

Application No: 09/4305M

Location: LANGLEY HOUSE, STANNEYLANDS ROAD, WILMSLOW, CHESHIRE, SK9 4HB

Proposal: DEMOLITION OF EXISTING DETACHED PROPERTY & REPLACEMENT WITH CONSTRUCTION OF 53 BED SENIOR LIVING ACCOMMODATION WITH USE CLASS C1, C2 & C3.

For MR & MRS T GHANI

Registered 18-Jan-2010

Policy Item Yes

Grid Reference 384796 383272

Date Report Prepared: 14 April 2010

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Compliance with Green Belt policy
- Ecological Impact
- Impact on protected trees
- Impact on residential amenity
- Highway safety
- Sustainability
- Design
- Assessment of need
- Planning history
- Compliance with the Development Plan

REASON FOR REPORT

The proposal requires determination by the Northern Planning Committee under the terms of the Council's constitution.

DESCRIPTION OF SITE AND CONTEXT

The site lies in the North Cheshire Green Belt and is located west of the urban areas of Handforth and Wilmslow. Access is taken from Stanneylands Road, which leads south into Wilmslow and north towards the village of Styal. The site area (edged red) extends to just under 1 hectare and land in the applicant's ownership extends to a further 2 hectares following the boundary of the River Dean to the south. The existing building on the site is a Victorian villa that has had numerous alterations in the past, but the main façade facing South towards the River Dean has retained its original form. The building itself is in a run down condition and has been vacant for a period of time. The building lies in spacious grounds with a large garden area to the south of the

building. The ground levels slope down towards the south and east boundaries towards the River Dean and also slope down to the west onto Stanneylands Road. Mature woodland exists to the south and very good boundary screening exists along the south and west boundaries. Several residential properties are located adjacent to the north and northeast boundary of the site; these properties have rear gardens that adjoin the site.

DETAILS OF PROPOSAL

The proposal involves the demolition of the existing building known as Langley House and its replacement with a 53 bed residential care home. The proposal also involves alterations to the access onto Stanneylands Road and the provision of car parking on the site.

The application as submitted on the planning application forms refers to the construction of a 53 bed senior living accommodation with use class C1, C2 and C3. However the planning statement and the needs assessment refers to a 53 bed residential care home and the transport assessment refers to an extra care scheme. This has been raised with the applicant's agent but no further clarification has been given. There is no mention in the supporting documentation of a hotel use (use class C1) and the submitted plans do not reflect a development that would suit independent living. It is therefore considered that the proposal should be assessed as a residential care home (use class C2) and the description should be amended to that, subject to the agreement from the applicant.

RELEVANT HISTORY

The site has a long planning history. The building was originally known as Oakdene as a Victorian mansion. It was then in commercial use for a long period and was most recently known as Amplivox House. Permission was granted for the conversion of Amplivox House into a single dwellinghouse as part of a scheme to convert the outbuildings that formerly formed the northern part of the site into 3 separate dwellings. The building is now known as Langley House. The recent relevant planning history is as follows:

01/3020P Conversion of office building (a) to ten apartments, with 2/3 storey rear extension; conversion of office building (b) to 3 houses; demolition works; and conversion of office building (c) to detached dwelling with garage and erection of three detached garages.

Refused 30.01.2002 APP/C0630/A/02/1095374 Dismissed 19.11.2002.

03/0668P Conversion and extension of office building (a) to form 9 apartments, conversion and extensions to office building (b) to form 3 dwellings, conversion and extension of outbuilding (c) to dwelling with garage, demolition of outbuildings, alterations to access.

Approved with conditions 18.062003.

05/2685P Conversion & extensions to Oakdene house to 1no. Dwelling, conversion & extension of other buildings to form 3no. Dwellings with detached garages, alterations to access & landscaping
Approved with conditions 04.01.2006.

06/2751P Demolition of single and two storey additions to dwelling. Erection of new two storey side extension with plant room in roof space and two storey front extension to incorporate garage and domestic accommodation above. Erection of detached triple garage
Approved with conditions 04.01.2007.

POLICY

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; L2 Understanding Housing Markets; L4 Regional Housing Provision; 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 relating to nature conservation; GC1 New build in the Green Belt; BE1 Design Guidance; DC1 Design; DC3 Residential Amenity; DC6 Circulation and Access; DC8 Landscaping; DC9 Tree Protection; DC17 and DC18 Water Resources; DC57 Residential Institutions; T3 Pedestrians; T4 Access for people with restricted mobility; and T5 Provision for Cyclists.

Other Material Considerations

National policy guidance set out in PPS1 Delivering Sustainable Development, PPG2: Green Belts, PPS3: Housing, PPS4: Planning for Sustainable Economic Growth, PPS9 Biodiversity and Geological

Conservation, PPG13 Transport are of most relevance to this development proposal.

CONSULTATIONS (External to Planning)

Manchester Airport: No objection from the perspective of aerodrome safeguarding.

Strategic Highways Manager: No highway objections subject to conditions.

The original access arrangements proposed as part of the site plan drawing were not acceptable from a highway perspective due to the lack of space in order for refuse vehicle to access/egress the site and to enable suitable positioning for effective visibility. This matter has now been address with proposed widening of the access road as demonstrated on Singleton Clamp Drawings.

A revised proposed site plan incorporating the access amendments will be required and this matter can be addressed by way of condition.

The road is national speed limit, but a speed survey has been undertaken justifying a reduced visibility splay. Whilst the present visibility splay is totally substandard the applicant is proposing realignment to the boundary wall to achieve an acceptable visibility splay. The boundary wall is a retaining wall adjacent to the highway. Due to the extent of the works required at the access the developer will need to enter into a section 278 agreement.

As part of the sustainable travel arrangements due to the remoteness of the site and lack of footways, the applicant will be providing a minibus service for residents and staff to provide connection to Wilmslow and the existing bus services. A mechanism will be required to ensure that this is maintained for the site.

Cycle parking will be required within the site along with suitable changing, locker and shower facilities.

As the access condition would be not effective until occupation and it has been established that the existing access is not suitable for HGV access/egress and general car use with substandard visibility. The developer will need to address these matters in the construction method statement. How HGV access will be facilitated into and from the site and the safety mechanisms to ensure highway safety given the restricted present unsuitable visibility

OTHER REPRESENTATIONS

2 letters of representation have been received, both raising objections to the proposal.

One letter is written on behalf of a representative of the nearby Eden Mansion Nursing Home and the concerns are summarised as:

Eden Mansions is in very close proximity to this development and provides capacity for 101 residents. There is no demand for an additional 53 beds in the immediate area. The location will not minimise travel distances as claimed because the site is not in a central location and staff and visitors will have to use the car. Employment opportunities will not be for local people due to the local demographic and therefore staff travel will be unsustainable.

A very detailed letter of objection has been submitted on behalf of residents adjoining the site. The full submission can be viewed online. The objections are summarised as:

- The development is contrary to local plan policies GC1, DC1, DC3, DC46 and DC57
- The proposal amounts to inappropriate development in the Green Belt and there are no very special circumstances
- It would be detrimental to the amenity of the adjoining properties
- It would be detrimental to the interests of highway safety
- The material considerations advanced by the applicant in favour of the development are flawed: a) there is no genuine fall back position, b) the proposal would not be sustainable or accord with PPS1, c) there is no sequential site analysis that could justify need for the development

APPLICANT'S SUPPORTING INFORMATION

The application forms and plans are accompanied by a planning statement; transport statement; arboricultural statement; ecological surveys; design scheme report (design and access statement); and a needs assessment report. These documents can all be viewed on the file online as background papers. The planning statement concludes:

The proposals:

- have been sensitively designed and scaled so as to minimise any possible impact on the openness of the Green Belt and have been detailed so as to maximise the environmental benefits to be derived.
- Contribute to achieving sustainable economic development.
- Support the up-to-date 'Key Planning Objectives' for sustainable development set out in the Government's Supplement to PPS1 and they meet a significant need for care home facilities in the locality; thus supply is brought near to demand and the need to travel is thereby sustainably reduced.

- Protect and enhance the natural environment of the area and increase its biodiversity, this enhancing the quality of the Green Belt and its landscape.
- Ensure high quality development through good and inclusive design and the efficient use of resources.
- They also contribute to the creation of a safe, sustainable, balanced and liveable mixed community with good access to newly created jobs and services.

These considerations outweigh any harm to the Green Belt by reason of inappropriateness.

OFFICER APPRAISAL

Principle of Development and Policy

The site lies in the North Cheshire Green Belt. New buildings and materials changes in the use of land are strictly controlled within the Green Belt as advised in national guidance PPG2 and Local Plan policy GC1. The proposed new building and associated use of the land fall to be considered as inappropriate development in the Green Belt as defined by PPG2 and Local Plan policy GC1, as they do not meet any of the exception criteria. There is a presumption against inappropriate development, which should only be permitted where other considerations can be demonstrated in favour of the development that clearly outweigh the harm to the Green Belt by reason of inappropriate development and any other harm. Before assessing any considerations in favour of the development, it is therefore important for Members to evaluate any additional harm arising for the proposed development.

The proposed building would have a floorspace over 3 times greater than the existing building on the site, from approximately 1000 sq m to over 3000 sq m. In comparison, the extant planning permission for extensions to the building to create a single dwelling amount to an increase in floorspace of approximately 30%. The existing building has a maximum height of nearly 13 metres; the proposed building would have a maximum datum height approximately 1.5 metres lower than the existing, however the footprint and bulk of the proposed building would be significantly greater, and in real terms the height of the building would be greater due to the alteration in ground levels. In addition to the mass of the proposed building it is also proposed to have a large basement area with a landscaped terrace above, as well as the formalised car park to the front of the building. The resultant development in terms of footprint, floorspace and mass would involve a significant erosion of openness of the site and would also dramatically alter the character and spacious setting of the site. Openness is the most important attribute of the Green Belt and therefore significant weight should be afforded to this loss of openness.

In terms of visual amenity from outside the site, the site benefits from very good mature screening from public vantage points. Views of the development would therefore be reduced to glimpses through the trees and shrubs. The

harm to visual amenity from public vantage points is therefore considered to be limited; although given the increased bulk of the development even the glimpsed vantage points would offer a noticeable reduction in openness of the site.

Policy DC57 of the local plan sets out the criteria for the development of 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; the concentration of specialist housing and care facilities in an area should be avoided; the development must not materially prejudice the amenity of neighbouring property; adequate private garden space in the order of 10 sq m per resident must be provided; the development satisfies general requirements for all developments including adequate parking; vehicular and pedestrian access should be safe and convenient, particularly by the adequate provision of visibility splays.

The proposal would provide sufficient amenity space and issues of highways and amenity are outlined below. However, there is a concern that the proposed development does not meet the criteria of policy DC57 in respect of proximity to local services and accessibility and because of the nearby residential care home on Stannleylands Road leading a concentration of care facilities.

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.

Local Plan Policy NE11 seeks to protect the interests of nature conservation.

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.

The Council's nature conservation officer has raised an objection to the proposal. A bat survey has been undertaken and some evidence of bats was recorded during the survey, but as the survey was undertaken in December it was not possible to undertake an activity/emergence survey. At present the species of bat roosting at this property is not known (although it is thought to be a crevice dwelling species) and due to the constraints of the survey no assessment of level of bat activity or the importance of the roost has been provided.

The submitted report recommends that further surveys are undertaken at the appropriate time of the year to assess the importance of the roost and confirm the species of bat present. Bats are a European protected species and as such the local planning authority has a statutory duty in the way it determines planning applications that may affect their habitat and resting place under the EC Habitats Directives. **As a matter of law, taking into account the information currently submitted, the Council is not in a position to approve this planning application.** Irrespective of other issues to be determined the application should be refused on the basis of insufficient information to assess the impact on a European protected species.

Although not a European protected species further information is also required in respect of Badgers, which have previously been recorded at the site, prior to granting any planning permission. Protection and enhancement features in respect of breeding birds and Otters also requires further detail but this element could be dealt with by planning conditions.

Landscape and trees

The landscape impact from public vantage points outside the site is limited due to the ground levels and good screening of the site with mature trees. An arboricultural statement has been submitted with the application and an assessment of this from the Council's officer for arboriculture is awaited. Members will be updated on this matter.

Amenity

The group of residents adjoining of the site have raised objections, one of the reasons being the impact on their living conditions. The previously approved extensions to the property includes a swimming pool extension that would extend close to the boundary with these properties, and that should be taken into account as a material consideration. The building itself complies with distance standards set out in policy DC38 and sufficient separation distance exists with the rear elevations of those properties, such that there would be no detrimental loss of light. However, the mass of the proposed structure close to the boundary of those properties is considered to have a significantly detrimental impact to the outlook from those properties and would result in a harmful injury to amenity. The impact on Coach House No.1 is considered to be particularly deleterious in terms of outlook. Noise and disturbance from the formal car park area must also be considered, and whilst the proposed car park would be located in a similar position to the existing hardstanding, the location of the car park hard up against the western boundary of rear garden area of Coach House No.1 is considered to be an unacceptable arrangement. In terms of privacy, it is considered that there would not be any undue degree of overlooking from the building due to the angle between the buildings and existing private amenity space. However, for the reasons outlined it is considered that there would be a significant loss of residential amenity contrary to policy DC3 of the Local Plan.

Highways

As reported above in the consultation responses, the Strategic Highways Manager has not raised objections to the proposal, subject to revised plans which are yet to be received by the planning department. Based on the technical assessment of the highways officer, the impact of the proposal on highway safety is considered to be acceptable. The proposal involves improving the visibility splays at the point of access by re-aligning the boundary wall. There is no objection in principle to re-aligning the boundary wall, but comments from the Council's tree and landscape officer are awaited to understand if this will impact unacceptably on trees of amenity value.

In terms of public transport provision, bus services operate from Wilmslow town centre and the nearest railway station is at Styal, with services to Crewe and Manchester. The transport assessment submitted with the application acknowledges that the site is not readily accessible by foot and that there are no bus services operating along Stanneylands Road within easy walking distance of the site. 26 car parking spaces are deemed to be appropriate for

the site and a mini bus service is deemed necessary to transport residents and staff to public transport hubs. Despite this, the conclusions of the transport assessment are that the site is well served by public transport.

On the contrary, it is considered that the site is in a relatively unsustainable location. Whilst the proposed mini-bus service may mitigate this marginally, it is not considered to be a robust solution to make the site genuinely accessible for staff and residents. The poor accessibility of the site is therefore considered to be a material consideration that weighs against the proposal and conflicts with local and regional planning policies that seek to reduce the dependence on the private car.

Design

Policies DC1 and BE1 of the Local Plan seek to ensure a high quality of new development sympathetic to the local area, surroundings and the site itself. Attention is drawn to such matters as materials, height and mass. Guidance in PPS1 seeks to ensure that new developments take opportunities to enhance the characters and distinctiveness of places. Policy DC46 of the Local Plan seeks to prevent the demolition of dwellings where certain interests may be harmed: if the building is situated with a low density housing area and the demolition will lead to pressure for future development at a higher density; where the building is included in the Council's list of buildings of local architectural importance; or the demolition would result in a loss of amenity or adverse impact upon the character of the street scene. In this case the building does not lie within a low density housing area as defined by the Local Plan and the building is not on the local list.

The existing building has character as a traditional Victorian villa. The proposed replacement building takes some clues from the existing building with mock timbered gables and traditional materials of red brick and timber windows. However, there is no ornate detail on the proposed plans which are considered to be justified given the unfortunate loss of the original building that would result.

The plans indicate an alteration in existing ground levels to accommodate an exposed basement, revealing a 4 storey building on the proposed east and south elevations. The provision of bedroom space for the care home provides a uniform fenestration on 3 levels across the majority of the building, which is interrupted by larger elements of glazing in place to allow light to communal areas and spaces. The result is a confused juxtaposition of traditional and contemporary features. The sheer mass of the proposed building, which erodes the spacious character of the site, combined with the alteration of grounds levels and inappropriate design result in a building which is not considered to be sympathetic to the site, or the surroundings, and which is contrary to policies BE1, DC1 and national guidance in PPS1.

Policy EM18 of the RSS requires new development over 1000 sq m to secure at least 10% of their predicted energy requirements from decentralised and renewable or low carbon sources, unless it can be demonstrated that it is not

feasible or viable. The application submitted refers to a high energy efficiency of the building, with the potential for a BREAM rating of excellent. This is to be welcomed, but renewable energy requirements are not addressed and therefore more information would be required in this respect.

Assessment of need

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. It is a key aim of the Council to meet the needs of the Borough's ageing population. The need to cater for the care needs of the ageing population is well documented and the needs assessment submitted with the application builds on data in the Macclesfield Borough Housing Needs Study 2004 and the Macclesfield Borough Strategic Housing Market Assessment 2008. Historically care needs have been met with the provision of residential care homes and whilst there will continue to be some demand for residential care homes (particularly for example for dementia patients) policy is moving towards the provision of extra care schemes. It is therefore not clear, as the applicant is suggesting, that there is such strong needs case for a residential care home in this area. However, until a strategic policy across Cheshire East is clarified Members are advised that the general and local care needs of the Borough's ageing population are a factor in favour of the proposed development.

Notwithstanding this, the applicant has not submitted any sort of sequential analysis which would be necessary to understand how much weight should be given to meeting the identified need for residential care homes in the local area. This is particularly important because a key issue in determining the application is whether very special circumstances exist to clearly outweigh the harm to the Green Belt and any other harm. That is to say, that if a local need is identified, greater weight may be accorded to that need if the applicant could demonstrate that the need could not be met elsewhere at sequentially preferable sites.

REQUIRED HEADS OF TERMS

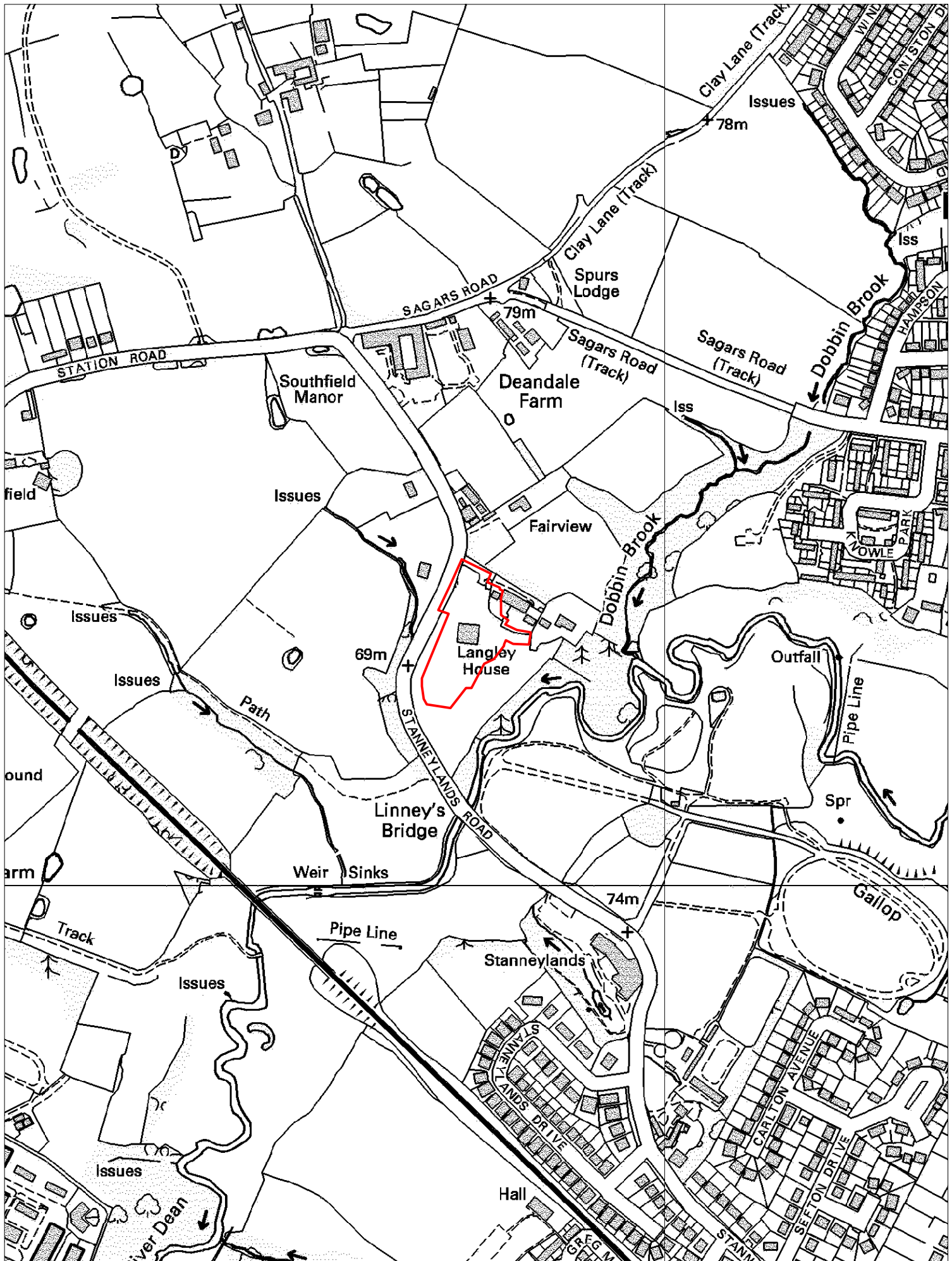
No draft heads of terms have been submitted with the application. However, if approved the proposal would require a legal agreement for the operation of a travel plan and to ensure the care home was meeting local needs first (on the basis that this is the case to justify the development in the Green Belt):

- Cascade criteria for entry into residential care home
- Travel plan and monitoring costs

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal is inappropriate development in the Green Belt and as such very special circumstances must be demonstrated to justify the development. Very special circumstances will only exist if the harm by reason of inappropriate

development and any other harm is clearly outweighed by other considerations in favour of the proposals. The additional harm identified that would result from the development is significant in terms of loss of openness, harm to the character of the site, poor design, harm to residential amenity, insufficient information in respect of impact on a European Protected Species, and poor accessibility and sustainability. The proposed development would be contrary to policies GC1, DC1, DC3, DC57, BE1 and NE11 of the Macclesfield Borough Local Plan and policies DP1, DP2, DP5, DP7, DP9, RT2, RT9 and EM1 of the Regional Spatial Strategy. It is not considered that the suggested need for the development, or any possible fallback position in respect of implementing an existing planning permission, individually or combined, carries sufficient weight to outweigh this harm. As such the application is recommended for refusal.



LANGLEY HOUSE, STANNEYLANDS ROAD, WILMSLOW, CHESHIRE, SK9 4HB

NGR - 384,780 : 383,270

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Application for **Full Planning**

RECOMMENDATION : Refuse for the following reasons

1. R01LP - Contrary to Local Plan policies
2. R03NC - Insufficient ecological information
3. R07RD - Development unneighbourly
4. R10MS - Design of substandard quality
5. R13HW - Unsustainable development
6. Inappropriate development in the Green Belt
7. Harm to openness and character of the site