

Application No: 23/0853M

Location: 17 & 19, HOLLY ROAD SOUTH, WILMSLOW, CHESHIRE, SK9 1NQ

Proposal: Demolition of existing buildings and erection of 34 retirement living apartments including lodge managers office and reception, communal facilities, guest suite, car parking and landscaping. Resubmission of application 22/2347M.

Applicant: Churchill Retirement Living

Expiry Date: 08-Jun-2023

SUMMARY

This application is a resubmission of a previously refused development for 34 Retirement living apartments (22/2347m). This application seeks to overcome the previous reasons for refusal via the following;

- Provision of affordable housing and health contributions.
- Additional information on tree protection
- Further justification of parking levels

The application site lies within Wilmslow, which is identified as a Key Service Centre where the principle of residential development on the site is acceptable. The site is sustainably located and is in walking distance of the town centre, public transport and services and facilities within Wilmslow. The development complies with Policies SE2, SD1 and SD2 of the CELPS in this regard.

The proposals represent an acceptable form and design that would sit appropriately within the surrounding urban environment. Residential amenity would be maintained for existing residents and future occupants and the proposals comply with CELPS policy SE1 and SD2, SADPD Policy HOU 12, HOU13 and GEN1 and WNP policy H2.

The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology, flood risk, noise and contamination in accordance with CELPS policies SE3, SE12 and SE13, WNP Policy NE5 and SADPD policy ENV 2 in this regard.

The arboricultural impact assessment, tree protection and method statement conclude the proposals will have an acceptable impact with regards to the long-term health and wellbeing of the retained tree cover in accordance with CELPS policy SE5 and SADPD policy ENV 6.

Information has been submitted to demonstrate that development is acceptable in terms of its impact upon the highway network and parking provision. As such it is considered that the

proposals are in accordance with SD1 and CO2 of the CELPS, SADPD Policy INF3, policy TA1 of the WNP and Appendix C of the CELPS in this regard.

The financial viability of the scheme has concluded that contributions towards affordable housing, and NHS will be secured as part of a Section 106 agreement and accord with the requirements of Policies IN2, and SC5 of the CELPS in this regard. It has been appropriately demonstrated that there is no further viability within the scheme to provide for open space and sports provision.

Overall, the proposal is for sustainable development which would bring environmental, economic and social benefits. The proposal is therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy, the Site Allocation Development Policies Document and advice contained within the NPPF. The application is therefore recommended for approval subject to conditions.

SUMMARY RECOMMENDATION

Approve subject to conditions and subject to a S106 agreement to secure financial contributions towards health and affordable housing.

REASON FOR REFERRAL

This application is referred to the Northern Planning Committee because it is for a residential development for over 20 units, and under the terms of the Council's Constitution requires a Committee decision.

DESCRIPTION OF SITE AND CONTEXT

The site currently comprises 2no. large, detached dwellings situated on the southern side of Holly Road South. The site is located to the south of the town centre of Wilmslow and is located in a residential area within the settlement boundary, as defined in the Local Plan.

The site is relatively flat and rectangular shaped some 0.3ha in size and takes access from Holly Road South (located to the north), backing on to Paxford Place at the rear (south). Individual residential properties are located with the east and west. Currently the dwellings located on site are centrally positioned within each plot with planted boundaries and mature trees. The trees within the garden of both plots are the subject of Tree Preservation orders (Wilmslow Urban District Council 1973 -Alderley Road and Macclesfield Borough Council Wilmslow – Paxford Place 1982). Parking is laid out the front of each property.

The site is around 800m from the centre of Wilmslow with access to its shops, services and public transport networks. The road junction with Alderley Road and Holly Road South is 60m to the west.

The immediate context of the site is characterised by large properties within relatively spacious plots and mature trees to the frontage. Development becomes more closer knit when moving away from the site, and particularly at the immediate rear of the site where on Paxford place,

properties are single storey and more closely arranged as a residential estate. The site located is within flood zone 1.

DESCRIPTION OF PROPOSAL

This application follows a recently refused application, 22/2347m for 34 retirement apartments on this site. The application was refused by the Local Planning Authority on the 15th February 2023 for the following reasons:

1. The proposals fail to provide on-site affordable housing or open space and does not provide a mechanism to secure requisite affordable housing, health and open space and recreation contributions towards off site provision and therefore fail to comply with the National Planning Policy Framework and Cheshire East Local Plan Strategy policy IN2, SE6, SC2 and SC5.

2. Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on existing trees on site. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Cheshire East Local Plan Policy SE5 and Policy ENV 6 of the Site Allocations and Development Plan Document.

3. The proposed development would result in a lack of on-site parking which would lead to on street parking pressure in the vicinity of the site to the detriment of the free flow of traffic. Approval of the development would be therefore contrary to the provisions of the Site Allocations and Development Policies Document policy INF 3, Cheshire East Local Plan Strategy policy SD2, appendix C of the Cheshire East Local Plan Strategy and Section 9 of the National Planning Policy Framework.

This application is a revised submission and seeks full planning permission for the demolition of the 2no dwellings on the site and erection of 34 retirement apartments with associated communal facilities (including residents lounge, coffee bar, internal bin store, utility and store, buggy store, garden area and a guest bedroom), car parking and landscaping. The application seeks to address the 3 reasons for refusal with updated affordable housing statement and viability position, additional information regarding long term protection of trees and further commentary of parking requirements for this form of development.

The building will be 3 storeys and provide the following;

- 23no. 1 bed apartments
- 10no. 2 bed apartments
- 1no 3 bed apartment

The application states that apartments are sold with a lease restricting occupation to someone aged 60 years or over with a spouse or partner of at least 55 years.

Access is to be taken from Holly Road South from the two existing accesses. Car parking for 16 vehicles is arranged to the front of the site, along the front and to the side with a mobility scooter store and charging points to the east. The front boundary would consist of hedging and trees.

The proposed apartment block would be located in the centre of the site, rectangular in form. The building would have front facing gables with flat roof dormers and a lowered flat roof central section. The building would have a varied roof line. Individual balconies are proposed are all units on the first and second floor with regular even spaced glazing and doors throughout at both front and rear. The extent of glazing is reduced on the side elevations. The building would be a maximum of 59m in width, 21m in depth and set back from Holly Road South by 14m and off the rear boundary by 10m. Proposed building materials are red and cream brick with 'basketweave' bond detailing below windows and concrete tile roof. Doors and windows would be Upvc. Landscaped grounds surround the apartment block. A total of 18 trees and 6 groups of trees are to be removed as part of the development, although all TPO trees are proposed to remain on site.

The application is accompanied by the following information;

- Design and Access Statement
- Transport Statement
- Landscaping Strategy
- Ecology survey
- Affordable Housing Viability Assessment
- Statement of Community Involvement
- Drainage strategy
- Flood risk and drainage technical note
- Tree protection plan and Arboricultural method statement

RELEVANT HISTORY

22/2347M - Demolition of existing buildings and erection of 34 Retirement Living Apartments including Lodge Manager's office and reception, communal facilities, guest suite, car parking and landscaping - Refused / 15-Feb-2023. Refused on the grounds of lack of s106 contributions, Lack of tree information, lack of on-site parking. Decision currently subject of appeal ref: APP/R0660/W/23/3317173.

17 Holly Road South

12/1815M - Single Storey Rear Extension - Approved with conditions / 29-Jun-2012

12/2673D - Discharge of Condition 4 on Application 12/1815M - Approved / 04-Oct-2012

49196P - Side extensions - Approved / 03-Jun-1987

19 Holly Road South

19/2712M - Outline application with some matters reserved for demolition of 19 & 21 Holly Road South and any ancillary outbuildings and construction of a three-storey building consisting of 12 apartments, associated car parking and new vehicular and pedestrian access - Not decided (Finally disposed of) / 06-Sep-2022

54499P - Revised elevations to previously approved plan and erection of fence- Approved / 12-Oct-1988

52889P - Extension and conversion of garage and reroofing of house - Approved / 21-Apr-1988

51604P - Extensions re-roofing and new garage - Approved / 07-Jan-1988

RELEVANT PLANNING POLICY

Para 215 of The Framework indicates that relevant policies in existing plans will be given weight according to their degree of consistency with The Framework.

Cheshire East Local Plan Strategy 2010-2030 (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

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

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

Cheshire East Site Allocations and Development Policies Document (SADPD)

PG9 Settlement Boundaries

GEN1 Design principles

ENV2 Ecological implementation
ENV5 Landscaping
ENV6 Trees, hedgerows and woodland implementation
ENV7 Climate Change
ENV12 Air quality
ENV14 Light pollution
ENV15 New development and existing uses
ENV16 Surface water management and flood risk
ENV17 Protecting water resources
HOU1 Housing Mix
HOU 2 Specialist Housing Provision
HOU 6 Accessibility space, accessibility and wheelchair housing standards
HOU12 Amenity
HOU 13 Residential Standards
HOU 12 Housing Density
HOU 15 Housing Delivery
INF1 Cycleways, bridleways and footpaths
INF3 Highways safety and access
INF6 Protection of existing and proposed infrastructure
INF9 Utilities
REC 2 Indoor sport and Recreation Implementation
REC3 Open space implementation

Wilmslow Neighbourhood plan (WNP)

LSP1 – Sustainable Construction
LSP2 – Sustainable Spaces
LSP3 – Sustainable Transport
NE5 – Biodiversity Conservation
NE6 – Development in gardens and Amenity Space
TA1- Residential Parking Standards
TA2 – Congestion and Traffic Flow
TA5 – Cycling in Wilmslow
H2 - Residential Design
H3 – Housing Mix

Other Material Planning Considerations

Housing Supplementary Planning Document July 2022
National Planning Policy Framework (2021) National Planning Policy Guidance
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

Highways (CEC) – No objection subject to condition requiring two of the on-site parking spaces to be disabled spaces.

Environmental Protection (CEC) – No objection subject to conditions regarding contamination, soil importing, EV charging and low emission boilers, submission of travel

information pack and informatives regarding hours of construction works, piling, dust management and floor floating.

Local Lead Flood Authority (CEC) – No objection in principle to the proposals subject to condition regarding the use of the attenuation tank and discharge to existing surface water sewer to ensure surface water will be managed appropriately on site.

Education Services (CEC) – No comments received

Strategic Housing (CEC) – There is a need for rented over 55 accommodation and Intermediate need for the over 55's. As a commuted sum of circa £240,000.00 has been agreed and will be secured via a S106 agreement, there is no objection to this application.

Childcare Development Manager – No comments received

Cadent Gas – No comments received

NHS Clinical Commissioning Group – No objection subject to s106 contribution of £19,977 for use towards capital investment at Wilmslow Health Centre.

Ansa Greenspace – Comments awaited.

United Utilities – Comments awaited.

Wilmslow Town Council – Object and recommend refusal on the grounds of inadequate parking provision. The new application has no material differences to 22/3457m.

Wilmslow Civic Society – Objects and recommend refusal.

- Inappropriate scale, three storey is inappropriate in this location
- 33 units is overdevelopment
- Overlooking to properties on Holly Road South and Paxford Place.
- Over provision of elderly persons accommodation in an area of predominantly single storey family housing.

Transition Wilmslow – Objection

- Proposals do not comply with Wilmslow Neighbourhood Plan policy NE6 Development in Gardens as the extent of the built form, parking space and the loss of garden will exceed 50 % of the existing plots

OTHER REPRESENTATIONS

24 representations of objection have been received from 12 addresses and are summarised below;

General

- Application has not changed since previous refusal

- Changes made do not overcome any objections made by local residents
- Insufficient provision for affordable housing
- Lack of consultation
- Inadequate length of time for community to consider application
- Demand for retirement living has already been met in the area
- Additional air pollution
- Existing infrastructure is overwhelmed i.e. doctors, dentists
- Development is for maximum profit and no gain for community
- Similar developments nearby are still for sale
- Additional strain on local health services
- Staff required will not be able to afford to live in locality
- Loss of family homes being bought by developers results in a loss of community and decreased neighbourly interaction
- Impact on house prices
- Dangerous precedent which would change character of area forever
- Development not required as Cheshire East have enough housing for up to 2030.
- Neighbouring retirement developments are closer to the town centre
- The MP objected to the original proposals
- A development like this should be on brownfield land not in a town centre
- Application has not changed from original shows the developer does not care

Highway matters

- Lack of parking spaces-no change from previous application
- Adversely affects works already done to assist cyclists on Holly Road South
- Concerns regarding safety of highway for construction traffic
- Additional chaos to busy road
- Parking nearby is time limited and in high demand
- Potential for highway safety issues due to proximity to Wilmslow High School
- Additional congestion
- No emergency vehicle parking
- Lack of parking will result in disputes
- No EV charging
- No construction parking
- Close to dangerous junction and roundabout
- Potential to block neighbouring drives
- 0.5 spaces per apartment is less than stipulated by guidelines
- Lack of parking for occupiers, carers, visitors and service staff.
- Insufficient room for service vehicles
- Access in and out would see a significant increase in vehicular traffic

Design

- Out of character
- Out of keeping with the lovely road consisting of discrete secluded residential properties
- Overdevelopment
- Out of proportion and type with neighbouring properties
- Too intensive and intrusive for this site
- Majority of dwellings nearby are bungalows
- Design does not represent the existing street scale
- Lack of open space for recreation for future occupants

- Unappealing design
- Comparing height with Beeches is inaccurate, this development is bigger and closer to the front of the site
- Loss of trees will change the character of Holly Road South
- Inadequate screening to neighbours
- 3 storey is inappropriate
- Development bears no resemblance to surrounding detached properties in the area
- Layout and footprint is much bigger than the existing houses

Amenity

- Residents rights to privacy must be upheld
- Overlooking of neighbouring gardens from balconies
- Loss of light
- Overshadowing
- Privacy distances are not met
- Development will block sunlight and affect capacity for prayer and religious customs
- Noise and disturbance from additional congestion and noise
- Social space is too close to neighbouring development
- Noise and disturbance from emergency vehicles visiting the site
- Noise from construction period detrimental to residents
- Increase in noise from the site from the current level
- Disruption to peace and tranquility
- Balconies will directly overlook neighbours properties and gardens

Trees

- Loss of trees
- Damage to trees in the area covered by tree preservation orders
- Trees are at risk now and in the future
- 17 trees will be destroyed in the process of this development and others will face incursion at root level
- Reduction in natural hedgerows and green space

Biodiversity

- Loss of green space and new hardstanding will result in detrimental impact to biodiversity and green infrastructure in this location.

Flooding/drainage

- Proposals will overload current drainage infrastructure
- Foundations will displace more water
- This area is prone to flooding
- Risk of surface water run off
- Removal of garden will affect drainage capacity

Other issues

- If consent is issued, adequate boundary screening to East, West and Southern boundaries should be conditioned.
- If hedgerow remains it will require proper maintenance
- Who would monitor tree removal?

OFFICER APPRAISAL

Background

Application 22/2347M was refused by Northern Planning Committee on the 15th February 2023 for the following 3 reasons:

- 1. The proposals fail to provide on-site affordable housing or open space and does not provide a mechanism to secure requisite affordable housing, health and open space and recreation contributions towards off site provision and therefore fail to comply with the National Planning Policy Framework and Cheshire East Local Plan Strategy policy IN2, SE6, SC2 and SC5.*
- 2. Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on existing trees on site. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Cheshire East Local Plan Policy SE5 and policy ENV6 of the Site Allocations and Development Plan Document.*
- 3. The proposed development would result in a lack of onsite parking which would lead to on street parking pressure in the vicinity of the site to the detriment of the free flow of traffic. Approval of the development would therefore be contrary to the provisions of the Site Allocations and Development Policies Document INF3, Cheshire East Local Plan Strategy policy SD2, appendix C of the Cheshire East Local Plan Strategy and Section 9 of the National Planning Policy Framework.*

The applicant has appealed the Council's decision and there is currently a live appeal, a Public Inquiry, scheduled for 4 days from the 27th June 2023.

The appellant submitted this current planning application to the Council for consideration (23/0853M), alongside the appeal, which reflects the scheme refused by committee, but seeks to address the reasons for refusal.

With this resubmitted application, the applicant has provided additional information in relation to viability (previous reason for refusal No.1) and trees (previous reason for refusal No.2). Furthermore, the Council's Highway's Officer undertook their own survey work to identify if the lack of parking reason for refusal (previous reason for refusal No.3) could be supported by the Highways Department. This information also formed the basis of discussions leading up to the appeal.

The outcome of this is that the additional information submitted to address reason for refusal No.1 (Viability) resulted in an agreement that there was indeed a financial contribution that could be spent towards offsetting the impacts of the development in terms of local health provision and affordable housing.

The additional survey work undertaken by the Council's Highway Officers highlighted that the proposed parking provision, although short of Council standards, reflected the level of parking for such developments elsewhere in Cheshire East and elsewhere in the country when considered in conjunction with the low car ownership of the future occupiers who have an average age of 80.

Subsequently, it was concluded that the Council would be unable to reasonably defend reasons for refusal 1 and 3 and if the Council persisted with reason for refusal 3 (lack of parking), there was a risk that the Council could be subject to a costs claim for unreasonable behaviour as it would be pursuing a reason for refusal that could not be defended.

In order to formally agree that the Council would not defend reasons for refusal 1 and 3, it needed the agreement of Northern Planning Committee as it was this committee that determined the permission. However, because of elections and a ticking timetable on the appeal, there was not a Northern Planning Committee scheduled that an Officer recommendation seeking approval not to defend reasons for refusal 1 and 3 could be made before certain appeal deadlines. As such, an Urgent Decision made on behalf of the Council was made, signed by the Chief Executive. This was signed on the 12th May 2023. As such, reasons for refusal 1 and 3 will not be defended by the Council.

A similar situation has now arisen in relation to the remaining reason for refusal, reason for refusal No.2 (lack of tree information). The missing tree information has been provided as part of the re-submitted planning application (23/0853M) and this information satisfies the Council's Tree Officer that the proposed development would not have an unacceptable impact on trees, subject to conditions being imposed. This information has now also been provided in relation to the appeal.

As such, the report later in the agenda recommends to the Northern Planning Committee that the Council do not defend reason for refusal No.2 (lack of tree information), in relation to 22/2347M. This would result in the Council not contesting the appeal on any of the grounds set out in the reasons for refusal.

Principle of development

Section 5 of the NPPF seeks to significantly boost the supply of homes.

Paragraph 69 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. To promote the development of a good mix of sites local planning authorities should amongst other things 'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'.

Wilmslow 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."

As a windfall site, CELPS Policy SE 2 states that development should;

- Consider the landscape and townscape character of the surrounding area when determining the character and density of development
- Build upon existing concentrations of activities and existing infrastructure
- Not require major investment in new infrastructure
- Consider the consequences of the proposal for sustainable development having regard to Policies SD 1 and SD 2

SADPD Policy HOU 2 provides support for specialist housing for older people that support independent living providing the following criteria are met;

- i. the type of specialist accommodation proposed meets identified needs and contributes to maintaining the balance of the housing stock in the locality;
- ii. the proposal provides easy access to services, community and support facilities, including health facilities and public transport, enabling its residents to live independently as part of the community;
- iii. the proposal meets the accessibility and wheelchair housing standards set out in Policy HOU 8 'Space, accessibility and wheelchair housing standards';
- iv. the design of the proposal, including any individual units of accommodation, should be capable of meeting the specialist accommodation support and care needs of the occupier. This includes pick up and drop off facilities close to the principal entrance suitable for taxis (with appropriate kerbs), minibuses and ambulances and the ability to provide assistive technology and internet connectivity where relevant;
- v. the provision of suitable open space/grounds that can be used by residents;
- vi. the provision of suitable levels of safe storage and charging facilities for residents' mobility scooters, where relevant; and
- vii. affordable housing provision will be required in line with the thresholds and policy approach set out in LPS Policy SC 5 'Affordable homes', where independent dwellings would be formed.

In this case, the provision of 34 retirement properties would deliver specialist older person housing within a sustainable location with the town centre of Wilmslow within walking distance from the site. From here, there are good rail links (including to Manchester and London) and buses to other local / key service centres. There are local amenities nearby, and infrastructure such as schools, hairdressers, gyms, employment etc. The development to provide residential units in a sustainable location aligns with the general principles of national policy, local policy and neighbourhood policy. It would also make a contribution to the Council's housing requirements through the provision of 33no. residential units.

The applicant outlines that the scheme is designed specifically for older residents with level access throughout and doors/windows designed for ease of use for those with limited mobility and a designated area for mobility scooter storage.

In accordance with these policies, there is no objection in principle to new residential development in this location, subject to compliance with the other relevant development plan policies

Housing Land Supply

The Council has a supply of deliverable housing land in excess of the minimum of 5 years required under national planning policy. As a consequence of the decision by the Environment and Communities Committee on 1 July 2022, to carry out an update of the Local Plan Strategy (LPS), from 27 July (the fifth anniversary of its adoption), the borough's deliverable housing land supply is now calculated using the Council's Local Housing Need figure of 1,070 homes/year, instead of the LPS annual housing requirement of 1,800 homes.

The 2020 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 14 January 2022 and this confirmed a Housing Delivery Test Result of 300% for Cheshire East.

Underperformance against either of these can result in relevant policies concerning the supply of housing being considered out of date with the consequence that the 'tilted balance' at paragraph 11 of the NPPF is engaged. However, because of the Council's housing supply and delivery performance, the 'tilted balance' is not engaged by reference to either of these matters.

Affordable Housing

Policy SC 5 of the CELPS sets out the thresholds for affordable housing in the borough. In residential developments, affordable housing will be provided as follows: -

- i. In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable;
- ii. In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sqm) in Local Service Centres and all other locations at least 30% of all units are to be affordable;
- iii. In future, where Cheshire East Council evidence, such as housing needs studies or housing market assessments, indicate a change in the borough's housing need the above thresholds and percentage requirements may be varied;

The CELPS states in the justification text of Policy SC5 that 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 across the borough. This figure should be taken as a minimum.

The latest published Cheshire East Annual Monitoring Report (AMR) 2021/2022, reports on the number of completed affordable dwellings each year up to the end of the 2021/2022 reporting period. It details that there have been 5,376 completions since 2010/2011, averaging 448 dwellings per year. As such, despite high delivery to date, the LPA are still short of 1,724 affordable dwellings based on the latest published figures.

Different models of private sector housing for older people have been developed in recent times. These schemes are characterised by the availability of varying degrees of care, 24-hour staffing and ancillary facilities. The Council recognises that such models can contribute to meeting affordable and special needs housing, thus the Council will seek an affordable housing contribution from these schemes where the dwellings trigger the thresholds set out in LPS SC5.

This is a proposed development of 33 retirement dwellings in a Key Service Centre, therefore, in order to meet the Council's Policy on Affordable Housing there is a requirement for 10 (9.9) dwellings to be provided as affordable homes.

Point 3 of policy SC5 notes that the affordable homes provided must be of a tenure, size and type to help meet identified housing needs, in this case affordable retirement homes, and contribute to the creation of mixed, balanced and inclusive communities where people can live independently longer. Policy SC5 confirms that the Council would currently expect a ratio of 65/35 between social rented and intermediate affordable housing. On this basis, 7 units should be provided as affordable/social rent and 3 units as intermediate tenure.

The Housing Supplementary Planning Document states for Specialist, Supported Living and Older Person Housing:

The Council's vulnerable and older persons strategy (2020 - 2024) has identified three main strategic objectives consistent with the 2014 version of the strategy: -

- *That people are supported to live in their own homes independently for longer;*
- *When required, people can receive the support they need in a wide range of specialist, supported accommodation including those members of the community with specific housing needs within the borough;*
- *People are able to make informed choices about the accommodation, care, and support options within Cheshire East.*

The 2014 strategy identified that the number of older adults across the borough was due to significantly increase and as such, this would impact on the requirement for a number of housing types including downsizing opportunities, as well as specialist accommodation, to address issues relating to care, access, and mobility.

Affordable Older Persons Need.

The current number of those over 55 on the Cheshire Homechoice waiting list with Wilmslow as their first choice is 56. From this data there is a shown need for 1- and 2-bedroom dwellings as rented accommodation.

Under the Supplementary Planning Document for Affordable Housing the council expects the rental units to be capped at the Local Housing Allowance. There is also still a need for Intermediate units that will cater for those who wish to downsize but cannot buy on the open market.

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, and on a site by site basis, in lieu of on-site provision. This provision is viewed by the Council as a last resort option, as opposed to an alternative method of affordable housing. The Council's desire to have all affordable provision on-site is in line with government guidance to encourage the development of mixed and balanced communities.

Where a financial contribution is offered, the amount of such contribution will normally be expected to reflect the cost necessary to facilitate an equivalent amount of affordable housing as would have been provided on-site.

The applicant does not propose any on-site provision, and off-site provision is not an option. A viability appraisal submitted with the application has demonstrated that a partial contribution towards affordable housing can be provided. Further details on viability are provided below, however, in summary once other contributions are factored in, £240,023 would be available for affordable housing. This is likely to be sufficient to deliver one on-site affordable unit. However, it is understood that Registered Providers are unlikely to want to take on a single unit like this and as such the Council's Housing officer accepts the contribution to partially off-set the affordable housing requirement for the proposals in this instance. This contribution would be pooled with other contributions and be spent towards providing off-site, new affordable housing provision within Cheshire East.

Policy SC5(7) of the CELPS does make allowances where scheme viability can be affected by the policy compliant provision of affordable housing. Officers have commissioned an independent review of the viability study, as the policy stipulates, and the figures quoted in this report are an agreed position between the applicant and the Council's viability consultant. Given this agreed position the proposal is considered to comply with policy SC5 of the CELPS.

Housing Mix

Policy SC4 of the CELP states that 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. The Cheshire East Housing SPD (July 2022) requires that there should be a mix of housing on sites of 10 or more homes, and that developments should maintain an appropriate mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. WNP policy H3 advises proposals that include homes for the elderly will be supported and highlights the affordable housing requirement of CELPS policy SC5.

The application proposes a housing mix of 23 x 1 bed, 10 x 2 and 1 x 3 bed apartments for occupants over 60 years old ('retirement living') which would contribute towards creating a mixed, balanced and inclusive community and aims to meet the needs arising from increasing longevity of the borough's older residents, when combined with the existing residential development in the area.

The proposals would assist in providing a mix of units on site thus contributing to a diverse community and the requirements of CELPS Policy SC 4 and some of the aims of WNP Policy H3.

Healthcare

Policy IN 2 of the CELPS advises that developer contributions will be sought to make sure that the necessary physical, social, public realm, economic and green infrastructure is in place to deliver development. Contributions will be used to mitigate the adverse impacts of development (including any cumulative impact). Such contributions will help facilitate the infrastructure needed to support sustainable development.

The GP Practices affected by this housing development are detailed below. Overall, patient list sizes in the area have continued to increase without necessary provision to support the infrastructure of the Health Centres that service the population.

The NHS CCG have advised that Wilmslow local GPs have a capacity shortage based on an existing population v floorspace calculation of 38%. This money would be spent to increase the capacity at Wilmslow Health Centre by going towards a project to convert a 'void' space within this facility into a Multi-Disciplinary Team Hub workspace, supporting telephone consultations and alternative workspace for clinicians to free-up clinical rooms.

The applicant advises that the average age of the future occupiers of the development is circa. 80 years. As such, it is envisaged that the future occupiers would be heavily reliant on local

health services given their age alone. As Wilmslow Health Centre is located just 400 metres away, it is very accessible by foot.

Therefore, a financial contribution to offset the impact of the development upon local health, is requested by the NHS to support capital investment into the identified GP Practice of Wilmslow Health Centre.

Requests are based upon health care modelling and using a set formula of £437 as being the impact per unit, times the number of occupations. Therefore Section 106 would be requested as:

No. of Beds	Amount of Occupants	Correlating Cost
1 bed unit	1.3 persons	£568 per 1 bed unit
2 bed unit	1.3 person	£568 per 2 bed unit
3 bed unit	2.8 person	£ 1,223 per 3 bed unit

1 bed unit x 23 = £ 13,064

2 bed unit x 10 = £ 5,680

3 bed unit x 1 = £1,223

Total: £ 19,977

This would be spent towards increasing the capacity at Wilmslow Health Centre, the local GP surgery to the site, and would be in accordance with policy IN2 of the CELPS.

Public Open Space

Policy SC2 of the CELPS requires major residential development to contribute to sport facilities where the development will increase demand and/or there is a recognized shortage in the locality that would be exacerbated. Policy SE6 of the Cheshire East Local Plan requires 65 square meters per dwelling for the provision of public open space contributions to outdoor sport facilities in line with SC2.

It appears that this cannot be provided on site, due to the space available, and therefore financial contributions would be required for offsite provision in line with policy SE6 of the Cheshire East Local Plan.

Whilst comments are awaited from ANSA about this application, as part of ongoing appeal discussions, ANSA have advised a financial contribution of £74,000 would be required comprising £5,500 towards improved off-site sports facilities and £69,000 towards off-site amenity and play improvements. The policy trigger for such contributions is set out within policies SC2, SE6 and SD1 of the CELPS and the contribution amount has been calculated using a formula within the former Macclesfield Borough Council Supplementary Planning Guidance (Planning) Agreements (May 2004).

The Council's Open Space Officer advises that the £69,000 would be spent towards improvements to either Lindow Common or the Carrs, which are both areas of public open space in Wilmslow. The Open Space Officer advises that even though no children would reside at the application site, it is likely that children would visit relatives who would occupy site and subsequently travel to the local spaces to use the local facilities with their relatives.

The recreation/outdoor space contribution would be spent towards improvements at Wilmslow Leisure Centre. For viability reasons referred to above, this contribution cannot be provided. Accordingly there is some conflict with policies SC2 and SC6 of the CELPS.

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. mainly 2 bed) and owing to the occupation by older residents. Accordingly, the scheme would not trigger a requirement for commuted sums towards education provision.

Character and Design

Paragraph 130 of the NPPF seeks to ensure that developments function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and landscaping; 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. The potential of a site should be optimised to accommodate an appropriate mix and amount of development whilst creating safe, inclusive and accessible places with a high standard of amenity for existing and future users.

Paragraph 134 notes that permission should be refused for development that is not well designed.

CELPS Policy SE 1 states that development proposals should make a positive contribution to their surroundings. It seeks to ensure design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements. It should also respect the pattern, character and form of the surroundings.

Amongst other criteria, Policy SD 2 of the CELPS also expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of **height, scale, massing, form and grouping in addition to the relationship to neighbouring properties, materials, design features and green infrastructure. SADPD Policy GEN 1 requires proposals to create high quality development reflecting local character and design. SADPD policy HOU 14 advises that in determining appropriate density for a site, the character of the surrounding site and area, along with the mix and type of development, nature setting and scale, amenity, availability and capacity of local services and viability should be taken into account.**

WNP Policy H2 requires new housing development to deliver high quality design through meeting the following key principles:

- Reinforcing character and identity through locally distinctive design and architecture
- Establishing a gateway to the site and to the town itself
- Establishing a clear hierarchy of streets and spaces
- Delivering a scale, mass and density commensurate with the surrounding townscape (particularly for apartment proposals) with sufficient associated amenity space
- Establishing a sensitive transition with the wider landscape where a new settlement edge is created
- Using sustainable drainage systems and water management.

Objections have been received on the grounds of non-compliance with WNP policy NE6 which seeks to preserve garden areas from ancillary development as a result of the subdivision of larger plots or gardens. Although this development would fill a much greater proportion of the plots that the former dwellings occupied, this is an amalgamation of plots to create specialised apartment living with communal garden and seeks to retain some open garden space, mature trees and landscaping.

Holly Road South is characterised by vegetated frontages with properties set back into the site. At the rear the existing hedgerow and positioning of the dwellings in the site do not currently result in a noticeable presence from Paxton Place. Built form of the surrounding area primarily comprises 2 storey detached buildings. Further away from the immediate surroundings, development becomes more densely positioned, with much less space around building and the presence of larger apartment buildings, including Lawson Grange, located at Holly Road North.

The design, form and appearance of the proposals have not altered from the previous scheme (22/2347M). The proposal seeks the erection of an apartment block comprising 2 and majority 3 storey apartments arranged in a single rectangular block. The footprint of the block is considerably larger than the two dwellings it replaces. The building is positioned largely in line with the existing front building lines of the two existing dwellings. The building will be a maximum of 11.4m in height and is largely traditional in its design approach with detailing and materials prevalent in the vicinity of the site.

A parking courtyard would be located to the front and modest communal garden area at the rear. The proposed building would occupy a large proportion of the site, extending further back into the site than the existing development and would be more prominent due to its size, height, mass and scale. The proposed building will be slightly closer to the boundary with no 17. (by around 1.7m maximum) but no closer to the boundary with no 21. Although the proposals involve the removal of trees on site, these are category C trees within the site and around the site entrances. Trees are to be retained around the site boundaries, including 4 category B trees with additional tree planting at the front. Much of the area of existing trees and planting at the rear is to be retained and supplemented.

Providing comments of part of the previous application, which remain relevant to this assessment, the Council's Design Officer advised that the submitted visual assessment provides comfort that the visual impact of the building from Paxford place would be minimal and they raise no objection overall to the scheme.

The proposed building would be larger in height and scale than neighbouring properties and remove the element of spaciousness that currently exists around each dwelling within the site. Parking areas to the front and the widening of the accesses will open up views into the site. However, the varied elevational form with the appearance of two blocks, the maintenance of

existing trees and additional planting would be sufficient to mitigate for the increased size and scale of this building and would be consistent with forms of apartment developments seen in the local area.

Although the proposed apartment building does not reflect the height, form, and mass of the immediate surrounding development, on balance, it would not be to the detriment of the character and appearance of the street scene.

Overall, it is considered that the proposals would contribute positively to the character of the area. As such the proposals comply with Section 12 of the NPPF, policies SE1 and SD2 of the CELPS, the requirements WNP policy H2 and SADPD policy GEN 1 and HOU 14.

Amenity

CELPS policy SE1 seeks to ensure appropriate levels of privacy for new and existing residential properties. Policy SD 2 also expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of its **relationship to neighbouring properties**. SADPD policy HOU 12 seeks to ensure development does not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

SADPD Policy HOU 13 (table 8.2) and the Cheshire East Design Guide set out the standards for space between buildings and advises for a three-storey building that 18m is required between principal habitable windows front to front, and 21m between principal habitable windows back to back. For a habitable room facing a non-habitable room this reduces to 16.5m.

This is required to maintain an adequate standard of privacy and amenity between residential properties.

All of the apartments meet the Nationally Described Space Standard in terms of internal accommodation provided.

Residents and Wilmslow Civic Society are concerned about the impact of the building on privacy and the potential for overlooking and also the overbearing effect of the building.

The proposed building will be some 9.6m from the neighbouring dwelling to the east and 4.8m to the dwelling to the west. Principle habitable windows feature on front and rear elevations. There are side facing windows also proposed on each level however these are either secondary windows or windows that do not serve habitable rooms (kitchen windows). Conditions can secure these to obscure glazed to protect privacy of neighbouring properties.

At the front and rear facing apartments each feature a modest balcony which may allow for some overlooking to the private gardens of neighbours. However, established boundary planting would remain and provide screening during summer months when balconies are likely to be in use. Communal external amenity space for the apartments is modest however the outdoor requirements differ for different age groups and apartments provide generally less amenity space than houses.

The building at two and three storey level is close to neighbouring development and will be appreciably higher than the existing properties. However, existing planting, which could be supplemented through additional landscaping, would reduce the overbearing presence of the building.

The applicant has provided a shadow study with the application which concludes that no part of the neighbouring properties would be shaded by the development that are not already shaded as existing. The findings of this are accepted.

Residents are also concerned about the increase in the number of units on site and the increase in noise and activity as a result. However, the site is within the settlement boundary and close to busy roads and on street parking bays where noise and activity is expected. As the development would serve older residents who would be less likely to participate in long periods of outdoor noise generating activity, it is not considered that proposal would harm residential amenity as a result. Additional comings and goings to the site are acceptable in a residential environment such as this one.

The proposals are considered to comply with the provisions of CELPS local plan policies SD2 and SE1, SADPD policies HOU 12 and HOU 13 and advice within the Cheshire East design guide, which all seek to safeguard residential amenity.

Highways/Accessibility

CELPS Policy CO1 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. Policy CO2 of the CELPS details that for new residential development, where there is a clear and compelling justification that it is necessary to manage the road network, proposals should adhere to the current adopted Cheshire East Parking Standards for Cars and Bicycles set out in Appendix C (Parking Standards). Policy SD1 of the CELPS refers to sustainable development and point 7 advises that development should, wherever possible provide sufficient car parking in accordance with adopted highways standards. Policy TA1 of the WNP requires that applications demonstrate they have met parking standards as per CELPS appendix C and that parking should avoid impacting or protruding onto surrounding streets. SADPD policy INF3 requires that amongst other things, proposals provide safe access to and from the site for all highway users and incorporate safe internal movement in the site to meet the requirements of servicing and emergency vehicles. Development traffic should be satisfactorily assimilated into the operation of the existing highway network so that it would not have an unacceptable impact on highway safety, incorporating measures to assist access to, from and within the site by pedestrians, cyclists and public transport users and meets the needs of people with disabilities.

Appendix C of the CELPS sets out the parking standards for the area which will only apply where there is clear and compelling justification that it is necessary to manage the road network. It indicates that the standards can be varied on a site-by-site basis with reference to evidence obtained locally or from a suitable data source (e.g. TRICS).

As a key service centre, it is accepted that Wilmslow is a suitably accessible location for additional housing. The town centre is within 800m of the site which is considered to be within a sustainable location. Based on the proposals for 34 dwellings comprising of 23 1-bed units, and 10 2-bed units and 1 no 3 bed unit, appendix C of the CELPS recommends the on-site parking requirement would be 45 spaces (for a C3 use).

Access to the site will remain from the existing points with 16 car parking spaces to the front of the building. Bin stores are located within the building and the applicant advises that the on-site manager will be responsible for bringing bins to the kerbside. The transport assessment accompanying the application advises that additional trip generation is negligible with 3 additional trips in the AM and PM peaks respectively, and 41 additional trips across the 12-hour period when compared to the existing residential dwellings. This equates to one additional trip every 20 minutes in the AM/PM peaks and an average of 3 additional trips each hour across the 12-hour day.

The application proposals provide 16 car parking spaces on site which equates to a ratio of 0.49 spaces per apartment. There is also provision for parking 6 mobility scooters.

The applicant explains that the developer's experience of 0.3 spaces per apartment meets the required demand as residents move closer to services and facilities and away from the reliance on a car. Furthermore, independent research, undertaken on behalf of Churchill, into parking demand of existing retirement development identified an average car parking demand of between 0.28 spaces per apartment (using a 2016 data set) and 0.29 spaces per apartment (using a 2020 data set). Therefore the developer considers that 0.49 spaces is in excess of their requirement.

Whilst the applicant considers that the provision to be sufficient, the Council previously considered that the lack of parking provision will lead to on-street parking pressure in the vicinity of the site to the detriment to the free flow of traffic as part of the previous application.

Since the determination of the previous application (22/2347m) the CE Highway officer has undertaken survey work on similar retirement living developments in the north area of Cheshire East and an assessment of Churchill developments nationally has been undertaken, in addition to site surveys.

The survey work shows that parking demand generally for sheltered accommodation is below the current CEC standards and in regard to this application, the parking ratio of 0.49 is below the 0.55 CEC ratio but above the national Churchill ratio of 0.44. In addition, the CEC site surveys indicated that no significant overspill parking occurs on the local road network on a daily basis and that the parking provision on site meets normally meets the parking demand. As a result of this work the CE Highway officer concludes that a refusal on the lack of parking could not be supported.

It is also noted that a parking ratio of 0.5 spaces per residential unit was accepted by the CE Highway Authority and Planning Inspector for a similar 60yrs+ retirement scheme for 39 apartments at Cypress House in Handforth (appeal ref. 3262327.)

On street parking in the immediate vicinity of the site is controlled with double yellow lining and restricted parking bays on the northern side of Holly Road South that allows parking for up to 1 hour with no return within 1 hour between the hours of 0900 and 1700 Monday to Friday.

Concerns have been raised by the Town Council and residents regarding the suitability of the site access and the additional pressures on the local highway network, particularly the nearby junction and roundabout. However, the CEC Highway officer has confirmed that there are no objections to the proposals and raise no concerns in this regard. Having regard to the evidence outlined above, adequate parking is considered to be provided to serve the proposed development.

As such it is considered that the proposals are in accordance with SD1 and CO2 of the CELPS, SADPD Policy INF3, policy TA1 of the WNP and Appendix C of the CELPS in this regard.

Trees

CELPs Policy SE5 seeks to ensure the sustainable management of trees, woodland and hedgerows including provision of new planting to provide local distinctiveness within the landscape, enable climate adaptation resilience, and support biodiversity. Furthermore, the planting and sustainable growth of large trees within new development as part of a structured landscape scheme is encouraged in order to retain and improve tree canopy cover within the borough as a whole. Similarly, SADPD policy ENV 6 requires proposals to retain and protect trees, woodland and hedgerows. Proposals should include measures to secure the long-term maintenance of newly planted trees.

Trees within the site are protected by Tree Preservation Orders; the Wilmslow Urban District Council (Alderley Road) Tree Preservation Order 1973, Area d A8 covers selected trees within the western section of the site (19 Holly Road South). The Macclesfield Borough Council (Wilmslow Paxford Place) Tree Preservation Order 1982 protects a group of trees (Group G1 comprising of 1 Horse Chestnut, 1 Sycamore and 1 Ash) to the northern boundary of the site adjacent to Holly Road South. A further two offsite groups (G2 and G5 of the 1982 Order protects trees along the eastern boundary of 17a Holly Road South.

The application proposes the removal of 18 trees and 6 groups and 1 hedge from within the site, all assessed as low quality (category C). The application is supported by an Arboricultural Impact Assessment (AIA), a Tree Protection Plan and a Manual for Managing Trees on Development Sites which seek to address the impact of the development on trees and comments raised by the Council's Arboricultural Officer on the previous application (22/2347M).

The proposals include the removal of 18 individual trees, 6 groups and 1 hedge assessed low (C) quality to be removed. The Council's Arboricultural Officer considers that the removal of these trees will not have a significant adverse impact on local character and wider amenity of the area and their removal is not contested.

Impact on Root Protection Areas (RPA) - T16 and T57

The AIA states there is to be a minor encroachment into the root protection area (RPA) of T16 (an offsite High category Horse Chestnut) and T57 (an offsite moderate B category Sycamore)

by the new building. Both trees are protected by a Tree Preservation Order. The location of the Horse Chestnut (T16) is adjacent to a pre-existing hard surface (Holly Road South). Upon review of the submitted AIA the Council's Arboricultural Officer considers the encroachment to be no greater than around 15% of the RPA of both trees and is satisfied taking into consideration the trees vitality and remaining rooting availability that there will be no significant impact on their long-term health and safe well-being.

Impact of works on Trees G20, T21, T23, T29, T31, T32, T35, T52, T53, T57, T69 and T52, T53 and T57

An on-site assessment on the impact of works has concluded that the encroachment within the RPA of trees G20, T21 and T23 will be minimal. This area is already covered by existing hard standing and subject to the compliance with the submitted methodologies and Site Guidance Notes, the Council's Arboricultural Officer considers that this can be achieved without significant impact on the long-term health of trees.

Similarly, the structures within the RPA of trees T52, T53 and T57 (buggy store and substation) where there is an existing gravelled area can be achieved by no dig surfacing. It is noted that some minor levels changes may be required to facilitate access on to the highway, however it is understood that can be achieved without any long-term detriment to trees and that the principle of no dig a no dig surface is considered acceptable in this location.

The AIA confirms that the new buggy store will encroach into the RPA of trees T53 and T57 but only into the outer extremes. Encroachment into the RPA of the offsite Sycamore (T57) is no more than the existing structure and consequently any impact is likely to be neutral provided adequate tree protection measures and provision of an above ground slab is used as recommended. Encroachment into the RPA of Ash (T53) is greater and it should be noted that the encroachment is not 'within the outer extremes' of the RPA as suggested but within the canopy spread of the tree.

The AIA states that the proposed construction solution accords with current design advice in BS5837:2012 Trees in Relation to Design, Demolition and Construction Recommendations which sets out the parameters for construction using piles or beams to avoid root damage. Given the guidance set out in the Supplementary Site Guidance Notes, the Council Arboricultural Officer is satisfied that subject to the implementation of these standards and appropriate tree protection measures there is unlikely to be any significant detrimental impact on Ash (T53)

Proposals for a pedestrian footpath and patio within trees T29, T31, G32, T35 and T69 is also considered to be broadly acceptable.

Details of specific boundary treatment are unclear although a descriptive methodology has been submitted of how this could be achieved. This can be confirmed by condition.

Post Development Considerations

The application is supported by a Tree Shadow Study (February 2023) using information from the Arboricultural Impact Assessment which shows tree shadow effects are throughout the day between 21st March, 21st June and 21st September. The effects from tree shadow appear greatest in March and September (when shadows are longer). In June tree shadow to the south

of the site is only evident in the early morning with the greater part of the day tree shadow only affected parts of private outdoor amenity space. Some impact from tree shadow is evident to the eastern elevation of the building. Windows to this elevation serve a lounge, which also has a second window to the north, and a kitchen, which is not a habitable room and is therefore excluded from the daylight/shadow assessment.

In the absence of a daylighting level assessment it is noted that the main lounge windows either face north or south and have supplementary windows on the side elevations. Those windows facing north are located some distance from retained trees (in excess of 14 metres) so impact daylight to internal rooms is unlikely to be significantly affected. The closest trees are a Norway Maple (T69), centrally located to the south of the site and a Sycamore (T69). Reference to both these trees is made in para 1.6 of the AIA, where it is stated that both trees have large crowns that can cast dense shade, however the extent of shading will be greater during the periods when shadows are longer and less so in the summer and in respect of T69 tree shadow will only be transitory.

Preliminary Drainage Layout

The Council's Arboricultural officer is satisfied that the drainage layout as shown on the Tree Protection Plan does not impact on RPAs and there are no objections to the application as presented. If planning permission is granted a condition should be included to require a landscaping scheme to address the net loss of canopy cover identified and in accordance with CELPS policy SE5.

Conditions are also required to ensure compliance with the submitted Arboricultural Assessment and Method Statement and Tree Protection Plan with measures to be implemented under the submitted Manual for Managing Trees on Development Sites, and a detailed level survey all to ensure the continued wellbeing of trees.

Overall, having regard to the above details, the proposals are considered to comply with the requirements of CELPS policy SE5 and SADPD policy ENV 6 in this regard.

Ecology and Biodiversity

Section 15 of the NPPF considers the conservation and enhancement of the natural environment. Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. WNP Policy NE5 supports proposals where it can be demonstrated they will not adversely affect designated and non-designated wildlife habitats. The policy goes on to require all development to demonstrate a net gain in biodiversity. This is echoed within SADPD policy ENV 2.

The submitted ecological survey found initial bat roost potential within 3 of the buildings on the site (the two existing dwellings and an outbuilding at the rear of no. 19 Holly Road South). Following nocturnal bat surveys, no evidence was found of roosting bats and the site was considered not to have suitable foraging or commuting habitat for bats. The Council's ecologist considers that no further bat surveys are required.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with local plan policy. The Council's ecologist recommends that an ecological enhancement strategy is requested via condition, along with external lighting details, and avoidance of bird nesting season.

Subject to appropriate conditions, the proposals are considered to be in accordance with CELPS policy SE3, WNP Policy NE5 and SADPD policy ENV 2 in this regard.

Contaminated Land

Environmental Health have not raised any issue with the proposals and suggest conditions which requires submission of additional information to demonstrate that the site is free of contaminants, and soil importing and that an EV charging scheme is provided. It is considered that an EV charging scheme, travel plan and low emission boiler conditions are not reasonably required for this development as other legislation covers this and the site is considered in a sustainable location for residential development, very close to the town centre.

It is therefore considered that subject to such conditions the proposed development would comply with Policy SE12 of CELP and the NPPF in this regard.

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.

Residents have raised concerns over flood risk and the increase of hardstanding as a result of the proposals.

The site is located within Flood Zone 1, indicating that the site is not at risk from fluvial or tidal sources according to the Flood Map for Planning.

The Lead Local Flood Authority have commented on the application and raised no objections to the proposals subject to conditions relating to detailed drainage design. The comments of United Utilities will be provided as an update.

It is considered that conditions could appropriately deal with drainage design and management at the site and that the proposals accord with policy SE13 of the CELPS and the NPPF in this regard.

Representations

Representations have been received in relation to the application with issues relating to highways, design, amenity, flooding and trees are addressed within the main body of the report.

Residents have raised concerns about the impact on house prices however this is not a material consideration for the planning process. Comments have also been made regarding the precedent for similar development which would harm the character of the area. However, each application is determined on its own merits in line with development plan policy.

Viability

Paragraph 34 of the NPPF states that plans should set-out the contributions expected from development. This should include setting out of the levels and type of affordable housing provision required along with other infrastructure.

Paragraph 58 of the NPPF 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.’

Paragraph 007 of the Viability NPPG states that instances where viability may be relevant could be ‘where particular types of development are proposed which may significantly vary from the standard models of development for sale (for examples build to rent for housing for older people)...’

The previous planning application (22/2347m) was refused due to a lack of requisite affordable housing, health and open space and recreation contributions towards off site provision. The reason the applicant did not provide this was for viability reasons, but viability discussions remained unresolved at the time of the previous decision.

A revised viability appraisal has been submitted as part of this application which has been independently reviewed by consultants at Keppie Massey (at the applicant’s expense). Following further discussion and this independent review, it has been concluded that contributions of £260,000 could viably be provided as part of this development. As is noted above, this does not cover all of the identified S106 planning obligations for the NHS, affordable housing and open space.

Given that the average age of the occupants of the proposed development would be approximately 80 years old and are less likely regularly use a private car (and would therefore rely on walking) and importantly, because the open space areas where the money would be spent are generally some distance from the application site (The Carrs (1.6km) and Lindow Common (1.2km)), the likelihood of regular usage of these facilities by the future occupiers and their visiting families is considered to be relatively low. The impact upon them would therefore also be low, which would reduce the requirement for a financial contribution to mitigate for the impact of the development on these identified areas of open space. For this reason, the open space has been given less priority than other required contributions, given the finite sum of money available for planning obligations.

Given the nature of the proposed development, the contribution to healthcare, which can be met in full, would seem to be a logical allocation for some of the limited purse of money available. The remaining balance can then go towards off-site provision of affordable housing.

Heads of Terms

In the event of approval, a S106 agreement will be required to secure the following:

- A financial contribution of £19,977 to the NHS towards increasing capacity at the local GP surgery at Wilmslow Health Centre;
- A financial contribution of £240,023 be spent towards the provision of off-site affordable housing.

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is 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 scheme, via planning policy triggers the requirement to provide 10 units affordable units on-site and a financial contribution towards NHS and Public Open Space provision.

As these provisions relate to either policy provision and / or identified need, it is considered that these requirements are necessary, fair and reasonable in relation to the development. The S106 recommendation is therefore considered to be compliant with the CIL Regulations 2010.

CONCLUSIONS

The application lies within Wilmslow, which is identified as a Key Service Centre where the principle of residential development on the site is acceptable. The site is sustainably located and is within walking distance of the town centre, public transport, services and facilities within Wilmslow. The developments accords with Policies SD 1, SD 2, PG 2 and SE 2 of the CELPS in this regard.

The scheme presents an acceptable design that will not unduly harm the character or appearance of the surrounding area, nor with the amenity of existing or future occupants be adversely affected.

The proposals will support the provision of 34 units of retirement accommodation for older people which also contributes to the Councils housing supply and is an efficient use of land. Other moderate benefits would be derived from the scheme's social and health benefits from the provision of specialised accommodation.

Economic benefits of the scheme comprise the spending power of future residents in the local shops and services and the short term economic benefits derived from the creation of construction jobs.

Due to the sustainable location close to public transport links, and the stance taken with similar development found acceptable at appeal, the proposed level of parking would be satisfactory to accommodate the likely demand for parking spaces generated by the development and evidence from the applicant regarding trip generation is accepted and is unlikely to lead to an

unacceptable impact on highway safety or through cumulative impacts, lead to congestion on the road network.

The proposals will not result in a loss of biodiversity or harm protected species nor increase flood risk or concerns regarding noise and air pollution. The proposals are considered to have an acceptable impact on trees within and adjacent the site.

Whilst there is some conflict with policies relating to open space provision, and the scheme does not provide 30% affordable housing, the applicant has provided detailed viability information which demonstrates such planning obligations would significantly affect the viability of the scheme. In this case, it is considered that the social benefits that arise from the provision of housing for older people in a very sustainable location, the application's compliance with policy SC5 of the CELPS by reason of an independently appraised viability report, and the nature of the scheme meaning that anticipated impacts upon the nearest areas of public open space in Wilmslow being relatively low, it is considered that these factors outweigh any open space policy conflict, and shortage of affordable housing. The proposal is therefore a sustainable development, and accordingly, the application is recommended for approval subject to a s106 agreement and conditions.

Recommendation:

Approve subject to a S106 agreement to secure:

- A financial contribution of £19,977 to the NHS towards increasing capacity at the local GP surgery at Wilmslow Health Centre;
- A financial contribution of £240,023 be spent towards the provision of off-site affordable housing.

And the following conditions:

1. 3-year Time Limit
2. Development in accord with approved plans
3. Material samples to be submitted
4. Access to be provided as per approved details,
5. Prior to occupation, 2 disabled parking spaces be provided
6. Covered cycle storage to be provided
7. Construction Management Plan (highways) to be submitted
8. Obscure glazing of all side facing first and second floor windows
9. Works in accordance with Arboricultural Assessment and Method Statement Tree Protection Plan
10. Submission of existing and proposed levels
11. Bird nesting season avoidance
12. Biodiversity enhancement scheme to be submitted
13. Lighting scheme to be submitted
14. Landscaping scheme to be submitted
15. Landscaping details and maintenance to be submitted
16. Boundary treatment plan to be submitted
17. Drainage scheme to be submitted prior to commencement
18. Contamination risk assessments to be submitted

19. Verification and remediation (contamination) to be submitted
20. Testing of soil to be imported
21. Reporting of unexpected contamination

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions and/or Informatives or reasons for approval 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.

