

Application No: 12/1578M

Location: LAND ADJACENT TO COPPICE WAY, HANDFORTH

Proposal: Outline Application for a Continuing Care Retirement Community (Care Village) Comprising 58 Bedroom Care Home, 47 Close Care Cottages and 15 Shared Ownership Affordable Dwellings, Together with Access Roads, Public Open Space, Landscaping, Car Parking and Ancillary Development

Applicant: Mr Pasquale Nicosia, GREYSTONE (UK) LTD

Expiry Date: 07-Aug-2012

Date Report Prepared: 11 October 2012

SUMMARY RECOMMENDATION

Approve subject to conditions and s106 legal agreement

MAIN ISSUES

- Departure from Development Plan policy – assessment of material considerations to justify a departure from policy.
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Setting of listed building
- Amenity of neighbouring property
- Highway safety

REASON FOR REPORT

This is an application which raises significant planning policy issues as a departure from the development plan.

DESCRIPTION OF SITE AND CONTEXT

The site is a Greenfield site lying on the eastern fringe of the Handforth urban area. The site is surrounded on its north and east boundaries by comprehensive landscaping adjacent to the Handforth Dean retail development and the A34 by-pass respectively. A mature hedgerow and public footpath form the southern boundary to the site, with open fields extending to the south. The Western boundary abuts the boundary of the grounds of Handforth Hall, a Grade II* listed building. Hall Road and residential properties to the south exist along the southwest boundary of the site.

The site covers approximately 2.4 hectares and forms a strip of land between Coppice Way and Hall Road on the eastern edge of Handforth. The site is Greenfield. The majority of the site is identified as safeguarded land under policy GC7 of the Local Plan. The western section of the site is identified as Open Space under policy RT6 of the Local plan.

DETAILS OF PROPOSAL

This application seeks outline planning permission to erect a 58 bed care home, as well as 47 Close Care Cottages for people over the age of 55 and a further 15 affordable close care dwellings to be provided on a shared ownership basis. A community centre would also be provided within the site, which will provide a focus for activities on the site, including a restaurant and meeting rooms.

Approval of access, appearance, layout and scale is sought at this stage, with only landscaping reserved for subsequent approval.

The application is accompanied by application ref. 12/1627M for the access road off Coppice Way, which appears elsewhere on the agenda.

The 58 bed care home provides accommodation over three floors and is located on the eastern section of the site close to the A34 by-pass. The top floor is largely within the roof space of the building. 16 parking spaces would be provided adjacent to the building, including two disabled spaces.

The proposed close care cottages would be located on the central part of the site, and consist of bungalows and two-storey units. 49 parking spaces would be provided amounting to 1 space per dwelling and 2 additional spaces.

The 15 affordable close care cottages would be located on the western side of the site, all being two-storey properties of similar design to the other close care cottages and with parking provision of 16 spaces.

Access into the site would be taken from Coppice Way (see application 12/1627M). The access road would leave an access spur into the adjoining safeguarded land to the South.

The development would also involve the diversion of Public Footpath 91 that links Hall Road and Coppice Way. The proposal includes a new footpath and cycle path that would skirt the western edge of the affordable housing units.

RELEVANT HISTORY

09/0695M – Development of a care village (sui-generis use) comprising 58-bedroom care home, 47 close care cottages, 15 shared ownership affordable dwellings, and associated access roads, public open space, landscaping, car parking and ancillary development – Refused 19.08.2009 – Appeal dismissed 28.10.2010 (The Inspector concluded that the assessment of need was not robust enough to justify a departure from policy GC7).

09/0708M – Formation of new vehicular access from Coppice Way and engineering works – Refused 19.08.2009 – Appeal dismissed 28.10.2010 (The Inspector concluded that as there was no proven need for the care village, there was no justification for an access, which would be contrary to policy RT6).

09/3023M – Outline application with means of access, layout, scale and appearance for consideration and landscaping reserved for subsequent approval for the development of a care village comprising 55-bedroom care home, 36 close care cottages, 6 shared ownership affordable dwellings – all for the over 55s, and associated access roads, public open space, landscaping, car parking and ancillary development – Refused 20.01.2010 – Appeal dismissed 28.10.2010 (The Inspector concluded that the assessment of need was not robust enough to justify a departure from policy GC7).

09/3050M - Formation of new vehicular access from Coppice Way and engineering works – Refused 20.01.2010 – Appeal dismissed 28.10.2010 (The Inspector concluded that as there was no proven need for the care village, there was no justification for an access, which would be contrary to policy RT6).

POLICIES

The Development Plan consists of the North West of England Plan Regional Spatial Strategy to 2021 (RSS), the saved policies of the Structure Plan Alteration: Cheshire 2016, and the saved policies of the Macclesfield Borough Local Plan.

Regional Spatial Strategy

Relevant policies of the RSS include: DP1 Spatial Principles; DP2 Promote Sustainable Communities; DP3 Promote Sustainable Economic Development; DP4 make the Best Use of Existing Resources and Infrastructure; DP5 Manage Travel Demand - Reduce the Need to Travel, and Increase Accessibility; DP7 Promote Environmental Quality; DP9 Reduce Emissions and Adapt to Climate Change; RDF 2 Rural Areas; Policy L1 Health, Sport, Recreation, Cultural and Education Services Provision; L2 Understanding Housing Markets; L4 Regional Housing Provision; L5 Affordable Housing; RT2 Managing Travel Demand; RT9 Walking and Cycling; EM1 Integrated Enhancement and Protection of the Region's Environmental Assets; EM3 Green Infrastructure; EM16 Energy Conservation and Efficiency; EM18 Decentralised Energy Supply; MCR3 Southern Part of the Manchester City Region.

Of the remaining saved Structure Plan policies, only policy T7: Parking is of relevance.

Local Plan Policy

Relevant policies of the Local Plan include: NE11 and NE17 relating to nature conservation; BE1 Design Guidance; BE2 Historic Fabric; BE16 protecting the setting of listed buildings; BE24 Archaeology; GC7 Safeguarded Land; RT1, RT2 and RT6 Open Space; H2 Environmental Quality in Housing Developments; H9 Affordable Housing; H13 Protecting Residential Areas; DC1 and DC5 Design; DC3 Residential Amenity; DC6 Circulation and Access; DC8 Landscaping; DC9 Tree Protection; DC17 and DC18 Water Resources; DC35, DC36, DC37, DC38 relating to the layout of residential development; DC57 Residential

Institutions; T3 Pedestrians; T4 Access for people with restricted mobility; and T5 Provision for Cyclists.

The site lies within an area of safeguarded land designated in the Macclesfield Borough Local Plan and part of the site also includes land designated as Open Space within the Plan. The site also lies adjacent to the grounds of Handforth Hall, a Grade II* listed building.

Other Material Considerations

National Planning Policy Framework (The Framework)

CONSULTATIONS (External to Planning)

Environment Agency - Raise no objection in principle to the proposed development but request a condition requiring surface water drainage details to be submitted to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system. They also note that based on the information provided the site is not considered to pose a significant risk to controlled waters receptors at this time and they have no specific requirements for remedial works.

English Heritage - The application should be determined in accordance with local and national policy guidance, and on the basis of your specialist conservation advice.

United Utilities – No objections subject to drainage being on a separate system.

Cheshire Fire & Rescue Service – No objections subject to compliance with Building Regulations

Cheshire Archaeology Planning Advisory Service - The proposed development will occur in an area of land to the west of Handforth Hall which was constructed in the 16th century and is recorded in the Cheshire Historic Environment Record. The applicant has commissioned a desk-based archaeological assessment in response to suggestions of the presence of a chapel and burials in the vicinity of the Hall. The provisional conclusion of the report was that the chapel had been within the application area and that pre-determination evaluation would be necessary. Subsequently, however, further documentary evidence was located which indicated that the chapel and burials were not within the application area but had been sited much closer to the Hall. In these circumstances, it was concluded that further archaeological work would not be required, which is accepted.

Strategic Highways Manager - The access to the cottages and the care home is to be taken off a spine road that possibly could lead to further development in the future, and this spine road links to an existing roundabout on Coppice Way. Importantly, there is no vehicular link from Hall Lane to the rear of the site. With regard to the parking provision for the care home it provides 16 car parking spaces and the residential development has 100% parking plus 2 visitor spaces. Comparing the parking provision with other similar care uses, the amount of car parking being provided is broadly similar and is not considered to be at such a low level that would cause parking problems. Therefore, as there have been no material changes in circumstances on the highway network (since the previous appeal) no highway

objections are raised to these applications subject to a final staff travel plan for the Care Home being agreed by LPA and implemented within 6 months of occupation.

Public Rights of Way Unit - The proposed development may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The concept of upgrading the existing route to a cycle route is supported, and no objections are raised to its diversion. A new path within Handforth Community Woodland which lies to the west of the proposed development site would facilitate residents, staff and local residents in accessing the area of woodland and the areas either side which include employment zones. Contribution towards the project to create this path could be made by the developer.

Leisure Services – Commuted sum received in lieu of on site provision would be used to implement the Handforth Woodland enhancement project which includes upgrades to the footpath through the woodland.

Adult Services – Object on the grounds that there is already a 53 apartment Extra Care Housing Scheme on Spath Lane and McCarthy & Stone are building a 40 unit complex, both aimed at similar clients and both in fairly close proximity to the proposed development. It is therefore a concern that further housing for older people, particularly on first occupation and in this location close to the Cheshire East border, will attract older people from outside of Cheshire East putting pressure on health and council services for older people including GP and dental services, social care and hospital services.

Other than demographic trends, no information to support the assertion that there is high demand for scheme is provided by the applicant. Additionally, the Department would favour a significant increase in the proportion of Affordable Housing over that proposed and would prefer that some units were available for rent.

Housing - If the care cottages are dwelling houses there would be a requirement for 19 of them to be provided as affordable, with a tenure split of 65% as social or affordable rented and 35% as intermediate tenure. The affordable housing offered does not meet the requirements in the Affordable Housing Interim Planning Statement for a number of reasons, the main ones being

1. The number of units being offered does not equate to 30% of the total units.
2. The tenure split does not meet the requirements
3. The shared ownership scheme seems more like a re-sale covenant scheme, however we would normally require a discount of at least 30% to be applied to the units, that the developer does not keep any equity and measures are put in place to ensure the units are kept affordable in perpetuity

However if the care cottages are a sui generis use then there is no affordable housing requirement. It is recognised however that the applicant is offering a provision of 15 cottages as affordable housing on a shared ownership basis sold at 80% of open market which, although not meeting the requirements of the Affordable Housing Interim Planning Statement, would appear to assist towards meeting some housing need.

Environmental Health - No objection subject to a condition controlling hours of construction. In terms of potential land contamination the application area has a history of farm use and therefore the land may be contaminated. The application is for new properties, which are a sensitive end use and could be affected by any contamination present. The Preliminary Risk

Assessment report submitted in support of the application recommends that further investigation is required. No objection subject to conditions to take this into account. The impact of noise from the A34 bypass has also been considered, in terms of any potential impact on future residents of the care home. No objection is raised in this respect subject to conditions.

Trafford Metropolitan Borough Council – No comments received

Stockport Metropolitan Borough Council – No comments received

VIEWS OF THE PARISH / TOWN COUNCIL

Handforth Parish Council - The Council have noted the marked opposition of local residents to the proposed care village and access road. The Parish Council are broadly in sympathy with the views of local residents but, at a recent council meeting, it was agreed that councillors would send their comments on the application on an individual basis.

REPRESENTATIONS

79 letters of representation have been received. 78 of these letters object to the proposal on the following grounds:

- Footpath and Handforth Hall gardens flood on a regular basis (Handforth Brook)
- Destruction of wildlife habitat
- Recreational space for Handforth residents should be left alone
- Detrimental impact upon grade II* Handforth Hall
- Questionable whether such accommodation is needed in Handforth
- Increase in traffic on Hall Road
- Land should be returned to Green Belt and protected
- Brownfield sites available
- There are similar developments in the area with vacancies
- Health centre would be unable to cope with influx of patients
- Highway safety concerns
- No change from previously refused scheme
- Land is protected from development in the Local Plan
- Increase in noise levels and pollution
- Occupiers would be car dependent – contrary to aims of NPPF
- Local facilities not within easy walking distance
- Development will provide little integration into the community
- Evidence of historic burials / chapel on the site of archaeological importance
- Scale and massing of the development would be out of character
- Concern that development will extend into remaining safeguarded land
- Site provides a buffer between Handforth Dean and residential areas
- Diversion of footpath creates a safety issue as path would be out of sight
- Use of Hall Road during construction would be a safety hazard

1 letter of support has been received noting:

- Development will provide social and economic well being to the communities they serve
- Designed to a very high standard
- Provides flexible care
- Maintains normal way of life

APPLICANT'S PRE-APPLICATION CONSULTATION

A statement of community involvement has been submitted, which explains the consultation undertaken by the applicant prior to submitting the application. Their publicity involved: letters to Local Authority, Ward Councillors and Parish Council; leaflets sent by post to non local interest parties; leaflet drop within local area and an advertisement in the local press. 20 responses were received, of which 3 were of support, and 13 objected to the proposal. The points raised are addressed within the submission.

APPLICANT'S SUPPORTING INFORMATION

The information that has been submitted alongside the plans and drawings include:

- i) Planning Statement;
- i) Design & Access Statement;
- ii) Sequential Site Assessment;
- iii) Draft Heads of Terms for Section 106 Agreement;
- iv) Statement of Community Involvement;
- v) Transport Statement
- vi) Flood Risk Assessment
- vii) Ground Investigation Report;
- viii) Great Crested Newt Survey / Report;
- ix) Ecological Assessment
- x) Arboricultural Survey;
- xi) Desktop Archaeological Report
- xii) Waste Statement
- xiii) Needs Assessment
- xiv) Draft Operational Plan
- xv) Bat / Bird Surveys
- xvi) Energy Report

These documents can be viewed online as background information. The planning statement concludes that:

- In the context of national, regional and local planning guidance the development is acceptable provided the material considerations are justified.
- The proposals were previously supported by the planning officers and the Inspector found the proposal technically acceptable.
- This proposal addresses the issues raised by the Inspector, particularly with respect to need and this being the most appropriate location.
- The proposal is designed to meet a growing need in this location, on a sustainable site which is recognised as being suitable for housing development beyond the plan period if the need arises.

- The proposal will provide a housing mix and concept of elderly accommodation which is currently not available in the locality and wider area.
- Specific regard has been made in the proposal to ensure this development will be primarily available to Cheshire East residents.
- The site is being brought forward when it was intended in the adopted plan to be, beyond the plan period to 2011.
- The development provides for the retention and improvement of quality open space, including improvements to local biodiversity.
- The proposed development is well designed, appropriate to the location, scale and density of its surroundings.
- The development will create new employment opportunities and investment in the local economy.
- The proposal does not strictly apply to the policy guidance of affordable housing due to its sui generis nature.
- The proposal should be approved in the light of national, regional and local policy guidance and the material considerations set out.

OFFICER APPRAISAL

Principle of Development

The application site is currently split into two areas, which in terms of planning policy are quite distinct from one another. The land to the east of footpath 91 is designated as 'Safeguarded Land' under Local Plan policy GC7, whilst the area to the west of the footpath is allocated for recreation purposes and amenity open space under Local Plan policy RT6(10).

Safeguarded land is land that may be required to serve development needs well beyond the Local Plan period (2011). Policy GC7 of the Local Plan explains that the land is not allocated for development at the present time and policies relating to development in the countryside will apply. Policy GC5 deals with development in the open countryside, which *"will not be permitted unless it is essential for agriculture, forestry, outdoor recreation or for other uses appropriate to a rural area"*. The development does not fall into one of those categories.

Policy GC7 also states that development that would prejudice the later comprehensive development of the land will not be permitted. The proposal includes an access road to serve the proposed new development, which also includes a spur, which could be utilised to access the remaining majority of the safeguarded land.

The only reference to safeguarded land in the Framework is at paragraph 85 which states that, *"When defining boundaries, local planning authorities should...make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a local plan review which proposes the development."* Reference to "defining boundaries" implies that this is a plan making policy as opposed to a decision making one.

The land to the west of the footpath and land bounding the site to the north (including the proposed access to be considered separately under application 12/1627M) is allocated under policy RT6(10) for amenity open space. Policy RT1 asserts that 'areas of recreational land and open space as shown on the proposals map will be protected from development and policy RT2 states that 'incidental open spaces / amenity areas in residential areas will

normally be protected from development and enhanced as appropriate'. This approach is reflected within paragraph 74 of the Framework.

Use class

The application seeks permission for a continuing care retirement community (care village). There is some ambiguity over which use class such a facility falls within, in terms of whether it comes under C2 *Residential Institution* or C3 *Dwellinghouses*, a mixed use of the two or one of its own (*sui generis*) use. The proposed scheme includes a care home (C2) and close care cottages (C3). Close care is commonly defined as sheltered accommodation within the grounds of a care home, ensuring access to care as and when required. The proposed care village would operate differently than many other models as the care home on the site would not be providing the care service to the occupants of the cottages. The care services to the occupiers of the cottages would be bought in as part of an agreement within the lease.

A draft operational plan has been submitted and further detail needs to be addressed within the proposed legal agreement. The applicant's business model would attempt to secure a mixed community across the site, varying from people over 55 with an independent life, to those with a higher degree of care dependency. Whilst it is inevitable that the care needs of occupants would grow over time, officers are keen to eliminate the possibility of the village being occupied predominantly by residents with no care needs at all on initial occupancy.

A care assessment would be undertaken of all prospective purchasers and as part of the basic service charge all occupants would receive 1 hour of domestic or personal help per week. Occupants would then purchase a care package above that level dependent on need from a single provider by the operator. The draft operational plan states that, on first occupation, no more than 60% of the residents of the close care cottages and shared ownership / affordable housing will be persons who require only low level care, which could be written into the legal agreement.

Recent appeal decisions suggest such uses fall within either a C2 use class, or a *sui-generis* use. In the interests of consistency, as with the previous application, rather than distinguish between the care home, close care cottages and ancillary services it has been agreed with the applicant that the care village should be treated as a *sui-generis* use covering the whole site.

As a *sui-generis* use, that is essentially residential, a fundamental question is to what extent the proposal should be assessed against national and local housing policies, and be subject to the same infrastructure requirements / contributions in lieu as a purely residential (C3) scheme, as the development will clearly assist in meeting some housing need?

Need for the development

The previous appeal was dismissed due to what the Inspector identified as a lack of proven need in a strategic planning context. The applicant states that the catchment area for a care village is generally within a 10km radius of the site. The previous scheme did not include an analysis of similar proposals or available sites within the south Manchester area.

In response to this, the applicant has submitted a sequential analysis with the proposal, which concludes that there is no other more sustainable, available or feasible sites within the entire catchment search area to accommodate the proposed development. Officers agree with this

assessment, but only on the basis that the proposed elements cannot be disaggregated. This goes to the heart of the consideration of the application. In theory, as the care home would not be providing the on site care to the close care cottages, those elements of the scheme could be disaggregated. The applicant is stating that the geographic proximity of the care home to the rest of the village provides an important continuity and accessibility factor for residents of the cottages who may ultimately require full time care in the proposed care home. It would clearly be preferable if there was a higher level of integration between the care home and the rest of the village but, on balance, the proximity of the care home to the rest of the village is considered to be a valid material consideration.

It is also clear that the strategic planning context has changed considerably since the adoption of the Local Plan in January 2004. The Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012 identifies that the Borough has 3.94 years of housing land supply, as opposed to the 5 year supply required by paragraph 47 of the NPPF, plus a buffer of 5% to improve choice and competition. Adding the 5% buffer provides a deliverable housing supply of 3.75 years within Cheshire East. Whilst the SHLAA is not policy and does not alter existing allocations, it does show that development on certain sites not currently allocated (safeguarded land), or allocated for uses other than residential will be required to meet the required housing supply.

In terms of affordable units, the Strategic Housing Market Assessment (SHMA) 2010 identified that there is a need for 51 new affordable units per year in the Wilmslow & Alderley Edge sub area, including 6 x 1 or 2 bed older persons units. In addition to the information from the SHMA 2010, Cheshire Homechoice is the choice based lettings system used to allocate social housing in Cheshire East. There are currently 289 applicants on the housing register who have indicated they require housing in Handforth or Wilmslow as their first choice, 27 of the applicants indicated they require accommodation for people over 55.

Following the Inspector's view that the previous assessment of need was not robust enough to justify a departure from policy GC7, the applicant has submitted a Needs Assessment. This indicates that there is an ageing population in Cheshire East, a fact that is also reinforced by the 2011 Census figures.

The 2011 Census identifies:

- The percentage of people aged 65 or over in England and Wales is 16.4%
- The percentage of people aged 65 and over in Cheshire East is 25.9% which is 37% higher than the average in England & Wales
- The percentage of persons in England & Wales who live in a Communal Establishment is 0.18%
- The percentage of people in Cheshire East who live in a Communal Establishment is 0.14% which is 23% lower than the average in England & Wales

These figures indicate that there is a higher demand for elderly accommodation in Cheshire East and a lower provision when compared to the rest of England & Wales which does suggest that the proposal will satisfy an unmet need.

The submitted Needs Assessment identifies that there is a strong demand for older persons housing and there is no Continuing Care Retirement Community planned in the identified

catchment area. Whilst the proposed residential care home would not contribute to meeting this affordable and sheltered accommodation demand, the 47 close care cottages and 15 affordable units for over 55s would certainly help to address local housing need in this category.

It should be noted that if the development is deemed to be a *sui generis* use then strictly there is no affordable housing requirement. However, it is recognised that the applicant is offering a provision of 15 cottages as affordable housing on a shared ownership basis sold at 80% of open market value. Although not meeting the requirements of the Affordable Housing Interim Planning Statement, it assists towards meeting some of the housing need within the Borough. Given the nature of the proposals, the ambiguity of the use class, and the level of integration with the care home, it is considered that an element of affordable housing can be justified. The terms set out by the applicant for the affordable properties are therefore accepted in this specific case.

In conclusion, it is considered that the material considerations are sufficient to justify a departure from the development plan, subject to other policy and site planning considerations.

Sustainability

A presumption in favour of sustainable development is set out in paragraph 14 of the Framework which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- specific policies in the Framework indicate development should be restricted.”*

The Inspector noted in her decision in 2010, that the site is a greenfield site and therefore not the first priority for development. However, she also acknowledges that in local plan policy GC7 and the SHLAA that there is recognition that the land is capable of development for housing. The site was also considered to be adequately proximate to Handforth district centre and its transport links, and that it seemed unlikely that the topography of the land would deter residents from walking / travelling on mobility scooters to the local facilities. The site is therefore considered to be in a relatively sustainable location.

Policy EM18 of the Regional Spatial Strategy deals with decentralised and renewable energy supply. In advance of local targets being set through the Cheshire East Local Plan, EM18 requires that all major developments secure at least 10% of their predicted energy requirements from decentralised and renewable or low carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that it is not feasible or viable. The applicant has not demonstrated that this is not feasible and the design and access statement considers the incorporation of such measures. A condition is therefore considered necessary to ensure the requirements of the policy would be met.

The applicant's submission incorporates measures for energy efficiency which are to be welcomed.

In addition to environmental considerations, sustainable development also has a social role. In this regard, paragraph 50 of the NPPF sets out how local planning authorities should *“deliver a wide choice of quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities”*. This includes meeting the needs of different groups in the community (including older people), based on size, type, tenure and range of housing that is required in particular locations. Given the location of the development adjacent to existing residential development, the proposal provides accommodation for this specialist group within an existing community.

Impact on local resources

The comments from Adult Services have been produced in consultation with Handforth Health Centre and the NHS Eastern Cheshire Clinical Commissioning Group (CCG) as the site lies within their practice boundary. They have noted that primary care provision to nursing homes is complex and their current care provision to a 96 bed nursing home requires a GP for one and a half days a week. The requirement to provide similar care to the new care community would reduce the time they have to care for their current patient population. Adult services have stated that there will be additional pressure on both primary and secondary health care services if there is an influx of residents from outside Cheshire East.

At the time of the appeal the issue of strain on local resources was dismissed by the Inspector as there was no evidence to quantify these concerns or what the result of any increased pressure would be. It is acknowledged that the provider of local health care has identified the demand on the local GP's time, and that an increased elderly population migrating from outside of Cheshire East will place further strain on the local medical practice. However, the extent of this pressure is not quantified, and therefore can only be afforded limited weight.

Moreover, the submitted demographic information does show that Cheshire East has a significantly higher than average elderly population, and a lower elderly accommodation provision compared to the rest of England and Wales. Therefore, whilst there is an identified need, it is evidently more acute within Cheshire East.

For these reasons, it is recommended that the occupation of the care village is restricted to existing residents of Cheshire East, as opposed to using the cascade criteria outlined in the applicant's draft operational plan. An appropriate condition is therefore recommended.

Impact on setting of Listed Building

The Western boundary of the site adjoins the grounds of Handforth Hall, a Grade II* listed building.

Policy BE16 of the Local Plan states that development that adversely affects the setting of a listed building will not normally be approved.

The proposal has the substantial care home building positioned on the eastern site of the site, and the less dominant 2-storey dwellings on the western side closest to Handforth Hall. The buildings nearest to the boundary with the Hall would be between 17 and 30 metres away from the boundary. This distance would allow space for a sufficient amount of the existing tree and hedge screening to be retained and supplemented.

Archaeology

In response to suggestions that the site may include a chapel and burial ground of archaeological interest, with historic connections to Handforth Hall, the applicant has commissioned a desk-top report. The Council's archaeological officer agrees with the conclusions of the report that no further work is required.

Impact on residential amenity

The interaction of the proposed development with adjoining residential uses is restricted to the Western end of the site. The rear of the affordable dwellings face towards Handforth Hall, but good boundary screening and sufficient distance will prevent any significant harm to the living conditions of that property. Other properties close to the development include those on Wadsworth Close and Old Hall Crescent. The properties closest to those dwellings would have good boundary screening and would prevent any harmful loss of privacy. The nearest 2 storey cottages to those comply with the guidelines for space, light and privacy set out in policy DC38 of the Local Plan. It is not considered that there would be any harmful impact on living conditions as a result of the proposed development and therefore the proposal would accord with policies DC3 and H13 of the local plan.

Noise

Due to the proximity of the development to the A34 bypass, the impact of noise upon the care home is a key issue in the consideration of this application. There are no regulatory instruments available to control the noise impact of road traffic noise on the proposed residential dwellings post development. Therefore, it is essential that amenity issues are appropriately considered at the planning stage. Statutory noise nuisance does not apply to transportation noise.

The east elevation of the proposed care home would be located approximately 60 metres from the bypass, at a point where traffic is slowing down in advance of the Handforth Dean roundabout. Given the embankment adjacent to the bypass and the distance of approximately 50 metres to the proposed care home, change in ground levels and extensive vegetation, Environmental Health are satisfied that noise levels would be within accepted standards subject to a conditions. This could involve the installation of high specification glazing and ventilation system, and/or alterations to the internal layout of several rooms within the care home. This can be dealt with by condition for a scheme of sound insulation to be approved.

Public Rights of Way

The development would involve the diversion and upgrading of Public Footpath 91 that cuts through the site between Hall Road and Coppice Way. The length of the footpath will be elongated as it has to curve around the north side of the development. However, it is noted that there would be increased natural surveillance from the dwellings within the development. Therefore, personal safety should not be compromised. The concept of upgrading the route to a cycle route is supported, and will require a surface being provided to a width of 3m, dropped kerbs, possible barriers and appropriate signage.

The Countryside Access officer has noted that this public footpath will be a key link for residents and staff of the proposed development to access the nearby facilities. Likewise, a new path within Handforth Community Woodland which lies to the west of the proposed development site would facilitate residents, staff and local residents in accessing the area of

woodland and the areas either side which include employment zones. They suggest contribution towards the project to create this path could be made by the developer. This is considered further below.

Recreation / open space

The proposed development would take approximately 0.34ha of the allocated amenity space (not including the loss proposed as part of the access under separate consideration). On this matter, the Inspector noted:

“that the land is privately owned and the representations do not indicate that public access is proposed in the future. Its value as open space is visual, derived from its open nature. Whilst part of this open land would be lost as a result of the proposed development a section of it would be retained providing a green gap between the relocated footpath and Handforth Hall, thus retaining continuous open land from Coppice way to Hall Lane. The proposal would therefore reduce, slightly the extent of open land but would not compromise its purpose.” She concludes that *“the conflict with policies RT6(10) and NE18 and the loss of informal open space is not on its own sufficient to justify refusal of the proposal on these grounds.”*

Again, due to the use class issues highlighted above, where the proposal sits in terms of its requirements for public open space (POS) is not straightforward. As a development that is essentially residential in nature, it will inevitably have infrastructure requirements similar to a typical housing scheme. The aim of providing POS facilities is to support active lifestyles and sustainable communities for all ages. As the minimum age resident in this development is only 55, there is as much need to consider their needs in terms of access to decent and varied open space opportunities as for any other age bracket. In fact it could be considered more important to provide facilities close to home as mobility and confidence decreases. The benefits of exercise and social integration cannot be underestimated.

As a starting point, if the Supplementary Planning Guidance on Planning Agreements were to be applied as for a sheltered housing scheme, onsite POS of 1240sqm would be required. The communal areas within the site are private areas in lieu of individual private gardens and do not have wider public access. In the absence of onsite POS, a sum of £93,000 would be required. Leisure Services has confirmed that any commuted sum would be used to implement the Handforth Woodland enhancement project which includes upgrades to the footpath through the woodland, which is very close to the application site. This was costed at £76,000 in 2008. Given the specific circumstances and nature of the proposal, it is considered that a reduction to £76,000 would be appropriate.

Highways

A transport statement and a draft framework travel plan have been submitted with the application.

Whilst the site is not adjacent to the public transport network, it is a reasonably sustainable location, being approximately 500m from the bus stop on Station Road, approximately half a mile from the centre of Handforth and adjacent to the Handforth Dean Shopping complex. This is considered to be in accordance with the objectives of policies DC6 and DC57 of the local plan.

The Strategic Highways Manager has commented on the proposal and noted that on the previous application there were no highway objections raised to the development. In considering this particular application they considered whether there had been any material changes on the road network since the previous application. Although, there has been some changes to the nearby retail park, there have not been any large developments that would affect the traffic impact considerations of this proposal.

The access to the cottages and the care home is to be taken off a spine road that possibly could lead to further development in the future. This spine road links to an existing roundabout on Coppice Way. Importantly, there is no vehicular link from Hall Lane to the rear of the site.

With regard to the parking provision for the care home, it provides 16 car parking spaces and the residential development has 100% parking plus 2 visitor spaces. Comparing the parking provision with other similar care uses, the amount of car parking being provided is broadly similar and is not considered to be at such a low level that would cause parking problems. Therefore, as there have been no material changes in circumstances on the highway network, no highway objections are raised, subject to a final travel plan for the site being agreed by LPA and implemented within 6 months of occupation.

The Highways Agency has previously confirmed that the development will have a negligible impact on the trunk road network.

Design and visual impact

As the site is green field, the development clearly has a landscape impact. An area that is currently agricultural / open space land will be occupied by an urban form. The layout has been influenced by the natural and physical constraints of the site, particularly the ponds within the site and the location of Handforth Hall to the west. The more dominant care home building would be located to the north-east corner of the site, away from Handforth Hall, and would be viewed in the landscape against the backdrop of the planted mound along the A34 bypass. Existing mature vegetation would provide good natural screening from the west, north and east vantage points. The most prominent local vantage points from outside the site would be from the south, where the care village will be viewed above the existing mature hedge that forms the southern boundary of the site. The proposed dwellings would respect the scale of existing dwellings in the immediate area. The diverted public footpath would also provide new vantage points looking east across the proposed development, which need to be considered. Whilst the proposal clearly involves a change in landscape, the overall massing and layout of the development is considered to respect the constraints of the site and is sympathetic to adjoining buildings and its surroundings.

The care home building would have a U-shaped footprint, creating its own internal courtyard at the rear, which would create a modest private outdoor space for residents. Criterion 4 of policy DC57 requires appropriate private garden space to be provided in the order of 10sqm per resident. This proposal would provide approximately 15sqm per resident, thereby meeting the objective of providing adequate amenity space. It would be a brick building with timber detailing and render and herringbone brick infill and slate roof. The design has been influenced by details of Handforth Hall, but sited a good distance from the Hall so there is no danger of it competing with or overbearing the Hall.

The proposed close care cottages and affordable dwellings are also of a traditional design with appropriate materials and detailing, providing some variety of materials and design details but maintaining a commonality that adds cohesion to the development.

The proposed community centre has a colonial design influence and provides a focal point for the development. The building has a first floor within the roof space, and its heavier roof form and clock tower are considered to give it an appropriate identity as a communal building.

The development also establishes ponds within the site, and along with the proposed village green, this helps to provide some aesthetically pleasing aspects to the overall layout.

Landscaping and tree protection

Policies DC8 and DC9 of the local plan require schemes to have appropriate landscaping and ensure the retention of trees of amenity value. Policy EM1 of the RSS seeks to avoid damage to landscape assets, enhance biodiversity assets and mitigate any unavoidable loss in resources. The site has no special designation of landscape interest.

None of the trees on the site are formally protected by tree preservation order, but collectively they do provide some landscape and wildlife value. During previous applications there were concerns about the impact of the proposal on the existing hawthorn hedgerow along the southern boundary of the site adjacent to footpath 127. This hedgerow is shown for retention and, as the Inspector noted in her decision, suitable planning conditions would protect the hedgerow during construction and the period beyond. Similarly, tree losses can be adequately mitigated by replacement planting.

Landscape is a reserved matter so there are no landscape details included with the application. If the application is approved a high quality landscape scheme and full hard and soft details must be submitted for approval as a reserved matters application.

Further information will also be required about the future ownership and management arrangements for all open space areas including:

- The amenity open space to the west of the footpath/cycleway,
- The land to the rear of Handforth Hall (newt mitigation area)
- The land either side of the proposed new access road to Coppice Way.
- The bottom of the northern, wooded bunds
- All communal areas within the development

The management regimes for all areas should be set out in a Landscape and Habitat Management Plan (L&HMP). This document should form part of a section 106 agreement if responsibility for landscape management is required in perpetuity rather than for a specified period. The L&HMP must establish who will be responsible for management (e.g. a management company). The document should include the long-term design objectives, management techniques, maintenance schedules and frequency of operations, timescales for the replacement of hard and soft landscape elements and public access issues.

Landscape proposals within the care village should include good quality and varied hard materials and extensive tree and shrub planting to enhance the communal spaces.

The proposed boundary treatments also need some further consideration. Whilst security concerns are acknowledged, the concept of a gated community is not considered to promote mixed and inclusive communities. The proposed boundary railings on Hall Road frontage should ideally be located at the back of the highway footpath rather than set back within the site. The land in front of plots 48 - 53 could then form part of the internal communal open space. Conditions relating to the submission of further boundary details are therefore recommended.

Ecology

The nature conservation officer has commented on the application and notes that the application is supported by an acceptable ecological assessment undertaken by a suitably qualified and experienced ecological consultant.

Habitats

The proposed development site supports neutral grassland and scrub woodland habitats which is of limited local nature conservation value. The loss of these habitats is likely to have only a minor impact on the borough's ecological assets and will be at least partially compensated for through the creation of additional area of terrestrial habitat for newts.

Great Crested Newts

A small population of great crested newts has been recorded breeding at a pond some distance to the south of the proposed development. A second small population is also known to breed at two ornamental ponds within the grounds of Handforth Hall.

In the absence of mitigation the proposed development has been identified as having a moderate adverse impact on the identified great crested newt populations through the loss of terrestrial habitat and the risk of killing/injuring animals during the construction process.

To mitigate the risk of killing/injuring of newts, the applicant is proposing to trap and exclude newts from the footprint of the proposed development in accordance with standard best practice methodologies. The loss of terrestrial habitat will be compensated for through the creation of four new ponds and 0.4ha of terrestrial habitat. In addition, one of the existing ponds will be enhanced to improve its value as a breeding pond for amphibians.

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 two of the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative and (ii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

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 applicant has submitted a sequential analysis which concludes that there would be no realistic alternative sites in the area to provide the kind of care village proposed. It is also clear that there is no alternative way a care village could be provided on this site without having an impact on the GCN habitat. Taking these factors into account it would be reasonable to conclude that there are no satisfactory alternatives.

Overriding public Interest

As the proposal is contributing to a specialist housing / care need for the Borough's ageing population it would also be reasonable to conclude that the proposal is helping to address an important social need.

Mitigation

A comprehensive mitigation scheme has been proposed, which essentially utilises open space land to the west of the application site to improve GCN habitat in this area. The Council's nature conservation officer is satisfied that mitigation/compensation is broadly adequate to maintain and potentially enhance the favourable conservation status of the species.

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

Toads

Toads, a biodiversity action plan species and a material consideration have been recorded on site. The proposed great crested newt mitigation and compensation is also likely to be effective in maintaining the local toad population

Breeding Birds

The site offers suitable habitat for breeding birds, including species listed as Biodiversity Action Plan priorities which are a material consideration. If planning consent is granted, conditions are recommended to safeguard breeding birds and to ensure some additional provision is made for both breeding birds and roosting bats.

Flood Risk

Many objections have been raised regarding potential localised flooding due to a large reduction in soakaway capacity over the site due to the proportion of building footprint and hardstanding across the site. There has also been anecdotal evidence of flooding of the existing footpath and the gardens of Handforth Hall. These comments are acknowledged. However, the site is identified as being in flood zone 1 with a 0.1% risk of annual flooding. The applicant has also submitted a flood risk assessment which states that the drainage

system will be designed using Sustainable Urban Drainage System (SUDS) techniques. The Environment Agency raises no objections to the proposal subject to a surface water drainage scheme being submitted. The proposal is therefore not considered to pose an unacceptable flood risk, and is in accordance with policies DC17 and DC18 of the Local Plan.

HEADS OF TERMS

The applicant has submitted a draft head of terms for a s106 legal agreement. This covers the following:

- Occupation for persons over 55 years
- Cascade provision to ensure the development meets local needs first
- Provision of affordable housing at 80% of market value (with qualifying criteria)
- An operational plan for the close care cottages
- Individual travel plans for the care home and close care cottages.
- Monitoring fees

Further detail and amendments are required following consultation with the Council's Legal Section including:

- No more than 60% of the occupants of the close care cottages and shared ownership / affordable housing to require will be persons who require only low level care as demonstrated through the care assessment, on first occupation.
- Shared ownership scheme for the affordable housing element
- LPA to approve any sales documentation for the close care cottages
- LPA to approve the operational plan for the close care cottages and no variations or amendments to be made to such without the LPA's consent. The operational plan should remain in operation while the development is occupied.
- Mechanism for implementation of operational plan (different operators)
- Timing of the development to ensure the care home and the close care cottages are built out together

The legal agreement will also be required to cover:

- 10 year landscape and habitat management plan including pond design and provision and all European Protected Species mitigation.
- Open space management
- Contribution towards public open space enhancement to implement Handforth Woodland enhancement project (£76,000)

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 proposal would make a contribution towards meeting a housing need within the area for a specific group of people, including some affordable housing, which would help to sustain the existing community and provide a wider choice for the elderly. The justification for the use of this safeguarded land is lack of alternative sites to provide the continuity of care that is provided within the operational plan.

The commuted sum to be paid to the Council to implement the Handforth Woodland enhancement project which includes upgrades to the footpath through the woodland, which will provides opportunities for all parts of the community including the new residents.

The landscape and habitat management plan is required to ensure the proposal provides adequate mitigation and new habitats for protected species which are maintained in perpetuity.

On this basis the requirements of the s106 agreement are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The reason for the previously dismissed appeal: the lack of proven need for the development; has been addressed by the submission of a sequential site assessment and a needs assessment. This identified need is considered to be sufficient to justify a departure from policy GC7 of the Local Plan.

Evidence shows that there is a need to provide suitable accommodation to enable an ageing population within Cheshire East to live full independent lives for as long as possible. It is considered that the proposal would make a valuable contribution towards meeting a specialist housing need for elderly people within the Borough, as well as continuity in their care.

The impact on European Protected Species and other ecological interests has been assessed by the nature conservation officer and is considered to be acceptable. The proposal accords with the relevant local plan policies and national guidance in the Framework. There is also not considered to be any reason, having regard to the Conservation of Habitats and Species Regulations 2010, to withhold planning permission in this case. The proposal also raises no significant visual, highway safety, amenity or flooding issues, and complies with relevant local and national planning policies. Accordingly, a recommendation of approval is made subject to conditions and a s106 legal agreement.

Application for Outline Planning

RECOMMENDATION: Approve subejct to a Section 106 Agreement and the following conditions

1. A07OP - Time limit on outline permission

2. A03OP - Time limit for submission of reserved matters
3. A01OP - Submission of reserved matters
4. A02EX - Submission of samples of building materials
5. A04NC - Details of drainage
6. A22GR - Protection from noise during construction (hours of construction)
7. A23GR - Pile Driving
8. A14TR - Protection of existing hedges
9. A12LS - Details of boundary treatment to be agreed
10. A06NC - Protection for breeding birds
11. A08MC - Lighting details to be approved
12. A19MC - Refuse storage facilities to be approved
13. A01GR - Removal of permitted development rights
14. A04HP - Provision of cycle parking
15. A01MC - Noise insulation to be approved
16. A01AP - Noise insulation to be approved
17. Assessment of traffic noise to be submitted
18. Phase II contaminated land report to be submitted
19. Public footpath to be diverted and upgraded
20. Updated badger survey prior to commencement
21. Provision of decentralised / renewable energy to meet 10% predicted energy requirements
22. Enhancement for breeding birds and roosting bats
23. Development to be carried out in accordance with ecological reports
24. Occupation by Cheshire East residents or those with a local connection to the Borough



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