

Application No: 12/4007N

Location: Manor Way Centre, MANOR WAY, CREWE, CW2 6JS

Proposal: Demolition of existing Building and erection of a 72 bed 2/3 storey care home

Applicant: Peter Evans, Glendun Ltd

Expiry Date: 17-Jan-2013

#### **SUMMARY RECOMMENDATION**

**APPROVE** subject to no objection from the Strategic Highways Manager and the following conditions

#### **MAIN ISSUES**

**Principle of Development**  
**Affordable Housing**  
**Amenity**  
**Design and Built Environment**  
**Drainage and Flood Risk**  
**Highways**

#### **REFERRAL**

The application is referred to planning committee because it is over 1000sq.m in floor area and is therefore a major development. Members may recall that the item was deferred at the last meeting for consideration in the light of a previous appeal decision at Handforth. This is dealt with at the end of the report.

#### **1. SITE DESCRIPTION**

The site is approximately 0.41 ha in area. It is located approximately 2.5km south of Crewe Town Centre in a predominantly residential area. The site comprises a 39 bed former care home, which is currently vacant. The present accommodation is situated on two floors with car parking to the front, side and rear and landscaping / garden areas surrounding. The building has an approximate gross internal floor area of 1,217sq m.

#### **2. DETAILS OF PROPOSAL**

Planning permission is sought for the erection of a care home comprising 72 no. bedrooms. The proposed building would be largely three storeys in height, with some parts two storeys.

The ground, first and second floors would each comprise 24 en-suite bedrooms, two lounges, a dining room / circulation hub and a library. All bedrooms would be en-suite and would provide sufficient turning space for wheelchairs. On the ground floor, the main entrance would be located towards the south of the building nearest to Manor Way. Above this on the first floor would be a kitchen and laundry. There would be no second floor at this part of the building.

One of the lounges, the library and the dining room on the ground floor would provide access through to the outdoor amenity space. A plant room and bin store is proposed to the south east of the site in a separate building. It is anticipated that the proposed nursing home would employ 59 full-time members and 20 part-time members of staff. Employment opportunities would be provided for nurses, nursing workers, domestic, operational and administration staff. The aim would be to source these jobs locally.

### **3. RELEVANT PLANNING HISTORY**

7/07632 Home for Elderly Persons – approved 3 March 1981;  
7/08440 Elderly Persons Home and 2 staff houses – approved 27 November 1981;  
7/19517 Continued use as a residential care home (C2) – approved 8 March 1991.

### **4. PLANNING POLICIES**

#### **National Policy**

National Planning Policy Framework

#### **Local Plan Policy**

##### Built Environment Policies

BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
BE.6 (Development on Potentially Contaminated Land)

##### Housing Policies

RES.2 (Unallocated Housing Sites)  
RES.3 (Housing Densities)  
RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in Policy RES.4)

##### Transport Policies

TRAN.3 (Pedestrians)  
TRAN.5 (Provision for Cyclists)

#### **4. OBSERVATIONS OF CONSULTTEES**

##### **United Utilities**

No objection to the proposal provided that the following conditions are met:-

- The drainage strategy for the proposed development shows a partial design combining on site before communicating with the public sewerage system.

This is not acceptable to UU as this area is now served via a total separate drainage system with independent foul and surface water sewers currently located within Manor Way further to which, any new development should connect accordingly.

- Surface water flows generated from the new development will also need to be limited to a maximum discharge rate of 30 l/s before connecting in to the public surface water sewer.

##### **Environment Agency**

No comments to make on the proposed development.

##### **Adult Services**

- Object to the proposed development.
- There is already 22 care homes in the local area, with a total of 1004 beds which currently (18/02/13) have 93 vacancies (information received from 20 of the care homes). It is therefore a concern that the market for care beds in this area is saturated and should not be further developed.
- Although the demographics show a rise in older people living in Cheshire East the demand for residential/nursing provision is decreasing. The demand at the beginning of the year shows a reduction in numbers from 1,530 in 2008/09 to 1,477 for the same period in 2012/13.
- Additional care beds in this area will put pressure on health and council services for older people including GP and dental services, social care and hospital services

##### **Highways**

##### **The Proposal**

The proposal is for a 72-bedroom care home that will replace the existing 39-bedroom care home.

Access to the development will be as per the existing arrangements.

### **Key Issues**

The following are considered the key issues to be addressed by this development proposal;

1. Achieving a safe and convenient site access strategy.
2. Allowing sufficient parking for the development proposal.
3. Sufficient space for ambulances to service the site.
4. Safe servicing of the site.
5. Ensure that the site can be accessed by sustainable modes of transport.
6. Ensure that any residual traffic impact is minimal.

### **Site Assessment**

#### **Site access**

The site access arrangements are; one to the main body of parking and one to the smaller area of parking. The access arrangements for car/light vehicle use are satisfactory.

#### **Parking**

The proposed level of parking at the development is 26 spaces, with five set aside for disabled users.

The current Cheshire East Council (CEC) parking guidelines are set out in the Crewe and Nantwich Local Plan refer to one parking space per three bedrooms plus one space per resident staff. The TA indicates that there are no resident staff and indicates 60 non-resident staff. Although these figures differ considerably between documents submitted by the Applicant; it has been most recently indicated that there will be 60 staff over three shifts.

Based on this information CEC would normally expect 24 parking spaces and therefore the parking proposals are adequate.

#### **Drop Off/Pick Up Facilities at Care Homes**

We would expect an area to be set aside for ambulances/patient transport vehicles in close proximity to the main entrance to the building. No such provision appears to have been made.

#### **Service Vehicles**

The Design and Access Statement indicates that the type of vehicle required for servicing would be a "small delivery vehicle". Even accepting this statement at face value the need for safe access for refuse vehicles needs to be addressed. It appears that servicing is proposed in the main car park but it is not apparent where service bays are located or how service vehicles will safely manoeuvre within the site.

#### **Sustainability Credentials**

### *Pedestrian accessibility*

There are a number of retail outlets available on Nantwich Road which offer employees shopping and food outlets and offer residents shopping opportunities. The footway network in the vicinity of the site is of sufficient width and in a good state of repair.

### *Cycle accessibility*

The site is within close proximity of Regional Route 74 (Crewe-Nantwich) with links to National Route 451. The site is accessible from nearby residential areas, and areas further afield, by cycle.

### *Public transport*

Public transport within reasonable reach of the development proposal is no better than moderate in terms of coverage and frequency.

Service number 84 is relatively frequent and operates between Crewe, Nantwich, Tarporley and Chester four times an hour during the day and is within about a 500m walk of the site.

Rail services are available from Crewe Railway Station within 1.2km of the site.

The Applicant has indicated sustainable transport targets in the Transport Statement that supports this proposal. The targets are not backed up by any sustainable transport mitigation measures being proposed by the Applicant.

### Traffic Impact

Shift systems will be operated at the site and it is likely that traffic generation in peak hours will be minimal as described within the TA.

It is accepted that the traffic impact of the development will be low and, indeed, the net impact of the 33 additional bedrooms over the extant permission will be even less.

### **Conclusion**

The net traffic impact of this development proposal will be minimal. Proposed parking is in line with current parking policy for such developments. There are unresolved concerns relating to servicing and patient transport provision.

The Strategic Highway Manager recommends **APPROVAL** of this planning application subject to the following condition:

1. Prior to first development the Applicant will provide an amended plan to demonstrate;
  - Provision of a patient pick-up/drop-off point to the satisfaction of the Strategic Highways Manager, and

- Provision of a safe and efficient servicing regime (for refuse lorries) to the satisfaction of the Strategic Highways Manager.

## **Environmental Health**

- Prior to the development commencing, an Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of:
  - Noise and disturbance during the construction phase including piling techniques, hours of operation, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
  - Waste Management: There shall be no burning of materials on site during demolition / construction
  - Dust generation caused by construction activities and proposed mitigation methodology.
- The Environmental Management Plan above shall be implemented and in force during the construction phase of the development.
- Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.
- The site plan submitted as apart of the application details the plant room as being located adjacent to 127 Manor Way, Crewe. Therefore the applicant is required to submit noise details of any equipment that is proposed to be sited within the plant room and the specification of the design of the plant room in order to mitigate against any potential noise.
- The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:
  - The application is for a replacement residential care home property which is a sensitive end use and could be affected by any contamination present.
  - As such, and in accordance with the NPPF, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:
    - Should any adverse ground conditions be encountered during excavation works, all work in that area should cease and this section be contacted for advice.

## **5. VIEWS OF THE PARISH / TOWN COUNCIL**

N/A

## **6. OTHER REPRESENTATIONS**

2 letters of representation have been received making the following points:

### **Design**

- The design of the proposed buildings is not in keeping with the scale, character or appearance of the existing and adjoining property. The existing building, although designed and built as residential accommodation for the elderly is of 2 storey mellow brick construction which is in keeping with the adjoining residential property.
- The proposed development is a flat roofed 3 storey design of unpleasant institutional appearance with a colour scheme out of keeping with the adjoining property.
- The dwellings to the side of, opposite, and immediately to the rear of the site are all 2 storey interwar detached or semi detached houses, and the proposed development is a bland 3 storey design which would be completely out of keeping with almost all of the adjoining houses. The 3 –storey aspect of the development is particularly unsuitable and represents an unnecessary and detrimental impact on the area.
- This 3 storey wing at the rear of the development is proposed to extend right up to the rear boundary of the site which would maximise its impact on the houses at the rear. This constitutes a severe and unnecessary overdevelopment of the site.

### **Privacy / Amenity**

- The 3 storey part of the development, being built right up to the rear boundary would overshadow those properties to the rear and lead to a significant reduction in their privacy.
- A number of trees are to be removed as part of the development which is unnecessary and undesirable, particularly since these trees would help to screen the development from adjoining houses.
- The demolition and building work would cause unnecessary disturbance to residents in close proximity to the site

### **Sustainability**

- It is preferable to bring the old building back into use thereby saving resources and energy

### **Conclusion**

- Overall the development is of very poor design unsuitable scale and severe overdevelopment in terms of height and footprint. It is contrary to numerous policies of the local plan and should be refused.

## 7. APPLICANT'S SUPPORTING INFORMATION:

- Ecological Survey
- Tree Survey Report
- Planning Statement
- Waste management Strategy
- Utilities Sewerage Treatment
- Design and Access Statement

## 8. OFFICER APPRAISAL

### Principle of Development

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site has an established use as a care home, albeit that the current proposal would represent a more intensive use of the site.

Recent government guidance, in particular the Planning for Growth agenda, and the National Planning Policy Framework, all state that Local Planning Authorities should be supportive proposals involving economic development, except where these compromise key sustainability principles.

The NPPF states that, the purpose of planning is to help achieve sustainable development. *"Sustainable means ensuring that better lives for ourselves do not mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world."* There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including, an economic role – contributing to building a strong, responsive and competitive economy, as well as an environmental role – contributing to protecting and enhancing our natural, built and historic environment.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The document states that for decision taking this means, inter alia, approving development proposals that accord with the development plan without delay.

According to paragraph 17, within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. According to the 12 principles planning should, inter alia, proactively drive and support sustainable economic development. The NPPF makes it clear that *"the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future."*

According to paragraphs 19 to 21, *"the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore*



*significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations."*

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it states that, *"the Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.*

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

The proposed development will help to maintain a flexible and responsive supply of land for specialist housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. Furthermore, it must also be acknowledged that according to the applicant the care home proposal would secure and generate 26 jobs full time jobs.

The Council's Adult Services on the grounds of over provision of such facilities within the Borough and concern about impact on health and council services for older people including GP and dental services, social care and hospital services. However, there are no policies within the adopted local plan or the NPPF requiring applicants to demonstrate a need for care facilities before planning permission can be obtained. Therefore, whilst the concerns of the Adult Services team are appreciated, this would not provide sustainable grounds for refusal, given the presumption in favour of sustainable development from the NPPF and the provisions of Sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined *"in accordance with the plan unless material considerations indicate otherwise"*.

Therefore, provided that the proposal does not compromise key sustainable development principles, or conflict with any other adopted Local Plan policies it is in accordance with government policy and therefore should be supported in principle.

### **Affordable Housing**

The proposal is for a close care residential institution falling within Class C2, consequently, there is no affordable housing requirement.

## **Amenity**

The surrounding development comprises semi detached properties to either side and on the opposite side of Manor Way. To the rear lie further similar properties in Salisbury Avenue and a number of mews houses accessed via Salisbury Close.

It is generally regarded that a distance of 21m is sufficient to maintain an adequate standard of privacy and amenity between two opposing principal windows and that a distance of 13m provides adequate separation between a principal elevation and a blank gable.

In this case a distance of over 21m would be achieved between the front elevation of the proposed building and the properties on the opposite side of Manor Way. A similar distance will be achieved between the principal windows in the rear elevations of the proposed building and the properties to the rear. The only exception to this being the separation distance between the principal windows in the rear elevation of no.9 Salisbury Close which will be approximately 20m from the nearest principal window of the proposed development. However, the two windows are not directly opposing, and are located almost at right angles to each other. Therefore this relationship is considered to be acceptable.

Numbers 131 and 127 Manor Way, which stand to either side of the proposed development, both have a number of windows in their side elevations. However, these do not appear to be principal windows. Furthermore, a distance of 19m and 20m will be maintained between the side elevations of these two properties, respectively, and the nearest windows in the side elevations of the proposed building. Consequently, it is not considered that a refusal on privacy or amenity grounds could be sustained.

## **Design and the Built Environment**

Given that this site is previously developed, and was used for a similar type of use previously, the key design issues in relation to this application are:

### ***Mass and scale***

The area is characterised by 2 storey typologies with pitched roofs. The more recent housing scheme to the rear has some 3 storey housing, including to the immediate rear of the site. Whilst much of the building is 3 storey, it steps down toward the front of the site on Manor Way to 2 storey. The footprint of the building sets the 3 storey elements away from the properties either side. But the end elevation sits quite close to the northern boundary.

In design terms this makes for an efficient use of the site whilst in general terms responding to the scale and mass of the surroundings with the transition to 2 storey on the street frontage.

## ***Character***

The character of the scheme is a departure from the traditional form of surrounding housing. However, given the nature of the area it is considered that employing a contemporary architectural form is not unduly harmful architecturally, and if of sufficient quality, it could create a positive contrasting element within the wider area (see recommendations below). This contemporary approach also enables a more efficient use of the site whilst still responding in scale terms to its surroundings. However, as initially proposed the scheme involved a flat roof. It was considered that, notwithstanding the contemporary design, this would create an overly harsh approach, which would appear as a stark and discordant addition to this traditional suburban street scheme. Therefore, an amended plan has been secured including a traditional pitched roof over the whole building.

## ***Materials and detailing***

Originally, 3 principal facing materials were proposed: red brick, bough/brown brick and off white render. It was considered that just a single brick and render provided enough variety, without the third material and this issue has also been addressed through the submission of the amended plans. Red brick and render are materials typical of an inter-war residential area, such as the one in which the building is situated, and are therefore considered to be appropriate to the context.

In respect to detailing, the scheme was generally considered to be acceptable, but it was felt that the front element could be more effectively treated in terms of more glazing on the front tower element, perhaps wrapping around the corner at ground level or continuous glazing up to first floor from ground. This has also been addressed through the amended plans.

Detailing of openings, fenestration and balconies will be important to emphasise quality and create definition within elevations but this can be secured through appropriate conditions.

## ***Landscape and open space quality***

The loss of trees at the site frontage is unfortunate, as this would have helped to integrate the scheme into the street scene. The frontage is a quite dominated by the access and parking and a stronger link for pedestrians between street and doorway should be created. In addition more landscaping could be integrated at the frontage and access reduced in width or repositioned to enable retention of other trees or opportunities for further planting. Whilst the amended plans have gone some way to addressing this issue, any further reduction in car parking space would compromise highways standards.

Elsewhere in the site, more trees could be introduced in the space in the north west of the site and could be supplemented by use of green walling, green screens and possibly a green roof to the 2 storey frontage block and single storey storage area. This can be achieved through the use of the standard landscaping condition. The approach to create varied open space opportunities is positive

The car park needs to be surfaced in a high quality material to stop it being overly dominant in the context of the building and street scene. The quality of the frontage boundary will also be important and details can be obtained via condition.

### ***Sustainable design considerations***

Certain initiatives including exceeding Building Regulations in terms of thermal performance, potential rainwater harvesting and heat pumps to cool the building. This is positive but could more be achieved, such as more tree planting and soft surfaces (green walls, fencing and roofs) and also in terms of renewable/low carbon heat (such as using the heat pumps to assist in heating the building, not just to cool). This could be addressed however, through the standard landscaping and renewable energy conditions.

### **Drainage/Flood Risk**

According to the applicant's submissions, drainage will be to the existing combined foul and surface water system and initial enquiries with United Utilities would indicate that there is sufficient capacity to accommodate the development. The issue of surface water drainage to the proposed development has and will be considered, including the potential for grey water storage as part of the sustainability and renewables target. Capacity for surface water storage will be maintained within the site and foul and surface water will be discharged into existing public sewers at a controlled rate so as to prevent any increased risk of flooding due to surface water runoff or reductions in water quality resulting from contaminants, often present in surface water runoff.

The Environment Agency and United Utilities have considered this information and raised no objection to the application and it is therefore considered that the proposal complies with the relevant local plan policies with respect to flood risk and drainage.

### **Highways**

The main access to the site would be via the existing junctions onto Manor Way.

The application is accompanied by a Transport Statement which draws the following conclusions:

- *That the traffic impact of the proposed development is negligible, and can be readily accommodated on the adjacent network without a material effect on the operation of the adjacent highway network;*
- *That the proposed parking, both vehicular and cycle, will accommodate the predicted demand and as such there would be no impact on local parking supply, but is also set at a level that will not encourage car use*
- *That the volume of movements associated with the site is such that any additional public transport movements could be accommodated by existing bus services as the additional hourly volume would be no more than one or two persons in the peak period; and*

- *That measures to promote cycling and public transport should be included as part of a Travel Plan for the development in order to take advantage of the cycle and public transport facilities that pass by the development.*
- *The transport statement has demonstrated that the development of the proposed site as a larger Care Home than the previous usage would not have any material impact on the surrounding highway network either in terms of additional traffic flows, demand for parking, safety, or impact on public transport costs and is fully supported and consistent with the planning guidelines for the area.*
- *Furthermore the site is ideally placed to promote the use of sustainable transport with good public transport accessibility.*

The Strategic Highways Manager has examined the application and his formal comments were awaited at the time of report preparation. A further update on this matter will be provided to Members prior to their meeting.

### **Trees and Landscaping**

The site of the proposed development is a former residential care home set in landscape grounds comprising areas of lawn, shrub beds and a number of trees with paths and parking provision. The site is generally level although the frontage landscape areas are mounded. There are residential properties adjoining the boundaries to the north, west and east and to the south beyond Manor Way.

The proposed development would remove the majority of the existing trees and landscaped areas. The new layout would provide amenity areas for residents to the north and east of the site, retaining a small number of trees to the north. Proposed planting to the Manor Way frontage is limited to trees in shrub beds adjacent to 127 and 131 Manor Way.

The Council's Landscape Officer has examined the proposals and commented that there is discrepancy in submitted plans with some including land to the rear of 131 Manor Way in the development site. There are also concerns that the development could have a poor relationship to Manor Way with the loss of all the existing trees on the site frontage and the layout providing limited opportunities for planting in this area. There does not appear to be any proposed boundary treatment to the site frontage, although the layout and proposed landscaping of the proposed residents' amenity areas appears reasonable.

In accordance with the guidance contained within *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations* it is considered important that a planning submission provides sufficient information to allow the LPA to determine the impact on existing trees.

The submission in part follows the steps in the BS. The inclusion of a topographical survey, a tree survey, tree categorisation and a plan showing tree retention, removal and protection is welcomed. However, the submission does not provide an Arboricultural Impact Assessment or a summary of any issues to be addressed by an Arboricultural Method Statement including details of special measures which may be required, e.g. for engineering works within tree Root Protection areas.

Of 28 existing trees on the site it appears the proposed layout retains 6 and proposes 15 additional specimens. The retained trees are principally to the north with one on the eastern boundary.

There are concerns that the development would result in the loss of several Grade B trees and makes limited provision for replacement planting on the prominent Manor Way frontage. Whilst trees to the north of the site are not widely prominent, trees on the Manor Way frontage make a contribution to the streetscene. Ideally the better trees would be retained on the frontage.

Details of protective fencing are provided although the plan cites the now superseded BS 5837:2005 and a method statement would be necessary to cover arboricultural supervision and for the construction of an area of hard surfacing within the root protection area of a retained Italian Alder tree to the north of the site.

Following the above concerns over the existing layout, the developer has submitted additional landscaping information and a revised site layout plan. The revised submission provides additional landscaping which is welcomed. The layout also shows some of the existing trees retained on the Manor Way frontage and provided a methodology for special construction works across where the development extends into tree root protection areas. It is questionable whether the frontage trees will all withstand the encroachment in the long term. Retaining walls are proposed in their root protection areas. However, it appears a balance has to be achieved between visual amenity and parking provision.

In the event of approval conditions are recommended in respect of implementation of landscape scheme, adherence to tree protection scheme and Arboricultural Method Statement and planting of replacements for any retained trees which subsequently might be lost as a result of the implementation of the proposals.

## **Ecology**

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

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

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above,

and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

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

In this case a survey has been carried out of the Manor Way Centre to determine the presence/absence of roosting bats. The Council's Nature Conservation Officer has commented that the ecologist that undertook the bat survey is suitably qualified and experienced to undertake work of this type. No evidence of bats was recorded during the survey and the building subject to this application appears to offer few opportunities for roosting bats.

Therefore bats or protected species in general do not present a constraint on the proposed development. However, if planning consent is granted it is recommended that conditions are attached to safeguard breeding birds and to ensure that some additional provision is made for roosting bats and breeding birds.

### **Previous Appeal Decision**

A planning application for the development of a care village comprising 58 bedroom care home (use Class C2); 47 close care cottages (Use Class C3); 15 shared ownership affordable dwellings (Use Class C3); and associated access roads, public open space, landscaping, car parking and ancillary development at Coppice Way, Handforth was refused in August 2009. (Ref: 09/0695M refers ).

A revised outline planning 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 55's; and associated access roads, public open space, landscaping, car parking and ancillary development was also refused in October 2010 (09/3023M refers).

The applications were the subject of a conjoined appeal decision in October 2010 (APP/R0660/A/10/2123053 and APP/R0660/A/10/2123055).

The site was located on "safeguarded land" between the urban limits and the inner boundary of the green belt. In such locations it is intended that countryside policies will apply, with the proviso that should development be allowed it would not prejudice later comprehensive development. Countryside policy GC5 is generally restrictive of development unless it is essential for agriculture, forestry and the like.

The reasoned justification for this policy recognises that the land may be required to meet development needs in the longer term (i.e. well beyond the plan period) and that it should only be allocated within the strategic planning context and following assessment.

This is in contrast to the Manor Way scheme, which is located on a brownfield site within the settlement boundary of Crewe where there is a general presumption in favour of new development.

In respect of the care village proposals the appellant recognised that the developments would be contrary to development plan policy. Consequently, the main issue for both appeals is whether the material considerations are sufficient to outweigh the provisions of policies in the *Macclesfield Borough Local Plan*.

The Appeal turned on whether the need for this type of development was sufficiently great to outweigh the policy presumption against development on this site. The Inspector considered that given the close proximity of the site to South Manchester it was possible that concluded that *"although care needs are assessed by the Council on an authority-wide basis, in reality it is likely that a care facility in this part of Cheshire East would cater for people from south Manchester and vice versa."* He was not convinced that the Appellant's assessment of need had sufficiently considered the availability of facilities in neighbouring Manchester and that as a result *"the situation could develop where there would be a prevalence of one type of care facility in south Manchester complemented by another type in Cheshire East."*

The Inspector concluded that *"the evidence in terms of need does not demonstrate sufficiently that the appeals' sites are the most appropriate for a care village to cater for the elderly in this northern part of Cheshire East. The assessment of need is not robust enough to justify a departure from policy GC7. It does not demonstrate satisfactorily that in the strategic planning context there is a compelling need for development of the site."*

The Manor Way site, however, is located in Crewe which is a significant distance from the adjoining conurbations of both Manchester and Stoke-on-Trent and it is therefore unlikely that facilities in these neighbouring areas could potentially cater for the same demand. Furthermore, the key issue in the Handforth case was whether the need for this type of accommodation was so great to justify a departure from policy or whether that need could be catered for elsewhere in a policy compliant location. In the case of Manor Way, the



scheme is not a departure from policy and therefore does not require the same level of justification. Indeed, it could be argued that the existence of sites, such as Manor Way, where elderly persons accommodation can be located within the Borough, without the need to depart from planning policy, adds to the case for resisting development of safeguarded land in locations such as Handforth to meet the level demand that does exist.

Whilst this decision pre-dates the NPPF, planning permission has recently been refused for a further care home proposal on this site and the reason shares a similar context in respect of the safeguarded land.

A recent report "Housing, Dementia and the Maintenance of Independence" by the Housing Learning & Improvement Network and Association of Directors of Adult Social Services refers to the NPPF and the need for Local Authorities to be aware of social care particularly through the Strategic Housing Market Assessments. This will come through via new Local Plan policies in due course, but they do not exist at this time. Consequently, notwithstanding the concerns of the Adult Services Section of the Council, there are no planning grounds to sustain a refusal along the lines of need in the locality at the present time.

## **8. CONCLUSIONS**

The proposal would result in the re-use of a brownfield site within the settlement boundary and would assist in generating employment and economic growth. The redevelopment of the site would not result in a loss of amenity to existing or future occupiers and the development is considered to be acceptable in design terms. It would not result in any increased risk of flooding or drainage problems or threat to ecology. Whilst the proposal would result in the loss of some existing mature trees on the frontage which is regrettable, there are opportunities within the site for replacement planting, and this issue is not considered to be sufficient to sustain a refusal. Therefore, subject to no objection being raised by the Strategic Highways Manager, and appropriate conditions, it is considered to be in compliance with the relevant local plan policies and the provisions of the NPPF and is recommended accordingly.

## **9. RECOMMENDATION**

**APPROVE** subject to the following conditions:

- 1. Standard 3 year time limit**
- 2. Compliance with approved plans**
- 3. Limit occupancy to over 55 years**
- 4. Submission / approval / implementation of Environmental Management Plan**
- 5. Submission / approval / implementation of lighting details**
- 6. Submission / approval / implementation of acoustic enclosure of equipment with potential to generate noise.**
- 7. Should any adverse ground conditions be encountered during excavation works, all work in that area should cease.**
- 8. Submission / approval / implementation of Detailing of openings, fenestration and balconies**
- 9. Submission and approval of materials including surfacing**

- 10. Provision of 10% renewable energy unless unviable to do so**
- 11. Breeding Bird Survey prior to any work during nesting season.**
- 12. Provision of features for use by Breeding Birds**
- 13. Submission and approval of landscaping**
- 14. implementation of landscape scheme,**
- 15. Adherence to tree protection scheme and Arboricultural Method Statement**
- 16. Planting of replacements for any retained trees which subsequently might be lost as a result of the implementation of the proposals.**
- 17. Submission and approval of cycle parking within scheme**
- 18. Submission and approval of contaminated land mitigation measures**
- 19. Piling hours to be restricted**
- 20. Construction Hours to be restricted**
- 21. Submission and approval of boundary treatment**
- 22. Submission and approval of travel plan**
- 23. Provision of Parking**
- 24. Access works to be carried out prior to first occupation**
- 25. Prior to first development the Applicant will provide an amended plan to demonstrate;**
  - Provision of a patient pick-up/drop-off point to the satisfaction of the Strategic Highways Manager, and**
  - Provision of a safe and efficient servicing regime (for refuse lorries) to the satisfaction of the Strategic Highways Manager.**

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