

Application No: 24/4228/OUT  
Application Type: Outline Planning  
Location: Land Off Peter De Stapleigh Way, Stapeley, Cheshire East,  
Proposal: Outline planning permission with landscaping reserved for the erection of a care development (use class C2); entrance sign structure; public open space; green infrastructure; landscaping; access and associated infrastructure.  
Applicant: Muller Property Group  
  
Expiry Date: 24 February 2025

## **SUMMARY**

This application proposes outline approval for the development of a three storey, 80 -bed care home (use class C2), including public open space, access and associated infrastructures. The outline application seeks approval for access, layout, appearance and appearance, with only landscaping reserved for future approval.

The proposed development would result in residential development located within “open countryside” beyond the Nantwich Settlement Boundary in conflict with policies PG6 of the CELPS and GS1 and H5 of the SBNP and the development plan as a whole. However, the Council is unable to demonstrate a five-year supply of housing and paragraph 11d of the NPPF is engaged.

However, the NPPF seeks to significantly boost the supply of housing unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This is with particular regard to directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

The NPPF emphasises that an overall aim in delivering a sufficient supply of housing should be to meet the needs of groups with specific housing requirements and provide an appropriate mix of housing for the local community. It is therefore important that the needs of groups with specific housing requirements are addressed, such as for older people, and clearly this would include residential and specialist accommodation provided by care homes.

### Disbenefits

- The proposed development would result in residential development within the open countryside located beyond the Nantwich Settlement Boundary
- loss of approved mixed-uses including an identified for a primary school (albeit there is no reasonable prospect of a school being delivered.)

### Benefits

- The proposal would result in the creation of an 80-bedroom care home which will contribute towards the Council's 5 year housing land supply.

- The proposal would also go some way to help the Council meet the significant identified need for care home accommodation (Class C2).
- The proposed development will have indirect economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.
- Social and health benefits resulting from the provision of the 80-bed care home including specialist nursing and dementia care
- The site is sustainably located given its location on the edge of a Key Service Centre with good accessibility to local services and facilities
- Significantly enhance provision of POS at heart of Maylands Park development
- The development is of good overall design. Given the urbanised context of the site in this edge of settlement location, this scheme would not be out of character with recent development in locality and at Maylands Park including the phase 1 housing development and recently approved retirement living apartments on the adjoining site.

#### Neutral

- The layout and design of the scheme would not harm residential amenity
- The development is acceptable in terms of its impact upon the highway network.
- The proposals do not result in any significant ecological impacts and is acceptable subject to the imposition of planning conditions
- The proposal would not result in any significant flood risk/drainage issues
- The proposal would not result in an unacceptable impact on air quality with mitigation secured through planning conditions.
- The impact on healthcare provision can be mitigated through a financial contribution secured through a S106 agreement

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the Site Allocations Development Policies Document and the NPPF

**RECOMMENDATION: APPROVE, Subject to the completion of Section 106 Agreement and conditions**

## **1. DESCRIPTION OF SITE AND CONTEXT**

The application site comprises part of the mixed-use development on land to the south of Peter Destapleigh Way which was granted outline planning approval (12/3747N) on appeal by the Secretary of State on 15th July 2020. The wider development is known as Maylands Park.

Reserved Matters Approval 23/2566N was granted by outline planning approval 12/3747N for Phase 2 of the mixed-use development comprising a Local Centre and Employment Development. The care home proposed by this application will occupy the site identified to accommodate a primary school indicated as part of the overall mixed-use scheme.

To the south of the application site is the first phase of the mixed-use scheme for which reserved matters approval (22/3170N) was granted for a residential development of 188 dwellings, associated infrastructure and open space and ecological areas pursuant to outline planning approval 12/3747N. Approved plots of Phase 1 adjoin the southern site boundary.

An access road was approved (12/3746N) to serve the mixed-use scheme from the existing traffic light junction off Peter Destapleigh Way.

The site is a generally flat parcel of former agricultural land.

## **2. PROPOSALS**

This application proposes outline approval for the development of a three-storey, 80-bed care home (Use class C2), including public open space, access and associated infrastructures. The outline application seeks approval for access, layout, appearance and appearance with only landscaping reserved for future approval.

This application is one of recent three planning applications submitted in relation to land essentially forming Phase 2 of the approved mixed-use development within the site known as Maylands Park.

The two other applications within the Phase 2 were resolved to be approved by SPB on 28<sup>th</sup> May 2025 subject to the completion of S106 agreements. These applications are;

- A full planning application (24/4242/FUL) seeks approval for a residential development of 40 units with associated landscaping and infrastructure. on the opposite (eastern) side of the access road serving the wider site.
- A full planning application (23/4223/FUL) proposing the development of a retirement living scheme of 49 apartments (McCarthy & Stone) sited along the Maylands Park spine road and in front of the proposed care home scheme.

An area of public open space (2776 sq m) is also proposed as part of this scheme and located immediately to the west of the care home itself. This area of open space adjoins that proposed to serve the Anwyl housing development (24/4242/FUL) which in turn enlarges the POS for the approved David Wilson Homes residential scheme (Phase 1 - 22/3170N) located at the centre of Maylands Park scheme.

Access to the care home development will be via the access road leading southward from the traffic light junction on Peter Destapleigh Way which was also granted full planning approval (12/3746N) on appeal by the Secretary of State on 15th July 2020. Planning permission (21/1703N) was also subsequently granted for a section of internal spine road leading on from the southern end of the access road to serve the approved mixed-use scheme. This has now been constructed.

A single access point would be located on the spine road, providing access to the proposed retirement scheme (23/4223/FUL) which will then lead to the proposed Care Home Development and its parking area.

## **3. RELEVANT PLANNING HISTORY**

23/2566N - Reserved matters application pursuant to outline planning permission ref: 12/3747N for the appearance, scale, layout, and landscaping for Phase 2 mixed-use development including employment development (comprising office and warehouse and light industrial buildings) and local centre with parking, service yards and associated infrastructure. Approved 12<sup>th</sup> February 2024

22/3170N - Reserved matters application pursuant to outline planning permission 12/3747N for the appearance, scale, layout and landscaping for Phase 1 residential development (Use Class C3) including internal access roads, public open space including

NEAP, village green, community orchard and ecological areas, parking and associated infrastructure. Approved 26th May 2023

21/1703N - Full planning application for an internal spine road to serve land South of Peter Destapleigh Way. Approved 24th December 2021

12/3747N - Proposed residential development for up to a maximum of 189 dwellings; local centre (Class A1 to A5 inclusive and D1) with a maximum floor area of 1,800 sq.m Gross Internal Area (GIA); employment development (B1b, B1c, B2 and B8) with a maximum floor area of 3,700 sq. m GIA; primary school site; public open space including new village green, children's play area and allotments, green infrastructure including ecological area; access via adjoining site B (see below) and new pedestrian access and associated works Allowed on Appeal 15th July 2020 (Ref APP/R0660/A/13/2197532)

12/3746N - New highway access road, including footways and cycleway and associated works. Allowed on appeal 15th July 2020 (Ref APP/R0660/A/13/2197529)

#### **4. NATIONAL PLANNING POLICY**

The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has since been through several revisions. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration which should be taken into account for the purposes of decision making.

#### **5. DEVELOPMENT PLAN POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Cheshire East Local Plan Strategy (2010 – 2030) was adopted in July 2017. The Site Allocations and Development Policies Documents was adopted in December 2022. The policies of the Development Plan relevant to this application are set out below, including relevant Neighbourhood Plan policies where applicable to the application site.

#### **6. POLICIES**

##### Cheshire East Local Plan Strategy (CELPS)

MP 1 - Presumption in Favour of Sustainable Development.  
PG 1 - Overall Development Strategy  
PG 2 - Settlement Hierarchy  
PG 6 - Open countryside  
PG 7 - Spatial Distribution of Development  
SD 1 - Sustainable Development in Cheshire East  
SD 2 - Sustainable Development Principles  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 3 - Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 6 - Green Infrastructure  
SE 8 - Renewable and Low Carbon Energy  
SE 9 - Energy Efficient Development

SE 12 - Pollution, Land contamination and Land instability  
SE 13 - Flood Risk and Water Management  
CO 1 - Sustainable Travel and Transport  
CO 2 - Enabling Business Growth Through Transport Infrastructure  
CO 4 - Travel Plans and Transport Assessments  
IN 1 - Infrastructure  
IN 2 - Developer Contributions  
SC 1 - Leisure and Recreation  
SC 2 - Indoor and Outdoor sports Facilities  
SC 3 - Health and Well-Being.  
SC 4 - Residential Mix.  
SC 5 - Affordable Homes.

#### Site Allocations and Development Policies Document (SADPD)

PG 9 - Settlement boundaries  
GEN1 - Design principles  
GEN 7 - Recovery of planning obligations reduced on viability grounds  
ENV1 - Ecological network  
ENV2 - Ecological implementation  
ENV3 - Landscape character  
ENV5 - Landscaping  
ENV6 - Trees, hedgerows, and woodland implementation  
ENV7 - Climate Change  
ENV12 - Air quality  
ENV 14 - Light pollution.  
ENV 16 - Surface water management and flood risk.  
ENV15 - New development and existing uses  
ENV16 - Surface water management and flood risk  
RUR 5 - Best and most versatile agricultural land.  
RUR 6 - Outdoor sport, leisure and recreation outside of settlement Boundaries.  
HOU 1 - Housing mix.  
HOU 2 - Specialist housing provision.  
HOU 8 - Space, accessibility and wheelchair housing standards.  
HOU 12 - Amenity.  
HOU 13 - Residential standards.  
HOU 14 - Housing density.  
HOU 15 - Housing delivery.  
INF1 - Cycleways, bridleways and footpaths  
INF3 - Highways safety and access  
INF9 – Utilities  
REC 2 - Indoor sport and recreation implementation  
REC3 - Green space implementation  
REC5 - Community facilities

#### Stapeley & Batherton Neighbourhood Plan (SBNP)

The SBNP was made on the 19 March 2018.

Policy GS 1 - Landscape and the Countryside.  
Policy GS 2 - Open Space  
Policy GS 3 - Woodland, Trees, Hedgerows, Walls, Boundary Treatment and Paving  
Policy GS 5 - Environmental Sustainability of buildings and adapting to climate change  
Policy GS 6 - Biodiversity  
Policy T 1 - General Transport Considerations.  
Policy T 2 - Pedestrian and cycle routes.

Policy T 3 - Footpaths, Cycleways and Bridleways.  
Policy T 4 - Bus Services  
Policy T 5 - Improving Air Quality  
Policy T 6 - Identification of underground utility assets  
Policy C 1 - Existing and New Facilities  
Policy C 2 - New Business  
Policy C 3 - Scale, Design and Amenity  
Policy AWB 1 - Accessible GP practices  
Policy AWB 2 - Services for the elderly, disabled and for mental health.  
Policy AWB 3 - Provide for the sports needs of residents  
Policy AWB 4 - Community Facilities.  
Policy AWB 5 - Communications Infrastructure  
Policy H1 - Housing Development.  
Policy H2 - Housing to meet Local Housing Needs.  
Policy H3 - Tenure Mix.  
Policy H4 - Design.  
Policy H5 - Settlement Boundary.

## 7. RELEVANT SUPPLEMENTARY PLANNING DOCUMENTS OR GUIDANCE

Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application:

Housing SPD  
Developer Contributions SPD  
Biodiversity and Net Gain SPD  
Environmental Protection SPD  
SuDS SPD  
Cheshire East Design Guide SPD

## 8. CONSULTATIONS

**Environmental Protection:** No objection subject to conditions with regard to the remediation of contamination and implementation of the submitted ravel plan. Standard informatives are recommended relating to hours of construction, Piling, floor floating and dust management.

**CEC Highways:** No objection.

**United Utilities:** No objection but a condition is recommended for details of a sustainable surface water drainage scheme and a foul water drainage scheme.

**Flood Risk:** No objection.

**Strategic Housing:** No Objection. This application is for a 80-bedroom care home (use class C2) and there is no requirement for affordable housing provision.

**NHS - Comment.** A financial contribution of £904 per bedroom to be secured through S106 agreement is required to mitigate impact on healthcare provision.

**Adult Social Care - Comment;**

- Further information was requested around the care type (nursing, residential or dementia), the proposed number of bedrooms, recruitment/workforce retention strategy and pricing strategy



- There does not appear to have been consideration of alternative provision i.e. extra care housing which is aligned to supporting and optimising independence in a community environment or the provision of more specialist care i.e. End of Life / Advanced Dementia Care.

- Adult Services also wished to review the demand and capacity data which has informed the modelling accounting for the current number of care homes already built, vacancies within the care homes and new care home applications already approved and in the building stages given the Council's direction of home first /independent living.

Following its review of the proposals, including the HPC Care Home Needs Assessment and clarifications provided by the applicant, Adult Services raise no objection to the development)

**Stapeley Parish Council:** No comments received.

## **9. REPRESENTATIONS**

One representation has been received raising the following issues.

- The previous consent (12/3747N) states S106 contributions for public transport improvements, including maintaining the 73 services at 4 a day, 6 days a week and new bus stops along Peter Destaplegh Way. These have yet to be built. No buses go past the site - meaning the bus stops are redundant, and the 73 has been cut and replaced with a 53 between Audlem, Nantwich and Leighton Hospital.

- Older people are more reliant on public transport and ensuring they can access it is paramount, especially walking distance to a bus stops /service which at present do not exist.

- Instead, contributions should be sought towards a new two-hourly bus service between Nantwich and Crewe. This service would pass Nantwich Bus Station, Nantwich Railway Station, Wellington Road, Peter Destaplegh Way, before heading to London Road and following the 39 to Crewe. This would offer a regular service to Crewe Railway Station for onward rail links, and Crewe town centre for banks and theatre.

## **10. OFFICER APPRAISAL**

### **10.1 Principle of development**

The application site lies outside of the defined settlement boundary for Nantwich and consequently within the area defined as 'open countryside'.

Consequently, these proposals for residential development do not represent a form of development that would normally be allowed in the open countryside (under Policy PG6) and represent a departure from the development plan.

Policy PG6 is consistent with Policies GS1 and H5 of the Stapeley and Batherton Neighbourhood Plan (SBNP) which seeks to restrict housing development in the open countryside in a similar manner. Although Policy H5 states that, "the focus for development will be on sites within or immediately adjacent to the Nantwich Settlement Boundary, with the aim of enhancing its role as a sustainable settlement whilst protecting the surrounding countryside" it adds that, " Outside the settlement boundary any development is subject to the Cheshire East Local Plan Strategy Countryside Policy PG 6 and other relevant policies of this Plan"

Importantly, in this case, reserved matters applications 22/3170N (phase 1 for residential uses) and 23/2566N (phase 2 for employment, commercial and mixed-uses) in line with the outline consent granted by the Secretary of State have been approved. The proposed care home and associated area of POS will occupy the remaining land within Maylands Park that adjoins phases 1 and 2, and which was indicated for the site of primary school in conformity with the mixed-use scheme of outline approval 12/3747N.

The proposed development would not comply with the requirements of policy PG6 of the CELPS or Policies GS1 and H5 of the SBNP. The proposal would therefore represent a departure from the Development Plan as a whole. However, planning law requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (“NPPF”) requires that planning decisions apply a presumption in favour of sustainable development. As set out at paragraph 11d if there are no relevant development plan policies, or the policies which are most important for determining the proposal are out of date, planning permission should be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

The NPPF defines that being ‘out of date’ in the context of housing proposals includes situations where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Consequently, the Council’s housing land supply position and performance in terms of the housing delivery test are therefore material considerations to take into account when assessing the benefits arising from housing schemes.

## **10.2 Housing Land Supply**

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

As the plan is more than five years old, deliverable housing land supply is measured using the local housing need figure (plus 5% buffer), which is currently 2,603 dwellings per year rather than the LPS figure of 1,800 dwellings per year.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These include:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Where the Housing Delivery Test Measurement indicates that the delivery of housing was substantially below (less than 75% of) the housing required over the previous three years.



In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2024) was published in April 2025. The published report identifies a deliverable five year housing land supply of 10,011 dwellings which equates to a 3.8 year supply measured against the five year local housing need figure of 13,015 dwellings.

The 2023 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 12 December 2024 and this confirms a Housing Delivery Test Result of 262%. Housing delivery over the past three years (7,392 dwellings) has exceeded the number of homes required (2,820). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

In the context of five-year housing land supply, relevant policies concerning the supply of housing should be considered out-of-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is engaged.

### **10.3 Need for Care Home Development**

Paragraph 61 of NPPF states that the overall aim in respect of delivering a sufficient supply of housing should be to meet the needs of group with specific housing requirements and provide an appropriate mix of housing for the local community. NPPF (para 63) adds that it is important that the needs of groups with specific housing requirements are addressed, such as for older people and clearly this would include residential and specialist accommodation provided by Care Homes.

Policy HOU2 of the SADPD advises that the delivery, retention and refurbishment of supported and specialist housing, which meets an identified need, will be supported. Supported and specialist housing should be designed to satisfy the requirements of the specific use or group it is intended for, whilst being adaptable and responsive to changing needs over the lifetime of the development and meet the requirements of other relevant local plan policies.

As set out in the SADPD (para 8.8), there is likely to be a substantial increase in the number of people in older age groups in Cheshire East over the period to 2030. Most of these older people will already live in the area and whilst many will not move from their current homes, those that do are likely to be looking for suitable housing.

This position is reflected by the care home needs assessment which has been submitted in support of the planning application produced by HPC. Following its review of the proposals, Adult Services have accepted the demand and capacity data set out in the HPC assessment, which takes into current number of care homes already built, vacancies within the care homes and new care home applications already approved throughout Cheshire East.

The HPC assessment concludes that the proportion of local persons in the Borough over the age of 85 is 40% higher than the national profile. More locally, the number of persons in the Nantwich study area aged 85+ is forecast to rise by 59% by 2040 – outstripping the national rate of increase. There are 10 care homes for older persons within a 3-mile radius of the site. These facilities provide 492 registered care beds, with 362 of these comprising en-suite bedrooms. The assessment considers that an opening date in 2026, the current analysis suggests an outstanding need of 111 beds, with this figure increasing to 164 in 2030.

The applicant has clarified in response to detailed queries raised by Adult Services concerning the future operation of the proposed care home, that as this an outline application the precise format of care will be decided by the care operator. Nevertheless, the current proposal is for an 80-bed care home providing care and support for those who for example have developed a serious medical condition or early onset dementia or require end of life care.

The Council's Strategy is "Home First" which is proving very effective in optimising independence for as long as possible, reducing the need for care home placements across the borough as more people are supported to remain independent in their own home. The Strategy builds on primarily supporting people at home, able to offer appropriate levels of care and support in a range of environments.

Given that the proposal would potentially include specialist dementia care including care for dementia/ end of life residents, then it is considered that 'homes first' approach is not reasonable for such specialist provision.

Having regard to this need and the mix of residential and specialist provision, the proposal is found to be acceptable as it would deliver 80 bed care units which would help relieve some of this identified unmet need including the provision of specialist dementia care. Accordingly, the proposal would comply with Policy HOU 2.

#### **10.4 Sustainable Location and Accessibility**

The site is located on the edge of Nantwich, which is identified by the CELPS as a Key Service Centre. Nantwich as noted within the CELPS, has a good range of local services, (healthcare, public houses, shops, community facilities, sports provision and places of worship etc), access to public transport (rail and bus) and access to employment.

Furthermore, in granting outline planning approval (12/3747N) on appeal for the mixed-use scheme, which includes this site, the Secretary of State considered that the mixed-use site to which included significant housing development (188 dwellings – phase 1) to be in a sustainable location and noted that Nantwich is one of the preferred locations for development in the CELPS.

The recently approved retirement living scheme (24/4223/FUL) and residential development (24/4242/FUL) will replace the previously approved employment and local centre forming phase 2. Although this would result in highly accessible employment and local facilities not being provided at the heart of Maylands Park, the site is nevertheless within walking/cycling distance of community hall, retail centre and other amenities within the wider Stapeley neighbourhood.

In terms of pedestrian and cycling accessibility the site itself can access a segregated footway / cycleway provided on the northern side of Peter Destapleigh Way. The site is also well placed to access bus services along Audlem Road.

The development site is therefore sustainably located given its location on the edge of a Key Service Centre and would minimise the dependence on the use of the private car.

#### **10.5 Efficient Use of Land**

This site is contained between housing development being implemented to the south and also and to the east that already benefits from full consent (which remains extant), and this could be developed in accordance with the permissions already granted constituting a deliverable "fall back" position. In addition, SPB has resolved to approve a retirement

living complex (24/4223/FUL) to essentially replace the previously approved commercial local centre which adjoins the eastern site boundary subject to the completion of a S106 agreement.

In overall terms it is considered that given the urbanised context of the site in this edge of settlement location, this scheme would not be out of character with recent development undertaken and approved within the locality and is therefore appropriate.

The proposed care home and the associated area of POS will occupy land adjoining phases 1 and 2 which was indicated for the site of primary school in conformity with the mixed-use scheme of outline approval 12/3747N. However, the Outline Permission simply required the part of the site to be reserved to accommodate a primary school. It is not subject to any detailed planning approval and nor does the S106 agreement require its provision to be funded through the mixed-use development. In addition, the Council's Education Team have not identified that a new school is required to be provided on this site to meet a forecasted need for primary pupil places in Nantwich since outline approval (12/3747N) was granted in 2020.

In these circumstances, and whilst identified as a site for a primary school, there is no justification to prevent alternative development of this land including the provision of the proposed care home and additional POS.

## **10.6 Design**

Policies SD2 and SE1 of the CELPS expect that development proposals consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located. These principles are also reflected in the CEC Design Guide.

The importance of securing high quality design is specified within the NPPF and Policies SE1, SD1 and SD2 of the CELPS, GEN1 of the SADPD and the Cheshire East Design Guide. In particular, development proposals should consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located. These principles are echoed by SNP Policy H4 and also reflected in the CEC Design Guide.

The development essentially comprises a distinctive and contemporary three-storey building. The Council's Design Officer advises the design is generally positive and well considered, founded on strong sustainability principles. Whilst there are no specific issues with the architecture, the Design Officer considers that ideally ceramic surrounds to bays could extend to enclose the 3rd floor of the building as well.

The extent of hard surface/car parking was previously a concern. Further planting has been included but perhaps more could have been achieved to reduce the extent of hard surface and deliver landscape quality. Details of landscaping will however be considered at the reserved matters stage.

The Design Officer initially raised concerns of potential overshadowing of the courtyard space was highlighted and a shading study suggested. However, in light of a changing climate and increasing temperatures, it is accepted that these shaded areas may provide invaluable spaces at times of elevated temperatures.

The use of green roofs and low intensity living walls (climbers) are acknowledged as positive elements, but it is recommended that surface-based SuDS also be employed in

the landscaping. The Design Officer notes that permeable paving appears to have been incorporated but there is no indication of rainwater harvesting or bio-retention (e.g. rain gardens) nor the greening of the bin and bike stores. These SuDS additions would further enhance the development's environmental credentials and design quality.

Details have not been provided of the design of the proposed area of POS. However, this space needs to be designed cohesively with the adjoining POS secured for the Anwyl housing site (24/4242/FUL) and the Phase 1 POS within Maylands Park. Details of layout and design of the care home POS will be secured through a planning condition and details of landscaping being addressed at the reserved matters stage.

The Design Officer recommends that all ground floor bedrooms have defined boundary landscaping to help create a defensible edge to footpaths, car parking and communal gardens. A condition is recommended to ensure this is secured.

#### Design Conclusion

Whilst this is generally a positive and progressive scheme, suggested changes such as the inclusion of greater SuDS have not been made. However, these issues which relate landscape design/drainage strategy for the site can be addressed through suitably worded planning conditions.

The proposed design would be acceptable in terms of its appearance subject to condition securing the use of high-quality materials. It would provide an attractive form of development at the heart of the Maylands Park scheme. The design is therefore found to be acceptable and in accordance with Policies SE 1 and SD 2 of the CELPS.

### **10.7 Housing**

Policy HOU 2 of the adopted Site Allocations and Development Policies document (SADPP) states that affordable housing provision is required for specialist housing, where independent dwellings are formed.

The Councils adopted Housing Supplementary Planning document (HSPD) and Policy SC5 (affordable homes) in the Cheshire East Local Plan Strategy (CELP) sets out the thresholds for affordable housing provision in the borough. However, this application proposes an 80-bedroom care home (Class C2) which does not include independent dwellings, and consequently there is no requirement for the provision of affordable housing in this case.

### **10.8 Highways**

#### Background

It was established under full planning approval 12/3746N (access road) that the access to the mixed-use development known as Maylands Park would be via the traffic light-controlled junction of Peter Destaplegh Way and Pear Tree Field.

The detailed junction arrangements for the access road with Peter Destaplegh Way were approved under full planning approval 12/3746N. In addition, there is a separate approval (21/1703N) for the main internal spine road serving the site which connects with the southern end of the approved access road leading to the junction with Peter Destaplegh Way (12/3746N). This route incorporates a cycle way/ footway which provides reasonably direct access from the mixed-use site to the primary school located off Pear Tree Field via pedestrian crossing facilities at the traffic light-controlled crossroads junction.

Much of this highway infrastructure has been provided and will now be utilised to serve Maylands Park, including this proposed care home development, the Anwyl residential development of 40 units (24/4242/FUL) and proposed retirement living scheme of 49 apartments (24/4223/FUL).

It should also be noted that the mixed-use development approved on appeal is bound by the terms of the S106 agreement, to secure highway contributions: including financial contribution towards a bus service, provision of new bus stops and for a pedestrian crossing on Peter Destapleigh Way (position to be agreed).

#### Highway Assessment

The access to the site is in the same location as the previously approved access from the spine road to the local centre. This access is proposed to serve this site and also that of the recently approved retirement living apartments (24/4223/FUL). The design of the access road is agreed and suitable to provide access to both sites.

#### Parking

A total of 34 car parking spaces provided, 3 of these being accessible spaces and 4 EV spaces. This is a Class C2 residential use with care being provided for residents, the recommended standards in the CELPS require significantly more parking spaces than is proposed, although the Highway Officer considers that CEC parking standards are quite onerous particularly in respect of the spaces required for residents, given it is not likely that people requiring care will be driving on a regular basis. Therefore, if parking is excluded for residents, it is considered that the parking provision meets requirements for staff and visitors. There are also spaces being provided near to the entrance for drop off.

#### Traffic Impact

The Highway Officer advises that the traffic generation of this care facility is low, trips to and from the site being mainly made by staff and visitors and can be easily accommodated on the road network without undue problems arising.

#### Summary

The access to site is an extension of a previously accepted road design serving a commercial development and is suitable to serve this care home and the adjacent retirement living scheme.

34 car parking spaces are provided within the car park to serve the care home. This level of provision is below recommended standards for care homes. Although, there are some opportunities to a small number of additional parking spaces, this has to be balanced against the need for the development to incorporate good levels of landscaping around the building and also the CEC Highway Officer's view that in the main, residents of care homes of this type (Class C2) are unlikely to drive.

### **10.9 Healthcare provision**

The NHS Cheshire and Merseyside ICB request a financial contribution from the development to offset the impact of the development on local health care provisions and help fund necessary improvements to GP Practices. Importantly, the NHS set out that the current model of primary care provision generally focuses on a shift away from smaller GP practices to larger scale premises that accommodate a range of healthcare services. Consequently, an operationally efficient primary healthcare facility should accommodate a minimum of 7,000 registered patients.

This contribution equates to £904 per care home bedroom (total £72,320) and calculated on the following basis.



- Population served by surgery = 7,000
- Equivalent number of dwellings (at an average of 2.3 persons per dwelling) = 3,043
- Total cost of required primary care floorspace = £2,752,367
- Contribution cost per dwelling = £904

This contribution per dwelling will contribute to the capital cost of primary healthcare provision. In particular further information has been provided identifying improvements to the following GP Practices;

- Nantwich Health Centre (Tudor Surgery, Kiltarn Medical Centre and Nantwich Health Centre)
  - optimisation of existing duplicated rooms (x3 practices in one building) and reception areas to create additional x4 clinical rooms of 1st floor and x3 clinical rooms on 2nd floor – associated costings indicated at £450,000
  - 3 storey extension to the rear of the practice – indicative cost circa £2.3 million (including installation of 3rd lift shaft for patient access)
- Wrenbury Medical Practice
  - Expansion into car park and creation of 2 storey extension – Landlord feasibility costings advised at £780,000

However, Muller Property Group has disputed the justification for this financial contribution and include a legal opinion to that effect, notwithstanding the additional information provided by the NHS above. It is considered that the approach used is “imposing a blanket per dwelling contribution on new housing development” without specific evidence that justifies the contribution, such as addressing the existing capacity at the health centres above, nor evidence for why they would be unable to cater for any additional demand on their services resulting from the proposed development. It concludes that they are “adopting an approach that is unsupported by law, policy or evidence and is fundamentally flawed”.

Further comments have been received from the NHS Cheshire and Merseyside ICB in response to the issues raised by the Legal Opinion disputing the justification for the requested NHS financial contribution. The NHS reaffirms its position that the calculated contributions is required for improving the physical infrastructure of the primary care services within the patient catchment area of this development to ensure the needs of the increased population are met.

In particular, the NHS response set outs that the contribution is required to ensure GP Practices that are at capacity with their patient provision, such as in the amount of sessions and appointments which can be accommodated within their existing space, are improved to mitigate the impact of this development. The NHS maintain that the requested capital funds will therefore be utilised to reconfigure and redevelop the Nantwich Heath Centre and Wrenbury Medical Centre as set out above.

It is considered that the requested healthcare contribution is fair and reasonable in addressing the impact of the proposed residential development on local healthcare provision.

The applicant has now however reconsidered its position and has confirmed it is willing to secure this through a S106 Agreement.

## 10.10 Public Open Space



Policy SE6 requires major developments (10 or more) to provide open space, which requires 65m<sup>2</sup> per family dwelling consisting of children's play space, amenity green space, food growth and green infrastructure connectivity to be provided on site in the first instance. In some cases, commuted sums may be more appropriate for improvement of other open spaces and green infrastructure connectivity. Given that the proposal is for specialist accommodation i.e. not family dwellings, there would not be the same requirement for open space provision.

Nevertheless, the care home would be set in its own private grounds and also have direct access to the proposed area of adjoining public open space (2726 sqm). The applicant states that the proposed area of POS will provide opportunities for community events (e.g. Village Fete and sports events) to support the Parish Council and local residents. A vehicular/maintenance access will be provided to the POS alongside the northern side of the care home leading to an area of hardstanding (grass-crete) that would accommodate Parish Council and community events.

The Council's Leisure Officer has however advised that the detailed design of the proposed POS should complement that of the adjoining areas of POS to the west approved under 24/4242/FUL. A detailed scheme for its layout and design will be secured through a planning condition.

### 10.11 Amenity

SADPD policy HOU 13 Residential standards, as set out in Table 8.2 Standards for space between buildings, sets out the required separation distances.

Position/height of building	Standards for space between buildings from the centre line of any window
<b>1. Habitable room facing habitable room or facing non-residential buildings</b>	
1 or 2 storeys	<ul style="list-style-type: none"> <li>18 metres front to front of buildings</li> <li>21 metres back to back of buildings</li> </ul>
3 storeys or upwards	<ul style="list-style-type: none"> <li>20 metres front to front of buildings</li> <li>24 metres plus 2.5 metres per additional storey back to back of buildings</li> </ul>
<b>2. Habitable room facing non-habitable room</b>	
1 or 2 storeys	<ul style="list-style-type: none"> <li>14 metres</li> </ul>
3 storeys or upwards	<ul style="list-style-type: none"> <li>2.5 metres per additional storey</li> </ul>
<b>3. Allowance for differences in level between buildings</b>	
All cases where 1 and 2 (above) are applied and difference in level exceeds 2 metres	<ul style="list-style-type: none"> <li>Add 2.5 metres to distance</li> </ul>
Each further 2 metres difference in level	<ul style="list-style-type: none"> <li>Add additional 2.5 metres per 2 metres difference in level</li> </ul>

The care home development (three storey) achieves an acceptable relationship with plots of the approved David Wison development (Phase 1) which back the southern boundary of the site. An interface distance of 24.5m will be achieved between the southern elevation of the care home and rear elevations of dwellings alongside the southern site boundary.

In addition, a separation distance of 41m will be provided between eastern elevation of the care home and the western end elevation of the approved retirement apartments building (24/4223/FUL).

These separation distances ensure there will be no adverse amenity impacts including overbearing impact, unacceptable overlooking or loss of privacy.

In conclusion, the care home will achieve an acceptable relationship with the approved David Wilson properties to the south and also the adjacent retirement living scheme (24/4223/FUL).

## **10.12 Ecology**

There are various ecology matters to consider. These are broken down into the following subsections and assessed accordingly. Additional information in respect of ecological issues and Biodiversity Net Gain (BNG) has been provided during the course of the application.

### Mandatory Biodiversity Net Gain

The application is subject to Mandatory Biodiversity Net Gain. The BNG metric submitted in support of the application indicates that the proposed development would result in a net gain of 41.12% in respect of area-based habitats and a net gain in respect of hedgerows.

Full details of off-site mitigation must be provided to discharge the mandatory biodiversity gain condition.

### Great Crested Newts

This protected species is known to breed at a number of ponds within close proximity of the proposed development.

The applicant's ecological consultant has confirmed that the site is covered by an extant Natural England protected species licence and it has been confirmed that amphibian exclusion fencing is in place around the site. The Councils Ecologist advises that the proposed development would not be likely to result in an offence in respect of this species.

### Common Toad

This priority amphibian species is also likely to be present on site. The proposed development would also result in an adverse impact upon this species. However, mitigation and compensation measures to address the impacts of the proposed development upon great crested newts would also minimise the risk to this species.

### Badgers

The submitted Badger report advises that whilst evidence of badger activity was recorded on site, no active setts are present. It is advised that the proposed development would result in a minor adverse impact on badgers as a result of the loss of potential foraging habitat.

As the status of badger activity can change in a short time scale, the Councils Ecologist recommends that if planning consent is granted a condition must be attached to ensure that an updated badger survey is undertaken prior to commencement.

### Bats

The proposed development will not result in the loss of any potential bat roosting habitat or significant foraging habitat.

#### Lighting

To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommended that a condition is attached requiring any additional lighting to be agreed with the LPA.

#### Barn Owls

The grassland habitats on site may offer potential for foraging barn owls and evidence of barn owl presence was recorded incidentally during the ecological surveys on the wider site. No evidence of this species roosting on site was recorded during the surveys of the trees off site. It is advised that the proposed development may potentially have a minor impact upon barn owls due to the loss of potential foraging habitat.

#### Reptiles

Reptile species are not reasonable likely to be present or affected by the proposed development.

#### Hedgehogs and Brown Hare

Hedgehogs and Brown Hare are a priority species and hence a material consideration. No evidence of these species was recorded onsite, but the species may occur on site on a transitory basis. It is advised that the proposed development poses a low risk to this species. The Council's Ecologist recommends that a condition is imposed requiring the implementation of measures to minimise the risk of these species being harmed during works on site: as detailed in paragraph 4.2.24 of the submitted Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment prepared by ECUS dated September 2024.

#### Ecological enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the development in accordance with CELPS Policy SE 3. It is therefore recommended that a condition should be attached which requires the submission of an ecological enhancement strategy.

### **10.13 Trees**

Policy SE5 advises that proposals should look to retain existing trees/hedgerows that provide a significant contribution to the area and where lost replacements shall be provided. Policy ENV 6 advises that development proposals should seek to retain and protect trees, woodlands and hedgerows.

An Arboricultural Impact Assessment has been submitted in support of this application and the adjacent sites for proposed residential development (24/4242/FUL) and retirement living scheme (24/4223/FUL). However, the Council's Forestry Officer advises that there are no trees within the care home site, and consequently no significant arboricultural implications having regard to the development of this site.

### **10.14 Drainage**

The submitted surface water drainage strategy proposes to capture surface water within each parcel and discharge it into the drainage system which was approved to serve phases 1 and 2 of the mixed-use development. The LLFA and United utilities raised no

objections in principle to the and the proposed Drainage Strategy supporting Reserved Matters Approvals.

The LLFA acknowledge this site is part of a larger scheme at Maylands Park and elements of SuDS provision are included elsewhere within the designed scheme. However, it is considered that SuDS features should still be provided within this site. It was recommended that as part of the drainage system for the adjoining retirement living development (24/4223/FUL) that this could include rain gardens or tree pit planters in addition to parking spaces being permeable.

A condition is therefore recommended to require the submission and approval of SuDs features within the scheme. It is however recognised by the LLFA that Suds provision will be subject to the ground conditions and what is feasible based on these. The planning condition will require that a revised drainage strategy must be provided which incorporates SuDs, subject to their suitability based on detailed ground investigations.

### **10.15 Air Quality**

Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. SNP Policy T5 (Improving Air Quality) echoes these objectives and also set out the required details of Air Quality Assessments.

Air quality impacts have been considered within the air quality assessment submitted in support of the application prepared by Redmore Environmental Ltd., dated the 30<sup>th</sup> September 2024 as part of the wider development on the site. The assessment also includes the construction of a retirement complex (24/4223/FUL) and 40 residential dwellings (24/4242/OUT).

The report states that a detailed assessment into the impacts of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> during the operational phase is not required in accordance with EPUK and IAQM criteria based on the predicted development flows, and concludes, therefore, that the development impacts on local air quality will be not significant. The report also concludes that the potential dust impacts during construction will also be not significant subject to appropriate dust mitigation measures.

Although, the Council's Environmental Protection Officer accepts the findings of the air quality assessment of the report, to minimise the impact on local air quality, a condition is recommended requiring the implementation of the resident's travel plan. In addition, electric vehicle infrastructure will be required to be provided on site in accordance with the specifications set out in The Building Regulations 2010 Infrastructure for the Charging of Electric Vehicles Approved Document S.

## **11. 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) Fair and reasonably related in scale and kind to the development.

It is considered that the contribution required as part of the application towards the NHS in mitigating the impact on healthcare provision is justified and meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. On this basis the scheme is compliant with the CIL Regulations 2010.

On this basis the scheme is compliant with the CIL Regulations 2010

## **12. PLANNING BALANCE/CONCLUSION**

The proposed development would result in residential development located within "open countryside" beyond the Nantwich Settlement Boundary in conflict with policies PG6 of the CELPS and GS1 and H5 of the SBNP and the development plan as a whole. However, the Council is unable to demonstrate a five-year supply of housing and paragraph 11d of the NPPF is engaged.

The NPPF seeks to boost significantly the supply of housing unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This is with particular regard to directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

The NPPF emphasises that that an overall aim in delivering a sufficient supply of housing should be to meet the needs of groups with specific housing requirements and provide an appropriate mix of housing for the local community. It is therefore important that the needs of groups with specific housing requirements are addressed, such as for older people, and clearly this would include residential and specialist accommodation provided by care homes.

The proposals are for an 80-bed care home which would provide residential nursing care for older persons as well as specialist dementia patient care. The delivery of 80 bed care spaces would help address an identified need, including the provision of specialist dementia care, which would also add to the Council's housing supply.

### Disbenefits

- The proposed development would result in residential development with the open countryside located beyond the Nantwich Settlement Boundary
- loss of approved mixed-uses including land identified for a primary school (albeit that there is no reasonable prospect of a school being delivered).

### Benefits

- The proposal would result in the creation of an 80-bedroom care home which will contribute towards the Council's 5 year housing land supply.
- The proposal would also go some way to help the Council meet the significant identified need for care home accommodation (Class C2).
- The proposed development will have indirect economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.
- Social and health benefits resulting from the provision of the 80-bed care home including specialist nursing and dementia care
- The site is sustainably located given its location on the edge of a Key Service Centre with good accessibility to local services and facilities
- The development is of good overall design. Given the urbanised context of the site in this edge of settlement location, this scheme would be of not be out of character with

recent development in locality and at Maylands Park including the phase 1 housing development and recently approved retirement living scheme on the adjoining site

- Significantly enhance provision of POS at heart if Maylands Park development

#### Neutral

- The layout and design of the scheme would not harm residential amenity

- The development is considered to be acceptable in terms of its impact upon the highway network.

- The proposals do not result in any significant ecological impacts and is acceptable subject to the imposition of planning conditions

- The proposal would not result in any significant flood risk/drainage issues

- The proposal would not result in an unacceptable impact on air quality with mitigation secured through planning conditions.

- The impact on healthcare provision can be mitigated through a financial contrition secured through a S106 agreement

#### Conclusion

The adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies within the NPPF. The proposed development would benefit from the presumption in favour of sustainable development which weighs heavily in support of the proposed development. Therefore, the application is recommended for approval.

### **13. RECOMMENDATION**

**APPROVE subject to a Section 106 Legal Agreement and the following conditions.**

<b>S106</b>	<b>Amount</b>	<b>Trigger</b>
NHS Healthcare	A financial contribution of £72,320 (£904 per bedroom)  Calculated on following basis.  - Population served by surgery = 7,000 - Equivalent number of dwellings (at an average of 2.3 persons per dwelling) = 3,043 - Total cost of required primary care floorspace = £2,752,367 - Contribution cost per dwelling = £904	Prior to first commencement of use

And the following conditions;

1. Time limit – approval of reserved matters (3 years)
2. Approval of reserved matters
3. Approved plans
4. Details of facing Materials
5. Details of hard surfacing treatments
6. Details of boundary treatment including to bedrooms on ground floor of building



7. Revised drainage strategy to incorporate Sustainable Drainage Systems measures subject to their suitability based on detailed ground investigations
8. Details of levels
9. Implementation of Residents travel plan
10. Contaminated land - Submission of updated Phase II ground investigation and risk assessment and remediation strategy if necessary.
11. Contaminated land - verification report
12. Soil tests for contamination
13. Measures to deal with unexpected contamination
14. Submission of an ecological enhancement strategy.
15. Details of lighting to safeguard bats
16. Implement Hedgehog and Brown Hare Mitigation measures
17. Submission of updated badger survey prior to commencement.
18. Mandatory Biodiversity Net Gain (BNG)
19. Submission of details of the design and layout of the area of POS

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



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