

Application No: 14/5471M

Location: COUNTY OFFICES, CHAPEL LANE, WILMSLOW, SK9 1PU

Proposal: Demolition of the former Council office buildings and associated car parking and erection of an assisted living development (Use Class C2) comprising 67 assisted living apartments integrated with a wide range of wellbeing and support facilities (including a hydrotherapy pool, physiotherapy room, treatment room, gym, library and hobby room, residents lounge, restaurant, guest suite, hair and nail salon, sauna, steam room, and staff accommodation) and care provision tailored to individual resident needs, set in attractive landscaping with associated car parking and construction of additional vehicular access from Alderley Road

Applicant: PegasusLife

Expiry Date: 03-Mar-2015

SUMMARY

The site is identified as a Housing Allocation in the Macclesfield Borough Local Plan. The principle of elderly person's accommodation is therefore considered to be acceptable.

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. Contributions towards off site provision of open space will also be secured, which is a further benefit of the proposal.

Revised plans are awaited that are expected to overcome initial concerns regarding the scale and massing of the proposal, and will clarify the extent of car parking that will be available to serve the development. In addition a method statement will be submitted to outline the tree protection measures during construction. Finally additional bat surveys are awaited as the optimum time of year for surveys is approaching.

A number of economic benefits will also arise from the development including additional trade for local business and the creation of employment. Subject to the satisfactory receipt of this outstanding information, the proposal is a sustainable form of development, and a recommendation of approval is made subject to conditions and a s106 agreement. Final details of the recommendation will be provided as an update.

RECOMMENDATION

Approve subject to conditions and a s106 agreement

PROPOSAL

This application seeks full planning permission to demolish the former Council office buildings and associated car parking and erect an assisted living development comprising 65 assisted living apartments integrated with a wide range of communal and support facilities including a reception/concierge area, restaurant, lounge, library and hobby room, wellbeing facilities including physiotherapy suite, treatment room, hair and nail salon, salt inhalation suite, sauna, steam room, and gym set in attractive landscaping with associated car parking and construction of additional vehicular access from Alderley Road.

SITE DESCRIPTION

The application site comprises 2 former Council office buildings. One is an attractive 3 to 3.5 storey Victorian building and the other is a two-storey flat roof 1960/70s building. The remainder of the site comprises a car park and grassed area with substantial tree cover protected by Tree Preservation Order. The site is allocated for Housing in the Macclesfield Borough Local Plan, and is surrounded by a Predominantly Residential Area.

RELEVANT HISTORY

None relevant

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.

56-68 Requiring good design

Development Plan

The relevant Saved Policies of the Macclesfield Borough Local Plan are:

NE11 Nature conservation;

BE1 Design Guidance;

H2 Environmental Quality in Housing Developments

H4 Housing sites in urban areas

H9 Affordable Housing;

H13 Protecting Residential Areas;

DC1 and DC5 Design;

DC3 Residential Amenity;

DC6 Circulation and Access;

DC8 Landscaping;

DC9 Tree Protection;
DC35, DC36, DC37, DC38 relating to the layout of residential development;
DC40 Children's Play Provision and Amenity Space
T3 Pedestrians;
T4 Access for people with restricted mobility;
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
PG3 Green Belt
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer contributions
SC1 Leisure and Recreation
SC2 Outdoor sports facilities
SC3 Health and Well-being
SC4 Residential Mix
SC5 Affordable Homes
SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
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

CONSULTATIONS

Highways – No objections to access or traffic generation. Clarification required on car parking.

Environmental Health - No objections subject to conditions relating to dust control, piled foundations, floor floating, travel plans and contaminated land.

Environment Agency - No objections subject to conditions relating to contaminated land and groundwater

United Utilities – No objections subject to conditions relating to ground and surface water

Wilmslow Town Council – Broadly in favour of the development but expressed concerns about the aesthetics of this important gateway site in terms the overall height and design quality. Recommend that it should be entrance only from Alderley Road and exit only to Bedells Lane. Medical Centre traffic should also continue to be allowed to use the Bedells Lane exit.

Request that capital receipts from the sale of the site be utilised for public realm improvements in Wilmslow and that S106 agreements be put in place to improve pavement surfaces around the development and along Alderley Road into the Town Centre and also to enhance the pedestrian crossing on Bedells Lane.

REPRESENTATIONS

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

5 letters of representation has been received making the following general comments:

- Definite need for this type of accommodation
- Concern about appearance and height at this important gateway site
- Concern about traffic impact
- Parking restrictions will be necessary on Bedells Lane
- Consideration should be give to re-siting pedestrian crossing on Bedells Lane
- Assurance needed that there is no damage to Chruch's drainage pipe
- No trees should be planted that will cause damage to Church buildings
- Height is unacceptable
- Architecturally bland
- Car parking inadequate
- Entry and exit should be one way
- Site cannot justify more than 4 storeys

1 letter of support has been received noting:

- Allows downsizing for aging population, freeing up family homes
- Short walk to town centre
- Good use of Council site
- Supports NPPF guidelines for accommodation of the elderly

APPRAISAL

The key issues are:

- Impact upon amenity of neighbouring property
- Impact upon nature conservation interests
- Protected trees
- Impact upon character of the area
- Highway safety

ENVIRONMENTAL SUSTAINABILITY

Design / character

Paragraph 56 of the NPPF notes that “the Government attach great importance to the design of the built environment. Good Design is a key aspect of sustainable development, indivisible from good planning”.

Policy BE1 of the local plan requires new development to achieve the following design principles:

- Reflect local character
- Respect form, layout, siting, scale and design of surrounding buildings and their setting
- Contribute to a rich environment and add to the vitality of the area
- Be human in scale and not normally exceed 3 storeys
- Use appropriate facilities

The local area is characterised by a variety of buildings, which are predominantly two or three storeys. There are some larger buildings, such as the Wilmslow Unified Church and a relatively recent four storey building on Chapel Lane, but these are the exception rather than the norm. The buildings generally have a very domestic scale about them, even the four-storey building, which is not a substantial or particularly prominent structure.

The largest buildings along Alderley Road as you approach the town centre are three-storey, with one exception that uses its roof space to provide a fourth floor.

The design and access statement references the predominantly domestic scale of the buildings and points to examples of other buildings that have influenced the design of the proposal. Colshaw Hall, Hawthorne Hall and the existing Remenham building (on the application site) are all buildings with attractive features and detailing, but the extent to which this is carried through to the current proposal is limited.

As originally submitted, the proposed elevations of the five-storey building were rather monotonous, with little variation or depth to any aspect. This was compounded by the sheer scale of the building, which was way beyond the size of anything else in the area. Negotiations with the applicant have since taken place, and the building has gradually been reduced in size, and additional detailing added to the elevations. The key plans provided to members provide the most recent revision, which mainly due to its height, was still considered to be unacceptable. It has however now been agreed that the building will have a similar design but will be reduced to four-storeys, which represents a substantial improvement over the original submission. It is considered that the plot can accommodate a larger building, having regard to the particular location of the site, the higher level of buildings on Chapel Lane and the fairly substantial boundary screening. The building will be visible, but at four storeys, it is expected that the proposal will not be unduly out of keeping with the area. Further details will be provided in an update.

Trees / landscape

The application is supported by an Arboricultural Impact Assessment (AIA) which has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction.

The footprint of the southern elevation facing onto the roundabout broadly follows the existing commercial build line rather than improving the less than desirable existing relationship.

Whilst the usage of the existing building in terms of a commercial entity has been acceptable over the preceding years, a change to residential establishes a requirement to design out problems of social proximity, light attenuation, and apprehension to occupiers of adjacent proposed apartments especially during windy conditions.

The inclusion of a hydrotherapy pool and plant room on the southern elevation of the ground floor in relation to the mature Beech T18, and the adjacent Yews negates the issues in terms of residential setting, but the relationship of the remaining apartments over all four floors is less than desirable mainly on the southern elevation but also the western aspect, especially when taking into consideration the individual balcony orientations of the respective apartments, some of which will be located very close to the distal tips of the adjacent trees, residents will be looking into a green wall. This is also reflected in the tree shadow constraints drawing. At the point of inspection on a relatively clear day in January light attenuation along the southern aspect was moderately poor, this will be further exasperated once the deciduous trees come into leaf. With the build footprint and form as originally submitted it is anticipated that in order to improve the situation for residents the Council will be left in an un-defendable position in terms of receiving applications for inappropriate or unreasonable pruning intervention, or the worst case scenario felling of trees on the southern boundary. The proposal also includes the removal of a protected Yew on the western side of the southern elevation of the building which is not acceptable.

A revised plan has been submitted which moves the building back away from the trees on the southern boundary by approximately 3.6m. This establishes a better relationship in terms of the large mature Beech (T18) and the Yew located to the west which must be retained.

The building still stands within the root protections area (RPA) of T18 as does the eastern corner in the RPA of T14. This raises concern in terms of how construction will be facilitated whilst adequately protecting the trees. Due to the above conflict, protective fencing cannot be erected in accordance with the BS and the respective RPAs. The level changes associated with T18 between the trees stem and the proposed build footprint also adds another dimension and problem. Other than reducing the respective footprints further, a detailed method statement in respect of how works will proceed in these areas without incurring direct or indirect damage will be required prior to the determination of the application, in order to demonstrate that the trees will be adequately protected.

The AIA identifies T18 as a B category tree, however, the arboricultural officer considers that this under values the specimen as it should be classified as an A category specimen. The identified tree protection is also considered to be inadequate even when taking into consideration the existing adjacent building and associated hard standing. Should it be implemented as depicted this will allow access through the trees RPA for both construction traffic and materials. This is reflective of the limited working space associated with this pinch point, and further reinforces the need to re-design this aspect of the project.

The introduction of a bat house into the scheme requires the removal of two trees in order to facilitate the construction. Whilst these stand within G1 of the 1993 TPO none are considered significant in terms of amenity value or screening of the site. Similarly, the trees identified for removal to facilitate the revised point of access are also accepted.

Subject to the receipt of an acceptable method statement to safeguard the trees during construction, and a revised plan show the retention of the Yew tree on the western side of the southern boundary, the proposal will have an acceptable impact upon the trees of amenity value, including those protected by TPO. Further details will be provided in an update.

In landscape terms, the development would retain a large number of the mature protected trees and boundary hedgerows which would provide an attractive wooded setting. The landscape proposals are generally appropriate and acceptable and include nine new semi-mature trees, ornamental shrub beds near to the building and in the car park, grassed areas with bulbs, woodland flora beneath mature trees and additional boundary shrubs and hedges. There may be some scope for further tree planting to mitigate for losses but this has to be balanced against the need for open recreation areas for residents. The scheme could be fully detailed and agreed at the conditions stage.

Ecology

The application is supported by a protected species survey report. The nature conservation officer makes the following comments

Evidence of what is likely to be a maternity colony of a widespread bat species was recorded during the submitted survey. The roost is considered to be of substantial nature conservation value.

In the absence of mitigation the proposed development would pose the risk of killing or injuring any bats present and would result in the loss of the roost. The nature conservation officer advises that the loss of the roost would have a 'High' severity of impact on the local scale and a 'Moderate' impact on the species concerned at the regional scale.

To mitigate for the risk of killing or injuring bats during the construction phase the submitted report recommends to the timing and supervision of the works. The provision of a bat loft area is also proposed to compensate for the loss of the existing roost.

Whilst one bat roost has been identified on site there remains the possibility that the buildings may support roosts of additional bat species. The bat survey report identifies that dusk emergence / pre-dawn re-entry surveys are required to establish the presence/absence of other bat species. A number of trees have also been identified on site that have the potential to support roosting bats. It appears likely that a number of these trees may be lost as a result of the proposed development. The further bat surveys of the site must also therefore include any trees identified as having potential to support roosting bats that would be lost as a result of the proposed development.

The appropriate season for bat surveys is approaching, and therefore the additional surveys are imminent. However, in the event that the required surveys are not provided before the committee meeting it may be necessary to delegate the application back to the Planning and Enforcement Manager. Further details, and an assessment against the tests of the Habitats Regulations will be provided in an update.

Conditions are also recommended to safeguard nesting birds.

Residential Amenity

Local Plan policy DC3 seeks to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property and sensitive uses due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 sets out guidelines for space between buildings.

The closest relationship between the proposed building and neighbouring residential properties appears to be where the western elevation will face existing properties on Bedells Lane, which are three-storey. 42 metres will be retained between these buildings, which meets the recommended distance outlined in policy DC38 of the local plan.

Environmental Health advise that the cumulative impact of a number of developments in the area (regardless of their individual scale) has the potential to significantly increase traffic emissions / change the character of traffic in an area / increase HGV movements / and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions. Consequently, they recommend a condition requiring individual Travel Plans for the site with the aim of promoting alternative / low carbon transport options for staff, and patrons.

No further amenity issues are raised, and overall the proposal is considered to comply with policies Dc3 and DC38 of the local plan.

Highways

The Head of Strategic Infrastructure has provided the following comments:

Site access

The main access to the site will be via a new priority junction with Alderley Road located just north of Cavendish Mews. The existing accesses are also proposed to be retained from Chapel Lane and the exit only access to Bedells Lane.

The design of the proposed access from Alderley Road is acceptable to serve the proposed level of development without causing any capacity problems, and the visibility provided at the junction is acceptable for the vehicle speeds using Alderley Road.

The access through the Health Centre is retained as is the access onto Bedells Lane which is an exit only. A condition will be required for the applicant to submit details of the measures to be installed that will ensure that this access is exit only.

Traffic generation

The existing lawful use of the site is office use, which needs to be taken into account when considering traffic impact of the proposal. The predicted traffic generation for the 65 units has been taken from the Trics database and is between 10-15 trips in the peak hours. The existing use of the site generates more traffic than the current proposal so there will be a net benefit in terms of traffic generation on the road network as a result of the development.

Parking

A final revised site plan is awaited to demonstrate the amount of parking that will be available to serve the development. This will be reported as an update.

Accessibility

The site is located on the edge of Wilmslow town centre, within very easy walking distance to the shops and services within the town centre. The site is therefore considered to be in a very accessible and sustainable location.

Flood Risk

The Flood Risk Manager raises no objections but notes that the site is in a sensitive area with known issues of surface water and Main River so measures will be required to mitigate this risk, particularly due to the 'more vulnerable' classification of the development.

The plans suggest that post-development surface water runoff rates will mimic the pre-development scenario. A condition is recommended to require the submission of detailed proposals for disposal of surface water.

SOCIAL SUSTAINABILITY

Use class

As originally submitted, there was some ambiguity over the use class of the proposed development. The applicants have clarified that they are seeking consent for a C2 use. This use class has the broad headline of residential institutions. Indeed traditional care homes would fall into the C2 use class.

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 so directly 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 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. It has now been confirmed by the applicant that each household will be provided with a package comprising not less than 1.5 hrs per week of care, wellbeing, domestic and support services.

An operational plan has been submitted, however it is considered that further detail is required, particularly around the provision of a minimum level of care, how care needs are assessed, and care packages. In the event the application is approved, it is recommended that an operational plan is secured via a s106 agreement.

Need for the development

The Cheshire East Strategic Housing Market Assessment (SHMA) Update published in September 2013 identifies the increasing need for extra care housing in the Borough as the population ages. Paragraph 6.24 of the SHMA Update 2013 states:

"The proportion of older people is expected to increase over the next few decades. Between 2010 and 2030, the number of households: aged Pensionable age to 74 is forecast to

increase by 13,300; aged 75-84 is forecast to increase by 14,000; aged 85 and over is forecast to increase by 11,200; and an overall increase of people of pensionable age and above of 38,500."

This is supported by information within the Council's emerging Vulnerable and Older People's Housing Strategy which states:

"There is significant need for increased extra care provision in Cheshire East. Utilising the prevalence rates in the Strategic Housing for Older People (SHOP) toolkit, we can determine that Cheshire East will have a shortfall of 1063 extra care places by 2030;"

This indicates that there is an ageing population in Cheshire East, a fact that is also reinforced by the 2011 Census figures.

The 2011 Census identifies:

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

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

Open space

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 expected to be only 60, 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.

In the absence of on site provision, financial contributions will be required towards off site provision. The specific contribution cannot be calculated until the final revised plans have been received. This will be reported as an update.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development would make a limited contribution to this by potentially creating some jobs in construction, economic benefits to the construction industry supply chain, and increased business to local shops and services.

PLANNING BALANCE

The site is identified as a Housing Allocation in the Macclesfield Borough Local Plan. The principle of elderly person's accommodation is therefore considered to be acceptable.

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. Contributions towards off site provision of open space will also be secured, which is a further benefit of the proposal.

Revised plans are awaited that are expected to overcome initial concerns regarding the scale and massing of the proposal, and will clarify the extent of car parking that will be available to serve the development. In addition a method statement will be submitted to outline the tree protection measures during construction. Finally additional bat surveys are awaited as the optimum time of year for surveys is approaching.

A number of economic benefits will also arise from the development including additional trade for local business and the creation of employment. Subject to the satisfactory receipt of this outstanding information, the proposal is a sustainable form of development, and a recommendation of approval is made subject to conditions and a s106 agreement. Final details of the recommendation will be provided as an update.

RECOMMENDATION

The application is recommended for approval.

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02LS - Submission of landscaping scheme
4. A04LS - Landscaping (implementation)
5. A12LS - Landscaping to include details of boundary treatment
6. A16LS - Submission of landscape/woodland management plan
7. A02EX - Submission of samples of building materials
8. Breeding birds survey to be submitted
9. Measures to ensure that Bedells Lane access is exit only to be submitted
10. Surface water drainage details to be submitted

(c) Crown copyright and database rights 2015. Ordnance Survey 100049045, 100049046.

