

Application No: 19/3831M

Location: 51, HANDFORTH ROAD, WILMSLOW, CHESHIRE, SK9 2LX

Proposal: Demolition of existing 2 detached properties and erection of 60-bedroom care home with associated landscaping, car park and access (revised scheme).

Applicant: New Care Projects LLP

Expiry Date: 16-Jan-2020

SUMMARY

Application number 18/4024M for a 65 bed care home was previously refused by members of Northern Area Planning Committee and there has been a subsequent appeal which was dismissed due to the visual harm to the street scene and harm to the character and appearance of the area.

This application has been amended in the light of the Inspectors comments and comprises a 60 bed care home with 25 car parking spaces.

As the proposal is not class C3 (dwellinghouses) there is no affordable housing requirement. However, the development would provide suitable accommodation for an ageing population within Cheshire East.

The impact on European Protected Species and other ecological interests has been assessed by the nature conservation officer and is acceptable. The proposal accords with the relevant ecology policies in the local plan and national guidance in the Framework. There is not considered to be any reason, having regard to the Conservation of Habitats and Species Regulations 2010, to withhold planning permission in this case.

Similarly, the proposal also raises no significant visual, amenity, design or flooding issues, and complies with relevant local and national planning policies. Comments from highways are outstanding.

A number of economic benefits would arise from the development including additional trade for local business and the creation of employment.

Bearing all the above points in mind, it is considered that the proposal accords with relevant Development Plan policies and subject to no objection from highways it is recommended the application be approved, subject to relevant conditions and a s106 contribution to healthcare.

SUMMARY RECOMMENDATION

Approve subject to conditions and completion of a s106 agreement

REASON FOR DEFERRAL

The application was deferred from the Northern Planning committee on 4 December 2019 for the following reasons:

1. *To reduce impact of glazed link to front elevation*
2. *Additional information relating to need for the development”*

Consultees

Adult Services – comments awaited

Representations

Letters of objection have been received from 15 properties which reiterate previous concerns and also include the following comments;

- Increase in noise and light pollution,
- increased traffic close to a junction,
- Queries about surface water
- Increase in numbers would put an additional strain on health services
- There would be an affect on the character of the area.
- None of the previous concerns that have been addressed or considered,
- A number of traffic problems occurred at the time of the last planning committee site visit resulting in with congestion near the junction, road and difficulty in overtaking parked vehicles due to poor visibility.
- Insufficient parking
- No clear dropping off point for larger vehicles
- Overdevelopment of the site
- Out of keeping with the area
- Overbeating scale resulting in loss of privacy
- Detrimental impact on street scene
- No demonstrable need established
- Commercial use in residential area resulting in 60 full time employees
- The recent planning committee meeting appeared to concentrate on the elevational appearance of the front elevation rather than other issues
- Local doctors have objected to the proposal saying they are unable to cope with the additional demands
- The location is not sustainable
- There is no indication that the developers are proposing to contribute to local amenities by S106 contributions towards the costs they will impose on the community

- There is a lack of reassurance that the increased surface water flow will be mitigated against, particularly in the light of recent flooding in the immediate vicinity
- Area is not currently over developed
- Glazed link will not overcome issues raised
- Transport statement out of date
- Nuisance during construction phase
- Light pollution
- Lack of need

KEY ISSUES

Design

Members raised concerns regarding the design of the proposed building, in particular the glazed link on the front elevation. The applicant has submitted further amended plans which include the following alterations.

The glazed link is now predominantly glass and the solid parts of the elevations have been removed. The depth of the link has also been reduced from 11.4m deep at ground floor to 9.7m deep with a slimmer link at first floor measuring 2.9m deep, which would provide a connecting corridor only.

There are also some elevational changes which include alteration of the palette of materials, alterations to the proposed fenestration to be more traditionally domestic in nature and the addition of front canopies and bay windows.

It is considered that the design has changed to a more traditional style and has responded to feedback by reducing the massing to the street scene elevations as highlighted by the previous Inspector and committee members.

The link has been pushed back and the structure lightened to enable the North East elevational street scene to read as individual dwellings.

Similarly the rear of the proposal has been broken down into forms that relate to the scale of the residential context. The refinement of the design enables the proposal to sit more comfortably within the street scene and the context of its surroundings.

Need

Policy SC4 of CELPS and states:

1. *New residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. This could include Key Worker Housing and people wishing to build or commission their own home.*
2. *To meet the needs arising from the increasing longevity of the borough's older residents, the council will require developers to demonstrate how their proposal will be capable of meeting, and adapting to, the long term needs of this specific group of people. This would include the provision of a variety of dwelling types and other*

measures to support Health and Wellbeing and independent living through new developments that recognise the needs of older people, those with dementia and other vulnerable people; this will include developing dementia-friendly communities.

- 3. Development proposals for accommodation designed specifically for the elderly and people who require specialist accommodation will be supported where there is a proven need; they are located within settlements; accessible by public transport; and within a reasonable walking distance of community facilities such as shops, medical services and public open space.*

In this instance the proposed accommodation is specifically for elderly people who require specific accommodation.

The site is accessible by public transport; as it sits on a bus route and within walking distance of community facilities such as shops, medical services and public open space.

In terms of need, the applicant has submitted a needs assessment, the conclusions of which are summarised below:

T3 Indicative need for elderly care home market standard beds (2021)

| Demand | Ref. | Market catchment c. 5-mile | Sensitivity catchment c. 3-mile | Dementia (Market catchment) |
|---|------|----------------------------|---------------------------------|-----------------------------|
| Estimated demand for elderly care beds | - | 2,798 | 894 | 1,276 |
| Supply of elderly market standard bedrooms | | | | |
| Current supply | 1 | 1,739 | 426 | 464 |
| Beds pending decision | 2 | 0 | 0 | 0 |
| Beds granted but not under construction | 3 | 138 | 0 | 46 |
| Beds granted and under construction | 4 | 145 | 77 | 50 |
| Total planned and existing | - | 2,022 | 503 | 560 |
| Indicative need (excl. proposed home) | | | | |
| Indicative need incl. all planned beds (Supply is the sum of references 1, 2, 3 & 4) | - | 776 | 391 | 716 |
| Indicative need incl. beds under construction (Supply is the sum of references 1 & 4 only) | - | 914 | 391 | 762 |

T4 Conclusions and recommendations

- Our assessment of need in 2021 within our 'market' catchment indicates a significant need for 776 market standard bedspaces (assuming all planned beds are developed). In addition, we have analysed need within the c. 3-mile sensitivity catchment, which indicates a need amounting to 391 market standard bedspaces.
- Our more realistic assessment of need, where only planned beds under construction are included, indicates an increased need for 914 market standard beds in the market catchment, with the need remaining at 391 market standard beds in the sensitivity catchment.
- Furthermore, our calculations indicate a significant lack of dedicated specialist dementia beds, with an indicative need for 716 in the market catchment and 224 in the sensitivity catchment in 2021, assuming all planned beds are developed.
- Our analysis indicates that the estimated need for care beds will grow substantially in both catchments over the 10-year period to 2031. On the basis that existing provision remains equal and all planned units are developed, the predicted unmet need for market standard beds increases to 1,809 and 716 beds in the market and sensitivity catchments respectively.
- The Commissioning overview provides support for an increase in care home provision for high dependency elderly nursing and dementia care set against reducing demand for residential care for those with low care needs where alternative options are being progressed.
- We consider there to be a significant need for additional, well specified elderly care home beds providing care for those with high level care needs within both catchments, with more than sufficient capacity to support the proposed 60-bedroom scheme.

This does suggest that there is some need for such facilities. This needs assessment is currently being examined by Cheshire East Adult services and their comments will be reported as an update.

Conclusion

As in the original report a recommendation of approval is made, subject to the receipt of comments from Adult Services.

COMMITTEE UPDATE REPORT FOR 4 DECEMBER COMMITTEE (PUBLISHED 2 DECEMBER 2019)

PROCEDURAL MATTERS

Since publication of the agenda, a revised plan has been received which details slight alterations to the glazed connecting link on the front elevation.

Further consultation responses have been received from 12 additional properties, plus a further letter from Esther McVey MP. They all refer to issues previously listed in the officer report.

KEY ISSUES

Planning Inspectorate

PINS have advised that they have received a third party call in request and therefore have requested that if members are minded to approve the application, the decision notice should not be issued until after the election.

Highways safety

Highway officers have been re-consulted following the receipt of the amendments.

The site access remains the same as the previous application and as such is acceptable. The impact on the local highway network was also found acceptable and this remains the case.

Due to the amount of tandem parking initially proposed this application was objected to. It has now been amended to closer reflect that of the previous application which was not objected to by Highways and which was deemed acceptable by the Planning Inspector at appeal.

On the appeal the Inspector stated that the parking assessment used by the applicant was an appropriate way to determine typical parking demand and that the proposal does not amount to an unacceptable impact on highway safety.

A similar layout and manoeuvring area is proposed with the layout of this current application and again there is an area adjacent to spaces 10 and 11 for an ambulance should it be required. The parking provision has been increased slightly from 24 to 25 spaces.

Given the similarities in the applications and the recent appeal decision, no objection is again raised with the following condition and informative:

NHS Eastern Cheshire Clinical Commissioning Group:

The CCG requests a contribution to health infrastructure via Section 106 of £28, 914.60. This is based on the NHS funding model for general practice (the Carr-Hill formula), which applies a workload factor to patients in nursing and residential homes of 1.43 leading to a

calculation consisting of number of beds x 1.43 x £337, where £337 is the build cost per head of additional population.

The financial contribution would help support the development of Handforth Health Centre.

Manchester Airport - No objection

RECOMMENDATION

Approve as per the recommendation on page 40 of the agenda reports pack.

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include:

- Healthcare contribution of £28, 914.60

Community Infrastructure Levy (CIL) Regulations

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

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

The provision of a healthcare contribution is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development.

ORIGINAL REPORT PUBLISHED 26th November 2019

REASON FOR REPORT

The application is to be presented at Northern Planning Committee due to the scale of development. A similar previous application was also considered by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises 2no. detached residential dwellings situated in large plots which front onto Handforth Road. The land levels increase from the north-west of the site to the south-east..

The site frontage (north-east) is to Handforth road, with mature tree screening to the north and west, separating the site from the neighbouring residential properties and the sports field to the rear.

The site is located to the south-east of Handforth and north-east of Wilmslow, within a predominantly residential area, as defined in the Macclesfield Local Plan.

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the two existing detached dwellings and the erection of a 60 bed care home with associated landscaping, car park and access.

The application has been amended following the receipt of a recent Inspectors appeal decision on the previous refusal of 18/4024M for a 65 bed care home. Therefore the application has been the subject of two rounds of consultation.

The Inspector dismissed the appeal as they considered that the principal visual effect of the development would arise from the elements that face, and are visible from, Handforth Road and that it would cause harm to the character and appearance of the area.

They also concluded that other aspects of the appeal scheme were satisfactory, including the effect of the proposed development on highway safety in the area and the effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties.

This application has been amended to seek to address the Inspectors comments.

They include;

- Alterations to the car parking layout
- Elevational changes to the north eastern elevation facing Handforth Road to create the impression that the building has two separate facades with a glazed link;
- Lowering of ridge and eaves heights and reduction of the scale of the front elevation down to two-storeys;
- Use of different materials for the two buildings including a combination of contrasting brick/render and roofing tiles;
- Setting back of the central connecting single-storey entrance between the two buildings and the use of a set-back glazed first floor link to provide the appearance of a pair of detached houses;
- Staggering of the alignment of the facades of the buildings, again to present the appearance of two houses;
- Use of hipped roofs rather than gable ends;

- Removal of the end tower feature;
- Small-scale changes to the site frontage to include a pedestrian walkway to the entrance door, and the provision of 25 parking spaces
- Minor revision to the building footprint

RELEVANT HISTORY

18/4024M Demolition of existing 2 detached properties and erection of 65no. bedrooms care home with associated landscaping, car park and access - Refused 3.5.2019 - Appeal Dismissed

18/1025M Demolition of existing 2 detached properties and erection of 83bedroom care home with associated landscaping, car parking and access – Not determined - Appeal withdrawn

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

IN1 Infrastructure

IN2 Developer Contributions

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE8 Renewable and Low Carbon Energy

SE9 Energy Efficient development

SE12 Pollution, Land Contamination and Land Instability

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and Well Being

SC4 Residential Mix

Appendix C – Parking Standards

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Macclesfield Borough Local Plan (MBLP)

DC3 (Protection of the amenities of nearby residential properties)

DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC8 (Landscaping)
DC9 (Protected Trees)
DC38 (Guidelines for space, light and privacy for housing development)
NE11 (Nature conservation)
DC57 (Community Uses - Residential Institutions)

Wilmslow Neighbourhood Plan

SP1: Sustainable Construction
SP3: Sustainable Transport
NE5: Biodiversity Conservation
NE6: Development in Gardens
H2: Residential Design
H3: Housing Mix
CR3: Local Green Spaces
CR4: Public Open Space
CR5: Health Centres

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

United Utilities - No comments received

Strategic Housing Manager - This application is for a care home and C2 which means it is exempted from providing affordable housing.

Manchester Airport - No objection subject to conditions re cranes

Head of Strategic Infrastructure - Comments awaited

Lead Local Flood Authority (LLFA) - No objection

Environmental Protection - Objection - insufficient information

NHS Eastern Cheshire Clinical Commissioning Group - Comments awaited

Wilmslow Town Council -

First consultation

Wilmslow Town Council's Planning Committee recommend refusal of this application on the grounds that the proposal has not been substantially amended. The Town Council's Planning Committee remains of the view that this application is overdevelopment of the site out-of-

keeping with the area. The proposed parking provision is still inadequate, and the proposed tandem parking arrangements will result of more traffic movements with vehicles needing to be moved to allow other vehicles to leave. The nearby bus route timetable is not convenient with regard to working hours and, as a result, staff are more likely to need to drive to the site. The proposed development remains overbearing on neighbouring properties resulting in loss of privacy. In addition, following the recent flooding in the area, the Town Council's Planning Committee raised concerns that the storm drains will be unable to accommodate increased surface water flow which will inevitably result from the much increased area of hard landscaping on the site.

OTHER REPRESENTATIONS

First consultation

Representations have been received from 39 properties, Handforth Health Centre, Esther McVey MP and Councillor Toni Fox as follows:

- The proposed parking layout would result in tandem car parking spaces, which would have an impact upon highway safety
- No swept path analysis has been submitted so large delivery vehicles/waste collection and ambulances may not be able to enter or and leave the site in forward gear.
- This is an overdevelopment of the site resulting in an overbearing impact in terms of height, bulk, mass and scale;
- Restricted on-site car parking
- Harmful Impact of day-to-day operation on adjacent dwellings
- Now features a prominent roof profile increasing visual intrusion
- The development would add to the risk of flooding
- The site is remote from any other service or activity.
- Would result in include additional cars on adjacent roads increasing the risk to children walking to school;
- New residents would further overstretch GP services,
- Would result in loss of trees
- There is no provision for deliveries to the proposed care home
- There are already a significant number of care homes within the area
- It would be out of keeping /character with the low density residential area surrounding
- Would result in congestion would be dangerous to road users and pedestrians
- This is the 3rd proposal in a relatively short period which has reduced the number of bedrooms but not addressed previous issues of concern
- Would cause harm to the amenity of neighbours due to 24hours use resulting in light and noise pollution
- The proximity of the recently built Welland Road roundabout would restrict access for larger vehicles
- There would be a loss of wildlife just in the building of this development.
- The design of the building is very poor and are more akin to an office development
- The parking area at the front of the development would give the appearance of a pay and display car park
- Reducing the number of established trees and increasing concrete will exacerbate run off issues

- A major passing bus route has been withdrawn.
- Would result in losing established houses whilst there is a housing shortage
- Some of the reports contain outdated information.
- Queries whether there is a need of such a care home as there are many in the area
- Would result in “*garden grabbing*” which discouraged in the NPPF.
- Development would result in a change of use from C3 to C2 which would set a damaging precedent on Handforth Road.
- Loss of outlook and privacy for neighbouring property
- Will attract very much unwanted criminal activity and antisocial behaviour to the area and family homes
- Loss of satellite signal due to height of building
- Neighbours have objection fatigue due to resubmissions of similar applications
- If approved it should be subject to S106 obligations for medical facilities
- The transport statement is out of date,
- Doctors and dentists in the area are already full
- There is no longer a bank in Handforth
- The site is not sustainable as it is 2 miles from the town centre
- Handforth Health Centre provides care to 100 residents in Eden Mansions nursing home, (complex dementia care) and currently visits the home for 3 GP sessions a week with up to 90 patient contacts a week. The provision of another large nursing home will place additional strain on GP appointments for the currently registered patient population as this would require a similar level of GP time commitment to another nursing home.
- Given the placement of the nursing home on the Manchester and Stockport borders it is likely that, as is the case for Eden Mansions, the majority of the residents will move into Eastern Cheshire from out of the area. It is notable that Eastern Cheshire already has one of the highest rates of nursing home beds per capita in the country.
- The care provider previously indicated that they needed 84 beds to make the home financially viable but now state a 60 bed home is feasible.
- The proposal still dominates the road frontage and is out of keeping with the street scene.
- The parking layout will result in by staff blocking each other in when they need to leave to carry out other tasks.
- The last bus serving the adjacent road is approximately 7.30pm and therefore buses do not provide a realistic means of transport.
- Poor location for a Care home of this size or scale.

Second consultation

To date, representations have been received from 13 properties and Handforth Health Centre and comment as follows:

- The provision of another large nursing home in the HHC Catchment area will place additional strain on GP appointments for the currently registered patient population as this would require a similar level of GP time commitment to another nursing home
- 34 spaces have now been reduced to 25 spaces, 8 of which are still tandem. Within this reduction of spaces, the disabled spaces have been halved from 4 spaces to 2 spaces.

- Revised amendments make no difference to the overbearing bulk and mass of the plan and the proposal being out of character with the area
- Comments from agent re; Inspectors comments untrue in respect of parking numbers i.e. There is no mention of the inspector finding the number of parking spaces acceptable
- Commercial development is out of character to the area.
- Loss of privacy to rear garden of no 47 Handforth Road and light and noise pollution, cars and delivery vehicles at all hours and the size and scale of it (3 floors). It will be considerable taller than the existing properties.
- No need or demand for another care home
- Endorse the objection from our local health centre
- This continuous assault of plans, appeals, more plans and appeals from Newcare is damaging to our health and wellbeing.
- There are minor changes to the previous plan and multiple plans have been submitted
- There is now 12 less car parking places;
- These latest plans have obviously been presented because their appeal to the inspectorate was rejected
- This is a 3rd attempt in addition to 2 appeals submitted to the inspectorate.
- overdevelopment of the site that will be overbearing in height, bulk, mass and scale to local homes and detrimental to the street scene
- 3-storey building in a predominately 2 storey residential area
- Insufficient car parking, which will result in on street parking
- Document states this is not a flood risk area but River Dean flooded severely this summer
- Hazardous Substances would be used on site such as cleaning products, medicines, chemical waste etc
- the site is not convenient to Wilmslow, as it is 2 miles to Wilmslow Town Centre which does not facilitate access to local amenities and with a very limited bus service, a reduction in the use of private cars is absurd
- Full reiteration of previous comments in respect of detrimental Impact upon Residential Amenities, a Care Home is C2, thereby creating a precedence for other properties leading to a change of character for the area; Inadequate Parking and Access; need to Avoid Town Cramming; adverse Impact on Protecting Wildlife/Habitation
- Previous application was unanimously refused due to overdevelopment of the site, which would be overbearing in height, bulk, mass and scale to local homes and detrimental to the street scene with insufficient parking.
- The overall external has increased the overall external area to 3518 square metres from 3357 square metres.
- Public Transport is not a viable
- List of Key Changes Statement is misleading
- Should not demolish 2 good houses to erect a commercial business.
- Over development of the site that will be overbearing in height, bulk, mass and scale to local homes and detrimental to the street scene.
- This development is an anti social idea on long standing residents
- The assumption that
- A site visit is essential to witness the current amount and speed of traffic on this road

OFFICER APPRAISAL

Key Issues

- Design and impact on the character and appearance of the area, including the street-scene.
- Impact on the amenity of neighbouring properties
- Highways safety
- Landscaping, trees & nature conservation

Principle of Development

The site lies within a Predominantly Residential Area of the adopted Macclesfield Borough Local Plan where residential uses are acceptable in principle.

The site is considered to be in a sustainable location. It is a previously developed site, within an area surrounded by housing, which is within walking distance of public transport links and to services. No in principle policy objections are raised to the proposal.

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined "in accordance with the plan unless material considerations indicate otherwise".

As per para 11 of the Framework and CELPS Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (social, economic and environmental) and compliance with the Development Plan in accordance with Sec.38 (6). The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up to date development plan without delay"

The Council can now demonstrate a 5 year housing land supply but it is important to note that this site will deliver properties for older persons within a key service centre. Proposals like this that bring forward development of such sites make a valuable contribution to maintaining a 5 year housing land supply and preventing inappropriate development elsewhere.

Policy SC4 of the Cheshire East Local Plan states the following: "*Development proposals for accommodation designed specifically for the elderly and people who require specialist accommodation will be supported where there is a proven need; they are located within settlements; accessible by public transport; and within a reasonable walking distance of community facilities such as shops, medical services and public open space.*"

The purposes are broadly repeated in the saved Macclesfield Borough Local Plan policy DC57, which lists a number of relevant criteria for assessing new residential institutions.

The site falls in a sustainable location, close to the town centre, shops and facilities. Bus routes run past the site.

Policy DC57 states that the development must comprise a reasonable sized private garden in the order of 10 sq metres per resident. Accommodation would be provided for up to 60no. residents. This would require a private garden in excess of 600 sq metres for the use of the residents. The garden area on the eastern side of the care home would be in excess of 1000 sq metres of useable garden area, which would have a pleasant aspect and due to the mature landscaping, it would not be overlooked, or overshadowed.

Need for the development

An updated needs assessment has been submitted during the life of this application which confirms there remains a need as there is an unmet need of equivalent to 391 market standard bed spaces in the sensitivity catchment area. Should the 60 bed scheme be developed it would only fill 6.5% of the unmet need.

Healthcare

Comments are awaited from the NHS Eastern Cheshire Clinical Commissioning Group (CCG)

They previously commented on the last application noting that there is a nearby GP practice within Handforth - Handforth Health Centre. The Handforth Health Centre GP practice is a 1970's single storey building in need of some improvements and a predicted patient growth rate of 32% over the next 10 years. Space utilisation analysis has demonstrated that the Handforth Health Centre currently has a 44% shortfall in required space in order to adequately provide primary care services to the existing patient population.

A figure for a financial contribution towards the health services is expected when comments are received.

Design and Impact on the character and appearance of the area

Policies SE1 and SD2 seek to ensure that new development respects the character of the area and is of an appropriate design. This is consistent with the provisions of the NPPF and is supported through the Cheshire East Design Guide.

The application proposes the replacement of the existing two detached dwellings with a large care home. Amended plans were submitted following the receipt of the appeal decision.

The Inspector concluded that the previous scheme (18/4024M) *"would cause harm to the character and appearance of the area by virtue of The greater perceived height of the proposed building combined with its much wider frontage would be inconsistent with the prevailing built form of the neighbouring buildings."*

The central part of the principal facade of the proposed building would be set back from the main building frontage but it would nevertheless still appear significantly wider than the other buildings in the street as the continuous front wall and roof would prevent the end bays of the new building from being read as two detached dwellings"

The submitted amendments have reduced the height of the proposed building on the front elevation to two storeys and would appear as two detached dwelling connected by a light weight glazed link containing a lobby, hair salon and reception area.

The remainder of the building would comprise three storeys. The depth of the front southern wing adjacent to no 47 Handforth Road has been reduced to reduce any impact upon their amenity.

The corner tower detail has been removed which would reduce the bulk and mass of the front elevation and would be less prominent the street scene.

The Council's Design Officer has concluded that *"The revised design has taken into account comments of the inspector with regards to making the front elevations of the development sit better within the existing street scene. The glazed link between these two elements could be lighter to make it more successful and less visible. The overall size of the development has reduced and been repositioned on the site to respond to the issue of close proximity to adjacent properties. This refinement also provides a better designed parking solution. There may be areas on other elevations where the linking element may be able to be lighter to emphasize the use of domestic scale blocks to form the larger mass"*

Overall it is considered that the alterations have addressed the Inspector's concerns in respect of design and impact on the locality. Conditions regarding the specification of materials to the buildings and surface treatments would be attached to any approval. The impact of the proposal on the character of the area is, therefore considered to be acceptable in relation to the Planning Inspectors specific comments, and the development complies with policies SE1 and SD2 of the CELPS.

Amenity

In respect of the living conditions of neighbouring properties the Inspector concluded that;

"It is not argued that the proposed new building would affect the outlook from habitable rooms within number 49. Number 49 has a rear garden that is both long and wide. The gable end of the new building would inarguably be apparent as a large feature from within the rear garden of number 49. However, due to the size and extent of the garden, this would not appear unduly overbearing nor would it significantly increase the degree of enclosure of the neighbouring rear garden area. The appeal site is located to the north of number 49 and therefore the proposed new building would not cast a shadow across the garden of number 49.

The submitted drawings show several windows that would potentially overlook the garden area of number 49. However, those directly facing the neighbouring property would be approximately 22 metres from the common boundary and other windows would have only oblique views. Due to this distance and the configuration the proposed development, the proposed building would not result in a significant degree of overlooking of the neighbouring garden."

The gable end of the building has been reduced in width improving the relationship with the adjacent neighbour at no 49 and the building is no closer to the shared boundary.

In respect of other impact on other neighbouring properties the proposed building has not been significantly changed from the previous scheme and the Inspector clearly felt that there no significant impact upon the dwellings on Swale Close and Tarporley Walk.

The environmental protection team have submitted an objection in respect of insufficient information regarding odour control. The position of the proposed kitchen has not changed from the previous application and no objection was received to that scheme. The matter can be dealt with by an appropriately worded condition.

With the above in mind and in the light of the Inspectors comments it is considered that the impact of the proposal on the residential amenity of the neighbouring properties is within acceptable limits in line with saved policies DC3, DC41 and DC38 of the Macclesfield Local Plan.

Highways and parking

The layout has reverted back to a layout similar to the scheme which was the subject of the appeal and in the light of the Inspectors comments as follows:

The appeal site has a good pedestrian and public transport links. The proposed development would not cause harm to the highways safety in the area with particular regard to car parking.

Highways comments are awaited and will be reported as an update.

Accessibility

The site is a reasonably sustainable location, with public transport adjacent to the site, and also positioned approximately 0.6 mile from the local shopping complex at Summerfields Village Centre.

The topography of Handforth Road means that there is an incline when travelling north or south. No doubt this would dissuade some people from walking to the village centre depending on mobility. However, the path is used by local people including the elderly. As a consequence, it seems unlikely that the more mobile residents or those with mobility scooters would be deterred from walking/riding to the local facilities along Handforth Road. Walking to the nearest facilities is therefore an option for residents.

Accessibility is therefore considered to be in accordance with the objectives of policies DC6 and DC57 of the local plan.

Trees

There are trees that could potentially be affected by the proposed development. An Arboricultural Impact Assessment has been submitted which suggests that where any tree removals are required, this will be mitigated by high quality landscaping. Comments are awaited from the tree officers and will be reported as an update.

Nature Conservation

Breeding Birds

Suitably worded conditions relating to breeding birds should be included in any approval.

Great Crested Newts

Following surveys of the site, Great Crested Newts are not considered likely to be present on site. No further action is required.

Bats

Evidence of bat activity in the form of minor roosts of a relatively common bat species has been recorded within number 53 and number 51. The usage of the buildings by bats is likely to be limited to small-medium numbers of animals using the building for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a medium impact on bats at the local level and a low impact upon the conservation status of the species as a whole.

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

(a) 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

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Saved Macclesfield Borough Local Plan Policy NE11 and policy SE3 of the Cheshire East Local Plan states that the Council will seek to conserve, enhance and interpret nature conservation interests. Development which would 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.”

The NPPF advises LPAs to conserve and enhance biodiversity: if significant

harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case it is considered that the proposal will result in social and economic benefits, and any alternatives are likely to involve extensions to the existing building, which would have a comparable impact upon the species.

The submitted report recommends the installation of bat boxes on the replacement building as a means of compensating for the loss of the roosts and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

The nature conservation officer advises that if planning consent is granted the proposed mitigation/compensation is acceptable.

CONCLUSIONS

While the objections are noted, the amended scheme is considered to be acceptable and has responded appropriately to the Inspectors comments on the previous refusal and appeal decision.

As the proposal is not classified as use class C3 (dwellinghouses) there is no affordable housing requirement. However, the development will provide suitable accommodation for an ageing population within Cheshire East.

The impact on European Protected Species and other ecological interests has been assessed by the nature conservation officer and is acceptable. The proposal accords with the relevant ecology policies in the local plan and national guidance in the Framework. There is not considered to be any reason, having regard to the Conservation of Habitats and Species Regulations 2010, to withhold planning permission in this case.

Similarly, the amended proposal also raises no significant visual, amenity, design or flooding issues, and complies with relevant local and national planning policies.

A number of economic benefits will also arise from the development including additional trade for local business and the creation of employment.

Bearing all the above points in mind and subject to the receipt of outstanding consultee comments, it is considered that the proposal accords with relevant Development Plan policies

and as such it is recommended the application be approved, subject to relevant conditions and a s106 contribution to healthcare.

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Landscaping to include details of boundary treatment
7. Detailed service and foul and surface water drainage layout to be submitted
8. An overall detailed strategy/design to limiting the surface water runoff shall be submitted
9. Agreed features for roosting bats shall be permanently installed
10. Nesting bird survey to be submitted
11. Mitigation for ecology shall be carried out in accordance with details on landscape proposal plan
12. A scheme of kitchen extraction system shall be submitted
13. A noise assessment shall be submitted
14. Details of the location, height, design, and luminance of any external flood lighting shall be submitted
15. Details of piling work to be submitted
16. Details of dust management to be submitted
17. Details of floor floating system to be submitted if included
18. Details of a travel plan to be submitted
19. Electric vehicle infrastructure to be provided
20. Phase I ground investigation to be submitted

21. Verification Report prepared in accordance with the approved Remediation Strategy to be submitted
22. Imported soil to be tested for contamination
23. Requirements in the event any unidentified contamination is found
24. Requirements in the event any unidentified contamination is found
25. Detailed strategy / design, and associated management and maintenance plan for surface water drainage to be submitted
26. Construction management plan shall be submitted

