

Application No: 20/1560M

Location: 107 & 109, MANCHESTER ROAD, WILMSLOW, CHESHIRE, SK9 2JH

Proposal: Demolition of existing buildings and construction of a 60 bedroom care home (Use Class C2), with associated access, parking, landscaping and site infrastructure.

Applicant: c/o Agent, Care UK

Expiry Date: 12-Jun-2020

## **SUMMARY**

The application lies within Wilmslow, which is identified as a Key Service Centre where the principle of such development on the site is acceptable. As the proposal is not classified as use class C3 (dwellinghouses), there is no affordable housing requirement. However, the development will provide suitable accommodation to enable an ageing population within Cheshire East to live full independent lives for as long as possible. It is considered that the proposal would make a valuable contribution towards housing for elderly people within the Borough, as well as continuity in their care, which is a material consideration. In light of an objection from the Council's Adult Services, the precise need is still being discussed with the applicant and will be reported to Members by way of an update.

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, highway safety, 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.

Subject to discussions regarding the need for development in the area, it is considered that the proposal accords with all other relevant Development Plan policies and could be approved, subject to relevant conditions and a s106 contribution towards healthcare provision.

## **SUMMARY RECOMMENDATION**

Approve subject to further negotiations regarding need, conditions and completion of a s106 agreement

## **DESCRIPTION OF SITE AND CONTEXT**

The site is located within the Low Density Housing Area (LDHA) designation which generally follows Manchester Road. A key characteristic of this designation is the larger than average dwellings set in large plots. Through the set back of these properties and the landscaping along Manchester Road, there is a sylvan character to this area. It is noted that to the eastern side, the plots are arranged at a slightly higher density (in terms of width) in comparison to those on the west.

There is no definitive architectural style to this area, and whilst the dwellings are generally large, their presence is relatively unassuming due to the filtered views, and the space between the main highway, curtilage and position of the dwellings.

The site is located to the north 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 60no. bed care home with associated landscaping, car parking and access.

The proposed care home would be two-storey in height with traditional styled pitched roofs and gables. The pitched roof elements are proposed to be broken up with flat roofed glazed links to break up the overall form and mass of the building. Materials would include red brick and white render with grey roof tiles.

The building would extend into a significant proportion of the existing plot with a 'T-shape' form behind the front elevation necessitating the removal of existing trees and shrubs which currently form the boundary between the two existing plots. Landscaped garden areas would be formed either side of the central wing with parking for 33 cars situated at the front of the site.

## **RELEVANT HISTORY**

18/2622M Erection of one new dwelling to the rear of the existing dwelling, including associated access and landscaping  
*Approved 7 August 2018*

18/0746M Erection of two new dwellings to the rear of the existing.  
*Withdrawn 12 April 2018*

15/4171M Formation of New Vehicular Access.  
*Approved 15 July 2016*

12/0658M Change of Use from Part Dental Surgery back to Complete Domestic Property. New Roof, Entrance Canopy & Steps to Existing Extension on North Side of Property Plus Internal Alterations  
*Approved 27 March 2012*

## **POLICIES**

### **Cheshire East Local Plan Strategy – adopted 27<sup>th</sup> July 2017**

MP1 Presumption in Favour of Sustainable Development  
PG1 Overall Development Strategy  
PG2 Settlement Boundaries  
CO1 Sustainable Travel and Transport  
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 27<sup>th</sup> 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.

### **Saved Macclesfield Borough Local Plan Policies**

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)  
H12 (Low Density Housing)  
DC57 (Community Uses - Residential Institutions)

### **Wilmslow Neighbourhood Plan;**

LSP1: Sustainable Construction  
LSP2: Sustainable Spaces  
LSP3: 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  
TA2: Congestion and Traffic Flow

Other Material Considerations

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

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

**United Utilities:** no objection subject to conditions relating to drainage

**Housing:** no objection

**Manchester Airport:** no objection

**Highways:** no objection subject to a construction management plan condition

**Flood Risk:** no objections subject to conditions

**Environmental Protection:** No objections subject to conditions relating to a noise, lighting, a travel plan, piling and contaminated land.

**NHS Eastern Cheshire Clinical Commissioning Group:** Request a financial contribution of £30,240 to support the development of Alderley Edge Medical Centre, Chelford Surgery, The David Lewis Medical Practice, Handforth Health Centre, Kenmore Medical Centre, and Wilmslow Health Centre.

### **VIEWS OF THE TOWN COUNCIL**

**Wilmslow Town Council:** *“Wilmslow Town Council recommends refusal of this application on the grounds of overdevelopment of the site within a low-density area and being contrary to Policy NE6 of the Wilmslow Neighbourhood Plan with regards to garden development. The development is out-of-keeping with the streetscene, particularly in terms of mass. The proposed parking provision is of poor design, insufficient and contrary to Cheshire East Council's policy in respect of care home parking provision.”*

### **OTHER REPRESENTATIONS**

Representations from 145no. properties have been received; below is a summary of the relevant comments:

- Lack of car parking with the scheme – the area is becoming an overflow for workers in Wilmslow town centre.

- Highway safety issues due to the increase in traffic.
- Impact on bats in the mature trees to the rear has not been properly assessed.
- The area has suffered from poor drainage and flooding and this will exacerbate that.
- Doctors' surgeries in the area will be overwhelmed.
- There is not a need in the area for additional care homes.
- Loss of light and overlooking to surrounding adjacent neighbours.
- The building will be out of character with the surrounding area - the surrounding area contains mainly two storey detached dwellings.
- Construction traffic to the proposed site will pose a significant risk to pedestrians.
- The mass of the building would be overbearing to neighbouring properties.
- The applicant has not submitted a manoeuvrability diagram demonstrating that emergency vehicles can enter and leave the site in a forward gear.
- In order to construct the development a number of mature trees would have to be destroyed altering the local landscape and wildlife of this area.
- Public transport is lacking to the site.
- The pedestrian footpaths in both directions are very hilly and unsuitable for residents walking around.
- This development would also bring out-of-hours noise from Lorries and vehicles, manoeuvring and loading which will impact local residents, particularly at times of the day/night when ambient noise levels are low.
- The visual impact to the frontage of the plot will create a street scene dominated by vehicles having a detrimental effect on the character surrounding this residential area contrary to policy guidance.
- Over development of the site, within an area of 'low density housing'.
- There is a roof terrace to the rear which will overlook the properties to the rear.
- The site is not within walking distance to Wilmslow or Handforth.
- The site boundary has included land within the highway as part of the comparison figures for the plot:building ratio.
- It will cause noise and light pollution to the area.
- A roundabout was recently installed near to the site which increases highway safety issues.

One of the letters mentions a restrictive covenant on the properties to be demolished. As covenants are outside of planning control this is not a material consideration.

## **OFFICER APPRAISAL**

### **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 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 up to 60 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, within walking distance to Wilmslow town centre (approx. 750m), shops and facilities. The 130 bus route runs past the site. Despite many comments stating that this route had been cancelled a new operator took over the service at the beginning of the year. It has also been claimed that the distance to Wilmslow town centre is too great to walk. However, many comments also state that the area has recently become an overflow for people parking that work in Wilmslow town centre or people using the train station. This indicates that the distance is walkable.

Saved MBLP 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 surrounding the building would be well in excess of this, which would have a pleasant aspect and due to the mature landscaping, it would not be overlooked, or overshadowed.

### **Need for the Development**

The Council's Adult Services Section has raised an objection to this application on the grounds that the need for the development has not been demonstrated. The applicant is currently rebutting this and liaising with Adult Services. The outcome of these discussions will be reported to Members by way of a written update.

### **Healthcare**

The NHS Eastern Cheshire Clinical Commissioning Group (CCG) has commented on the application noting that there are several GP Practices nearby that have the potential to be affected. These are Alderley Edge Medical Centre, Chelford Surgery, The David Lewis Medical Practice, Handforth Health Centre, Kenmore Medical Centre, and Wilmslow Health Centre.

In this case, the CCG requests a contribution to health infrastructure via Section 106 of £28,914. 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. Subject to this, the scheme would be acceptable in this regard.

### **Design and Impact on the Character and Appearance of the Area**

NPPF paragraph 127 notes that planning decisions should ensure that developments are: visually attractive as a result of good architecture and layout; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place, and create attractive and distinctive places to live, work and visit. Paragraph 130 notes that permission should be refused for poor design that fails to take the opportunities for improving the character and quality of an area.

CELPs Policy SD 2 notes that development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, choice of materials, external design features, massing of development, and relationship to neighbouring properties, street scene and the wider neighbourhood. Policy SE 1 notes that development proposals should make a positive contribution to their surroundings by:

- Ensuring design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements
- Encouraging innovative and creative design solutions that are appropriate to the local context

Wilmslow Neighbourhood Plan Policy NE6 outlines three criteria which applications are encouraged to meet:

- The built form and hard surface areas must not exceed 50% of the area of the original plot unless permeable surfacing is used.
- All mature trees, hedgerows and other woody species are retained and protected, and supplemented by new planting.
- The landscape proposals developed must meet all 10 Green Biophilic Points set out within Wilmslow Neighbourhood plan policy SP2: Sustainable Spaces.

Wilmslow Neighbourhood Plan Policy H2 states that all new residential development should seek to deliver high quality design.

Manchester Road comprises a varied array of large houses dating predominantly from the 1930s set in very large gardens. The proposed site currently contains two of these homes

and gardens. There is already a planning permission for the development of a detached dwelling to the rear of the site. The total site area is 0.5ha and the proposals are to demolish the two detached houses and replace them with a single, 60-bed care home.

Whilst the front third of the building occupies roughly the same space as the two existing houses, the central wing and the rear block cover most of what is currently the large rear gardens. The retention of the front element helps to keep the rhythm of the street and this is ably shown in the various visualisations included with the application.

The size of the proposed new building would unfortunately necessitate the removal of a number of mature trees that currently occupy the mid-section of the site as well as reduce the amount of green open space considerably. As a result of this change, and the resultant effect on the ratio of open space to building and hard surface, it is strongly recommended that all hard surfacing is permeable.

The parking has been retained at the front of the site and this is adequately screened by the proposed hedge and well-designed.

It is clear that the main issue with this proposal is the scale of the development, specifically the plot coverage. The proposed building would result in a much greater degree of plot coverage than the dwellings that it replaces and of those historically in the area. However, there appears to have been a number of changes to this in recent years, with larger homes built and plots being sub-divided. The density analysis provided shows that the plot to site ratio proposed, whilst at the higher end at 43.9 % is not the highest in the immediate vicinity. However, it is noted that a number of comments highlight the fact that the applicant has used part of the highway in the calculations so the site area should be 5021sqm rather than the stated 5292sqm. This equates to an amended ratio of 46.3% which still would not be the highest in the area.

It is also clear that the way that the large building has been designed would minimise its impact. This is something that is clearly shown in the visualisations. The articulation of the elevations and the effective visual separation of the building into 'separate elements' helps maintain the impression of domestic scale despite the large footprint. This is designed well and goes some considerable way towards mitigating the effects of the large building.

Some clever architectural devices are used to maintain the impression of two houses to the front which makes it more readily fit into the existing street scene. These include the use of the glazed section between the two halves of the Manchester Road elevation, the use of different materials and varying eaves heights and gables and the inclusion of chimneys. This use of separate house-sized building blocks is continued throughout the building and, as stated above, this has the net effect of reducing the perceived mass of the single building and makes it look more like a series of large detached homes.

With regard to local character and distinctiveness, the way that the analysis undertaken has informed the design is apparent in a number of ways and it is felt that the building would not conflict with its surroundings as a result.

It is acknowledged that the impression of the proposal - especially when looking solely at the site plan - is one of a large building that sits heavily on the site, however the effects of this are

minimised by some careful design. The breaking down of the mass of the building into more domestically scaled parts is effective and the net effect is a building that does not look out of place in the street scene.

Overall, it is considered that the proposed development provides a modern but locally distinctive design, which can be considered to be in keeping with the local area, in accordance with policies SE1 and SD2 of the CELPS, policies H2 and NE6 of the WNP and the Cheshire East Design Guide.

## **Amenity**

Saved Macclesfield Borough local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearly residential properties through a loss of light, overbearing effect or loss of sunlight/daylight with guidance on space distances between buildings contained in saved policy DC38 of the Macclesfield Borough Local Plan and guidance within the Cheshire East Design Guide.

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38. The policy includes provisions to increase these distances in circumstances when development exceeds two-stories in height. It should also be noted that the Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule.

The Design Guide identifies the following separation distances;

- 21 metres for typical rear separation distance
- 18 metres for typical frontage separation distance
- 12 metres for reduced frontage separation distance (minimum)

To the north, a 45 degree angle drawn from the rear facing windows of number 111 Manchester Road would be positioned approximately 45m from the nearest point of the proposed building. The closest side facing window on the proposed building would serve a first floor corridor on the north facing gable. Due to the proximity to the boundary it is recommended that a condition is included obscuring glazing these windows.

The habitable first floor windows facing to the north are set back from the boundary at a distance of approx. 19m.

The side facing gable to the rear of the site would again serve corridors at first floor. However, there is a distance of over 30m to the nearest dwelling at number 1 Lacey Grove. The proximity to the boundary would necessitate a further condition obscuring glazing the first floor windows of the rear gable.

To the south the distance to the boundary would be slightly over 13m from the first floor habitable windows with a 45 degree line taken from the rear habitable windows at first floor rear windows of number 105 Manchester Road approx. 32m from the nearest point of the

proposed building. This property does contain side facing windows at first floor. However, they were conditioned to be obscurely glazed in the 2008 permission for the new dwelling.

The rear element of the south facing elevation would be approx. 34m from the closest point of 101B Manchester Road with a gap of approx. 10m to the boundary.

To the rear of the development a gap of 14.5m would be maintained to the boundary with a distance of over 45m to the nearest dwelling. There are no proposed rear first floor terraces proposed.

The mature boundary trees are to be maintained and the screening strengthened, with additional boundary treatment proposed.

With the above in mind 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.

## **Noise**

In support of the application, the applicant has submitted an acoustic report. The impact of the noise from the proposed laundry, kitchen and plant room has been assessed and the report recommends noise rating levels for the permitted plant to ensure that occupants of nearby properties are not adversely affected by noise. The recommendations in the report are agreed by the Councils Environmental Protection Unit and an appropriate condition will be included. The proposal complies with Policy SE12 of the CELPS and DC14 of the MBLP relating to noise and soundproofing.

## **Highways**

CELPS Policy CO 1 deals with sustainable travel and transport. It supports a shift from car travel to public transport and seeks to guide development to sustainable and accessible locations. As a key service centre, it is accepted that Wilmslow is a suitably accessible and sustainable location for additional development.

The proposal includes a car park fronting the building with 33 car parking spaces that includes two disabled spaces and there is one minibus space and a service space. There are also 10 covered cycle spaces provided within the site.

It has been indicated that 65 full time equivalent jobs at the site and staff will work in shifts during a 24 hour period.

There are no traffic impact concerns arising from the proposals on the local highway network, care homes are not peak based and most trips to the site are likely to be made by staff and visitors.

CEC parking standards indicate recommended levels of parking to be provided and this would be 20 resident/visitor spaces and 32 staff spaces. It is accepted that in general car usage by residents in care homes is low and that it is important that staff parking is provided.

Consideration of the level of parking provision is important to ensure operationally that parking is contained within the site and not over spilling into Manchester Road. To support the application details of parking accumulation surveys at similar care homes have been submitted that indicates that resident and visitor parking demand is relatively low and staff parking is the highest parking requirement. It is considered that the 33 spaces will comfortably accommodate the parking demand of the care home.

It should be noted that this application provides a car park ratio of 0.51 per bed which is in excess of the ratio provided at other examples of similar care homes and also in excess of the recent care home approved at appeal at Handforth Road in Wilmslow. A refusal on such grounds would therefore be difficult to sustain.

The single access design is 4.8m wide with 4.5 radii and replaces the two existing drives and acceptable levels of visibility are provided at the access to Manchester Road. The site is linked to the footway network and there is cycle parking provided within the site, a bus service is available on Manchester Road. Refuse collection will take place from within the site and swept paths have been submitted to indicate that the refuse vehicle can enter and turn within the site.

On this basis no objection is raised to the application in highway terms.

### **Accessibility**

It is a reasonably sustainable location, with public transport adjacent to the site, and also positioned approximately 750m from Wilmslow town centre.

The topography of Manchester Road/Alderley Road closer to the centre means that there is an incline when travelling north or south. This may 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 saved MBLP Policies DC6 and DC57 and CELPS Policy CO 1.

### **Trees**

The supporting Arboricultural Impact Assessment has identified 88 trees/groups of trees and hedges within or immediately adjacent to the site. Twenty three Low (C) category trees and 3 (U) category trees that are unsuitable for long term retention will require removal to accommodate the proposed development. None of the trees within the application site are currently protected by a Tree Preservation Order or lie within a designated Conservation Area.

The loss of these trees which are of low quality and value will not have a significant adverse impact on the wider amenity of the area.

Para 4.1 refers to above ground tree constraints and is discussed further in para 5.3. These matters and the design implications are considered in sections 5.2.3.; 5.2.4 and 5.3.4 of BS5837: 2012 *Trees in Relation to Design, Demolition and Construction - Recommendations*. The problems related to buildings and spaces around them having low daylight and sunlight levels is well known and subject to specific guidance in government circulars; Chartered Institute of Building Service Engineers (CIBSE), British Standards Institute (BSI) and Building Research Establishment (BRE) guidance. All the guidance as a whole points to the need to have sufficient daylight and sunlight both within and around buildings and that this should be part of the site planning for development.

Particular reference is given to individual trees along the southern section of the site including two Cypress (5.1 and 5.2) both of which are stated as having outgrown their location and one is located offsite. A Beech (5.6) which will require a crown reduction by 3 metres to accommodate the development and has been identified as a long term issue, referring to some not having a significant life expectancy or may require regular pruning to maintain their size and address shading .

A mature Lombardy Poplar (5.7) which has been identified as a potential for limb shedding and therefore is unlikely suitable for retention close to development and an offsite Oak (5.9) which will require cyclical pruning to maintain clearance from the building and identified as a potential issue in the long term .

The position of the proposed footprint and its relationship/social proximity to trees on the western boundary is only briefly mentioned referring to Ash trees which may be susceptible to Ash dieback, although no evidence of the disease has been identified in the supporting tree survey.

The purpose of BS5837:2012 as a design guide is to allow space between developments to ensure the long term safe well being of trees. This building footprint appears mostly to ignore the issues of above ground tree constraints and relies on selective removals and pruning to achieve the aim of developing the site.

Nevertheless, as referred to above, many of the trees within the site, individually at least are low category specimens, collectively they may have some value for screening and landscape quality, their impact on the wider amenity of the area is limited. Many of the trees shown for retention will likely require removal in the longer term due to pressure for residents for daylight/sunlight and issues of shading and consequently these issues need factoring in in any future landscaping of the site, should the application be approved.

Para 4.2 and 5.4 refer to below ground constraints which identify encroachment of root protection areas (RPAs) of retained trees. The proposed access off Manchester Road will encroach within the RPA of two mature Beech trees on the highway verge (Trees 1.2 and 1.4). The proposed line of a sewer will also interface with Beech (1.4). A proposed surface water drain and the car park will also encroach/interface with a number of other trees proposed for retention although most of the encroachment is less than 8% of the total RPA. The RPA of two trees, a Holly and a Cypress (3.8 and 4.9) will see an encroachment of 17% however these are low (C) category trees.

As stated in the Assessment the most significant potential for impact is with regard to the Beech (1.4) located on the highway verge where the incursion into the RPA is estimated at 16%. It is suggested that aeration and soil improvement of the grass verge would improve longevity of the tree, however no details have been provided as part of the submitted tree protection scheme or part of the accompanying arboricultural method statement except as generalised recommendations. Similarly details have not been provided as to the extent of works required to install the proposed surface water drain/sewer or appropriate use no dig engineering solutions for the car park.

The proposal has the appearance of maximising the space available with only a limited regard to the retention of trees and provision of amenity space and this is unfortunate. Landscape proposals include provision for the planting of sixteen trees of heavy standard; extra heavy standard and semi mature sized Nursery Stock, although space for the future growth potential of some of these trees such as Acer Campestre and available rooting volume may limit their long term potential.

It is considered with suitably worded conditions the Council's Forestry Officer has no objections to the scheme.

## **Nature Conservation**

### Breeding Birds

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

### Bats

A daytime inspection was carried out and while no evidence of bats was recorded during the survey, due to suitability of the building for roosting bats, the ecologist who undertook the survey has recommended that a bat activity survey is undertaken.

Subsequent activity surveys found no evidence of roosting bats in the buildings or trees on site. No further survey effort is required in respect of this application. If works are delayed beyond 2021 an update survey may be required. Subject to conditions, the proposal is considered to comply with saved Policy NE11 of the MBLP and SE3 of the CELPS.

## **Flood Risk and Drainage**

The site is located within Flood Zone 1 where flooding from rivers and the sea is very unlikely with less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. Subject to conditions (including a surface water drainage strategy), the proposal would not give rise to flooding or drainage issues based on the Council's own flood risk advice and advice from United Utilities. Therefore the development is considered to comply with policy SE 12 of the CELPS.

## **Contaminated Land**

The Council's Environmental Protection Unit have raised no objection subject to appropriate conditions. Consequently the proposal complies with policy DC63 of the MBLP and CELPS Policy SE12.

## **HEADS OF TERMS**

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

- Healthcare contribution of £28,914

## **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.

## **CONCLUSIONS AND PLANNING BALANCE**

The application lies within Wilmslow, which is identified as a Key Service Centre where the principle of such development on the site is acceptable. As the proposal is not classified as use class C3 (dwellinghouses), there is no affordable housing requirement. However, the development will provide suitable accommodation to enable an ageing population within Cheshire East to live full independent lives for as long as possible. It is considered that the proposal would make a valuable contribution towards housing for elderly people within the Borough, as well as continuity in their care, which is a material consideration. In light of an objection from the Council's Adult Services, the precise need is still being discussed with the applicant and will be reported to Members by way of an update.

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, highway safety, 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, it is considered that the proposal accords with all other relevant Development Plan policies and as such it is recommended the application be approved, subject to relevant conditions and a s106 contribution towards healthcare provision.

## **RECOMMENDATION**

Approve subject to further negotiations regarding need, the completion of a s106 agreement for healthcare contributions of £28,914 and the following conditions:

1. Commencement of development (3 years)
2. Development in accordance with approved and amended plans
3. Construction of access and parking made available for use prior to first occupation
4. Landscaping scheme to be submitted and approved
5. Landscaping scheme to be implemented
6. Details of boundary treatments to be submitted, approved and implemented
7. Submission of an Arboricultural Method Statement and Tree protection scheme to be submitted to and approved
8. Details of ground levels to be submitted, approved and implemented
9. Foul and surface water drainage to be connected on separate systems
10. Scheme of surface water drainage and management plan to be submitted, approved and implemented
11. Details of external facing materials to be submitted, approved and implemented
12. Windows to be set behind a reveal of at least 100mm
13. Development to be carried out in accordance with submitted noise survey with mitigation provided prior to first occupation Noise validation report to be submitted and approved within 6 months of first occupation.
14. Verification of remediated contaminated land to be submitted and approved
15. Details of bin / refuse storage to be submitted, approved and implemented prior to first occupation
16. Details of pile foundations to be submitted, approved and implemented
17. Travel Information Pack to promote alternative / low carbon transport options for staff and residents to be submitted, approved and implemented
18. Electric Vehicle Infrastructure to be provided prior to first occupation comprising of two Mode 3 compliant Fast Electric Vehicle Charging Points
19. Scheme of dust control to be submitted, approved and implemented
20. Submission, approval and implementation of a Construction Management Plan
21. Obscured glazing on specified windows
22. Accordance with Ecological Assessments
23. Nesting bird mitigation measures to be submitted, approved and implemented
24. Details of external lighting to be submitted, approved and implemented
25. Incorporation of features into the scheme for use by breeding birds to be submitted, approved and implemented

## 26. Details of cycle storage to be submitted, approved and implemented

*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 Planning and Enforcement Manager 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.*

