

Application No: 19/3667C

Location: Alsager court, SANDBACH ROAD NORTH, CHURCH LAWTON, ST7 3RG

Proposal: The demolition of a former care home and the construction of a new care home

Applicant: Malvern Homes Limited Malvern Homes Limi, Malvern Homes Limited

Expiry Date: 07-Aug-2020

SUMMARY

The application site lies entirely within the Church Lawton settlement zone line as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations there is a presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with the other policies of the Development Plan. The proposed development is appropriate to the character of its locality in terms of the principle and the overall design and would not have a detrimental impact upon neighbouring amenity, ecology or trees.

Overall, the proposal development meets the criteria of the relevant policies of the Development Plan and is considered acceptable.

SUMMARY RECOMMENDATION

Approval subject to conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Elizabeth Wardlaw for the following reason;

"Scale, density and design of building is not in keeping with locality.

No access to amenities for staff or residents.

Poor roads and footpaths.

Strong local interest in providing the correct development for the site"

PROPOSAL

Outline planning permission is sought for the demolition of a former care home and the construction of a new care home.

Matters of appearance are reserved for subsequent approval. As such, this proposal seeks to establish the principle of the development and the access, layout, scale and landscaping of the development.

Revised plans have been received during the application process to clarify the proposed levels.

SITE DESCRIPTION

The application site comprises of a former care home (C2 use) known as Alsager Court Care Home, a single-storey development located on the eastern side of Sandbach Road North, within the Lawton Heath End infill boundary as defined by the Congleton Borough Local Plan proposals maps.

The former nursing home, according to the submitted Design and Access Statement, closed in December 2016 due to viability reasons due its small scale. The care home provided for 29 residents. The existing building is single-storey with a gross floor area of approximately 1,154 square metres on a site area of 0.58 hectares.

Although the application site itself is relatively flat, the surrounding land varies in level considerably. In very general terms, the land north of the application site lies at a higher ground level than the application site and land to the south lies at a lower ground level.

RELEVANT HISTORY

Various relating to the existing use and buildings;

17/4529C - Outline application for the demolition of the existing care and the erection of a new 60 bed care home – withdrawn

29351/3 - Change of use from day care (partial) to dining area – Approved 9th September 1997

28958/3 - Covered walkway between two buildings – Approved 18th April 1997

26418/3 - Removal of condition 2 on approval 20675/3 – Approved 26th July 1994

21128/3 - Extension to residential home – Approved 20th June 1989

20675/3 - Amendment of approval 20273/3 to demolition of outbuildings and construction of proprietors bungalow – Approved 14th February 1989

20273/3 - Alteration of existing outbuildings to form proprietors bungalow and retention of 2 residential caravans for temporary period (year) proprietors bungalow – Approved 25th October 1988

18496/3 - Conversion of existing property to form private residential nursing home – Approved 5th May 1987

14206/3 - C/O/U to residential bungalow for elderly gentfolk – Approved 13th July 1982

5958/2 - Conversion of hatchery into a bungalow for domestic use – Approved 15th November 1977

NATIONAL & LOCAL POLICY

National Policy

National Planning Policy Framework
National Planning Practice Guidance

Cheshire East Local Plan Strategy (CELPS) (Adopted)

MP1 – Presumption in favour of Sustainable Development
PG2 – Settlement Hierarchy
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
EG1 – Economic Prosperity
SC3 – Health and Well-Being
SC4 – Residential Mix
SE1 – Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – Landscape
SE5 – Trees, Hedgerows and Woodland
SE6 – Green Infrastructure
SE9 - Renewable and Low Carbon Energy
SE13 – Flood Risk and Water Management

Congleton Borough Local Plan (CBLP) (Saved Policies)

PS6 – Settlements in the Open Countryside and the Green Belt
GR6 - Amenity and Health
GR9 - Accessibility, Servicing and Parking Provision
GR17 - Car Parking
GR20 - Public Utilities

Church Lawton Neighbourhood Plan (Regulation 7 stage – no weight given)

CONSULTATIONS (Summary)

Environmental Health – No objections subject to conditions

United Utilities – No objection subject to conditions

Flood Risk and Drainage - No objection subject to condition

Strategic Highways Officer – No objection subject conditions

Cheshire Brine Subsidence Compensation Board – No objection

Landscape – No objection

Forestry – No objection

VIEWS OF THE PARISH COUNCIL

Church Lawton Parish Council – Summary of Church Lawton Parish Council's response;

- The scale of the building is excessive and is overbearing
- Impact on nearby residential amenity
- Impact on highway safety
- Parking is inadequate
- Light pollution
- Noise pollution

REPRESENTATIONS – 18 letters of representation have been received from 18 nearby dwellings and are summarised below;

- Design of the building, particularly the three storey portion of the building, is out of character with the area
- Scale of the building is excessive
- Increase in traffic movements, impact on highway safety and insufficient parking provision
- Impact on drainage
- Impact on nearby amenity, sunlight and overshadowing
- Noise and disturbance from the proposed use would be significant
- Landscaping and impact on trees
- Pedestrian safety and lack of public transport serving the application site
- Overdevelopment of the site
- On site waste storage is unclear
- Questions raised as to whether or not a new care home is required in this area
- Inaccuracies within submitted information

OFFICER ASSESSMENT

Principal of Development

The application site is situated within the Church Lawton settlement zone line. Church Lawton is identified within policy PG 2 (Settlement Hierarchy) of the CELPS as within the 'other settlements and rural areas' tier where:

"in the interests of sustainable development and the maintenance of local services, growth and investment in the other settlements should be confined to proportionate development at a scale commensurate with the function and character of the settlement and confined to locations well related to the existing built-up extent of the settlement. It may be appropriate for local needs to be met within larger settlements, dependent on location."

It is recognised that, whilst the application site is vacant, the existing use of the application site is a care home (a C2 – residential use) and the surrounding area is predominately residential in character. Within the CELPS, policy PG1 states that over the plan period sufficient land will be provided to accommodate 36,000 new homes between 2010 and 2030. This figure includes C2 uses.

Policy PS6 of the CBLP advises that within the settlements identified in the Open Countryside by an Infill Boundary Line (IBL), which includes Lawtongate & Lawton Heath, where the application site falls, limited development is permitted in accordance with Policy H6 of the CBLP and so long as the development is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with the other policies of the plan (CBLP).

Policy H6 of the CBLP was deleted upon the adoption of the CELPS. As such, in consideration of the principal acceptability of the proposals, an assessment of whether the development is appropriate to the local character in terms of use, intensity, scale and appearance and consideration as to whether the proposal conflicts with the other policies of the CBLP is required.

The application seeks the demolition of an existing care home which comprised of accommodation for persons who require nursing or personal care, and the erection of a larger new care home, comprising of 60 beds. Both the existing and the proposed use fall within the C2 (residential institution) use class. As such, the use is deemed appropriate to the site. It is considered that the proposed development is acceptable in principle subject to compliance with all other relevant policies within the Development Plan.

Design (Layout and Scale)

Policy SE1 (Design) of the CELPS sets out the design criteria for new development and states that development proposals should make a positive contribution to their surroundings.

The proposal is for a single detached care home building with matters of appearance reserved for later approval.

Layout

In terms of layout, the building would sit centrally within the application site. The existing buildings occupy 1154 m² and the new building would occupy 1390 m². It is considered that the site can accommodate this 17% increase in footprint. The front portion of the application site would comprise the parking and access provision. In general terms, the front quarter of the proposed building would be three storey and the rear 3/4s would be two storey.

The submitted layout shows that the building would be inset from the highway (west) by approximately 21 metres, the southern boundary of the site by 14.4 metres, the rear of the plot (east), by approximately 21 metres and the northern part of the plot by approximately 6.2 metres, at the minimum.

Parking is proposed between the principal elevation and the highway. This will also allow for deliveries to be taken away from the site frontage. The remainder of the land within the plot is shown to be either grassed, planted and a footpath created.

The inset of the frontage building within the plot would respect the building line of the closest roadside properties to the north and south respecting the local layout in this regard. The proposed building would be elongated on an east to west axis respecting the elongated shape of the plot. The provision of shared private amenity space to the rear is appropriate.

As a result of the above reasons, the layout of the scheme is considered to be acceptable.

Scale

Levels are a significant consideration for this application. Early in the process details of existing, proposed and slab levels were requested. Levels information was further requested in response to a request by the council's landscape and forestry officer. This information was requested in order to make an effective assessment of various matters including design, particularly scale.

The building would include a three storey (with a maximum height of 12 m) portion at the front of the site, facing Sandbach Road North and then would be reduced to two storey (with a maximum height of 9.3 m) for the remaining, and majority, of the building. The existing building is single storey with varying roof heights (the maximum height is 5.7 m) and it is recognised that the area is characterised by a mix of house types, including two storey dwellings along Cherry Lane Estate, two storey dwellings on Rowan Close and two storey dwellings along Denford Place.

The existing site levels mean that the dwellings on Rowan Close and Denford Place are significantly higher than the application site. When considering Rowan Close, the submitting sectional drawings show that the proposed building will be 1.7 m taller than No. 3, Rowan Close due to the ground levels. When considering the relationship with Denford Place, the two storey element of the proposed building would be 3.2 m lower than the ridge height of No. 9, Denford Place due to the ground levels. When considering the relationship with Cherry Lane Estate, the two storey element of the proposed building would be 1.7 m taller than No.44, Cherry Lane Estate. When considering the three storey element of the proposed building, the ridge height of the proposed building would be 5.0 m taller than No. 52, Cherry Lane Estate.

Given that the levels increase from south to north and the surrounding, existing development being two storey the scale is considered to be acceptable in this location.

The parking will be located at the front of the building and this is the same as the existing parking scenario. The proposed development includes the loss of some of the grassed area of land at the front of the application site and replaced with parking. The proposed landscape plan shows a 4.5 m green 'buffer' along the frontage of the site with tree/hedge planting and landscaped areas on the corners of the application site. Whilst it is recognised that; as a result of the loss of some of the grassed areas at the front of the application site, given the location of the site in the settlement zone line and that a replacement green 'buffer' is proposed along the frontage, the proposed layout is acceptable in these terms.

Amenity

Policy GR6 (Amenity and Health) states that development will be permitted provided that the proposal would not have an unduly detrimental effect on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking.

Supplementary Planning Document 2 (Private Open Space) (the SPD) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. It states that 21.3 metres should be maintained between 2 principal elevations and 13.8 metres should be allowed between a principal and flank elevation.

The closest neighbouring properties to the proposed building would be the occupiers of the dwellings that enclose the site. These include the properties either side of the site frontage, the properties to the south and south-east on Cherry Lane and the properties to the north on Denford Place and Rowan Close.

The rear elevation of the dwelling No.3 Rowan Close would be approximately 16.6 metres away from the side elevation of the front building of the proposed development. This would adhere with the 13.8 metre minimum standard within SPG2 between rear and side elevations as the indicative elevations and floor plans suggest that two openings are proposed at ground level. No.3 Rowan Close is also sited at a higher level than the application site as indicated on the section data provided. As such it would appear as though the proposal would not create any significant concerns in relation to loss of privacy, light or visual intrusion to this side. Any concerns regarding overlooking could be addressed with the inclusion of an obscure glazing condition.

The rear of No.2 Rowan Close would be over 35 metres away from the closest aspect of the proposed care home. This comfortably adheres with the minimum separation distances. For this reason and the higher level to which this neighbouring property sits compared to the application site it is considered that the proposed development would have no significant impact upon this neighbouring property in relation to; privacy, light or visual intrusion.

The rear elevations of the closest properties on Denford Place would be between 17.3 and 22.7 metres away from the side elevations of the proposed building. At this juncture the difference in levels between the site and the closest dwellings off-site is the most extreme. The closest properties on Denford Place are at a significantly higher level. This is indicated on the site sections provided (section B-B).

The relationship between No.9, Denford Place and the development is the closest the proposed development comes to any of the surrounding neighbouring properties. The northern side of the building proposed would be approximately 17.3 m away from the rear elevation of this neighbouring dwelling but it is noted that the section B-B shows the ground level of No. 9 to be the same as the eaves level of the proposed building. As such it is not considered that there would be a significant impact on the amenity afforded to the occupiers of No. 9 as there will not be any overlooking or overbearing impact as a result of the development.

On the side elevation of the dwelling, facing this dwelling, according to the indicative drawings, there would be no windows in the first floor section of the building at this section which would avoid any potential amenity issues for the occupiers of this part of the building.

With regards to No's 7, 5 and 3 Denford Place, the occupiers of these dwellings too, because of the land levels would overlook the site rather than be impacted themselves with regards to the above considerations.

The properties to the rear (east) and much of the south of the site, namely No's 34, 36, 38, 40, 42, 44, 46 and 48 Cherry Lane are positioned between 27 and over 40 metres away from the closest aspects of the proposed care home. Given that the rear portion of the building is to be two storey, this relationship is not considered to be contentious in amenity terms.

No's 50 and 52 Cherry Lane would be the closest properties to the south of the proposed development. The side/rear corner of No. 50 Cherry Lane would be approximately 19 m away from the closest aspect of the development.

The closest part of the proposed development to this neighbouring dwelling would be the southern side elevation of the front block (which is three storey but includes a two storey appendage closest to the shared boundary with No. 52). It is shown on the indicative elevations and floor plans that this side elevation would include no windows. Furthermore, this aspect of the development would be offset from the rear elevation of this neighbour. The directly opposing aspect of the development to the rear elevation of No.50 Cherry Lane would be approximately 18.7 m away from this neighbour's rear elevation. The eaves height of this side elevation would be 5.6 m and it is deemed that this would be sufficiently far enough away from this neighbour not to create any significant concerns with regards to loss of privacy, light or visual intrusion. The rear elevation of No.52 Cherry Lane is off-set from the side elevation of the front block of the proposed development so not to create any direct loss of privacy. Furthermore, as indicated on the indicative plans, there would be no windows in the side elevation facing No. 52.

With regards to the future occupiers of the care home itself, although the proposed outside space is not significant, sufficient shared private amenity space is proposed.

Concerns were originally raised about the loss of privacy for the future occupiers of the care home from the properties to the north of the site, particularly No.9 Denford Place, due to its elevated position compared to the site and the proximity to the development. To address this concern, the applicant has amended the indicative drawings to show that the part of the care home (at first-floor level), directly opposing this neighbouring dwelling would no longer include any sole windows to principal habitable rooms that would directly oppose this neighbouring unit. It is considered that this would overcome this concern. There are no significant concerns about the ground-floor windows of the care home due to the acute angle to which they would be to this dwelling.

The Council's Environmental Health team have advised that they have no objections, subject to a number of conditions.

Although matters of appearance are not sought as part of this application, it is considered that the proposed development is considered acceptable in amenity terms.

Highways and Access

The site is located just north of Alsager and approximately 1.5km north of the town centre. It is accessed from Sandbach Road North and contains a small car park.

The proposal is to demolish the existing 30 bed care home and replace it with a 60 bed development with 29 parking spaces and an amended vehicle access off Sandbach Road North.

Safe and suitable access

To determine the design speed and visibility requirements, a 7 day speed survey has been carried in the vicinity of the site access. This indicated a design speed of approximately 37mph.

It has been proposed to relocate the access slightly to the north away from the bend to the south, to improve the visibility to 55m to the south and 59m to the north. There have also been no recorded accidents at the access over the 5 years previous to the existing development closing. The visibility splays that have been shown on a plan are therefore considered acceptable.

There is no safe pedestrian access available from the site to any destination in the wider area, including to any public transport services, and the development will be a car dominated one. This is not something that would usually be encouraged but this is the reality of the existing care home development and any potential uplift in vehicle or person trips as a result of the extension will be minimal. The lack of footway is therefore not considered to be a reason to withhold planning permission in this instance given the existing lawful use.

Parking

Staff working patterns would be over a number of shifts. There would be a maximum of 17 staff on-site at any given time including nurses, kitchen staff, admin staff, and cleaners.

Taking into consideration the maximum number of staff on site at any one time and the number of bedrooms, the proposal will accord with CEC parking standards.

Network Capacity

The proposal would generate around only 10 vehicle trips during the network peak hours and approximately 15 during the development's peak hour. The net impact of the proposal is even less than this when considering the existing use. The impact upon the local and wider road network would be negligible.

In conclusion, the access and parking proposals are acceptable and no objection is raised subject to conditions relating to a construction management plan and visibility splays.

Landscape

The latest plans and sections propose a line of gabions to the north of the building. The separation from boundary vegetation in this area has not been increased and with proposed vegetation reduction/removal towards the front of the site there may be some loss of screening.

Should the development be deemed acceptable, the structural landscape proposals on plan AC/PAW1C are reasonable. In the event of approval it may therefore be appropriate to condition an overall scheme to encompass the details of hard and soft landscape proposals.

Trees

The submitted AIA indicates that three individual grade C trees, one grade C group and part of a grade C tree group together with one grade B tree would be removed to accommodate the development. One further tree would be removed on grounds of poor condition. The report

indicates no tree pruning would be required to accommodate the development although a possible post development arboricultural management strategy is referenced. Proposals are provided for the protection of retained trees, including hand excavation where works are proposed near tree RPAs.

The grade B Ash tree to be removed is not exceptional. The proposed removal of vegetation in Group G1 on the northern boundary of the site, adjacent to No. 3, Rowan Close would reduce screening and space for replacement planting would be restricted by proposed new stone gabions. The submitted landscape plan shows the retention of the existing vegetation along the shared boundary with No. 3, Rowan Close and it is not considered that the reduction in screening would constitute a reason for refusal in this instance. It is also recognised that, as detailed within this report, the levels change across the site mean that screening on this side of the application site is not a particularly sensitive issue.

It would be necessary to apply a condition to secure strict adherence to the tree protection measures as detailed in the report.

Flood Risk and Drainage

The application site falls within a Flood Risk Zones 1 and does not require the submission of a Flood Risk Assessment (FRA) or sequential test.

The Council's Flood Risk Officer has raised no objections, subject to a condition for the prior submission/approval of a drainage strategy.

As such, subject to the implementation of the proposed conditions by the above consultees, it is considered that the proposed development would adhere with Policies GR20 of the CBLP and Policy SE13 of the CELPS.

Ecology

The Council's Nature Conservation Officer has advised that he has no objections, subject to conditions relating to breeding birds, biodiversity enhancement and landscaping. Subject to these conditions, it is considered that the proposal would adhere to Policy NR2 of the CLPB and Policy SE3 of the CELPS.

CONCLUSION

The proposed development is considered to be acceptable as a matter of principle and is of appropriate scale and design that will not have a detrimental impact on neighbouring amenity, highway safety, protected species or trees and meets the policy criteria of the policies listed within this report.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development plan unless material considerations indicate otherwise. The proposed development, subject to conditions, is deemed to be in general compliance with the Development Plan and it is therefore recommended that Outline planning permission be granted.

RECOMMENDATION

Approve subject to the following conditions

- 1) Standard 3 years**
- 2) Approved plans**
- 3) Materials for submission**
- 4) Boundary treatment pre first occupation**
- 5) Kitchen extraction details pre first occupation**
- 6) Piling**
- 7) Dust Management Plan (DMP)**
- 8) Travel Plan**
- 9) Electric Vehicle Charging**
- 10) Land contamination**
- 11) Verification report**
- 12) Soil importation**
- 13) Unidentified land contamination**
- 14) Drainage**
- 15) Tree protection**
- 16) Construction Management Plan (CMP)**
- 17) Visibility splay**
- 18) Landscape scheme as per application**
- 19) Landscape implementation**
- 20) Breeding birds**
- 21) Biodiversity enhancement**

In order to give proper effect to the Southern Planning Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

