

Application 21/3555M

Location: CYPRESS HOUSE, SOUTH ACRE DRIVE, HANDFORTH, SK9 3HN

Proposal: Redevelopment to form 39 No. apartments for older people (sixty years of age and/or partner over fifty five years of age), guest apartment, communal facilities, access, car parking and landscaping (re-submission of 19/3218M)

Applicant: Churchill Retirement Living

Expiry Date: 01-Oct-2021

### **SUMMARY**

Handforth is identified as one of the 'Key Service Centres' in Cheshire East where national and local plan policies support sustainable development. The proposal provides 39 dwellings for older persons and would deliver housing within a highly sustainable location near to the village centre.

The site is brownfield and therefore its redevelopment to provide retirement accommodation in such a highly sustainable location aligns with the general principles of national and local policy. The proposals would provide much needed accommodation and correspondingly, a diverse community taken with surrounding uses. There are benefits derived from ensuring a sustainable future use is secured for such an important and prominent site within Handforth.

The viability of the scheme has been independently assessed and the contribution in lieu of the on-site provision of affordable housing is acceptable in this case. However due to the viability issues surrounding the redevelopment of the site, which have been independently appraised by a consultant acting on behalf of the Council, only £152,454 is available for planning obligations.

The impact on highway safety is considered to be acceptable and the proposal would not materially harm neighbouring residential amenity.

The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology, flood risk, noise and air quality.

However, the comments from the previous Inspector in relation to the impact on the street scene, particularly along South Acre Drive have not been adequately addressed. The proposal introduces a large three storey building almost the entire length of the site with minimal space to the pavement resulting in a dominant building that would be out of keeping with the existing spacious character of the surrounding area.

The application is therefore recommended for refusal.

**RECOMMENDATION: Refuse**

## **DESCRIPTION OF SITE AND CONTEXT**

The site to which the application relates is located off Wilmslow Road, Handforth; the site currently comprises a former care home, which provided 31 bedrooms and has been vacant since 2006.

The site is located within a Predominantly Residential Area, as defined in the Local Plan. There are some existing trees, mainly along the western boundary of the site. A public house and hotel are situated to the south of the site (with associated car parking area), a three-storey apartment block and single-storey community hall to the east of the site and two-storey residential properties to the north and west of the site (mainly terraced and semi-detached).

## **DETAILS OF PROPOSAL**

Full planning permission is sought for the demolition of a redundant Nursing Home known as "Cypress House" and the erection of a replacement building comprising 39no. apartments of retirement living housing (use class C3), with associated landscaping and car parking.

## **RELEVANT HISTORY**

- 19/3218M Proposed 45 no. retirement apartments, guest apartment, communal facilities, access, car parking and landscaping  
Refused 11 September 2020 – appeal dismissed 28 April 2021
- 16/2614M Demolition of the existing building and construction of new apartment block.  
Withdrawn
- 15/1581M Demolition of redundant Nursing Home known as "Cypress House" and erection of 13No. 2 bedroom houses and associated highway and landscaping works  
Withdrawn

## **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  
PG7 Spatial distribution of development  
SD1 Sustainable development in Cheshire East  
SD2 Sustainable development principles  
IN1 Infrastructure  
IN2 Developer Contributions  
SC1 Leisure and Recreation  
SC3 Health and Well-Being  
SC4 Residential Mix

- SC5 Affordable Homes
- SE1 Design
- SE2 Efficient Use of Land
- SE3 Biodiversity and Geodiversity
- SE4 The Landscape
- SE5 Trees, Hedgerows and Woodland
- SE6 Green Infrastructure
- SE8 Renewable and Low Carbon Energy
- SE9 Energy Efficient Development
- SE12 Pollution, Land Contamination and Land Instability
- SE13 Flood risk and water management
- CO1 Sustainable travel and transport
- CO4 Travel Plans and Transport Assessments

## Appendix C – Parking Standards

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

- NE11 (Nature conservation interests)
- RT5 (Open Space Standards)
- RT6 (Recreation/Open Space Provision)
- H9 (Occupation of Affordable Housing)
- DC3 (Amenities of residential property)
- DC6 (Circulation and Access)
- DC8 (Landscaping)
- DC9 (Tree protection)
- DC35 (Materials and Finishes)
- DC36 (Road layouts and circulation)
- DC37 (Landscaping in housing developments)
- DC38 (Space, light and Privacy)
- DC41 (Infilling housing or redevelopment)
- DC63 (Contaminated land)

### **Handforth Neighbourhood Plan**

- H1 New housing in Handforth
- H2 Providing Appropriate House Types, Tenures and Sizes to meet Local Needs
- H8 Landscape and Biodiversity
- H9 Trees and Hedgerows
- H11 Encouraging High Quality Design
- H12 Surface water management
- H16 Congestion and Highway Safety
- H18 Promoting sustainable transport

### **Other Material Considerations**

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- The Cheshire East Borough Design Guide (2017)
- Cheshire East Parking Standards - Guidance Note

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

**Head of Strategic Infrastructure** - No objections subject to conditions relating to the retention of parking spaces, the new access and a construction traffic management plan

**Environmental Health** - No objections subject to conditions and informatives relating to electric vehicle infrastructure, travel planning, noise mitigation, use of low emission boilers, construction environmental management plan, dust control and contaminated land.

**United Utilities** - No objections, subject to foul and surface water drainage being connected on separate systems, the submission of a surface water drainage scheme and a sustainable drainage management plan.

**Strategic Housing Manager** - No objection subject to the contribution for affordable housing

**Education** - No contributions required

**Lead Local Flood Authority** - No objections subject to condition

**ANSA** - A contribution would be required for Public Open Space and for Recreation and Outdoor Sport.

**Environment Agency** - No objection subject to a condition relating to foul and surface water drainage

**Manchester Airport** – No objections

**NHS East Cheshire CCG** – No comments received

**Handforth Town Council:** Recommend refusal on the following grounds:

- No significant change or reduction in the number of apartments to improve the parking provision in the area around South Acre Drive. In the application the applicant notes that a nearby car park can be used – this is a CEC owned car park and finds itself at capacity on most days, a car parking assessment for Handforth support this fact
- Application does little to address the requirement for increased amenity space for residents of the proposed development as referred to in the Appeal Decision, and would conflict with CELPS Policy SD2 and HNP Policy H11 which requires appropriate amounts of open space and amenity space.
- Out of character – does not address Inspector’s comments – *“Proposal would be three storeys and there would be a greater length of building close to the back of the pavement along South Acre Drive than currently exists. Furthermore, the building would continue around the*

*corner of the junction with Wilmslow Road and would introduce a substantial built form on a currently spacious corner. This existing space is a visually valuable part of the street scene and is reflected by the lawn and trees on the opposite corner of South Acre Drive/Wilmslow Road. I note the appellant's comments about the scale and massing not being part of the Council's reason for refusal, but these matters are intrinsically linked to the provision of, and need for, landscaping."*

*For the above reasons, the lack of space available for landscaping would create an unbalanced appearance at the junction of South Acre Drive/Wilmslow Road and would lead to the proposed building uncharacteristically dominating the street-scene. The proposed planting could not mitigate the physical presence of the building and the lack of space around it.*

*Proposal would harm the character and appearance of the area and would conflict with CELP Policies SD2 and SE4; and HNP Policies H8 and H11 which, in combination, seek to protect character and appearance and to create or reinforce local distinctiveness. This includes seeking to ensure a balance between built form and green spaces and the incorporation of appropriate landscaping."*

## **OTHER REPRESENTATIONS**

Representations have been received from seven addresses, including the local MP, on the following grounds:

- The building is still sited to the front of the site and would be visually dominant and out of character with the surrounding area.
- Residents are likely to own a car and with poor public transport links and visitors and staff are likely to use cars. The parking provision is inadequate and the congestion along South Acre Drive will worsen.
- At 3 floors it is too high.
- Lack of landscaping space – the landscaping should face South Acre Drive.
- The colour of the rendering resembles beach huts.
- The concerns of the previous Inspector have not been overcome.
- The surrounding areas are not practical for residents with reduced mobility.
- Would lead to a lack of privacy and loss of light to the existing dwellings nearby.
- The site
- S106 contributions should incorporate the entire amount required.
- The vacant buildings credit should not be used as the existing building has been vacant and neglected for so long and should be classed as abandoned.

## **OFFICER APPRAISAL**

### **Principle of Development**

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”. The National Planning Policy Framework reinforces a ‘presumption in favour of sustainable development’ and states that decisions that accord with an up-to-date development plan should be approved without delay.

Handforth is identified as one of the ‘Key Service Centres’ in Cheshire East where CELPS Policy PG 2 states that *“development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability.”*

Within paragraph 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”

In this case, the provision of 39 no. C3 units would be of an acceptable scale relative to the key service centre of Handforth and would deliver accommodation within a highly sustainable location close to the centre of Handforth with excellent transport links. The site is brownfield in nature and therefore its redevelopment to provide residential units in such a highly sustainable location aligns with the general principles of national and local policy.

Having regard to the above, the general principle of the development is found to be acceptable.

The Council can now demonstrate a 5 year housing land supply and therefore the relevant policies concerning the supply of housing should be considered up-to-date and consequently the ‘tilted balance’ at paragraph 11 of the NPPF is not engaged. It is important to note that this site will deliver 39 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 unplanned development elsewhere.

### **Affordable Housing**

The Cheshire East Local Plan (CELP) states in settlements with a population of 3,000 or more, the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all such sites will be a minimum of 30%. This percentage relates to the provision of both

social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

The CELPS states in Policy SC5 justification paragraph 12.44, 'The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year.' This is for the whole Borough of Cheshire East. HNP policy H2 also states that Developments of 15 or more dwellings will be required to provide at least 30%.

This is a proposed development of a total of 39 units for Retirement Living Housing (Use Class C3), which is market housing and would trigger the requirement for affordable housing as well as other infrastructure requirements. In order to meet the Council's Policy on Affordable Housing, there would normally be a requirement for 12 of the dwellings to be provided as affordable dwellings. This would comprise of 8 as rented units and 4 as intermediate tenure.

However, the NPPG provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

In this case, the floorspace of the existing buildings is 1,754sqm and the proposed floorspace is 3,336sqm, an increase of 1,612sqm or 48% of the total proposed floorspace. To put that as numbers of dwellings - 48% of 39 dwellings is 19 dwellings. Therefore, the affordable housing contribution can therefore only be sought from 19 dwellings. 30% of 19 is 6 dwellings, which would be the requirement for this site. This equates to 15.4% of the total number of dwellings.

The vacant building credit applies where the building has not been abandoned. It is not considered that the building has been abandoned. Abandonment is a legal concept which has been used by the courts to describe circumstances in which rights to resume a use which has been lawfully carried on in the past may be lost because of the cessation of that particular use. Abandonment may occur where a use has ceased due to leaving premises vacant for a considerable period or by allowing the building on which the use relies to deteriorate to the extent that re-use would involve what would be tantamount to rebuilding. The walls and roof of the building appear to be in reasonable condition.

The courts have held that there are four factors to be taken into account when considering whether abandonment has occurred. These relate to the period of

non-use, the physical condition of the property, any intervening use, and the owner's intention. These matters are considered below;

*Test 1: Physical condition of property* – No structural survey has been provided, however as mentioned above the building appears to be generally in a good condition.

*Test 2: Period of non-use* – The planning agent has advised that the site has been vacant since 2006. Within this time period a number of applications have been submitted.

*Test 3: Intervening use?* – There is no planning history to suggest that there has been any intervening use. The planning agent has confirmed this.

*Test 4: Owner's intention* – Various applicants have submitted planning applications with the apparent intention to replacement accommodation on this site.

Given these circumstances it is not considered that abandonment applies in this case.

The most recent figures received from Affordable Housing Officers for the current number of those on the Cheshire Homechoice waiting list with Handforth as their first choice is 267. This can be broken down to 129 x 1 bedroom, 81 x 2 bedroom, 34 x 3 bedroom, 12 x 4 bedroom and 11 x 5 bedroom dwellings.

The waiting list also shows a requirement for 21 x 1 bedroom and 3 x 2 bedroom Older Person dwellings. These dwellings can be via flats, cottage style flats, bungalows and lifetime adaptable homes.

Policy SC5 of the CELPS requires affordable housing to be provided on-site, however, in exceptional circumstances, where it can be proven that on-site delivery is not possible, as a first alternative, off-site provision of affordable housing will be accepted; as a second alternative a financial contribution may be accepted, where justified, in lieu of on-site provision.

Given the characteristics and nature of sheltered retirement housing the applicant has stated that it is not practical or feasible to include an element of on-site affordable housing within the proposed development. This view is shared by officers due to the communal nature of the shared facilities within the development together with the management arrangement for providing a concierge/house manager, careline and services covering regular maintenance of the building, access, parking and communal landscaped gardens, Registered Housing Providers are generally unable or unwilling to meet these charges.

A mixed tenure development cannot accommodate, either physically or economically, facilities such as separate entrances, parking, facilities, amenity areas and staffing and management regimes in a single development; unless

the site is sufficiently large and suitably configured. This site extends to just 0.3 hectares and as such it is considered that it is not possible to facilitate on site provision while ensuring separate management regimes.

Therefore, given that the applicant has no further land interests within the Council's administrative area and is therefore not in a position to offer units in lieu of on-site provision on an alternative site, it is proposed to secure a financial contribution towards affordable housing in lieu of on-site provision.

CELPS Policy SC 5 also recognises that some developments may not be able to afford the full cost of affordable provision and in that regard the applicant has submitted a viability assessment to demonstrate that the development has a finite sum that can go towards s106 planning obligations including affordable housing.

### Viability

The submitted viability appraisal states that the development would be unviable insofar as it would not yield a sufficient gross development value (GDV) attractive enough for a developer to bring the site forward. This has been independently appraised by a consultant instructed by the Council. The applicant states that the site is subject to abnormal costs and is therefore supported by a financial viability appraisal. The abnormal costs have been listed as follows:

- The proposal is for specialist retirement accommodation which is in a single phase - no ability to phase or stop/start – once started each flatted development has to be completed before occupation by the older person's community.
- Significant capital outlay: land purchase; planning permission; construction of the entire development before revenue receipt / any return on investment.
- Added to significant capital outlay is the period of time the capital is employed, i.e. longer cash-flow profile over the land purchase, planning permission, construction and sales period than general market housing.
- Premium sales values are expected above the general needs housing market thus adding risk because of the requirement to accommodate:
- Added specification for specialist form of housing
- Added levels of building and site security, including intruder alarm systems and emergency assistance alarm/help-line available to each unit.
- Restricted Market – over 55's age as opposed to general needs market housing available to all-comers.
- No Help-to-Buy, i.e. No financial market support/intervention
- Retirement Housing Sector Developers and their Shareholders & Lenders require adequate financial returns to carry the typical higher capital outlay and timing risks associated with specialist retirement housing.

In terms of ensuring viability and deliverability the NPPF (paragraph 57) states that;

*'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'*

The Planning Practice Guidance (PPG) says that decisions must be underpinned by an understanding of viability; ensuring realistic decisions are made to support development.

The Council's independent advisor has concluded that the scheme will not be able to deliver the full affordable housing and / or other commuted sum payments whilst remaining a viable development opportunity.

The Gross Development Value ("GDV") of the overall scheme is in the region of £11 million. National Planning Practice Guidance advises that a minimum profit level of between 15-20% of GDV is the industry accepted standard which reflects the minimum enhancement a developer would reasonably expect to achieve in order to bring a site forward for this type of development. In this case, the developer is assuming 20% of GDV. This is at the upper end of the range and given the high level of demand for such accommodation it could be argued that the associated level of risk to the developer could justify a reduced rate. However, the Council's independent advisor has concluded 20% level is reasonable in the current climate of market instability and noting the large initial financial outlay that this project involves before receiving any income from sales.

It has been calculated that the development would generate no surplus toward planning obligations. However, following discussions an agreed figure of £152,454 has been offered towards planning contributions. This figure was calculated by the independent advisor as being an acceptable figure based on their calculations. Based on the viability assessment undertaken it is considered that is acceptable in principle and there could be no basis for seeking any further contributions. Officers are seeking to negotiate an overage clause to enable a clawback of contributions should the scheme prove to be more viable than currently projected.

In this case, owing to the nature of the accommodation for older persons, any affordable housing would be secured by way of commuted sum rather than delivered on site. The Council's Housing Strategy & Needs Manager considers the proposed contribution to be acceptable. It is considered that

the available funds for planning obligations outlined above should be put towards affordable housing provision.

### **Residential Mix**

Local Plan Policy SC 4 identifies the need for housing developments to offer a mix of housing types, size and tenures to accommodate the specific requirements of the demographic. Reference is made to the need for development proposals to accommodate units specifically designed for the elderly and people who require specialist accommodation. This scheme primarily offers accommodation for the elderly in the form of the 39no. retirement living one and two bed apartments, which would contribute towards creating a mixed, balanced and inclusive community. HNP policy H2 states that schemes are strongly encouraged to include a suitable proportion of affordable housing, housing designed for the ageing population. The proposal is fully in line with objectives of the policy to meet the needs arising from the increasing longevity of the Borough's older residents. The proposal is therefore considered to comply with Local Plan Policy SC 4.

### **Public Open Space**

Policies RT5 and DC40 of the MBLP set out the amenity open space requirements for housing development (per dwelling). The retirement living housing element of the scheme would place a greater burden on open space and recreational facilities in the area and accordingly, the applicants would normally be expected to make a financial contribution towards the Borough Council's sports, recreational and open space facilities in lieu of on-site provision.

Policy SE6 of the Cheshire East Local Plan requires 65 square metres per dwelling for the provision of public open space (POS) and recreation / outdoor sport (ROS) facilities. It appears that this cannot be provided on site and therefore financial contributions will be required for off site provision in line with policy SE6 of the Cheshire East Local Plan.

In lieu of onsite provision of POS, a com sum for offsite provision will be required at a rate of £1,500 per bed space. This would be used to make POS improvements, additions and enhancements at Meriton Road Park, the town centre park in Handforth 580m away from the site, and at Arthur Boon open space on the corner of Dean Drive and Wilmslow Road 500m away from the site. Both are easily accessible. An ROS contribution of £500 per two + bed plus apartment to be used in line with the Council's playing pitch strategy.

The required contributions sought for 25 one bed apartments and 14 two bed apartments would therefore be as follows:

- Public Open space contribution of £79,500
- Recreation & outdoor sports contributions of £7,000

As noted above, officers recommend that the money available for planning obligations is put towards affordable housing, which means due to the viability of the scheme, these open space contributions cannot be secured. However,

Members may choose to take a different view on where the available money is used.

### **Education**

The retirement living housing would not place any greater burden on local education provision given the type of accommodation proposed. The units are not 'family dwellings' owing to their size (i.e. maximum of 2 bed) and owing to the occupation by older residents. Accordingly, the scheme would not trigger a requirement for commuted sums towards education provision.

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

Between them, the NPPF and Local Plan Policies SD1, SD2, SE1 and SE4 from the CELPS and H8 and H11 of the HNP seek that all development should be: locally distinctive; high quality; sustainable; well-designed and durable responding to the heights, scale, form and grouping, materials, massing, green infrastructure and relationship to existing built form in the immediate as well as wider areas.

An earlier application 19/3218M was refused permission, a decision that was subsequently upheld at appeal (APP/ R0660/W/20/3262327). With the appeal, the Inspector cited a number of urban design concerns. The design response to these concerns, over external amenity space and the impact on the character of the area, will be considered in this report but the application will of course be viewed on its own merits.

Paragraphs 15, 16 and 17 of the appeal decision referred to the impact of the proposal on the street scene, particularly with regard to South Acre Drive. The following conclusions were made by the Inspector:

*"15. Furthermore, South Acre Drive is characterised by modest two storey dwellings set back from the road by lawns. The community centre next to the site is single storey and is also set back from the road by lawn. The existing building is uncharacteristic of its general surroundings as it is very close to the pavement but it is of a two storey appearance and extends for a shorter distance along the road boundaries than would the proposed building.*

*16. The proposal would be three storeys and there would be a greater length of building close to the back of the pavement along South Acre Drive than currently exists. Furthermore, the building would continue around the corner of the junction with Wilmslow Road and would introduce a substantial built form on a currently spacious corner. This existing space is a visually valuable part of the street scene and is reflected by the lawn and trees on the opposite corner of South Acre Drive/Wilmslow Road. I note the appellant's comments about the scale and massing not being part of the Council's reason for refusal, but these matters are intrinsically linked to the provision of, and need for, landscaping.*

*17. For the above reasons, the lack of space available for landscaping would create an unbalanced appearance at the junction of South Acre Drive/Wilmslow Road and would lead to the proposed building uncharacteristically dominating the street-scene. The proposed planting could*

*not mitigate the physical presence of the building and the lack of space around it.”*

The block still sits almost back of pavement serving South Acre Drive. While the proposed building has been reduced by approx. 5m away from the junction with Wilmslow Road the proposed building is still substantial at three storeys and would still span almost the whole length of the site dominating the street scene. It is felt that the above reasons have not been overcome with the latest proposals.

These proposals have both increased the volume of the external amenity space and reduced the number of potential users (by reducing the number of apartments from 45 to 39). The amount of available amenity space has therefore increased since the previous appeal. However, the communal patio area remains very small, almost identical in size to that proposed under the previous application (approximately 20sqm), which is a size that would suit a single domestic dwelling rather than a block of 39 apartments. However, increasing the size of the communal sitting out area could be dealt with by condition. Having regard to this, the relocation of the internal communal spaces (the owners lounge and coffee bar) which now allows direct access to the external seating areas, and the increased amount of external amenity space, it is, on balance, considered to be acceptable.

As with the previous application, the building is well articulated into a series of linked domestic scale blocks which create the impression of a series of detached and semi-detached homes. This impression is further enhanced with a varied roofline incorporating a series of front-facing gables that also help to provide depth to the elevations. This broken up, varied roof design also has the impact of reducing the apparent ‘weight’ of the roof, which is often a problem with deep plan buildings such as this.

The breaking down of what could be a monolithic block into a series of more domestic-scale units is further enhanced by using a number of front-facing gables and this too is welcomed. Furthermore, the proposed palette of materials is broadly appropriate and responds well to the location.

Nevertheless, it is still considered that the scale and positioning of the proposed building along South Acre Drive, together with the building being situated on higher land levels relative to the road, would result in a dominant building that would be out of keeping with the existing spacious character of the surrounding area. It is felt the proposal has not overcome the reasons for refusal included in the Inspector’s decision. Therefore, there is still conflict with CELPS Policies SD2 and SE4; and HNP Policies H8 and H11.

### **Amenity**

Saved Macclesfield Borough local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearby 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.

The objections relating to the impact upon the living conditions of neighbours have been carefully considered. Numbers 1-4 South Acre Drive are positioned to the north of the development and are positioned at a higher level than the application site. The proposed development along South Acre Drive would roughly follow the building line of the existing care home which is positioned approximately 23m from the front elevations of 1-4 South Acre Drive. Policy DC38 states that buildings should provide a distance of 21m front to front for two storey developments and 28m for three storey developments.

The existing building has windows facing South Acre Drive, and the proposed corner apartment facing onto number 1 South Acre Drive contains a secondary window at 2<sup>nd</sup> floor serving a living room. If this window was obscurely glazed, it is considered that the impact on this property would be within acceptable limits. This could be dealt with by condition.

Number 37 Wilmslow Road would be positioned over 20m from the nearest point of the proposed building and would be offset to the south. With this in mind the impact of the proposal on this property is considered to be acceptable.

To the rear the distance between the 3-storey apartment block and the nearest point of the proposed building would measure approx. 18m. The habitable rooms would be offset from the habitable rooms on the existing development and so the impact on this building is considered to be acceptable.

Residential amenity was not included in the previous reasons for refusal with the last application and the current application provides a slight improvement over that scheme.

Accordingly, the proposal is not considered to result in any significant harm to the living conditions of neighbouring properties, in accordance with policy DC3 of the MBLP.

### **Noise**

In support of the application, the applicant has submitted an acoustic design statement by Clarke Saunders Acoustics, 16 July 2019, AS11139.190607.ra (Stage 2). It is stated that this is a stage 1 Risk Assessment, identifying the development area as low to high risk in terms of noise impact. Noise mitigation measures have been identified in this statement and in order to ensure that future occupants of the development do not suffer a substantial loss of amenity due to noise (particularly transport related noise) a condition is recommended for the recommendations of this report to be implemented.

### **Highways**

The existing site is currently occupied by Cypress House (a former nursing home), which is no longer in use but benefits from existing vehicular accesses

onto South Acre Drive. South Acre Drive is a lower order road, no through road, generally 5m wide with approx.2.0m wide footways on each side. The site is bound to the east by Honford Hall Community Centre, to the west by Wilmslow Road/Manchester Road, to the north by South Acre Drive and to the south by a Premier Inn and associated public house.

The revised application is to redevelop the site from a nursing home to a retirement home (small level of resident support) consisting of 39 no. apartments accessed by way of a new vehicular access from South Acre Drive. The existing access points are to be stopped up. It is noted that on street parking currently takes place along South Acre Drive.

Footways and nearby crossing facilities are present which link the site with nearby bus and rail services. In addition, Handforth local centre is within close proximity benefiting from shops and amenities.

The proposed access onto South Acre Drive will benefit from sufficient geometry to adequately serve the site. The configuration of the existing junction at South Acre Drive and Wilmslow Road is suitable to accommodate the predicted level of traffic accessing the site.

The previous application (ref: 19/3218M) proposed a parking level of 23 parking spaces (inc. 2 visitor spaces) to serve 45 no. apartments which, albeit still below CEC parking standards, was acceptable given the sustainable location and additional supporting information provided by the applicant.

The current application envisages 20 parking spaces to serve 39 apartments hence the ratio is similar to that accepted on the previous application.

In previously accepting this shortfall, priority has been given in ensuring sufficient parking is provided within the site and to negate overspill from occurring. In making this assessment it was important to compare likely demand against active developments; the best way being to compare current Churchill development parking ratios at other, geographically similar, locations.

Consequently, other approved Churchill developments in Bridgnorth, Shropshire and Ashbourne, Derbyshire were analysed, and it was noted the parking provision was less generous than being proposed at this location being approx. 0.35 spaces per apartment against 0.5 spaces at the Handforth site, hence, was deemed to be acceptable.

The current proposal is a slightly reduced scale version of the previous submission with similar access and parking arrangements which were hitherto deemed to be acceptable.

Accordingly, given this information, the proposed level of parking is considered sufficient to serve this development and unlikely to cause a detrimental impact on the surrounding highway network.

### **Arboriculture and Forestry**

Updated comments from the Council's Arboricultural Officer are required and will be reported as an update, together with the wider arboricultural impacts of the proposal.

### **Nature Conservation**

Policy SE3 of the CELPS and H8 of the HNP require all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

#### Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species was recorded within the main building as part of a survey carried out in September 2019. The usage of the building by bats was likely to be limited to small-medium numbers of animals using the building for relatively short periods of time during the year and there was no evidence to suggest a significant maternity roost was 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.

It should be noted that there is the possibility of change in a building's condition and therefore the way in which bats may use it. This varies from building to building and survey data can be relied upon from 1 to 2 years or in cases longer depending on the building.

Given that the building for this application was found to contain a small bat roost in the 2019 surveys the nature conservation officer advises that data from a 2019 survey could not be relied upon should works be delayed past the beginning of this year's bat season (May 1st).

If works have not commenced by then, it is recommended that the continued absence of bats should be confirmed by way of an update bat assessment prior to commencement.

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

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that

the development is of overriding public interest, and (iii) the favorable conservation status of the species will be maintained.

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

#### *Alternatives*

The alternative would be for the existing buildings to fall into disrepair to the detriment of the character of the area. It is likely that some intervention will be required in the future. The alternative of the future refurbishment of the building is likely to have a similar impact upon the protected species as the demolition.

#### *Overriding public Interest*

The proposals would bring about additional much need dwellings for an ageing population to the area.

#### *Mitigation*

To compensate for the loss of the existing roost the submitted report recommends the installation of bat access tiles on the completed building as a means of compensating for the loss of the roost. A condition will be included in any approval for the recommended mitigation.

On the basis of the above it is considered that requirements of the Habitats Directive would be met.

#### Breeding birds

If planning consent is granted a condition will be required to safeguard breeding birds.

Subject to the conditions recommended above, the proposal will comply with policy SE 3 of the CELPS and H8 of the HNP.

#### **Flood Risk and Drainage**

Policy SE13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation. Policy H12 of the HNP is also relevant to surface water management.

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. Therefore the development is considered to comply with policy SE 13 of the CELPS and H12 of the HNP.

### **Contaminated Land**

Policy DC63 of the MBLP and policy SE12 of the CELPS seek to ensure that development for new housing or other environmentally sensitive development is not located on areas of contaminated land.

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site. No information relating to land contamination has been submitted in support of the planning application. The plans for the site show areas of landscaped garden for the residents to use, in particular a garden area proposed to be used for seating. Should soils be imported to site to create these areas of landscaping, they should be demonstrated to be suitable for their proposed use.

The Council's Environmental Protection Unit has raised no objection subject to appropriate conditions. Consequently, subject to these conditions the proposal will comply with policy DC63 of the MBLP and CELPS Policy SE12.

### **PLANNING BALANCE & CONCLUSIONS**

Handforth is identified as one of the 'Key Service Centres' in Cheshire East where national and local plan policies support sustainable development. The proposal provides 39 dwellings for older persons would deliver housing within a highly sustainable location near to the village centre.

The site is brownfield and therefore its redevelopment to provide retirement accommodation in such a highly sustainable location aligns with the general principles of national and local policy. The proposals would provide much needed accommodation and correspondingly, a diverse community taken with surrounding uses. There are benefits derived from ensuring a sustainable future use is secured for such an important and prominent site within Handforth.

The viability of the scheme has been independently assessed and the contribution in lieu of the on-site provision of affordable housing is acceptable in this case. However due to the viability issues surrounding the redevelopment of the site, which have been independently appraised by a consultant acting on behalf of the Council, only £152,454 is available for planning obligations.

The impact on highway safety is considered to be acceptable and the proposal would not materially harm neighbouring residential amenity.

The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology, flood risk, noise and air quality.

However, the comments from the previous Inspector in relation to the impact on the street scene, particularly along South Acre Drive have not been adequately addressed. The proposal introduces a large three storey building almost the entire length of the site with minimal space to the pavement resulting in a dominant building that would be out of keeping with the existing spacious character of the surrounding area. The proposal would therefore conflict with CELP Policies SD2 and SE4; and HNP Policies H8 and H11.

The application is therefore recommended for refusal for the following reason:

- 1. The reasons for appeal reference APP/R0660/W/20/3262327 being dismissed in terms of the impact of the development on the street scene and character of the area have not been adequately addressed within the proposed development. The proposal introduces a large three storey building occupying almost the entire length of the site with minimal space to the pavement resulting in a dominant building that would be out of keeping with the existing spacious character of the surrounding area and therefore would conflict with CELPS Policies SD2 and SE4; and HNP Policies H8 and H11.**

## **HEADS OF TERMS**

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

- Age restriction of occupation of flats (55 years plus or spouse thereof)
- Overage Clause from additional value generated from the Site
- Affordable housing contribution of £152,454

### **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 affordable housing 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.

In the absence of sufficient commuted sums/obligations an Overage/Clawback clause is required to cover any uplift in value on the development during its completion to consider any connected raise in commuted sum amounts as appropriate. This would allow any increase in profits above those cited and assessed to be directed towards commuted sum payments that are sought but aren't able to be paid owing to the viability of the scheme.

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

In order to give proper effect to the Northern Planning Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.



