuous built frontage would be incongruous and would harm the open verdant character

### Amenity

- Overshadowing of neighbouring properties
- Overlooking of neighbouring gardens from balconies
- Inadequate privacy distances
- Loss of light
- Overlooking/loss of privacy dwellings on holly road south
- Loss of amenity to roof lights with building looking down to neighbours

- Noise and disturbance resulting from use of building including potential emergency services visits
- Construction period will be detrimental to residents especially older residents who live nearby
- It bring a greater number of neighbours and balconies that will directly overlook properties much higher and closer than existing houses
- Unneighbourly and intrusive development
- Positioning of habitable room windows in gable ends will result in loss of privacy
- Vast increase in noise from occupants compared to 2/3 residents now.
- Impact on air pollution

#### Flooding/drainage

- Proposals will overload current drainage infrastructure
- Area is already prone to flooding and foundations will displace more water

#### Principle of Development

- The demand for retirement living has already been met in this area- one of Holly Road North and One on the roundabout,
- Other 'sheltered' properties are not fully occupied in the area
- Doctors and Dentists can't support the existing community and weighting needs to be given to existing residents of Wilmslow who struggle to obtain such appointments.
- Development is for maximum profit and little gain to the community of Wilmslow.
- Chapelwood is only metres away from this development and was completed several year away though apartments are still for sale
- This is 3x the size of the previous application
- The proposal will destroy the existing peace and tranquillity of this road.
- Number of residents on this site would increase from 6 to 43 which places huge strains of local services
- Inappropriate development in this area
- Conversion of small houses to big developments is taking potential affordable housing from the locality
- Staff required will not be able to afford to live in locality
- Loss of family homes being bought by developers results in a loss of community and decreased neighbourly interaction

#### Other issues

- Consultation period should be extended and expanded
- Loss of views
- The building will affect religious customs of neighbours as the building will block sun and light to east and south
- The substantial hedgerow referred to in application is not outside of the site boundary it is the boundary line
- Loss of trees, including protected trees
- Impact on health of neighbouring residents

**Wilmslow Civic Trust** – Objects and recommend refusal.



- Holly road south is very busy and serves Wilmslow High School. The junction with HRS and the Kings Arms roundabout is very congested. The development would increase traffic and cause additional hazards at the site access.
- On site parking (including emergency parking) is inadequate contrary to WNP Policy TA1
- Development would be overpowering and out of character with the area having a detrimental impact on street scene failing WNP H2; it is simply overdevelopment.
- Local need is already met as units are constantly 'on the market',
- Strain of local health infrastructure.

**Esther McVey, MP** – Object as the local MP on behalf of residents.

- The proposal is 3 storeys tall and more dominant than other new developments on Holly Road South and would appear to be over development and out of keeping with the street scene,
- Paxford Place is predominantly bungalows and would be dwarfed by this building,
- Two similar new build in the vicinity have not been built with sufficient parking and have had to increase after completion. CE highways have advised the wrong formula has been used to calculate parking spaces.
- Development is not in town centre and difficult to imagine most residents carrying shopping back from the supermarket; it is clear parking is inadequate.
- I note the objection raised by the CCG about the potential influx of new, vulnerable patients to their practices.
- Development will bring a significant volume of traffic and there are safety risks associated with that.

## **OFFICER APPRAISAL**

### **Principle of development**

Section 5 of the NPPF seeks to significantly boost the supply of homes.

Paragraph 69 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. To promote the development of a good mix of sites local planning authorities should amongst other things 'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'.

Wilmslow is identified as one of the 'Key Service Centres' in Cheshire East where CELPS Policy PG 2 states that "development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability."

As a windfall site, CELPS Policy SE 2 states that development should;

- Consider the landscape and townscape character of the surrounding area when determining the character and density of development
- Build upon existing concentrations of activities and existing infrastructure
- Not require major investment in new infrastructure

- Consider the consequences of the proposal for sustainable development having regard to Policies SD 1 and SD 2

SADPD Policy HOU 2 provides support for specialist housing for older people that support independent living providing the following criteria are met;

- i. the type of specialist accommodation proposed meets identified needs and contributes to maintaining the balance of the housing stock in the locality;
- ii. the proposal provides easy access to services, community and support facilities, including health facilities and public transport, enabling its residents to live independently as part of the community;
- iii. the proposal meets the accessibility and wheelchair housing standards set out in Policy HOU 8 'Space, accessibility and wheelchair housing standards';
- iv. the design of the proposal, including any individual units of accommodation, should be capable of meeting the specialist accommodation support and care needs of the occupier. This includes pick up and drop off facilities close to the principal entrance suitable for taxis (with appropriate kerbs), minibuses and ambulances and the ability to provide assistive technology and internet connectivity where relevant;
- v. the provision of suitable open space/grounds that can be used by residents;
- vi. the provision of suitable levels of safe storage and charging facilities for residents' mobility scooters, where relevant; and
- vii. affordable housing provision will be required in line with the thresholds and policy approach set out in LPS Policy SC 5 'Affordable homes', where independent dwellings would be formed.

In this case, the provision of 34 retirement properties would deliver specialist older person housing within a sustainable location with the town centre of Wilmslow within walking distance from the site. From here, there are good rail links (including to Manchester and London) and buses to other local / key service centres. There are local amenities nearby, and infrastructure such as schools, hairdressers, gyms, employment etc. The development to provide residential units in a sustainable location aligns with the general principles of national policy, local policy and neighbourhood policy. It would also make a contribution to the Council's housing requirements through the provision of 34no. C3 residential units.

The applicant outlines that the scheme is designed specifically for older residents with level access throughout and doors/windows designed for ease of use for those with limited mobility and a designated area for mobility scooter storage.

In accordance with these policies, there is no objection in principle to new residential development in this location, subject to compliance with the other relevant development plan policies

## **Housing Land Supply**

The Council has a supply of deliverable housing land in excess of the minimum of 5 years required under national planning policy. As a consequence of the decision by the Environment and Communities Committee on 1 July 2022, to carry out an update of the Local Plan Strategy (LPS), from 27 July (the fifth anniversary of its adoption), the borough's deliverable housing land supply is now calculated using the Council's Local Housing Need figure of 1,070 homes/year, instead of the LPS annual housing requirement of 1,800 homes.

The 2020 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 14 January 2022 and this confirmed a Housing Delivery Test Result of 300% for Cheshire East.

Underperformance against either of these can result in relevant policies concerning the supply of housing being considered out of date with the consequence that the ‘tilted balance’ at paragraph 11 of the NPPF is engaged. However, because of the Council’s housing supply and delivery performance, the ‘tilted balance’ is not engaged by reference to either of these matters.

### **Affordable Housing**

Policy SC 5 of the CELPS sets out the thresholds for affordable housing in the borough. In residential developments, affordable housing will be provided as follows: -

- i. In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable;
- ii. In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sqm) in Local Service Centres and all other locations at least 30% of all units are to be affordable;
- iii. In future, where Cheshire East Council evidence, such as housing needs studies or housing market assessments, indicate a change in the borough’s housing need the above thresholds and percentage requirements may be varied;

The CELPS states in the justification text of Policy SC5 (paragraph 12.44) that the Housing Development Study shows that there is the objectively assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year across the borough. This figure should be taken as a minimum.

The Councils housing officer has confirmed the housing demand as below;

#### **Cheshire Homechoice**

The current number of those on the Cheshire Homechoice waiting list with Wilmslow as their first choice is 578. This can be broken down as below;

First Choice	How many bedrooms do you require?						Grand Total
	1	2	3	4	5	5+	
Wilmslow	283	162	87	27	19		578

With these being Retirement properties being proposed, the over 55 rental needs in Wilmslow is shown below:

#### **Over 55 Demand**

First Choice	How many bedrooms do you require?			
	1	2	3	4
Wilmslow	54	6	0	0
<b>Totals for each bedroom type.</b>	<b>54</b>	<b>6</b>	<b>0</b>	<b>0</b>

First Choice	What Type of Housing do you require?			
	Flat/Bedsit	Bungalow	Maisonette	House
Wilmslow	48	48	15	27
<b>Totals for each bedroom type.</b>	<b>48</b>	<b>48</b>	<b>15</b>	<b>27</b>

The proposal is for 34 units for retirement living housing, (which is market housing) within a key service centre and would therefore trigger the requirement for affordable housing as well as other infrastructure requirements. In order to meet the Council's Policy on Affordable Housing there is a requirement for 10 (9.9) dwellings to be provided as affordable homes, 7 units should be provided as affordable/social rent and 3 units as intermediate tenure.

Policy SC5 of the CELPS requires affordable housing to be provided on-site, however, in exceptional circumstances, where it can be proven that on-site delivery is not possible, as a first alternative, off-site provision of affordable housing will be accepted; as a second alternative a financial contribution may be accepted, where justified, in lieu of on-site provision.

Policy SC 5 also recognises that some developments may not be able to afford the full cost of affordable provision. In that regard the applicant has submitted a viability statement with the application which concludes that the scheme would not be capable of generating any surplus which could be used for any section 106 obligation including affordable housing.

The applicant explains "there are additional costs associated with delivering retirement housing as opposed to standard open market housing. Around 25% of floor space is for communal facilities such as the owner's lounge and guest accommodation. This is unsaleable floor area which therefore reduces income. In addition, retirement accommodation has a reduced sales rate, due to the smaller section of the market that is eligible, increasing borrowing and empty property costs".

In conducting an independent review of the viability assessment, the Council's independent advisor has concluded that the application proposals could support a planning contribution of £708,000. The applicant has been made aware of the findings of the LPA independent assessment although discussions are underway, the applicant has yet to provide comment to further justify their position or agree to any S106 contributions for this site.

As such, the applicant has not sufficiently demonstrated that the site cannot support affordable housing provision or other section 106 contributions discussed below. The proposals fail the test required by CELPS policy SC5 in this regard.

## Housing Mix

Policy SC4 of the CELP states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed,

balanced and inclusive communities. The Cheshire East Housing SPD (July 2022) requires that there should be a mix of housing on sites of 10 or more homes, and that developments should maintain an appropriate mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. WNP policy H3 advises proposals that include homes for the elderly will be supported and highlights the affordable housing requirement of CELPS policy SC5.

The application proposes a housing mix of 23 x 1 bed, 10 x 2 and 1 x 3 bed apartments for occupants over 60 years old ('retirement living') which would contribute towards creating a mixed, balanced, and inclusive community and aims to meet the needs arising from increasing longevity of the borough's older residents, when combined with the existing residential development in the area.

The proposals would assist in providing a mix of units on site thus contributing to a diverse community and the requirements of CELPS Policy SC 4 and some of the aims of WNP Policy H3.

### **Public Open Space**

Policy SC2 of the CELPS requires major residential development to contribute to sport facilities where the development will increase demand and/or there is a recognized shortage in the locality that would be exacerbated. Policy SE6 of the Cheshire East Local Plan requires 65 square meters per dwelling for the provision of public open space.

It appears that this cannot be provided on site and therefore financial contributions may be required for off-site provision in line with policy SE6 of the Cheshire East Local Plan.

The nature of the scheme, being for retirement living, would place a greater burden on open space and recreational facilities in the area and accordingly, the applicants would normally be expected to make a financial contribution towards the Borough Council's sports, recreational and open space facilities in lieu of on-site provision.

Comments from ANSA are awaited, and further details will be provided as an update.

### **Education**

The retirement living housing would not place any greater burden on local education provision given the type of accommodation proposed. The units are not 'family dwellings' owing to their size (i.e. mainly 2 bed) and owing to the occupation by older residents. Accordingly, the scheme would not trigger a requirement for commuted sums towards education provision.

### **Character and Design**

Paragraph 130 of the NPPF seeks to ensure that developments function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and landscaping; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place,

and create attractive and distinctive places to live, work and visit. The potential of a site should be optimised to accommodate an appropriate mix and amount of development whilst creating safe, inclusive and accessible places with a high standard of amenity for existing and future users.

Paragraph 134 notes that permission should be refused for development that is not well designed.

CELPs Policy SE 1 states that development proposals should make a positive contribution to their surroundings. It seeks to ensure design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements. It should also respect the pattern, character and form of the surroundings.

Amongst other criteria, Policy SD 2 of the CELPs also expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of **height, scale, massing, form and grouping in addition to the relationship to neighbouring properties, materials, design features and green infrastructure. SADPD Policy GEN 1 requires proposals to create high quality development reflecting local character and design. SADPD policy HOU 12 advises that in determining appropriate density for a site, the character of the surrounding site and area, along with the mix and type of development, nature setting and scale, amenity, availability and capacity of local services and viability should be taken into account.**

WNP Policy H2 requires new housing development to deliver high quality design through meeting the following key principles:

- Reinforcing character and identity through locally distinctive design and architecture
- Establishing a gateway to the site and to the town itself
- Establishing a clear hierarchy of streets and spaces
- Delivering a scale, mass and density commensurate with the surrounding townscape (particularly for apartment proposals) with sufficient associated amenity space
- Establishing a sensitive transition with the wider landscape where a new settlement edge is created
- Using sustainable drainage systems and water management.

WNP Policy NE6 seeks to preserve garden areas from ancillary development as a result of the subdivision of larger plots or gardens. Although this development would fill a much greater proportion of the plots that the former dwellings occupied, this is an amalgamation of plots to create specialised apartment living with communal garden and seeks to retain some open garden space, mature trees and landscaping.

Holly Road South is characterised by vegetated frontages with properties set back into the site. At the rear the existing hedgerow and positioning of the dwellings in the site do not currently result in a noticeable presence from Paxton Place. Built form of the surrounding area primarily comprises 2 storey detached buildings. Further away from the immediate surroundings, development becomes more densely positioned, with much less space around building and the presence of larger apartment buildings, including 160m on Holly Road North at Lawson Grange.

The proposal seeks the erection of an apartment block comprising 2 and a majority of 3 storey apartments arranged in a single rectangular block. The footprint of the block is considerably larger than the two dwellings it replaces. The building is set slightly back from the existing front

building line of no 19. (around 1m) and in part, set slightly forward of the existing building line of no 17 (a maximum of 2m at the far eastern corner of the building). The building will be a maximum of 11.4m in height and is largely traditional in its design approach with detailing and materials prevalent in the vicinity of the site.

A parking courtyard would be located to the front and modest communal garden area at the rear. The proposed building would occupy a large proportion of the site, extending further back into the site than the existing development and would be more prominent due to its size, height, mass and scale. The proposed building will be slightly closer to the boundary with no 17. (by around 1.7m maximum) but no closer to the boundary with no 21. Although the proposals involve the removal of trees on site, these are largely category C trees within the site and around the site entrances, trees are to be retained around the site boundaries, including 4 category B trees with additional tree planting at the front. Much of the area of existing trees and planting at the rear is to be retained and supplemented.

Revised plans were received during the course of the application which reduce the massing of the central link to create a 'lighter' component of the building which allows the intended design approach of 2 buildings on site to become more apparent, thus reducing the perceived bulk of the building and impact on Holly Road South whilst also reinforcing its entrance. As a result of the existing and supplemented planting at the rear and the position of the building on the site, the building will have less of a visual impact at the rear. The design officer comments that the submitted visual assessment provides comfort that the visual impact of the building from Paxford place would be minimal and raises no objection to the scheme.

The proposed building would be larger in height and scale than neighbouring properties and remove the element of spaciousness that currently exists around each dwelling within the site. Parking areas to the front and the widening of the accesses will open up views into the site. However, the varied elevational form with the appearance of two blocks, the maintenance of existing trees and additional planting would be sufficient to mitigate for the increased size and scale of this building and would be consistent with forms of apartment developments seen in the local area.

Although the proposed apartment building does not reflect the height, form, and mass of the immediate surrounding development, on balance, it would not be to the detriment of the character and appearance of the street scene.

Overall, it is considered that the proposals would contribute positively to the character of the area. As such the proposals comply with Section 12 of the NPPF, policies SE1 and SD2 of the CELPS, the requirements WNP policy H2 and SADPD policy GEN 1 and HOU 12.

## **Amenity**

CELPS policy SE1 seeks to ensure appropriate levels of privacy for new and existing residential properties. Policy SD 2 also expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of its **relationship to neighbouring properties**. SADPD policy HOU 12 seeks to ensure development does not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:

1. loss of privacy;

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

SADPD Policy HOU 13 (table 8.2) and the Cheshire East Design Guide set out the standards for space between buildings and advises for a three-storey building that 18m is required between principal habitable windows front to front, and 21m between principal habitable windows back to back. For a habitable room facing a non-habitable room this reduces to 16.5m.

This is required to maintain an adequate standard of privacy and amenity between residential properties.

The apartments meet the national described space standard in terms of internal accommodation provided.

Residents are concerned about the impact of the building on their privacy and the potential for overlooking and also the overbearing effect of the building.

The proposed building will be some 9.6m from the neighbouring dwelling to the east and 4.8m to the dwelling to the west. Principle habitable windows feature on each elevation, including side facing elevations at ground and first floor and to the north, south and east at second floor.

Whilst there is some boundary planting, particularly to the eastern boundary this would not screen overlooking from the first floor windows (from apt no 14) particularly to the front of number 21 Holly Road South, and the side of 17a Holly Road South (from apts 20 and 21) whereby their main principal windows are placed at ground floor, and a large amount of roof lights feature. However, these first floor side facing windows on apartments 14, 20 and 21 are not principal windows and could be obscure glazed via condition to protect privacy.

At the front and rear facing apartments each feature a modest balcony which may allow for some overlooking to the private gardens of neighbours. However established boundary planting would remain and provide screening during summer months when balconies are likely to be in use. Communal external amenity space for the apartments is modest however the outdoor requirements differ for different age groups and apartments provide generally less amenity space than houses.

The building at two and three storey level is close to neighbouring development and will be appreciably higher than the existing properties. However, existing planting, which could be supplemented, would reduce the overbearing presence of the building.

The applicant has provided a shadow study within the DAS which concludes that no part of the neighbouring properties would be shaded by the development that are not already shaded as existing. The findings of this are accepted.

Residents are also concerned about the increase in the number of units on site and the increase in noise and activity as a result. However, the site is within the development boundary and close



to busy roads and on street parking bays where noise and activity is expected. As the development would serve older residents who would be less likely to participate in long periods of outdoor noise generating activity it is not considered that proposal would harm residential amenity as a result. Additional comings and goings to the site are acceptable in a residential environment such as this one.

The proposals are considered to comply with the provisions of CELPS local plan policies SD2 and SE1, SADPD policies HOU 12 and HOU 13 and advice within the Cheshire East design guide, all seek to safeguard residential amenity.

### **Highways/Accessibility**

CELPS Policy CO 1 deals with sustainable travel and transport. It supports a shift from car travel to public transport and seeks to guide development to sustainable and accessible locations. Policy TA1 of the WNP requires that applications demonstrate they have met parking standards as per CELPS appendix C and that parking should avoid impacting or protruding onto surrounding streets. SADPD policy INF3 requires that amongst other things, proposals provide safe access to and from the site for all highway users and incorporate safe internal movement in the site to meet the requirements of servicing and emergency vehicles. Development traffic should be satisfactorily assimilated into the operation of the existing highway network so that it would not have an unacceptable impact on highway safety, incorporating measures to assist access to, from and within the site by pedestrians, cyclists and public transport users and meets the needs of people with disabilities.

As a key service centre, it is accepted that Wilmslow is a suitably accessible location for additional housing. The town centre is within 800m of the site which is considered to be within a sustainable location. Appendix C of the CELPS recommends that one space should be provided for one-bedroom properties and two spaces for two bedroom properties, which would equate to a requirement of 60 spaces.

Access to the site will remain from the existing points with 16 car parking spaces to the front of the building. Bin stores are located within the building and the applicant advises that the on-site manager will be responsible for bringing bins to the kerbside. The transport assessment accompanying the application advises that additional trip generation is negligible with 3 additional trips in the AM and PM peaks respectively, and 41 additional trips across the 12-hour period when compared to the existing residential dwellings. This equates to one additional trip every 20 minutes in the AM/PM peaks and an average of just over 3 additional trips each hour across the 12-hour day.

The CE Highway officer has advised that C3 parking standards should apply on the basis of the information submitted that would equate to a requirement of 44 spaces (1 bedroom - 1 space per dwelling; for 2 bedrooms - 2 spaces per dwelling). However for sheltered accommodation (shown as a C2 use in Appendix C of the CELPS), the parking requirement is 0.5 per unit and 1 per 3 units (for visitors), which would equate to a requirement of 28 spaces, as there are no staff.

The applicant explains that the developer's experience of 0.3 spaces per apartment meets the required demand as residents move closer to services and facilities and away from the reliance

on a car. This proposal provides for 0.49 spaces per unit and is below CE parking standards for C3 and C2 development.

However, the site is within a relatively sustainable location close to shops and services within Wilmslow Centre, and the site would be for specialist accommodation for older people. The applicant advises that the average age of occupants is 80 years of age. It is also noted that a parking ratio of 0.5 spaces per residential unit was accepted by the highway authority and Planning inspector for a similar 60yrs+ retirement scheme for 39 apartments at Cypress House in Handforth (appeal ref. 3294256.)

Concerns have been raised by the Town Council and residents regarding the suitability of the site access and the additional pressures on the local highway network, particularly the nearby junction and roundabout.

Additional information was submitted during the course of the application to address Highway officer concerns. Highway comments will be provided as an update.

## **Trees**

CELPs Policy SE5 seeks to ensure the sustainable management of trees, woodland and hedgerows including provision of new planting to provide local distinctiveness within the landscape, enable climate adaptation resilience, and support biodiversity. Furthermore, the planting and sustainable growth of large trees within new development as part of a structured landscape scheme is encouraged in order to retain and improve tree canopy cover within the borough as a whole. Similarly SADPD policy ENV 6 requires proposals to retain and protect trees, woodland and hedgerows. Proposals should include measures to secure the long term maintenance of newly planted trees.

Trees within the site are protected by Tree Preservation Orders; the Wilmslow Urban District Council (Alderley Road) Tree Preservation Order 1973 , Area d A8 covers selected trees within the western section of the site (19 Holly Road South). The Macclesfield Borough Council (Wilmslow Paxford Place) Tree Preservation Order 1982 protects a group of trees (Group G1 comprising of 1 Horse Chestnut, 1 Sycamore and 1 Ash) to the northern boundary of the site adjacent to Holly Road South. A further two offsite groups (G2 and G5 of the 1982 Order protects trees along the eastern boundary of 17a Holly Road South.

The AIA confirms checks have been made on the status of trees stating that there is a TPO in force, however that no further reference to the status of TPO trees is made within the Arboricultural Assessment. Design advice in BS5837:2012 states that the presence of Tree Preservation Orders is a factor that should be taken into account in the design process.

The proposals include the removal of 17 individual trees, 6 groups and 1 hedge assessed low (C) quality to be removed. The Council tree officer considers that the removal of these trees will not have a significant adverse impact on local character and wider amenity of the area.

Impact on Root Protection Areas (RPA)

## T16 and T57

The AIA states there is to be a minor encroachment into the RPAs of T16 (an offsite High category Horse Chestnut) and T57 (an offsite moderate B category Sycamore) for the new building. Both trees are protected by a Tree Preservation Order. The location of Horse Chestnut (T16) is adjacent to a pre-existing hard surface (Holly Road South). The submission does not include overriding justification for encroachment into the RPA of trees, nor stated any alternative mitigation measures. Similarly there will be encroachment into the RPA's of trees G20, T21, T23, T29, T31, T32, T35, T52, T53, T57, T69, without justification or mitigation. In addition, the report submitted does not consider the soil type on which the proposed hard surface is to be instituted using a no-dig approach. While trees on sandy soils will tolerate large areas of hard surfaces on clay soils, because of low diffusion rates for soil air, the area of hard surfaces that will be tolerated is much less.

Even though the site is relatively level even minor changes in ground levels, depending on soil and tree species, could have significant impacts on trees being retained in the short and long term therefore, it is not possible to fully evaluate impacts on tree RPAs posed by the development without existing, proposed and slab levels.

## Boundary Trees, T53 and T57

The position and detail of the boundary fence and its methodology are not shown on the submitted Tree Protection Plan. It is therefore not possible to fully evaluate the impact on RPAs. Similarly the RPA of T53 and T57 is not identified. Where fence posts are located close to the stem bases of retained trees, roots may be more prolific and of larger diameter and consequently it may not be possible to position of the post or carry out hand digging.

## Post Development Considerations

The Assessment states there will be no adverse impacts on retained trees once development is completed and occupied yet provides no evidence in the form of shading diagrams or daylight and sunlight assessments that considers these impacts on rooms and areas of private amenity space. Given the number and proximity of retained trees to the north, east and south, further evidence is required that occupied rooms and areas of private amenity space have adequate provision for daylight/sunlight and are not overly shaded by trees.

## Preliminary Drainage Layout

A preliminary drainage layout appears to show the position of soakaways and private surface and foul water roots within the root protection area of retained trees. As referenced above, Para 1.9 of the AIA refers to the upgrading and installation of new services and notes that it is difficult to know the detail of service locations until construction is in progress. Given the information for the location of services has now been provided, this should now be assessed by the consulting arboriculturist applying the suggested default approach to keep all new services outside RPAs.

In light of the above, the Councils Tree officer has advised that insufficient information has been submitted to determine the full impact of the development on the long term health and wellbeing of retained tree cover.

## **Ecology and Biodiversity**

Section 15 of the NPPF considers the conservation and enhancement of the natural environment. Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. WNP Policy NE5 supports proposals where it can be demonstrated they will not adversely affect designated and non-designated wildlife habitats. The policy goes on to require all development to demonstrate a net gain in biodiversity. This is echoed within emerging SADPD policy ENV 2.

The submitted ecological survey found no evidence of bats during the initial survey. An additional survey was submitted during the course of the application and the Council's ecologist is satisfied with the findings that roosting bats are not reasonably likely to be present or affected by the proposed development.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with local plan policy. The Council's ecologist recommends that an ecological enhancement strategy is submitted prior to determination or via condition, along with external lighting details, and avoidance of bird nesting season.

Subject to appropriate conditions, the proposals are considered to be in accordance with CELPS policy SE3, WNP Policy NE5 and SADPD policy ENV 2 in this regard.

## **Contaminated Land**

Environmental Health have not raised any issue with the proposals and suggest conditions which requires submission of additional information to demonstrate that the site is free of contaminants, and soil importing.

It is therefore considered that subject to such conditions the proposed development would comply with Policy SE12 of CELP and the NPPF in this regard.

## **Flood Risk and Drainage**

Policy SE13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation.

Residents have raised concerns over flood risk and the increase of hardstanding as a result of the proposals.

The site is located within Flood Zone 1, indicating that the site is not at risk from fluvial or tidal sources according to the Flood Map for Planning.

United Utilities and the Local Lead Flood Authority have commented on the application and raised no objections to the proposals subject to conditions relating to detailed drainage design.

It is considered that conditions could appropriately deal with drainage design and management at the site and that the proposals accord with policy SE13 of the CELPS and the NPPF in this regard.

## **Representations**

Representations have been received in relation to the application with issues relating to highways, design, amenity, flooding and trees are addressed within the main body of the report.

## **CIL and Planning Obligations**

Policy IN2 of the CELPS advises developer contributions will be sought to make sure that the necessary physical, social, public realm, economic and green infrastructure is in place to deliver development. Contributions will be used to mitigate the adverse impacts of development (including any cumulative impact). Section 106 agreements will be used for site specific costs and affordable housing.

CELPS Policy SC2 and SE6 requires major residential development to contribute to new or improved sports facilities where development will increase demand and/or there is a recognised shortage in the locality that would be exacerbated by the increase in demand arising from the development.

### Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The required public open space and outdoor recreation contributions will be confirmed as an update. The NHS have requested a contribution of £24,051 towards health care for Wilmslow Health centre creation of a multi-disciplinary hub. As detailed above there is a requirement for 30% affordable housing, or if deemed appropriate an off-site affordable housing contribution.

All elements are necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The applicant has stated within their viability assessment that no obligations or affordable housing are to be provided. As discussed above the LPA's consultant has found that that the application proposals could support planning contributions of £708,000. The applicant has been made aware of the findings of the LPA independent assessment and although discussions are

underway, the applicant has yet to provide comment to further justify their position or agree to any S106 contributions for this site.

## **CONCLUSIONS**

The application lies within Wilmslow, which is identified as a Key Service Centre where the principle of residential development on the site is acceptable. The site is sustainably located and is within walking distance of the town centre, public transport, services and facilities within Wilmslow. The development accords with Policies SD 1, SD 2, PG 2 and SE 2 of the CELPS in this regard.

The scheme presents an acceptable design that will not unduly harm the character or appearance of the surrounding area, nor will the amenity of existing or future occupants be adversely affected.

The proposals will support the provision of 34 units of retirement accommodation for older people which also contributes to the Councils housing supply and is an efficient use of land. Other moderate benefits would be derived from the scheme's social and health benefits from the provision of specialised accommodation.

Economic benefits of the scheme comprise the spending power of future residents in the local shops and services and the short-term economic benefits derived from the creation of construction jobs.

Due to the sustainable location close to public transport links, and the stance taken with similar development found acceptable at appeal, the proposed level of parking would be satisfactory to accommodate the likely demand for parking spaces generated by the development and evidence from the applicant regarding trip generation is accepted and is unlikely to lead to an unacceptable impact on highway safety or through cumulative impacts, lead to congestion on the road network.

The proposals will not result in a loss of biodiversity, harm to protected species and will not increase flood risk or concerns regarding noise and air pollution.

However, insufficient evidence has been submitted to demonstrate that there would be no significant impacts on trees within and adjacent to the site.

The applicant has outlined there will be no affordable housing or S106 contributions as part of this development but have not fully concluded discussions which seeks to independently verify the viability position of the development. Moreover, the LPA have thus far concluded that financial contributions could be supported as a part of this development and as such the proposals conflict with CELPS policy IN2, SE6, SC2 and SC5.

### **Recommendation: Refuse for the following reasons,**

- 1. The proposals fail to provide on-site affordable housing or open space and does not provide a mechanism to secure requisite affordable housing, health and Open space and recreation contributions towards off site provision and therefore fail to**

**comply with the NPPF and Cheshire East Local Plan Strategy policy IN2, SE6, SC2 and SC5.**

- 2. Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on existing trees on site. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Cheshire East Local Plan Policy SE5 and policy ENV 6 of the Site Allocations and Development Plan Document.**

