

**Application No:** 09/0695M

**Location:** LAND ADJACENT TO, COPPICE WAY, HANDFORTH, WILMSLOW, CHESHIRE

**Proposal:** DEVELOPMENT OF A CARE VILLAGE COMPRISING 58 BEDROOM CARE HOME(USE CLASS C2); 47 CLOSE CARE COTTAGES (USE CLASS C3) ; 15 SHARED OWNERSHIP AFFORDABLE DWELLINGS (USE CLASS C3); AND ASSOCIATED ACCESS ROADS, PUBLIC OPEN SPACE, LANDSCAPING, CAR PARKING AND ANCILLARY DEVELOPMENT.

**Applicant:** GREYSTONE (UK) LTD

**Expiry Date:** 25-Jun-2009

**Type:** Full Planning Permission

**Date Report Prepared:** 17 July 2009

#### **SUMMARY RECOMMENDATION**

Approve subject to condition and s106 Legal Agreement

#### **MAIN ISSUES**

- Departure from Development Plan policy – assessment of material considerations to justify a departure from policy.
- Site planning considerations.

#### **REASON FOR REPORT**

This is an application which raises significant planning policy issues as a departure from the development plan.

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

The site is a Greenfield site lying on the eastern fringe of the Handforth urban area. The site is surrounded on its north and east boundaries by comprehensive landscaping implemented with the A34 bypass and Handforth Dean retail development. A mature hedgerow and public footpath form the southern boundary to the site, with open fields extending to the south. The Western boundary abuts the boundary of the grounds of Handforth Hall, a Grade II\* listed building. Hall Road and residential properties to the south exist along the southwest boundary of the site.

## **DETAILS OF PROPOSAL**

The site covers approximately 2.4 hectares and forms a strip of land between Coppice Way and Hall Road on the eastern edge of Handforth. The site is Greenfield. The majority of the site identified as safeguarded land under policy GC7 of the Local Plan. The Western section of the site is identified as Open Space under policy RT6 of the Local plan.

The application for full planning permission proposes the development of the site for a 58 bed care home (Use Class C2), as well as 47 Close Care Cottage for people over the age of 55 (Use Class C3) and a further 15 affordable houses (Use Class C3) to be provided on a shared ownership basis. A community pavilion would also be provided within the site, including a restaurant and other services. The application is accompanied by application ref. 09/0708M for the access road off Coppice Way. The developments should be considered together and have only been disaggregated to prevent land ownership differences complicating a legal agreement if the application was to be approved.

The 58 bed care home is a 2.5 / 3 storey building located on the eastern section of the site close to the A34 bypass. Although 3 storeys, the top floor is generally within the roof space. 16 parking spaces would be provided adjacent to the building including 2 disabled spaces.

The proposed close care cottages would be located on the central part of the site, and consist of bungalows and 2 storey units. 49 parking spaces would be provided amounting to 1 space per dwelling and 2 additional spaces.

The 15 affordable dwellings would be located on the western side of the site, all being 2 storey properties of similar design to the close care cottages and with parking provision of 16 spaces.

Access into the site would be taken from Coppice Way (see application 09/0708M). The access road would leave an access spur into the adjoining safeguarded land to the South.

The development would also involve the diversion of Public Footpath 91 that links Hall Road and Coppice Way. The proposal includes a new footpath that would skirt the western edge of the affordable housing units.

## **RELEVANT HISTORY**

08/1847P Development of care village incorporating care home (use class C2); and care cottages and shared ownership affordable dwellings (use class C3): and associated access roads, public open space, landscaping, car parking and ancillary development.

Withdrawn 7.11.2008.

## **POLICIES**

The Development Plan consists of the North West of England Plan Regional Spatial Strategy to 2021 (RSS), the saved policies of the Structure Plan Alteration: Cheshire 2016, and the saved policies of the Macclesfield Borough Local Plan.

## **Regional Spatial Strategy**

Relevant policies of the RSS include: DP1 Spatial Principles; DP2 Promote Sustainable Communities; DP3 Promote Sustainable Economic Development; DP4 make the Best Use of Existing Resources and Infrastructure; DP5 Manage Travel Demand - Reduce the Need to Travel, and Increase Accessibility; DP7 Promote Environmental Quality; DP9 Reduce Emissions and Adapt to Climate Change; RDF 2 Rural Areas; Policy L1 Health, Sport, Recreation, Cultural and Education Services Provision; L2 Understanding Housing Markets; L4 Regional Housing Provision; L5 Affordable Housing; RT2 Managing Travel Demand; RT9 Walking and Cycling; EM1 Integrated Enhancement and Protection of the Region's Environmental Assets; EM3 Green Infrastructure; EM16 Energy Conservation and Efficiency; EM18 Decentralised Energy Supply; MCR3 Southern Part of the Manchester City Region.

Of the remaining saved Structure Plan policies, only policy T7: Parking is of relevance.

## **Local Plan Policy**

Relevant policies of the Local Plan include: NE11 and NE17 relating to nature conservation; BE1 Design Guidance; BE2 Historic Fabric; BE16 protecting the setting of listed buildings; BE24 Archaeology; GC7 Safeguarded Land; RT1, RT2 and RT6 Open Space; H2 Environmental Quality in Housing Developments; H9 Affordable Housing; H13 Protecting Residential Areas; DC1 and DC5 Design; DC3 Residential Amenity; DC6 Circulation and Access; DC8 Landscaping; DC9 Tree Protection; DC17 and DC18 Water Resources; DC35, DC36, DC37, DC38 relating to the layout of residential development; DC57 Residential Institutions; T3 Pedestrians; T4 Access for people with restricted mobility; and T5 Provision for Cyclists.

The site lies within an area of safeguarded land designated in the Macclesfield Borough Local Plan and part of the site also includes land designated as Open Space within the Plan. The site also lies adjacent to the grounds of Handforth Hall, a Grade II\* listed building.

## **Other Material Considerations**

National policy guidance set out in PPS1 Delivering Sustainable Development, PPS3 Housing, PPS9 Biodiversity and Geological Conservation, PPG13 Transport, PPG15 Planning and the Historic Environment, PPG16 Archaeology and Planning, PPG17 Sport and Recreation, PPG24 Planning and Noise and PPS25 Development and Flood Risk are of most relevance to the proposed development.

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

Relevant legislation also includes the EC Habitats Directive, the Conservation (Natural Habitats &c.) Regulations 1994, Wildlife and Countryside Act 1981 and the Hedgerow Regulations 1997.

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

**Highways:** No objection subject to conditions and a s106 agreement relating to the operation of a travel plan, maintenance of the proposed access road and public footpath, and funding of traffic regulation orders. They state that the parking provision is substandard, but consider that due to the location of the site and guidance in PPG13 they cannot insist on more parking spaces. They also state that any overspill parking is likely to be kept within the site and not interfere with the public highway, and that should such a situation arise that would have to be dealt with by traffic regulation orders.

**Environment Agency:** They initially raised an objection to the proposals on the basis that they have been informed that the public footpath crossing the site is subject to localised flooding and therefore the proposed housing would be at risk if flooding. It was stated that the flood risk assessment did not address this issue. The Environment Agency officer has informed the Council that they have now withdrawn their objection following the receipt of sufficient information from the applicant to demonstrate how they will develop the site to prevent surface water flooding.

**Natural England:** They are not aware of any nationally designated landscapes or any statutorily designated areas of nature conservation importance that would be significantly affected by the proposed planning application. They note that the information provided identifies that the following protected species may be affected by the proposal: Great Crested Newts, Bats and Breeding Birds. Natural England notes that this development may have a detrimental effect on protected species and that **further surveys for bats may be required**. They also recommend that an appropriate condition is included in any planning permission to ensure clearance works are undertaken outside of the bird breeding season or that a check on any trees/shrubs to be felled is made by a suitably qualified ecologist. They also note that the applicant has identified a need for a Natural England licence to be in place prior to any works commencing.

*Note: a bat survey has since been undertaken and submitted.*

**English Heritage:** The application should be determined in accordance with local and national policy guidance, and on the basis of your specialist conservation advice.

**United Utilities:** No objection to the proposal provided the site is drained on a separate system, with only foul drainage connected into the foul sewer. Foul drainage should be connected to the existing 825mm diameter public sewer crossing Hall Lane and surface water to be discharged to watercourse to the southwest of the site, subject to the approval of the Environment Agency. All surface water drains must have adequate oil interceptors.

**Officer for Archaeology -** The proposed development will occur in an area of land to the west of Handforth Hall which was constructed in the 16th century and is recorded in the Cheshire Historic Environment Record. The applicant has commissioned a desk-based archaeological assessment in response to suggestions of the presence of a chapel and burials in the vicinity of the Hall. The provisional conclusion of the report was that the chapel had been within the application area and that pre-determination evaluation would be necessary. Subsequently, however, further documentary evidence was located which indicated that the chapel and burials were not within the application area but had been sited

much closer to the Hall. In these circumstances, it was concluded that further archaeological work would not be required and I am happy to accept this conclusion.

**Public Rights of Way Unit:** In order for the development to proceed, the public footpath crossing the site would need to be diverted under the Town and County Planning Act 1990. Wish to investigate the possibility of securing improvements to another nearby public footpath via a S106 agreement.

**Leisure Services:** No comments received.

**Housing Strategy & Needs:** The Borough's Housing Strategy, Key Aim 3: 'To provide supported accommodation appropriate to the needs of the Borough's population', fully supports this proposal that will provide purpose built accommodation for this vulnerable group of older residents. The proposal also fits with the Cheshire Supporting People Strategic Vision 'to offer vulnerable people the opportunity to improve their quality of life by providing a stable environment that enables greater independence'. Further, the proposed development fully accords with Central Government's National Strategy for Housing in an Ageing Society 'Lifetime Homes, Lifetime Neighbourhoods' February 2008.

**Environmental Health:** No objection subject to a condition controlling hours of construction. In terms of potential land contamination the application area has a history of farm use and therefore the land may be contaminated. The application is for new properties, which are a sensitive end use and could be affected by any contamination present. The Preliminary Risk Assessment report submitted in support of the application recommends that further investigation is required. No objection subject to conditions to take this into account.

The impact of noise from the A34 bypass has also been considered, in terms of any potential impact on future residents of the care home. No objection is raised in this respect subject to conditions.

## REPRESENTATIONS

A petition against the proposal has been submitted with 343 names. This number includes people from the same households and also names without an address. The petition requests the plans to be rejected and states that the development would be very damaging to the local area and would destroy a large area of natural beauty.

Letters from 89 objectors (of different addresses) have been received. These objections and concerns are summarised as follows:

- Development will lead to localised flooding due to the serious reduction of natural soakaway. Contrary to policies DC17 and DC18.
- Must make sure Hall Road is not used during construction – would be a safety hazard and damage to the road
- Noise pollution – location with Bypass would be intolerable for inhabitants.
- Damage to ancient hedgerow by sewer pipes, railings and proximity to dwellings. It will be fragmented by future occupiers.
- Destroy large area of natural land, loss of green space and wildlife habitat including protected species of newts, breeding birds, foxes, badgers.

- The tests of the Habitats Regulations in relation to European Protected Species would not be met.
- Other locations would be better
- There is not need for the development. Plenty of care homes in the locality. Honford Court recently closed down. Due to lack of demand residents would be moving in from outside the local areas.
- Detrimental to health service in Handforth due to increased pressure on Handforth Health Centre
- Harm to nature conservation interests, including Great Crested Newts
- Ruin setting of Handforth Hall, a Grade II listed building, contrary to policy BE16 of the Local Plan.
- Highly likely that visitors will park their cars at the end of Hall Road.
- Congestion at roundabout on Coppice Way.
- The future of the field to the South would be endangered.
- Re-routing of footpath is longer and infringement on public right.
- Contrary to policies of the Local Plan to protect safeguarded land (GC7) and public open space (RT6).
- Secure boundaries mean development is not socially inclusive and contrary to PPS1. Benefits of development and services within the development will not serve the local community. Does not enhance environment as required by PPS1.
- Development not sustainable and not in sustainable location. Links to public transport are poor. Does not comply with PPS3.
- Severe under provision of parking. 68 staff would work at the care home and only 16 spaces provided. Also insufficient visitor parking within the care village. Bus stops are difficult to access from the site and there will be people travelling into the site to use the on-site facilities. This will result in highway safety problems.
- There is not sufficient need for the development to override important Development Plan policies. The appraisal done by the developer must be questioned as other sites are discounted solely because they do not fit with their model of development.
- If approved request conditions to prevent parking on Hall Road and to prevent any future access onto Hall Road.
- The access will break into the noise protection bund from Coppice Way
- Failure to retain tree cover
- Fails to provide any decent private amenity areas for future residents.
- The site layout increases the risk of crime with high wall adjacent to the elongated public footpath.
- The land must remain as a buffer zone between residential areas and the superstores and A34 bypass.
- The proposed development would create an area of substantial risk to vulnerable residents by reason of physical danger, particularly to those handicapped, those of mature age, young children, who may live on site or visit, from road, ponds or traffic accident or just poor access.
- Does not take account of the recently completed Spath Lane care village development which is half vacant.
- Evidence of historic burials/chapel on the site of archaeological importance.
- The area has been enjoyed by local residents for many years as a recreational to walk dogs etc.
- Overlooking into our property from balconies of proposed dwellings

- Inaccurate assessment of trees.
- Statement says that Hall Road will be used for the construction access – this is totally unacceptable and will be a safety hazard to nearby Primary School.
- New build proposal would be out of character with surroundings.
- Air pollution would affect the elderly living in the care centre
- Elderly people want to be part of the community and not isolated in a care centre
- Fear that once it is built it will expand into adjoining open space
- Little pedestrian access to Handforth Dean shopping complex during construction.

Cheshire Fire and Rescue Service have advised that roads should be constructed in accordance with relevant design guidance to ensure emergency access and details of water main installations should be submitted to them.

Representatives of Marks and Spencer have submitted a statement requesting assurance that a high level of screening be maintained on the bund between the proposed development and the retail outlet, with the use of conditions or a legal agreement. They also state that the capacity of the road junctions onto Coppice Way should not be prejudiced by the development.

Wilmslow Trust: Is it in accordance with zoning for domestic housing? Is it needed? As the area appears to be well served in this speciality. The access will add to a danger spot.

2 letters of support have been received.

## **APPLICANT'S PRE-APPLICATION CONSULTATION**

A statement of community engagement has been submitted, which essentially relates to the consultation process undertaken by the applicant prior to submitting the 2008 application ref. 08/1847P. Their publicity involved advertisements in the local press, posters, advertisement on the Council's website, and 2 public exhibitions held at Handforth Library. The exhibitions attracted over 150 attendees and 80 comment sheets were completed. Of these comments, 12 contained points of support and 75 contained points of objection. Following the comments received, the applicant made alterations to the scheme before submitting the original planning application. The major changes included removing the proposed access from Hall Road and altering the site layout.

## **APPLICANT'S SUPPORTING INFORMATION**

The information that has been submitted alongside the plans and drawings include:

- i) Planning Statement;
- ii) Housing Needs Assessment;
- iii) PPS3 Sequential Analysis;
- iv) Draft Heads of Terms for Section 106 Agreement;
- v) Statement of Community Engagement;
- vi) Transport Assessment;
- vii) Flood Risk Assessment and Drainage Report;
- viii) Ground Investigation Report;
- ix) Phase 1 Habitat Survey, Phase 2 Grassland Survey; Great Crested Newt Survey;

- x) Arboricultural Survey;
- xi) Desktop Archaeological Report

These documents can be viewed online as background information. The planning statement concludes that:

The development site extends to 2.4 hectares and adjoins the built up area of Handforth. The proposed development is situated in close proximity to a range of key services and facilities, and is well served by public transport which provides frequent transport services to surrounding settlements.

The proposal has been prepared in the context of current local, regional and national planning policy guidance, and accompanying background material. We consider that the need for the development outweighs any potential harm that may be caused to the natural and built environment. There are a number of material considerations to be taken into account in support of this:

- a) The proposed care home, Close Care Cottages and affordable housing respond to housing needs and demand in the local area, and therefore provide for a shortage of this type of housing. This proposed development will contribute to the creation of mixed communities in accordance with PPS3.
- b) Notwithstanding the identification of the site in the Local Plan for housing delivery after 2011, the demonstrated need for this type of development offers suitable conditions for the site to be brought forward for development.
- c) The proposed development provides for the retention and improvement of the quality of open space, including improvements to the local biodiversity.
- d) The site has good sustainability credentials with a range of facilities available within Handforth and further afield in Wilmslow, Stockport and Manchester. The site is well connected to the wider area with two regular bus services and a railway station within 500m of the site.
- e) The proposed development is well designed, appropriate to the location, scale and density of its surroundings.
- f) The development of the site will create new employment opportunities and as such will positively contribute to the local economy, in accordance with PPS1.

The proposed development should be considered as an exception to the current Development Plan policies and in our view other material considerations justify the proposal.

## **OFFICER APPRAISAL**

### **Principal of Development**

The application site is currently split into two areas, which in terms of planning policy are quite distinct from one another. The land to the east of footpath 91 is designated as 'Safeguarded

Land' under Local Plan policy GC7 whilst the area to the west of the footpath is allocated for recreation purposes and amenity open space under Local Plan policy RT6(10).

Safeguarded land may be required to serve development needs beyond the Local Plan period (2011). It is clear that although the land is not Green Belt, it is also not allocated for development at the present time and policies relating to development in the countryside will apply. Policy GC5 deals with development in the open countryside, which "will not be permitted unless it is essential for agriculture, forestry, outdoor recreation or for other uses appropriate to a rural area". Clearly the development does not fall into one of those categories.

Policy GC7 also states that development that would prejudice its later comprehensive development will not be permitted. The applications include an access road to serve the proposed new development. This access road includes a spur, which could be utilised to access the remaining majority of the safeguarded land. Under these proposals, the Local Authority would adopt this part of the access road and therefore any future comprehensive development on the remaining land would not be prejudiced.

The land to the west of the footpath and land bounding the site to the north (including the proposed access to be considered separately under application 09/0708M) is allocated under policy RT6(10) for amenity open space. Policy RT1 asserts that 'areas of recreational land and open space as shown on the proposals map will be protected from development and policy RT2 states that 'incidental open spaces / amenity areas in residential areas will normally be protected from development and enhanced as appropriate'. The proposed development would take approximately 0.34ha of the allocated amenity space (not including the loss proposed as part of the access under separate consideration). Although the application claims to re-instate 0.82ha within the development, it is also clear that the development will be self-contained and secured. Consequently, the open space provided will not be accessible to the general public and cannot be regarded as replacement for the amenity space lost. The Council may wish to consider what compensation measures would be appropriate for the loss of amenity space should the application be approved. To the west of the open space land exists land designated as a Nature Conservation Priority Area in the local plan, Handforth Wood. Policy NE16 states that the Borough Council will seek to implement management plans to enhance nature conservation interests in this area. A contribution towards the management of this land could provide appropriate mitigation for the loss of open space.

In terms of both GC7 and RT6, the application represents a departure from the development plan. Planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise.

It is also clear that the strategic planning context has changed considerably since the adoption of the Local Plan in January 2004. The Regional Spatial Strategy (adopted 30th Sept 2008) requires 400 net additional homes to be built per annum in the former Macclesfield District between 2003 and 2021. This is a large increase over the numbers previously set out in the Cheshire Structure Plan alteration, which required an average of 200 per year between 2006 and 2011, dropping to 100 per year between 2011 and 2016. Housing provision in the Local Plan was addressed with regard to these lower figures.

The Strategic Housing Land Availability Assessment (SHLAA) shows that sufficient sites could be found to meet the RSS requirement to 2021, although residential development on a number of these would involve a departure from the adopted Local Plan. Whilst the SHLAA is not policy and does not alter existing allocations, it does show that development on certain sites not currently allocated, or allocated for uses other than residential will be required to meet the RSS housing provision figure. The need for affordable housing provision in the Borough is well documented. Despite recent changes in the economy, there remains a local affordability issue, with Macclesfield being one of the least affordable places in the region. In addition, Macclesfield Borough has an ageing population with a higher proportion of pensioner households than the regional average (2001 Census) and population predictions indicate that there will be 13,400 additional persons in the over 65 age group by 2029. The 2004 Housing Needs Study suggests a requirement for sheltered accommodation of 1,200 private market units and 827 affordable units. Some of this requirement will be addressed by flow from the existing stock but there are issues around the acceptability of this stock to meet modern standards.

Whilst the proposed residential care home would not contribute to meeting this affordable and sheltered accommodation demand, the 47 close care cottages and 15 affordable units for over 55s would certainly help to address local housing need in this category. Although the site is a Greenfield site, it is on the edge of an urban area and is within 500m of a bus stop, 600m from Handforth rail station and 800m from Handforth district centre. It is also adjacent to Handforth Dean with its large comparison and convenience shopping facilities. The site is therefore considered to be in a relatively sustainable location.

In conclusion, it could be argued that the material considerations are sufficient to justify a departure from the Development Plan subject to other policy and site planning considerations.

### **Close Care**

Members will be familiar with the terms 'close care' and 'extra care'. There are subtle differences between the two, and essentially close care remains a residential use under use class C3 of the Use Classes Order, whereas extra care schemes are more likely to fall under use class C2, the same as a care / nursing home.

This proposed scheme includes both use classes, with the care home (C2) and the close care cottages (C3). Close care is commonly defined as sheltered accommodation within the grounds of a care home, ensuring access to care as and when required. The proposed care village would operate differently than many other models as the care home on the site would not be providing the care service to the occupants of the cottages. The care services to the occupiers of the cottages would be bought in as part of an agreement within the lease.

A draft operational plan has been submitted and further detail needs to be addressed within the proposed legal agreement. The applicant's business model would attempt to secure a balanced community across the site, varying from people over 55 with an independent life, to those with a higher degree of care dependency. Whilst it is inevitable that the care needs of any occupants would grow over time officers are keen to eliminate the possibility of the village being occupied pre-dominantly by residents with no care needs at all on initial occupancy.

A care assessment would be undertaken of all prospective purchasers and as part of the basic service charge all occupants would receive 1 hour of domestic or personal help per week. Occupants would then purchase a care package above that level dependent on need. The applicant has agreed in principle that a minimum of 60% of the initial occupiers of the cottages and affordable dwellings would *require* at least a basic level of care following their initial care assessment. This could be written into the legal agreement.

The applicant has submitted a sequential analysis with the proposal, which concludes that there are no other more sustainable, available or feasible sites in the search area to accommodate the proposed development. Officers agree with this assessment, but on the basis that the proposed elements cannot be disaggregated. This goes to the heart of the consideration of the application. In theory, as the care home would not be providing the on site care to the close care cottages, those elements of the scheme could be disaggregated. The applicant is stating that the geographic proximity of the care home to the rest of the village would provide an important continuity and accessibility factor for residents of the cottages who may ultimately require full time care in the proposed care home. Members must consider whether the applicant's proposed justification for the village in one geographic location is a robust argument. It would clearly be preferable if there was a higher level of integration between the care home and the rest of the village, but on balance the proximity of the care home to the rest of the village as considered to be a valid material consideration.

## **Policy**

PPS1 states that sustainable development is the core principle underpinning the planning process. Planning should facilitate and promote sustainable patterns of development through protecting and enhancing the natural and historic environment, and ensuring high quality development through good design and efficient use of resources.

Development which contributes to the creation of safe, sustainable, mixed and liveable communities is encouraged. The concentration of mixed use developments, use of previously developed land, building in sustainable locations and those well served by a variety of public transport is a key to this approach. Clearly this proposal does not make use of previously developed land, and many of the objections received in the representations contest that the site is not in a sustainable location.

The requirement in PPS3 is that planning authorities create sustainable and mixed communities which meet the different household needs of its population. These needs will be based on tenure, price and the accommodation requirements of specific groups such as older people.

Policy L4 of the Regional Spatial Strategy sets out the framework for regional housing provision. Targets for housing provision and criteria by which to appropriately achieve those targets are set out in the policy. It is stated that Local Authorities should work in partnership with developers and other housing providers to address the housing requirements (including local needs and affordable housing needs) of different groups. This should be achieved taking account of the spatial principles of the RSS and advice in national guidance PPS3. Affordable Housing provision is dealt with in policy L5. This policy sets out delivery mechanisms to secure provision of affordable housing. One of the objectives is to ensure that wherever possible, the property remains affordable and available in perpetuity. Policy R2 deal with

managing travel demand with a key objective being to ensure that major new developments are located where there is good access to public transport, backed by effective provision for pedestrians and cyclists to minimise the need to travel by private car. This is also emphasised in policy RT9.

In addition to the strategic policy issues noted above, specific development control policies are relevant to this proposal. Policy DC57 of the Local Plan sets out criteria for residential institutions. The site must be close to local facilities such as bus services, local shops and other community facilities and is normally sited in a residential area. A concentration of specialist housing and care facilities should be avoided. Amenity of neighbouring property should not be harmed. A reasonable sized private garden with a pleasant aspect must be provided. Adequate parking and safe access should be provided. Policies BE1 and DC1 of the Local Plan seek to ensure a high quality of design in new development that is of appropriate scale and sympathetic to the site and its surroundings. Policy DC5 encourages the layout of developments to reduce the risk of further crime. Policy DC6 requires safe convenient access, including access to bus routes. Policy DC8 sets out criteria for landscaping and policy DC9 requires the protection of trees of amenity value. Other relevant policies are dealt with under the respective issues below.

### **Impact on setting of Handforth Hall**

The Western boundary of the site adjoins the grounds of Handforth Hall, a Grade II\* listed building. Policy BE16 of the Local Plan states that development that adversely affects the setting of a listed building will not normally be approved. The applicant has had extensive pre-application discussion with officers in respect of the impact on the setting of Handforth Hall. Original proposals showed the larger care home building sited close to the common boundary with the Hall. This was considered to have an unacceptable impact and would have prevented any substantial degree of tree screening. The proposal now has the care home on the eastern site of the site, and the less dominant 2-storey dwellings on the Western side. The buildings nearest to the boundary with the Hall would be between 17 and 30 metres away from the boundary. This distance would allow space for a sufficient amount of the existing tree and hedge screening to be retained and supplemented. The conservation officer has no objections to this proposal.

### **Archaeology**

In response to suggestions that the site may include a chapel and burial ground of archaeological interest, with historic connections to Handforth Hall, the applicant has commissioned a desk-top. The County's senior officer responsible for archaeological regeneration is satisfied with the conclusions of the report that no further work is required.

### **Impact on residential amenity**

The interaction of the proposed development with adjoining residential uses is restricted to the Western end of the site. The rear of the affordable dwellings face towards Handforth Hall, but good boundary screening and sufficient distance will prevent any significant harm to the living conditions of that property. Other properties close to the development include those on Wadsworth Close, Hall Road and Old Hall Crescent. Objections have been raised about potential overlooking into private garden areas. The property closest to those dwellings would

be a bungalow and good boundary screening would prevent any harmful loss of privacy. The nearest 2 storey cottages to those properties, plots 26 and 27 would comply with the guidelines for space, light and privacy set out in policy DC38 of the Local Plan. It is not considered that there would be any harmful impact on living conditions as a result of the proposed development and therefore the proposal would accord with policies DC3 and H13 of the local plan.

## **Noise**

Objections have been raised on the basis that the location of the care home adjacent to the A34 bypass is unsuitable due to noise for future inhabitants. The east elevation of the care home would be located approximately 60 metres from the bypass, at a point where traffic is slowing down toward the Handforth Dean roundabout. PPG24 sets out guidance for noise sensitive development, outlining categories of noise which would be deemed unacceptable for the location of residential property. Given the embankment between the bypass and the 60 metre distance to the proposed care home, change in ground levels and extensive vegetation, the environmental health officer is satisfied that noise levels would be within accepted standards subject to a conditions. This could involve the installation of high specification glazing and ventilation system, and/or alterations to the internal layout of several rooms within the care home. This can be dealt with by condition for a scheme of sound insulation to be approved.

## **Public Rights of Way**

The development would involve the diversion of Public Footpath 91 that cuts through the site between Hall Road and Coppice Way. The proposed footpath would provide a cycle lane in addition to a 2 metre wide footpath. The length of the footpath will be elongated as it has to curve around the north side of the development. It is not considered that there should be an objection in principle to the diversion of the footpath to facilitate the development. Subject to the new footpath being of a higher standard for pedestrian and cycle users. In the previous proposal where was concern that the proposed footpath would be more restrictive in terms of natural surveillance due to a proposed 2m high brick wall, contrary to policies T3 and DC5 of the Local Plan. This is now proposed to be a low wall with railings and open to the west side of the footpath, which is considered to be acceptable.

## **Highways**

A transport statement and a draft framework travel plan have been submitted with the application.

Whilst the site is not adjacent to the public transport network, it is an a reasonably sustainable location being approximately 500m from the bus stop on station road, approximately half a mile from the centre of Handforth and near to the Handforth Dean Shopping complex. This is considered to be in accordance with the objectives of policies DC6 and DC57 of the local plan.

The Highway Authority has raised no objections to the proposed development in terms of parking provision and the new access proposed. Given the nature of the residential development and the relatively sustainable location of the site, the allocation of 1 space per

dwelling is considered acceptable. 16 parking spaces, including 2 for the disabled, would be provided at the front of the care home, this is below the standard normally required by Cheshire County Council standards, which would be 19 spaces and disabled parking provision. However, the highway authority is satisfied, on balance, that this is acceptable, and that any potential overspill onto the public highway could be dealt with by traffic regulation orders. The draft framework travel plan would also help reduce car dependency. A legal agreement would be required to secure and monitor the implementation of a fully detailed travel plan.

The Highway Agency was consulted on the withdrawn application and confirms that the development will have a negligible impact on the trunk road network.

### **Design and visual impact**

As the site is green field, the development clearly has a landscape impact. An area that is currently agricultural / open space land will be occupied by an urban form. The layout has been influenced by the natural and physical constraints of the site, particularly the ponds within the site and the location of Handforth Hall to the west. The more dominant care home building would be located to the north-east corner of the site, away from Handforth Hall, and would be viewed in the landscape against the backdrop of the planted mound along the A34 bypass. Existing mature vegetation would provide good natural screening from the west, north and east vantage points. The most prominent local vantage points from outside the site would be from the south, where the care village will be viewed above the existing mature hedge that forms the southern boundary of the site. The 2 storey dwellings would respect the scale of existing dwellings near to the site accessed from Hall Road. The diverted public footpath would also provide new vantage points looking east across the proposed development, which need to be considered. Whilst the proposal clearly involves a change in landscape, the overall massing and layout of the development is considered to respect the constraints of the site and is sympathetic to adjoining buildings and its surroundings.

The care home building would have a U-shaped footprint, creating its own internal courtyard at the rear, which would create a modest private outdoor space for residents. Criterion 4 of policy DC57 requires appropriate private garden space to be provided in the order of 10 sq m per resident. This proposal would be substandard in this respect being approximately 7 sq m per resident, but the objective of the policy to provide adequate amenity space is considered to be met. The architecture is of a traditional design, with arts and craft influences. It would be a brick building with timber detailing and render and herringbone brick infill and slate roof. The design has been influenced by details of Handforth Hall, but sited a good distance from the Hall there is no danger of it competing with or overbearing the Hall.

The proposed close care cottages and affordable dwellings are also of a traditional design with appropriate materials and detailing, providing some variety of materials and design details but maintaining a commonality that adds cohesion to the development.

The proposed community centre has a colonial design influence and provides a focal point for the development. The building has a first floor within the roof space, and its heavier roof form and clock tower are considered to give it an appropriate identity as a communal building.

The development also re-establishes the ponds within the site, and along with the proposed village green, this helps to provide some aesthetically pleasing aspects to the overall layout. The design achieves a housing density of 36 dwellings per hectare, which complies with the requirements of PPS3.

Whilst the development would not be in the public realm, officers raised objection to the previous scheme due to its lack of reference to the design guide 'Manual for Streets'. The key objective of which is to place the layout of the buildings first and the road layout afterwards. The proposed layout is an improvement in this respect, with the access road within the site given less dominance and the position of the buildings providing more interest by reducing site lines through the site. The result is a site that would be more pedestrian friendly and less car dominant, and whilst the proposals could go further to fully embrace the guidance in Manual for Streets, an objection on these grounds is now considered difficult to sustain.

### **Landscaping and tree protection**

Policies DC8 and DC9 of the local plan require schemes to have appropriate landscaping and ensure the retention of trees of amenity value. Policy EM1 of the RSS seeks to avoid damage to landscape assets, enhance biodiversity assets and mitigate any unavoidable loss in resources. The site has no special designation of landscape interest.

The site is characterized by a mound along the northern boundary of the site adjacent to Coppice Way, intersected along its length by a footpath (footpath 91), which links Hall Road with the retail development. The mound has been landscaped with trees comprising of a mix of Oak, Aspen, Cherry, Field Maple, Silver Birch, Hazel, Hawthorn, Rowan, Alder and Flowering Crab. There is also evidence of natural regeneration/seeding of Goat Willow and Ash occurring within the mound.

The southern section of the site is generally flat/slightly undulating and comprises of scattered groups and some isolated individual trees comprising predominantly of Sycamore, Ash, Goat Willow and Crack Willow. The strongest visual element of the site is the Hawthorn hedge, which delineates the southern boundary of the site along footpath 127, which links Hall Road and the Total Fitness Centre over the Wilmslow/Handforth bypass. The hedgerow consists primarily of Hawthorn, with occasional Elder and is shown for retention on the submitted layout plan. The retention of this feature is to be welcomed, however there will be a requirement to ensure the retention and management of this feature in its entirety to avoid potential fragmentation by future residents. Clarification is being sought as to whether the hedge constitutes an 'important hedgerow' as defined by the Hedgerow Regulations 1997. Historical and ecological information received so far suggest that it is unlikely to meet the necessary criteria to be classified an 'important hedgerow'. Officers have assessed that impact on a precautionary basis, however, and the hedge is specified for retention so there would be no breach of the regulations in any event. The applicant is proposing railings on the inside of the hedgerow to delineate the curtilage of the development. This would aid the protection of the hedge and, should it be proven that the hedgerow is an 'important hedgerow' it would ensure that the 1997 regulations would continue to apply and hence ensure its future protection.

The development will inevitably lead to tree loss within the site, however, it is the view of the Council's officer for arboriculture that none of the trees shown for removal are of sufficient significance that they cannot be adequately mitigated for in a landscaping scheme.

Landscaping plans have been submitted with the proposals. The landscape issues can be divided into two discrete sections. Firstly the landscaping and management of the public open space to the west of the proposed diverted public footpath, and secondly the quality of the landscaping within the care village itself. The Council's landscape architect has not raised an objection to the proposals but has raised several issues that would need to be dealt with in an improved landscaping scheme that could be dealt with by condition. In particular clarification is required to the management of the public open space.

A key issue relates to the proximity of dwellings to the northern-planted mound that would screen the development from Coppice Way. Although north facing, the proximity of the dwellings and the care home, combined with the projected future growth of the trees has a potential of resulting in requests to fell trees on the slope. It has been clarified that some tree removal on the fringe of the slope within the site will be required. The buildings have been moved slightly further away from the northern slope from the previous application and sections have been provided that illustrate the relationship with the trees on the slope. The removal of trees from the area owned by the developer will improve the relationship between the dwellings and the wooded embankment. The trees and shrubs in this area will require regular pruning or removal to prevent encroachment and shading. This should form part of a landscape and habitat management plan that would be required across the site and across the open space to the west.

## **Ecology**

Guidance in PPS9 requires that LPAs adhere to key principles to ensure the potential impacts of planning decisions on biodiversity and geological conservation are fully considered. Where granting planning permission would result in significant harm to those interests, the Council will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, adequate mitigation measures must be secured before planning permission is granted. The guidance is reinforced in ODPM Circular 06/2005.

A phase 1 habitat survey and great crested newt (GCN) survey was undertaken by the applicant. Natural England has been consulted. The previous application was withdrawn due to the presence of garden ponds in the grounds of Handforth Hall, which had not been picked up on the original GCN survey, and which were considered potentially to support a GCN population. An updated survey has been undertaken which reveals the presence of Great Crested Newts, a European Protected Species, and a mitigation strategy is now proposed. Whilst the application site itself does not show to contain breeding ponds for GCNs, the site is well within the foraging areas that would be used by the newts. Given the potential impact on GCN habitat, the developer would require a license from Natural England.

The phase 1 habitat survey stated that the site is unlikely to provide habitat for bats, also a European Protected Species. However, Natural England have recently suggested that a bat survey should be undertaken for the avoidance of doubt. This survey has now been undertaken and submitted which has shown evidence of bats using the area for foraging. The

nature conservation officer is satisfied with the results on the survey and that there would be no adverse impact on bats, subject to the retention of several trees with potential for bat roosts.

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

Regulation 3(4) of the Conservation (Natural Habitats &c.) Regulations 1994 provides that the local planning authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider two of the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative and (ii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that if it is considered clear, or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable “other imperative reasons of overriding public interest” then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

### Alternatives

The applicant has submitted a sequential analysis which concludes that there would be no realistic alternative sites in the area to provide the kind of care village proposed. It is also clear that there is no alternative way a care village could be provided on this site without having an impact on the GCN habitat. Taking these factors into account it would be reasonable to conclude that there are no satisfactory alternatives.

### Overriding public Interest

As the proposal is contributing to a specialist housing / care need for the Borough's ageing population it would also be reasonable to conclude that the proposal is helping to address an important social need.

### Mitigation

In line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted. A comprehensive mitigation scheme has been proposed, which essentially utilises open space land to the west of the application site to improve GCN habitat in this area. The Council's nature conservation officer is satisfied with these proposals subject to appropriate conditions.

On the basis of the above it is considered reasonably likely that the requirements of the Habitats Directive would be met; Members must form a view on this issue.

### Other ecological issues

The impact on breeding birds and other fauna is also a material consideration to the application. The mitigation proposals will satisfactorily ensure bio-diversity interests are secured and conditions, including time of year for development, are necessary to prevent harm to breeding birds.

Toads are also present on the site. This species is a national BAP priority and hence a material consideration. The mitigation formulated for Great Crested Newts will have similar benefits for this species.

Ponds are both a local and national BAP priority habitat and hence a material consideration. All three existing ponds will be retained on site. Unfortunately, two of these are proposed for water balancing purposes and as such their nature conservation value is likely to be reduced. As three new ponds are proposed as part of the habitat creation scheme for the proposal the impacts on these ponds will be adequately mitigated for. The design of the ponds on site should be agreed by the LPA as part of the habitat management plan to be secured by legal agreement.

Semi-improved neutral grassland formally occurred across part of the proposed development site. This habitat has recently been destroyed by ploughing and re-sowing with an agricultural crop. Whilst this grassland did not support any particularly uncommon species it was considered to have some ecological value within the local context. Replacement grassland habitat is proposed as part of the scheme.

### **Flood Risk**

Objections have been raised regarding potential localised flooding due to a large reduction in soakaway capacity over the site due to the proportion of building footprint and hardstanding across the site. There has also been anecdotal evidence of flooding of the existing footpath through the site. The applicant has submitted a flood risk assessment detailing proposed storm water drainage. It stated that the drainage system will be designed using Sustainable Urban Drainage System (SUDS) techniques. The Environment Agency has withdrawn its initial objection and is now satisfied with the proposals and therefore the application is considered acceptable in this regard.

### **Renewable energy**

Policy EM18 of the Regional Spatial Strategy deals with decentralised and renewable energy supply. In advance of local targets being set through the Cheshire East Local Development Framework, EM18 requires that all major developments secure at least 10% of their predicted energy requirements from decentralised and renewable or low carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that it is not feasible or viable. The applicant has not demonstrated that this is not feasible and the design and access statement considers the incorporation of such measures.

A condition is therefore considered necessary to ensure the requirements of the policy would be met.

The applicant's submission incorporates measures for energy efficiency which are to be welcomed.

## **HEADS OF TERMS**

The applicant has submitted a draft head of terms for a s106 legal agreement. This covers the following:

- Occupation for persons over 55 years
- 'Cascade provision' to ensure the development meets local needs first
- Provision of affordable housing at 80% of market value (with qualifying criteria)
- An operational plan for the close care cottages
- Individual travel plans for the care home and close care cottages.
- Monitoring fees

Further detail and amendments are required following consultation with the Council's Legal Section including:

- Minimum 60% of occupants of close care and affordable dwellings requiring a more than minimal care need as demonstrated through the care assessment, on first occupation.
- Leasehold resale rather than shared ownership scheme for the affordable housing element
- LPA to approve any sales documentation for the close care cottages
- LPA to approve the operational plan for the close care cottages and no variations or amendments to be made to such without the LPA's consent. The operational plan should remain in operation while the development is occupied.
- Timing of the development to ensure the care home and the close are cottages are built out together

The legal agreement will also be required to cover:

- 10 year landscape and habitat management plan including pond design and provision and all European Protected Species mitigation.
- Open space management
- Contribution towards open space enhancement, including the management of Handforth Wood, as mitigation for the loss of open space
- Provision of a Traffic Regulation Order
- Design and construction of the site access roads
- Design and construction of the public footpath

## **Other matters**

As a departure from the Development Plan, if the Board resolve to approve the application it will be referred to the Government Office North West for their consideration.

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

The proposed development represents a departure from the Development Plan due to the development of land designated as Open Space and Safeguarded Land within the Macclesfield Borough Local Plan, in particular policies RT6 and GC7 would not be complied with. The proposal is considered to comply with all other relevant policies of the Development Plan. There are also other material considerations to be considered as outlined in the report, in particular the impact on European Protected Species.

The impact on European Protected Species and other ecological interests has been assessed by the Council's specialist nature conservation officer and has been referred to Natural England for comment. It is considered that the proposal accords with the relevant national guidance in PPS9 and ODPM Circular 06/2005. There is also not considered to be any reason, having regard to the Conservation (Natural Habitats &c.) Regulations 1994, to withhold planning permission in this case.

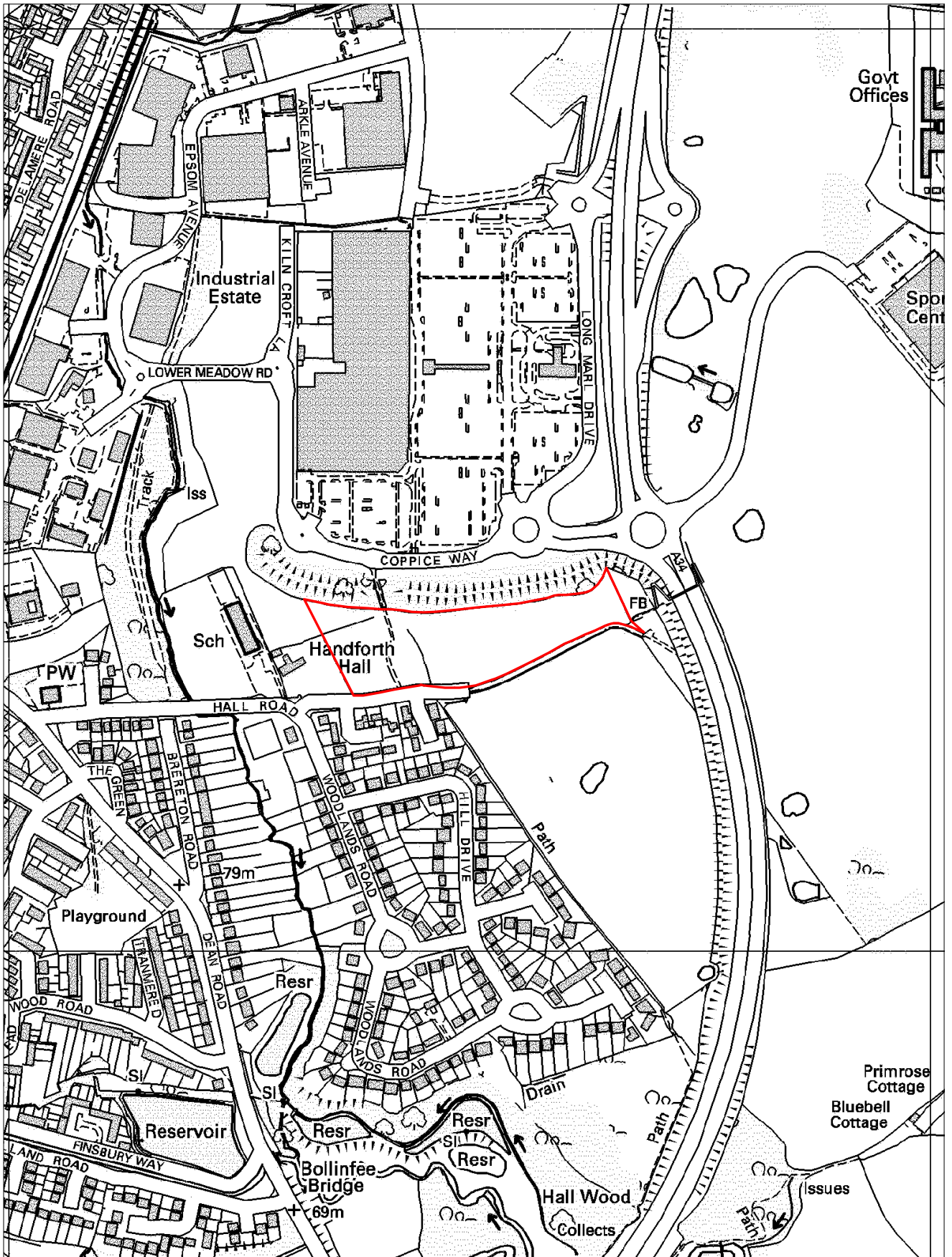
It is considered that the proposal would provide a valuable contribution towards meeting a specialist housing need for a vulnerable group of people within the Borough. It is considered that this is material consideration that should be afforded significant weight. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004 it is considered that there are sufficient material considerations in favour of the proposal to outweigh a decision wholly in accordance with the Development Plan. As such the application is recommended for approval subject to conditions and a s106 legal agreement.

Application for Full Planning

**RECOMMENDATION:** Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A12LS - Landscaping to include details of boundary treatment
7. A05TR - Arboricultural method statement
8. A14TR - Protection of existing hedges
9. A17MC - Decontamination of land
10. A08MC - Lighting details to be approved
11. A19MC - Refuse storage facilities to be approved
12. A22GR - Protection from noise during construction (hours of construction)
13. A01MC - Noise insulation

- 14.A01GR - Removal of permitted development rights
- 15.A06LP - Limitation on use
- 16.A08HA - Gates set back from footway/carriageway
- 17.A24HA - Provision / retention of service facility
- 18.A02HP - Provision of car parking (scheme to be submitted)
- 19.A26HA - Prevention of surface water flowing onto highways
- 20.Breeding birds - protection
- 21.Breeding birds - enhancement
- 22.Visibility Splays
- 23.Scheme of details for construction of junction of the approved access road with public highway
- 24.No construction of care home or dwellings until the access road from Coppice Way is constructed up to the laying course
- 25.Provision and retention of turning facilities
- 26.Facilities for cycles (care home staff)
- 27.Visitor cycle facilities
- 28.Requirement to enter into Section 278 Agreement under the Highways Act 1980
- 29.Specification of access road serving the development (continuation from access road from Coppice Way)
- 30.Prior to commencement of development the public footpath shall be diverted and surfaced
- 31.Development in accordance with the approved Flood Risk Assessment and mitigation measures
- 32.Provision of decentralised / renewable energy to meet 10% of predicted energy requirements
- 33.Dwellings to meet code for sustainable homes
- 34.Lighting details to be approved
- 35.No fires on site during construction



09/0695M

Reproduced from the Ordnance Survey map with the permission of HMSO.  
 © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Macclesfield Borough Council, licence no. 100018585 2007..

#