

Application No: 14/2230M

Location: Land South Of, COPPICE WAY, HANDFORTH, WILMSLOW, CHESHIRE

Proposal: Outline application for a close care retirement village together with associated access road, public open space, landscaping, car parking and ancillary development with landscaping reserved for subsequent approval

Applicant: P.E. Jones (Contractors) Limited

Expiry Date: 26-Sep-2014

SUMMARY

The application is an amendment to the scheme previously allowed at appeal, which now removes the care home and the “affordable” elements. The proposal is very similar in terms of built form to the appeal scheme and is a sustainable form of development. The primary visual function of the open space will be retained in accordance with policy RT6 of the Local Plan. Policy GC7, relating to safeguarded land, was found by the Inspector not to be consistent with the Framework and is therefore out of date. Consequently, in accordance with the presumption in favour of sustainable development, the use of this safeguarded land is acceptable, subject to there being no significant adverse impacts arising from the proposal.

The particular use class of the site will not be C3 (dwellinghouses) due to the level of care that will be provided to all the units. Consequently there is no affordable housing requirement. There is an identified need for the development which is a material consideration of significant weight. The proposal provides 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 planning obligation.

RECOMMENDATION

Approve subject to conditions and a s106 planning obligation

PROPOSAL

This application seeks outline planning permission to erect a close care retirement village. The village will comprise 108 units of accommodation made up of 46 close care cottages and 34 apartments located to the west of the access road and 28 apartments to the east. In addition there will be 6 care bedrooms within the building to the east of the access road. A community centre would also be provided, which will provide a focus for activities on the site, including a restaurant, swimming pool and meeting rooms. The accommodation is aimed at the over 55s.

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

The application is revised scheme to 12/1578M, which was allowed on appeal in May 2013. The main differences to the appeal scheme are the removal of the care home, the deletion of the affordable housing provision and an increase in close care apartments. The built form and layout remains very similar to the previous approval.

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 close care cottages.

SITE DESCRIPTION

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.

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).

12/1627M – New vehicular access with means of access, layout and associated engineering works for consideration, with landscaping reserved for subsequent approval – Refused 16.11.2012, Appeal allowed 30.05.2013

12/1578M - 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 – Refused 16.11.2012, Appeal allowed 30.05.2013

14/3361M - Reserved Matters - Landscaping. New vehicular access with means of access, Layout and associated engineering outline planning 12/1627M – Approved 07.10.2014

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

69-78. Promoting healthy communities

Development Plan

The Development Plan for this area is the 2004 Macclesfield Borough Local Plan, which allocates the majority of the site, under policy GC7, as safeguarded land, and the remainder as open space under policy RT6.

The relevant Saved Policies are:

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 saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG6 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer contributions

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE9 Energy Efficient Development

SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

CO4 Travel plans and transport assessments

Site CS 30: North Cheshire Growth Village

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)

North West Sustainability Checklist

CONSULTATIONS

Highways - No objections subject to travel plan.

Environmental Health - No objections subject to conditions relating to pile foundations, noise mitigation, dust control, floor floating, hours of construction, travel planning and contaminated land.

Housing - No objections.

Public Rights of Way - No objections - affects Public Footpath Wilmslow No. 91. Diversion Order has been confirmed.

Environment Agency (EA) - No objections

Natural England - No objections

Flood Risk Manager - Comments not received at time of report preparation

United Utilities - No objections subject to condition relating to foul and surface waters

Stockport Metropolitan Borough Council – No comments received

Handforth Parish Council - raise the following concerns;

- Application was poorly completed.
- Appeal scheme offered supportive care in a 58 bed care home.
- Proposed application is more akin to a residential housing estate, therefore initial justification for approval has been lost.
- Increase in number of units
- Insufficient parking
- Pressure on existing infrastructure, particularly healthcare
- Increase in noise and light, and associated impact upon wildlife
- No affordable homes

REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and a press advert was placed in the Wilmslow Express.

17 letters of representation have been received objecting to the proposal on the following grounds:

- Footpath and cycle path should be separated by a barrier
- Footpath should be fitted with devices to stop shopping trolleys and motorcycles, litter bins and zebra crossing across Coppice Way
- Footpath should be lit
- Flood risk has been underestimated
- Impact on local services
- Increased traffic
- Need for this development not demonstrated
- Impact upon wildlife
- Trees should be protected
- Density too high
- Impact upon living conditions of neighbours
- Footpath diversion will reduce public safety and impact on disabled access
- Takes land from Green Belt
- Impact on listed building
- Other retirement developments in close proximity
- Loss of open space
- Hours of construction should be limited
- There should not be a barrier along the footpath
- Increased air pollution

- Should be more bungalows
- Inaccurate supporting documents
- Competition from other similar developments
- Hazardous walking conditions to Handforth
- Hall Road should not be used as vehicular access
- Application does not reflect scheme allowed on appeal – no care home and no affordable housing provision, (only 6 close care beds)
- Lack of parking provision

APPRAISAL

The key issues are:

- Loss of safeguarded land (policy GC7)
- Impact upon open space (policy RT6)
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Setting of listed building
- Amenity of neighbouring property
- Highway safety

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.

In the previous appeal on this site the Inspector examined the safeguarded land issue in some detail. In summary he identified that the local plan period ran for 7 years between January 2004 and 2011, that it was (at the time of the appeal) 2 years past the end of this

period (now almost 4 years), and it was therefore well beyond the plan period. He also noted the development pressure on the Green Belt land to the east of the A34, as identified in the emerging local plan documents. The Inspector stated:

"It therefore now appears that planning to protect the integrity of the boundary of the Green Belt in this area is not working. The safeguarded land, rather than providing sequential land release for future development needs, is throttling development. This is leading to the consideration of options where Green Belt land would be removed from the designation and immediately allocated for early development."

As a result, the Inspector concluded that the safeguarding of site, between the settlement and the Green Belt, under policy GC7 has:

"already fulfilled its purpose since its first designation in 1988 and has been overtaken by events...It also appears, in conflict with the National planning Policy Framework, the Green Belt boundaries will need to be altered at the end of the LP period. LP Saved Policy GC7, as it relates to the appeal site, therefore shows little consistency with the Framework and is thus out of date."

Consequently, paragraph 14 of the Framework applies where it states that where relevant policies are out of date planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The land to the west of the footpath and land bounding the site to the north 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.

SOCIAL SUSTAINABILITY

Use class

The application seeks permission for a close 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 *Dwellingshouses*, a mixed use of the two or one of its own (*sui generis*) use. The appeal scheme was identified to be a *sui generis* use. The proposed scheme differs from the appeal scheme in that it no longer includes the care home element. This has been replaced by close care apartments and a care suite comprising 6 care bedrooms.

The use class is relevant in that for a C3 residential scheme there are requirements for affordable housing provision, as well as other financial contributions, such as open space, education, etc. The same requirements do not apply to C2 uses, although some provision for planning obligations may be required to mitigate for the impact of the development.

Appeal decisions suggest that such uses fall within either a C2 use class, or a *sui-generis* use. The applicant considers the proposal to be a C2 use, and it is accepted that Close Care units are generally C2 uses. The provision of care is a fundamental aspect of the proposal and is what distinguishes the development from a standard C3 use. A minimum level of care provision will be a requirement for all the cottages and apartments within the proposed development. It is this obligatory care provision that takes the proposal out of the C3 (dwellinghouses) use class in this case.

A draft operational plan has been submitted and further detail will be addressed within the final operational plan. This 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, it will be necessary 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 care per week. Occupants would then purchase a care package above that level dependent on need. 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.

Need for the development

The first appeals on the site in 2010 were dismissed due to what the Inspector identified as a lack of proven need in a strategic planning context. The need was required to justify a departure from policy GC7 of the local plan. Given that this policy has now been identified as being out of date, the requirement for need to be demonstrated no longer exists. However, in the allowed appeal, the Inspector noted that the current and future need for the proposal is a *"material consideration of significant weight in support of the proposal"*. Whilst the care home has now been removed, there is still an identified need for the accommodation now proposed. Indeed, the Council's Adult Services witness at the public inquiry in 2012, raised no objection to the provision of the close care cottages, and the Inspector noted that the witness *"welcomed them on the basis of need"*.

This positive approach to close care units is also reflected in a number of Cheshire East documents:

Cheshire East Housing Strategy "Moving Forward" (2011-2016)

Chapter 4 of this document addresses the needs of an ageing population, with the headline:

"Older people in Cheshire East will have the opportunity to live in good quality, accessible and adaptable housing with access to support services and advice, enabling them to live independently in later life".

Chapter 6 includes actions for the older population; one of these is to:

"Ensure that we have an adequate supply of suitable extra care housing and hospice facilities for older people".

Draft Cheshire East Supported Housing Strategy (2013)

The emphasis of this strategy seeks accommodation which promotes older people's

independence for as long as possible, including increasing choice of accommodation.

The strategy concludes that there is an over provision of care homes, in the region of 1,000 places above the current identified need. It recommends that Cheshire East should address the oversupply of registered care home places and undersupply of extra care housing and other independent living alternatives: *"The oversupply of registered care and the resulting inward migration of clients from outside Cheshire East poses a considerable challenge..."* (Page 39, paragraph 6.4.1)

Vulnerable and Older Persons Housing Strategy Cheshire East (2014)

This recently published strategy identifies that the proportion of older people in Cheshire East is already above national average, along with this there will be a shortfall of what is defined as Extra Care of 1,063 places by 2030. The strategy does not identify any forthcoming sites for this type of accommodation.

The oversupply of residential and nursing care places is noted within this strategy. Page 5 states:

"For those with escalating needs, the Council will encourage wherever appropriate the transition of older people into specialist supported accommodation, and especially housing that enables them to live independently for as long as possible." Outcome 2 of the strategy states:

"People can receive the support they need in a wide range of specialist, supported accommodation within the Borough".

Cheshire East Extra Care SHMA - Peter Fletcher and ARC4 (2010)

ARC4 who prepared this report on behalf of the Council gave evidence on behalf of the appellant at the public inquiry for the allowed appeal. Their evidence on need was not the subject of cross examination and was accepted as read. This document states that:

"the key question to be asked in defining extra care is 'can the proposed development provide care equivalent to that found in a residential care home if needed?' If the proposed development is able to achieve that 'Home for life' threshold then it could be argued it is extra care in terms of Cheshire strategic objectives".

Cheshire East SHMA 2010

The SHMA identified the statistics for an ageing population of Cheshire East and concluded the following:

"Between 2010 and 2030, the number of households:

- Pensionable age to 74 is forecast to increase by 13,300;*
- 75-84 is forecast to increase by 14,000; and*
- 85 and over is forecast to increase by 11,200."*

Paragraph 4.42 indicates that there is:

"a degree of interest in new forms of older persons' accommodation, for instance older persons' apartments and properties in a retirement/care village. Providing a wider range of older persons' accommodation has the potential to free-up larger family accommodation (although price could still remain a barrier to entry)."

Cheshire East SHMA Update 2013

The SHMA was updated in 2013 and paragraph 6.27 acknowledges that:

“the range of housing options available to older people needs to be diversified, for instance through the development of open market housing marketed at older people, the development of Extra Care accommodation and co-housing.”

It restates the issue of an oversupply of care home beds. It notes that the population is ageing and over the period 2011 to 2030, the number of pensionable age people and above is forecast to increase from 85,500 in 2011 (23.1% of the population) to 124,000 in 2030 (30.2% of the population).

As with the appeal scheme, there is considered to be an identified need for the proposed development, and this is a material consideration of significant weight in support of the proposal.

Affordable Housing

The proposal no longer includes any affordable housing provision. However given the particular use class of the proposal there is not considered to be any policy requirement for it. Whilst there were “15 shared ownership affordable dwellings” included within the previous scheme, there was no policy requirement for them. Furthermore, they did not meet the Council's affordable housing criteria, as they were discounted sale leasehold dwellings and were not to be provided in conjunction with any Registered Social Landlord. They would simply be that bit more affordable than the remainder of the close care units.

This view was also taken by the Inspector during the previous appeal, where he noted that the affordable units *“would not be necessary to make the development acceptable in planning terms. Moreover there is no evidence of policy support for their provision.”* Consequently the Inspector did not take the affordable provision into account in his decision.

Whilst no affordable units of accommodation are provided the scheme will clearly meet the needs of older people within the community. 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.

Recreation / open space

The proposed development would take approximately 0.34ha of the allocated amenity space. On this matter, the Inspector for the 2010 appeals 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.”*

The impact upon the allocated open space within the site has therefore previously been accepted.

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.

During the previous appeal, a commuted sum was agreed and accepted by the Inspector. This 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. £86,000 is the figure that is given within the submitted draft unilateral undertaking, which is considered to be acceptable to mitigate for the impact of the development.

ENVIRONMENTAL SUSTAINABILITY

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 apartment building positioned on the eastern site of the site, and the less dominant 2-storey units 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. This is the same as the previous proposal and no objections have previously been raised in this regard. Similarly, no archaeological issues are raised.

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 some of the cottages 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 existing dwellings 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 development (the apartment building in particular) 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 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 apartment building 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 presence of the existing embankment adjacent to the bypass and the distance of approximately 60 metres to the proposed apartment building, 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.

Air Quality

Environmental Health advises that there is a concern that the cumulative impact of developments in the area may lead to a steady decline in air quality and as such they recommend conditions aimed at encouraging a modal shift to low carbon transport options. This will be addressed by a requirement for a travel plan.

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. There are no proposals for the footpath to be lit. However, it is noted that there would be increased natural surveillance from the close care cottages 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. There is not considered to be a requirement for dustbins, trolley barriers, or a zebra crossing to the footpath arising from the impact of the development.

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.

Accessibility

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.

The topography of Hall Road/Station Road means that there is an incline when travelling west. No doubt this would dissuade some people from walking to the village centre. However, the Inspector noted in 2010 that *"the path was used by local people including the elderly. As a consequence, it seems unlikely that the more mobile residents or those with*

mobility scooters would be deterred from walking/riding to the local facilities along Hall Road/Station Road.” Walking to the nearest facilities is therefore an option for residents.

Accessibility is therefore considered to be in accordance with the objectives of policies DC6 and DC57 of the local plan.

Highways

The access to the cottages and the apartments / care beds is to be taken off a spine road that will continue on to serve an approved housing development to the south of the site. 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.

The changes to the proposals for the care village mean that there will be a slight increase in the predicted levels of traffic movements. However, these will not have a material impact on the local highway network and can be comfortably accommodated at both The Coppice Way and A34 junctions

With regard to the parking provision for the apartment building, it provides 35 car parking spaces for the apartments and the close care beds. The area to the west of the access road provides 91 car parking spaces, plus 4 garage / car port spaces, for the cottages / apartments. The standards in the emerging local plan recommend 0.5 spaces per unit, which would equate to 57 spaces in total, with the remainder being left for staff and visitors. 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, having regard to the level of parking accepted under the extant permission, no highway objections are raised, subject to a final travel plan for the site being submitted.

The Strategic Highways Manager raises no objections to the proposal.

Design and visual impact

As the site is greenfield, 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 is very similar to the approved layout, which 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 apartment 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 density of the development has been raised as a concern in a number of the letters of representation. However, it should be noted that the built form of the units remains almost identical to that previously approved. Whilst the number of apartments increases the total number of close care units, the density is not considered to be so great to have a significantly adverse impact upon the character of the area.

The apartment building would have a U-shaped footprint, creating a courtyard area at the rear, which would provide a modest, but adequate, private outdoor space for residents. Whilst this is a substantial building, in the context of the adjacent retail park, the scale of the building would not be out of character. It would be a predominantly brick building with some render, which are appropriate materials for the area.

The proposed close care cottages and apartments are also of a traditional design providing some variety of materials and design details but maintaining a commonality that adds cohesion to the development.

The proposed community centre 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 open gardens throughout this helps to provide some aesthetically pleasing aspects to the overall layout. The proposal is therefore considered to comply with policies BE1 and DC1 of the Macclesfield Borough Local Plan.

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. 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. A boundary treatment plan does indicate that this hedgerow will be retained, however, the plan is not clear in terms of the extent of the proposed railings. A boundary treatment condition is therefore recommended. 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 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), which was conditioned as part of the allowed appeal. 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.

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 are 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 the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory

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

It is 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 this 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

Bats

Roosting bats are unlikely to be present or affected by the proposed development.

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.

Badgers

An updated badger survey will need to be undertaken prior to the commencement of development, which can be conditioned, as it was with the appeal. If any adverse impacts on badgers are anticipated, mitigation and compensation proposals designed to address these impacts will also be required.

Ponds

Ponds are a UK Biodiversity Action Plan priority habitat and hence a material consideration. The proposed development will result in the loss of an existing pond. This loss would be adequately compensated for through the provision of the new ponds proposed as part of the submitted great crested newt mitigation scheme.

Hedgerows

It appears feasible for the existing hedgerows to be retained on site as part of the proposed development. However, it should be ensured that any losses are compensated for as part of the subsequent landscaping scheme produced for the site.

Woodland

Woodland is a priority habitat and hence a material consideration. The proposed development will result in the loss of a small area of woodland located to the east of the proposed footpath. This loss can be at least partially compensated for through the creation of woodland habitats around the boundaries of the proposed great crested newt mitigation area. The remaining small areas of woodland located to the west of the proposed footpath are retained as part of the landscaping scheme for the development.

Flood Risk

As with the previous applications on this site, several 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, and comments from the Flood Risk Manager are awaited.

It is anticipated that no flood risk objections will be raised subject to a surface water drainage scheme being submitted. This was the approach with the previous applications, and given that the proposed scheme is not substantially different it would be unreasonable to object on these grounds. 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.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Handforth district centre including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. There will also be local employment opportunities arising from the care provision on the site, and in the operation and maintenance of the communal facilities.

RESPONSE TO OBJECTIONS

With regard to the comments received in representation not addressed above, a particular issue that has been raised, as it was on all previous proposals is the impact of the development upon local resources. A letter of representation from Handforth Health Centre has been received which states:

“The area in question is currently outside our practice boundary as it is not residential land. In addition we would raise the issue of ease of accessibility to our practice from Coppice Way.”

Whilst these comments are acknowledged, at the time of the previous appeals in 2010 and 2013 the issue of strain on local resources was dismissed by both Inspectors as there was no evidence to quantify these concerns or what the result of any increased pressure would be. This is still considered to be the case with the current proposal.

S106 HEADS OF TERMS

The applicant has submitted a draft unilateral undertaking which reflects the obligations that were secured with the allowed appeal scheme. A s106 planning obligation will be required to secure the following Heads of Terms:

- Individual travel plans for close care cottages and apartments and care beds
- Travel plan monitoring fee
- Operational plan to be submitted
- Financial contribution of £86,000 towards Handforth Woodland Enhancement Project

CIL Regulations

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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, which would help to sustain the existing community and provide a wider choice for the elderly. The particular use of the site and the associated continuity of care needs clarification through an agreed operational plan.

The implementation and monitoring of the travel plan is necessary in the interests of sustainable development.

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 will provide opportunities for all parts of the community including the new residents.

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.

PLANNING BALANCE

Policy GC7 is not consistent with the Framework and is therefore out of date. Consequently, the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that where relevant policies are out of date planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The application is an amendment to the scheme previously allowed at appeal, which now removes the care home and the “affordable” elements. The built form remains very similar to the appeal scheme.

As the proposal is not classified as use class C3 (dwellinghouses) there is no affordable housing requirement. However, the development will provide suitable accommodation to enable an ageing population within Cheshire East to live full independent lives for as long as possible. It is considered that the proposal would make a valuable contribution towards meeting an identified housing need for elderly people within the Borough, as well as continuity in their care, which is a material consideration of significant weight.

The primary visual function of the open space will be retained in accordance with policy RT6 of the Local Plan, and a further benefit of the proposal is the financial contributions towards the local woodland enhancement project.

The impact on European Protected Species and other ecological interests has been assessed by the nature conservation officer and is acceptable. The proposal accords with the relevant ecology policies in the local plan and national guidance in the Framework. There is not considered to be any reason, having regard to the Conservation of Habitats and Species Regulations 2010, to withhold planning permission in this case. Similarly the impact upon the setting of the listed building is acceptable, as it was under the previous appeals. The proposal also raises no significant visual, highway safety, amenity, design, heritage or flooding issues, and complies with relevant local and national planning policies.

A number of economic benefits will also arise from the development including additional trade for local business and the creation of employment. Accordingly, a recommendation of approval is made subject to conditions and a s106 planning obligation.

The use of a greenfield site is not the first priority for development, and the creation of built form in this area will have an urbanising effect upon the site. However, this is not considered to be sufficient to outweigh the social, economic and environmental benefits identified above in the overall planning balance.

RECOMMENDATION

The application is recommended for approval subject to a s106 planning obligation which secures the heads of terms listed above, and the following conditions.

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

1. A01AP Development in accord with approved plans
2. A32HA Submission of construction method statement
3. A22GR Protection from noise during construction (hours of construction)
4. A23GR Pile Driving
5. Details of landscaping (reserved matters) to be submitted
6. Time limit for reserved matters
7. Time limit (implementation)
8. Samples of materials to be submitted
9. Foul and surface water drainage details to be submitted
10. Boundary treatment details to be submitted
11. Arboricultural method statement to be submitted
12. Retention of hedges
13. Details of external lighting to be submitted
14. Details of refuse facilities to be submitted
15. Assessment report of traffic noise and scheme of sound insulation measures to be submitted
16. Cycle parking facilities to be provided
17. Footpath and cycleway details to be submitted
18. Scheme to secure energy from decentralised and renewable energy sources to be submitted
19. Incorporation of features for roosting bats and breeding birds
20. Great Crested Newt mitigation works to be carried out
21. Additional contaminated land site investigation to be carried out and submitted
22. Updated badger survey to be submitted
23. Breeding birds survey to be submitted
24. Landscape and Habitat Management Plan to be submitted

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