

Application No: 09/3023M

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

Proposal: OUTLINE PLANNING APPLICATION WITH MEANS OF ACCESS, LAYOUT, SCALE AND APPEARANCE FOR CONSIDERATION AND LANDSCAPING RESERVED FOR SUBSEQUENT APPROVAL FOR THE DEVELOPMENT OF A CARE VILLAGE COMPRISING 55 BEDROOM CARE HOME, 36 CLOSE CARE COTTAGES; 6 SHARED OWNERSHIP AFFORDABLE DWELLINGS - ALL FOR THE OVER 55'S; AND ASSOCIATED ACCESS ROADS, PUBLIC OPEN SPACE, LANDSCAPING, CAR PARKING AND ANCILLARY DEVELOPMENT.

Applicant: GREYSTONE (UK) LTD

Expiry Date: 30-Dec-2009

Date Report Prepared: 04 January 2010

SUMMARY RECOMMENDATION

Approve subject to completion of s106 Legal Agreement and the imposition of conditions.

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 outside the settlement boundary 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 a public footpath that links Hall Road and Coppice Way. An area of open space lies to the west of the site and separates it from the grounds of Handforth Hall, a Grade II* listed building. To the south west of the site are the residential properties of Hall Road, Wadsworth Close, Oldhall Crescent and Hill Drive.

The site covers approximately 1.9 hectares and forms a strip of land between Coppice Way and Hall Road on the eastern edge of Handforth. The site is identified as safeguarded land under policy GC7 of the Local Plan. The area adjacent to the west boundary of the site is identified as Open Space under policy RT6 of the Local plan.

DETAILS OF PROPOSAL

The application is for Outline planning permission and proposes the development of the site for a care village comprising a 55 bed care home and 42 close care cottages for people over the age of 55 of which 6 are to be provided on a shared ownership basis. A community pavilion would also be provided within the site, including a restaurant, hairdressers, physio room and library. The application is accompanied by application ref. 09/0350M 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 is approved.

Whilst the application is Outline, only landscaping matters are reserved for subsequent approval. Detailed consideration is required for the means of access, layout, scale and appearance as part of this application.

The 55 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. 14 parking spaces would be provided adjacent to the building including 2 disabled spaces.

The proposed close care cottages would be located on the western part of the site, and consist of bungalows and 2 storey units. 51 parking spaces would be provided amounting to 1 space per dwelling and 9 additional spaces.

Access into the site would be taken from Coppice Way (see application 09/0350M). The access road would leave an access spur into the adjoining safeguarded land to the South and separates the care home and the close care cottages.

RELEVANT HISTORY

09/0695M Development of a care village (sui-generis use) comprising 58 bedroom care home; 47 close care cottages; 15 shared ownership affordable dwellings; and associated access roads, public open space, landscaping, car parking and ancillary development.
Refused 19.08.2009

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 adjacent to land designated as Open Space within the Plan. The site also lies near 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.

The newly published PPS4: Planning for Sustainable Economic Growth is also of some relevance to this proposal. The guidance does not relate to housing proposals, and as a predominantly residential scheme this guidance is not considered to be a significant material

consideration in relation to this proposal. However, as a scheme that provides employment opportunities the principles of achieving sustainable economic development are still relevant.

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 objections in principle.

Care Home

The on-site parking provision is substandard (when considered against parking ratios). However; notes the applicant's experience of these developments and the advice of PPS1. They consider that the development should not cause material harm to highway safety. Even if more cars were to visit the site than can properly be accommodated in the allocated spaces, then it is unlikely that they will harmfully impact on the public highway.

The location of the Care Home, whilst not immediately adjacent to the public transport network, is within a twenty minute walk of the bus network & the rail station as well as the Handforth Dean shopping complex is thus considered sustainable.

In order to support the implementation of a green travel plan as well as preventing parking having an impact upon highway safety the Council will require that the applicant fund the implementation of a traffic regulation order if within 5 years of opening of the home it is noted that vehicle parking is taking place on the adopted highway.

Close Care Cottages

The public footpath adjacent to the site is well used and should be linked into the development. In this respect a link to facilitate southward movements will be required in addition to the proposed link. In the interests of public safety these should be lit.

Parking provision within the care village is consistent with PPG13's advice. Should there be any excess parking, it is unlikely to 'knock-on' to the public highway.

With respect to green transport & alternative methods of travel requests the provision of appropriate levels of on-site cycle storage.

The imposition of appropriate conditions is recommended and a legal agreement with the following heads of terms:

- Operation of a travel plan
- Provision of a Traffic Regulation Order

- Enter into a Section 278 Agreement (design and construction of the site access roads and design and installation of lighting on the public footpath).

Housing Strategy

The 2004 Housing Needs Study (for the former Macclesfield Borough) suggests a requirement for sheltered accommodation of 1200 private market units and 827 affordable units. The close care cottages and affordable units for the over 55s will help to address the identified local housing need.

Despite the economic downturn, there remains a local affordability issue with Macclesfield being one of the least affordable areas in the region. In addition, Cheshire East has a higher than average aged population. It is suggested that 25% affordable housing is negotiated, equating to 10 units.

Environment Agency: No objections on the basis that the measures dealt with in the supporting Flood Risk Assessment are implemented and secured by way of a planning condition on any planning permission.

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.

They note that the information provided identifies that Great Crested Newts and Breeding Birds which are legally protected species, will be affected by the proposal. They also note that Bats may be affected by the proposal. Such protected species are a material consideration in planning terms as stated in Part IV paragraphs 98 and 99 of Circular 06/2005 which accompanies PPS9, 'Biodiversity and Geological Conservation'. They are unable to provide detailed advice on mitigation in this case. They recommend, however, that the local authority consider the requirements of protected species in the determination of this application.

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: Notes that the public footpath should not be obstructed. Request that the developer is reminded of their obligations to maintain the right of way.

Leisure Services: No comments received.

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.

Fire Officer: No objections in principal. Request that the development is designed and laid out in accordance with current standards.

REPRESENTATIONS

A petition against earlier proposals 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. The organiser of the petition requested that the petition be valid for any subsequent similar proposals to develop the site.

A total of some 78 letters and e mails of objection from neighbours and members of the public have been received. The grounds of objection can be summarised as;

- Lack of need. Other local facilities have spaces.
- Conflict with Local Plan allocations (especially RT6 and GC7)
- Loss of open amenity space
- Harm to protected species and their habitat
- Harm to birds and other wildlife
- Harm to valuable hedgerows
- Increase in traffic and exacerbation of already poor conditions
- Conflict with traffic and additional danger especially along Hall Rd.
- Inaccessible location which is remote from local services
- Harm to the existing bund and harm to its function of baffling noise and landscaping
- Repetitive applications with little difference between them
- Objector fatigue

- Availability of other and better sites
- Inadequate and misleading supporting information
- Proposed pedestrian routes would encourage anti social behaviour.
- Potential to increase flood risk
- Forerunner to a larger development
- Loss of Green Belt land
- Retirement age is likely to increase. Younger people (eg55+) are likely to be still driving meaning that parking etc would be inadequate.
- Strain on local services
- Loss of flora including trees and bushes
- Inappropriate range/split of accommodation
- Potential for site to be used for overspill parking from nearby retail stores.
- Harmful impact on residents' amenity
- Conflict with the applicant's earlier case
- Loss of footpath
- Noise and pollution from traffic
- Harmful impact of construction traffic/operations
- Planning permission should be refused for the same reasons as before.
- Harmfully high density
- Poor layout and amenity provision
- Unaffordable rates

In addition, 4 letters of support have been received. The grounds of support include;

- Increased choice for independent living for the elderly
- Increased socialisation and companionship leading to improved mental and physical welfare.
- Need for developments of this nature.
- Benefits of modern and desirable accommodation for the over 55s.

Age Concern

Support the proposal. The Care Village would offer additional choice in accommodation options for the ageing population locally. The Care Village model offers many advantages through the services and facilities available.

CPRE

Object to this successor scheme on the basis that the site is too precious to the people of Handforth for its amenity value and for protection of the listed Handforth Hall. A Brownfield site elsewhere should be developed in preference.

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 includes:

- Planning Statement;
- Design and Access Statement;
- Housing Needs Assessment;
- PPS3 Checklist;
- Draft Heads of Terms for Section 106 Agreement;
- Statement of Community Engagement;
- Transport Assessment;
- Flood Risk Assessment and Drainage Strategy;
- Ground Investigation Report;
- Phase 1 Ecology Report and associated surveys;
- Great Crested Newt Survey;
- Arboricultural Survey;
- Desktop Archaeological Report;
- Energy Statement;
- Sequential Analysis.

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

The development site extends to 1.8 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 and the lack of suitable and alternative sites are material considerations to be taken into consideration:

- 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 PPS1.

- 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 600m 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

Members will be aware that this application is a resubmission following refusal of an earlier proposal for a care village on the site. The reason for refusal for the previous application (09/0695M) states:

“The proposed development is contrary to Macclesfield Borough Local Plan Policies GC7 (safeguarded land lying between the urban limits and the inner boundary of the Green Belt that may be required to serve development needs well beyond the plan period) and RT6 (open space allocated for recreational purposes). It is not considered that there are material considerations in favour of this development proposal that would be sufficient to justify the departure from development plan policy.”

The main change in principal with this proposal is that the development has been reduced in scale and the application site no longer includes the land designated as Open Space under policy RT6(10) of the Macclesfield Borough Local Plan. The access to the development from Coppice Way does go through the landscaped bund also designated as Open Space; this is considered in application 09/3050M.

The application site itself is designated as ‘Safeguarded Land’ under Local Plan policy GC7. 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.

In terms of policy GC7, 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 in the future 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 application site is included in the SHLAA with potential to contribute towards the 5 year housing supply.

The former Macclesfield Borough district 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. In addition 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.

Whilst the proposed residential care home would not contribute to meeting this affordable and sheltered accommodation demand, the 42 close care cottages for over 55s would certainly help to address local housing need in this category. The proposed cottages are designed to meet the *Lifetime Homes Standard* and would provide a supply of high quality housing in a village setting connected to the existing urban settlement. 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 for the type of development proposed. In rating all sites

in the SHLAA, a sustainable rating for from A to D was given for each site, with A being the most sustainable and D being the least. The application site was rated as a B.

In conclusion, it is considered that there is a specialist housing need for the development that is sufficient to justify a departure from the site allocation in the Development Plan subject to other policy and site planning considerations. In particular this proposal offers the opportunity for a high quality development which will contribute to meeting the housing and care needs of the ageing population of the Borough.

Close Care

As care villages are still a relatively recent concept there is still uncertainty as to the precise use class they relate to. Recent appeal decisions suggest that they fall within either a C2 use class, or a sui-generis use. Rather than distinguish between the care home, close care cottages and ancillary services it has been agreed with the applicant that the care village should be treated as a sui-generis use covering the whole site.

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. 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 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 is no other more sustainable, available or feasible site in the search area to accommodate the proposed development. This is considered a fair conclusion, but on the basis that the proposed elements cannot be disaggregated. 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 is considered to be a valid

material consideration. Members must also consider the merits of the “village” concept of the development which clearly is a constraint to site selection by requiring a relatively large land area. Other Brownfield sites could potentially be available in terms of providing a similar number of close care units, but this would provide a much higher density form of development that does not fit with the applicant’s care village concept.

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. This proposal for specialist housing in a care setting clearly complies with this national policy objective.

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. This would be achieved as part of the s106 legal agreement. Policy R2 deals 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. As discussed above, the site is considered to be in a relatively sustainable location and has reasonably good access to public transport and provides a choice of modes of travel other than the private car.

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

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, a Grade II* listed building. The conservation officer has no objections to this proposal. The revisions since the previous application mean that all of the Open Space land to the west of the site would be retained as a natural buffer to the curtilage of Handforth Hall. As such the setting of the Hall is considered to be safeguarded by 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. 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 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, DC38 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 conditions for sound insulation.

Public Rights of Way

The previous proposal involved the diversion of Public Footpath 91 that links Hall Road and Coppice Way. The development site as proposed would now be contained to the east of the footpath and no diversion is required.

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

National planning guidance in PPS1 and PPS4 seek to achieve high quality and inclusive design which takes opportunities available for improving the character and quality of the area and the way it functions. 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, and from the public footpath that forms the western boundary of the site. The 2 storey dwellings would respect the scale of existing dwellings near to the site accessed from Hall Road. 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. Unlike the previous application this standard would now 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 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 layout of the housing provides interest with features such as the crescent framing the village green.

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 aesthetically pleasing aspects to the overall layout. The design achieves a housing density of 29 dwellings per hectare, which is now just below with the normal requirements of PPS3 which seeks at least 30 dwellings per hectare. However, taking account that the reduction in density is largely a result of responding to site planning concerns raised during the previous application, which had a density of 36 dwellings per hectare, the proposed housing density is considered to be appropriate for this particular site.

Whilst the development would not be in the public realm, officers raised objection to an earlier 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.

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. 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 Council's officer for arboriculture initially recommended a 3 metre distance from the hedge to the railings to protect the roots of the hedge. This is not shown on the submitted layout and could also lead to post development maintenance issues. It is feasible for the railings to be erected alongside the hedge without compromising it and a construction method statement could be conditioned to ensure the long term protection of the hedge.

The reduction in site area means that the trees west of the public footpath can now be retained. 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. The details of a landscaping scheme would be dealt with in the reserved matters.

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 during the reserved matters application. There are currently no proposals to improve the adjacent Open Space for recreational purposes, due to nature conservation interests this would be limited in scope but could be achieved in conjunction with the implementation and management of the Open Space land for Great Crested Newt mitigation and can be dealt with by condition.

A key issue relates to the proximity of dwellings to the northern-planted mound that would screen the development from Coppice Way. 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 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 trees and shrubs in this area will require pruning to prevent encroachment and shading. This should form part of a landscape and habitat management plan that would be required across the site.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places in the interests of public health and public

safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection: a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above; and a licensing system administered by Natural England.

Macclesfield Borough Local Plan Policy NE11 states that development which would adversely affect nature conservation interests will not normally be permitted.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species “Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

A phase 1 habitat survey and great crested newt (GCN) survey was undertaken by the applicant. Natural England has been consulted. The original 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 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.

Alternatives

The site area has been reduced from the previous application, which reduces the impact on habitat and provides a larger area for mitigation measures. 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 to the scheme proposed.

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 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 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. National guidance in PPS1 and PPS4 specify the importance of responding to climate change. PPS4 requires planning applications for economic development to demonstrate that the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions. 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 submitted a report stating that the 10% target is not viable. Instead the applicant's submission incorporates measures for energy efficiency which are to be welcomed. However, it is considered that it has not been satisfactorily demonstrated that the 10% target cannot be met, particularly given the advantages of a Greenfield site and potential to meet a proportion of energy demand from the care home, community centre from renewable energy sources. The analysis submitted does not fully evaluate the cost and benefit of the available technologies, for example calculating a saving through solar heating and the consequent additional market price per unit that could be achieved by the developer taking into account rising non-renewable energy prices. It is recommended that a condition be imposed requiring the 10% target to be met unless a more robust evidence base can demonstrate that it is not viable.

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 (or younger with care needs)
- '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 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 / 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 care cottages are built out together
- Provision of a Traffic Regulation Order
- Design and construction of the site access roads

Other matters

Members will be aware that the previous application would have been referred to the Government Office North West had Members been minded to approve it. However, the Town and Country Planning (Consultation) (England) Direction 2009 now applies and as such this proposal does not meet the criteria for a referral.

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 Safeguarded Land (policy GC7) within the Macclesfield Borough Local Plan. There is therefore a policy presumption against this development and Members must make a decision in accordance with the Development Plan unless it is considered that material considerations warrant a departure from policy. Members face a different balance in determining this application when compared to the recently refused proposal because the application site no longer encroaches into the Open Space land adjacent to Handforth Hall.

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 a 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 the completion of a s106 legal agreement.

Application for Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A03OP - Time limit for submission of reserved matters
4. A06OP - Commencement of development
5. A01AP - Development in accord with approved plans
6. A05TR - Arboricultural method statement
7. A14TR - Protection of existing hedges
8. A17MC - Decontamination of land
9. A08MC - Lighting details to be approved
10. A19MC - Refuse storage facilities to be approved
11. A22GR - Protection from noise during construction (hours of construction)
12. A01MC - Noise insulation
13. A08HA - Gates set back from footway/carriageway
14. A24HA - Provision / retention of service facility
15. A01HP - Provision of car parking (care home)
16. A01HP_1 - Provision of car parking (close care cottages)
17. A26HA - Prevention of surface water flowing onto highways
18. Drainage
- 19.
20. Visibility splays (close care cottages)
21. Construction of access road in accordance with Council highway design aid
22. Lighting of public footpath
23. Short-stay / visitor cycle parking facilities

24. No construction of care home or care cottages until the access road from Coppice Way is constructed up to the laying course
25. Development in accordance with the approved Flood Risk Assessment and mitigation measures
26. Decentralised energy scheme
27. Care cottages to meet code for sustainable homes
28. No fires on site during construction
29. Control of dust emissions during construction
30. Breeding birds - protection
31. Breeding birds - enhancement
32. 10 year landscape and habitat management plan to be submitted and implemented
33. Scheme for ecological mitigation (including off-site pond and habitat creation)



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