

Application No: 19/3218M

Location: CYPRESS HOUSE, SOUTH ACRE DRIVE, HANDFORTH, SK9 3HN

Proposal: Proposed 45 no. retirement apartments, guest apartment, communal facilities, access, car parking and landscaping

Applicant: Churchill Retirement Living

Expiry Date: 13-Mar-2020

SUMMARY

Handforth is identified as one of the 'Key Service Centres' in Cheshire East where national and local plan policies support sustainable development. The proposal provides 45 dwellings for older persons of an acceptable scale relative to the area and would deliver housing within a highly sustainable location near to the village centre.

The site is brownfield and therefore its redevelopment to provide retirement accommodation in such a highly sustainable location aligns with the general principles of national and local policy. The proposals would provide much needed accommodation and correspondingly, a diverse community taken with surrounding uses. There are benefits derived from ensuring a sustainable future use is secured for such an important and prominent site within Handforth.

The viability of the scheme has been independently assessed and the contribution for affordable housing is acceptable in this case.

In design terms, as amended, this is a well designed scheme which would sit well in the existing surroundings.

The impact on highway safety is considered to be acceptable and the proposal would not materially harm neighbouring residential amenity.

The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology, flood risk, noise and air quality.

The proposal is for sustainable development which would bring environmental, economic and social benefits. The proposal is therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan, the Handforth Neighbourhood Plan and advice contained within the NPPF. The application is therefore recommended for approval subject to conditions and the necessary Section 106 obligation.

RECOMMENDATION: Approve subject to conditions and a s106 agreement

DESCRIPTION OF SITE AND CONTEXT

The site to which the application relates is located off Wilmslow Road, Handforth; the site currently comprises a former care home, which provided 31 bedrooms and has been vacant since 2006.

The site is located within a Predominantly Residential Area, as defined in the Local Plan. There are some existing trees, mainly along the western boundary of the site. A public house and hotel are situated to the south of the site (with associated car parking area), a three-storey apartment block and single-storey community hall to the east of the site and two-storey residential properties to the north and west of the site (mainly terraced and semi-detached).

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of a redundant Nursing Home known as "Cypress House" and the erection of a replacement building comprising 45no. apartments of retirement living housing (use class C3), with associated landscaping and car parking.

RELEVANT HISTORY

16/2614M Demolition of the existing building and construction of new apartment block.
Withdrawn

15/1581M Demolition of redundant Nursing Home known as "Cypress House" and erection
of 13No. 2 bedroom houses and associated highway and landscaping works
Withdrawn

POLICIES

Cheshire East Local Plan Strategy – adopted 27th July 2017

MP1 Presumption in Favour of Sustainable Development
PG1 Overall Development Strategy
PG2 Settlement Boundaries
PG7 Spatial distribution of development
SD1 Sustainable development in Cheshire East
SD2 Sustainable development principles
IN1 Infrastructure
IN2 Developer Contributions
SC1 Leisure and Recreation
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
- SE8 Renewable and Low Carbon Energy
- 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

Appendix C – Parking Standards

Saved Macclesfield Borough Local Plan Policies

- NE11 (Nature conservation interests)
- RT5 (Open Space Standards)
- RT6 (Recreation/Open Space Provision)
- H9 (Occupation of Affordable Housing)
- DC3 (Amenities of residential property)
- DC6 (Circulation and Access)
- DC8 (Landscaping)
- DC9 (Tree protection)
- DC35 (Materials and Finishes)
- DC36 (Road layouts and circulation)
- DC37 (Landscaping in housing developments)
- DC38 (Space, light and Privacy)
- DC41 (Infilling housing or redevelopment)
- DC63 (Contaminated land)

Handforth Neighbourhood Plan

- H1 New housing in Handforth
- H2 Providing Appropriate House Types, Tenures and Sizes to meet Local Needs
- H8 Landscape and Biodiversity
- H9 Trees and Hedgerows
- H11 Encouraging High Quality Design
- H12 Surface water management
- H16 Congestion and Highway Safety
- H18 Promoting sustainable transport

Other Material Considerations

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- The Cheshire East Borough Design Guide (2017)
- Cheshire East Parking Standards - Guidance Note

National Policy:

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

Of particular relevance are Chapters 2, 4, 5, 6, 8, 9, 11, 12, 15.

CONSULTATIONS (External to Planning)

Head of Strategic Infrastructure - No objections subject to condition

Environmental Health - No objections subject to conditions and informatives relating to electric vehicle infrastructure, travel planning, noise mitigation, use of low emission boilers, construction environmental management plan, dust control and contaminated land.

United Utilities - No objections, subject to foul and surface water drainage being connected on separate systems, the submission of a surface water drainage scheme and a sustainable drainage management plan.

Strategic Housing Manager - No objection subject to the contribution for affordable housing

Education - No contributions required

Lead Local Flood Authority - No objections subject to condition

ANSA - A contribution would be required for Public Open Space and for Recreation and Outdoor Sport.

Environment Agency - No objection subject to a condition relating to foul and surface water drainage

Manchester Airport – No objections

NHS East Cheshire CCG – No comments received

Handforth Parish Council: *“The Parish Council strongly recommend refusal of the application on the following grounds:*

The affordability and viability documents have been heavily redacted and consider this unjustified and do not have the full information to make informed consideration as to whether the applicant can reduce the affordable scope from the Cheshire East target of 30% down to 17%. The environment agency has raised a considerable objection relating to the drainage of the site and the Parish Council feel that the case officer should review this very carefully. The Parish Council also note that S106 contributions have yet to be determined and should be put towards local infrastructure such as health services, local schools, public realm, public transport investment and creation of off street car parking. The Parish Council also note that they consider this an overdevelopment of the site; and one that is not in keeping with the area. There is a lack of parking provision in this area and the development will only serve to exacerbate the problem. There are also objections from multiple neighbouring properties which have yet to be fully addressed.”

Following re-consultation of the amended plans similar comments were received from the Parish Council.

OTHER REPRESENTATIONS

Representations have been received from 29 addresses over two periods of consultation objecting to this application on the following grounds:

- Parking provision is insufficient – the surrounding roads already suffer from a lack of spaces.
- The additional traffic generation will be dangerous.
- Out of scale to the area, overdevelopment
- Loss of privacy and loss of light to occupants of South Acre Drive
- The character of the area is two storey in this locality
- The development does not proposed sufficient amenity space for the residents
- S106 contributions should incorporate the entire amount required.
- The site is an eye-sore and can attract anti-social behaviour, making some feel vulnerable as they walk past.
- The proposed development makes efficient use of an accessible brownfield site and my making best use of such sites, relieves pressure to develop on the areas open spaces.
- New houses near local amenities
- This assists the elderly in their later years and may make the Handforth area more available for family housing in the existing housing infrastructure
- The vacant buildings credit should not be used as the existing building has been vacant and neglected for so long.

OFFICER APPRAISAL

Principle of Development

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”. The National Planning Policy Framework reinforces a ‘presumption in favour of sustainable development’ and states that decisions that accord with an up to date development plan should be approved without delay.

Handforth is identified as one of the ‘Key Service Centres’ in Cheshire East where CELPS Policy PG 2 states that *“development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability.”*

Within paragraph 11 of the Framework and CELPS Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (social, economic and environmental) and compliance with the Development Plan in accordance with Sec.38 (6). The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means: “approving development proposals that accord with an up to date development plan without delay”

In this case, the provision of 45 no. C3 units would be of an acceptable scale relative to the key service centre of Handforth and would deliver accommodation within a highly sustainable

location close to the centre of Handforth with excellent transport links. The site is brownfield in nature and therefore its redevelopment to provide residential units in such a highly sustainable location aligns with the general principles of national and local policy.

Having regard to the above, the general principle of the development is found to be acceptable.

The Council can now demonstrate a 5 year housing land supply and therefore the relevant policies concerning the supply of housing should be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged. It is important to note that this site will deliver 45 properties for older persons within a key service centre. Proposals like this that bring forward development of such sites make a valuable contribution to maintaining a 5 year housing land supply and preventing inappropriate unplanned development elsewhere.

Affordable Housing

The Cheshire East Local Plan (CELP) states in settlements with a population of 3,000 or more, the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all such sites will be a minimum of 30%. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

The justification to policy SC 5 explains that "The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year" This is for the whole Borough of Cheshire East. HNP policy H2 also states that Developments of 15 or more dwellings will be required to provide at least 30% affordable housing.

This is a proposed development of a total of 45 units for Retirement Living Housing (Use Class C3), which is market housing and would trigger the requirement for affordable housing as well as other infrastructure requirements. In order to meet the Council's Policy on Affordable Housing, there would normally be a requirement for 14 of the dwellings to be provided as affordable dwellings. This would comprise of 9 as rented units and 5 as intermediate tenure.

However, the NPPG provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

In this case, the floorspace of the existing buildings is 1,754sqm and the proposed floorspace is 3,779sqm, an increase of 2,025sqm or 54% of the total proposed floorspace. To put that as numbers of dwellings - 54% of 45 dwellings is 25 dwellings. Therefore, the affordable housing contribution can therefore only be sought from 25 dwellings. 30% of 25 is 8 dwellings, which would be the requirement for this site. This equates to 17.8% of the total

number of dwellings. The vacant building credit applies where the building has not been abandoned, a concept which is considered further below.

The current number of those on the Cheshire Homechoice waiting list with Handforth as their first choice is 267. This can be broken down to 129 x 1 bedroom, 81 x 2 bedroom, 34 x 3 bedroom, 12 x 4 bedroom and 11 x 5 bedroom dwellings.

The waiting list also shows a requirement for 21 x 1 bedroom and 3 x 2 bedroom Older Person dwellings. These dwellings can be via flats, cottage style flats, bungalows and lifetime adaptable homes.

Policy SC5 of the CELPS requires affordable housing to be provided on-site, however, in exceptional circumstances, where it can be proven that on-site delivery is not possible, as a first alternative, off-site provision of affordable housing will be accepted; as a second alternative a financial contribution may be accepted, where justified, in lieu of on-site provision.

Given the characteristics and nature of sheltered retirement housing the applicant has stated that it is not practical or feasible to include an element of on site affordable housing within the proposed development. This view is shared by officers. By reason of the communal nature of the shared facilities within the development together with the management arrangement for providing a concierge/house manager, careline and services covering regular maintenance of the building, access, parking and communal landscaped gardens, Registered Housing Providers are generally unable or unwilling to meet these charges.

A mixed tenure development cannot accommodate, either physically or economically, facilities such as separate entrances, parking, facilities, amenity areas and staffing and management regimes in a single development; unless the site is sufficiently large and suitably configured. This site extends to just 0.30 hectares and as such it is considered that it is not possible to facilitate on site provision while ensuring separate management regimes.

Therefore, given that the applicant has no further land interests within the Council's administrative area and is therefore not in a position to offer units in lieu of on-site provision on an alternative site, it is proposed to secure a financial contribution towards affordable housing in lieu of on site provision.

CELPS Policy SC 5 recognises that some developments may not be able to afford the full cost of affordable provision and in that regard the applicant has submitted a viability assessment to demonstrate that the development has a finite sum that can go towards s106 planning obligations including affordable housing.

Abandonment

Abandonment is a legal concept which has been used by the courts to describe circumstances in which rights to resume a use which has been lawfully carried on in the past may be lost because of the cessation of that particular use. Abandonment may occur where a use has ceased due to leaving premises vacant for a considerable period or by allowing the building on which the use relies to deteriorate to the extent that re-use would involve what would be tantamount to rebuilding. The walls and roof of the building appear to be in reasonable condition.

The courts have held that there are four factors to be taken into account when considering whether abandonment has occurred. These relate to the period of non-use, the physical condition of the property, any intervening use, and the owner's intention. These matters are considered below;

Test 1: Physical condition of property – No structural survey has been provided, however as mentioned above the building appears to be generally in a good condition.

Test 2: Period of non-use – The planning agent has advised that the site has been vacant since 2006. Within this time period a number of applications have been submitted.

Test 3: Intervening use? – There is no planning history to suggest that there has been any intervening use. The planning agent has confirmed this.

Test 4: Owner's intention – Various applicants have submitted planning applications with the apparent intention to replacement accommodation on this site.

Given these circumstances it is not considered that abandonment applies in this case.

Viability

The submitted viability appraisal states that the development would be unviable insofar as it would not yield a sufficient gross development value (GDV) attractive enough for a developer to bring the site forward. This has been independently appraised by a consultant instructed by the Council. The applicant states that the site is subject to a number of criteria that limit the value of the development, including:

- The proposal is for specialist retirement accommodation which is in a single phase - no ability to phase or stop/start – once started each flatted development has to be completed before occupation by the older person's community.
- Significant capital outlay: land purchase; planning permission; construction of the entire development before revenue receipt / any return on investment.
- Added to significant capital outlay is the period of time the capital is employed, i.e. longer cash-flow profile over the land purchase, planning permission, construction and sales period than general market housing.
- Premium sales values are expected above the general needs housing market thus adding risk because of the requirement to accommodate:
- Added specification for specialist form of housing
- Added levels of building and site security, including intruder alarm systems and emergency assistance alarm/help-line available to each unit.
- Restricted Market – over 55's age as opposed to general needs market housing available to all-comers.
- No Help-to-Buy, i.e. No financial market support/intervention
- Retirement Housing Sector Developers and their Shareholders & Lenders require adequate financial returns to carry the typical higher capital outlay and timing risks associated with specialist retirement housing.
- Uncertainties in housing market due to pandemic.

In terms of ensuring viability and deliverability the NPPF (paragraph 57) states that;

'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'

The Planning Practice Guidance (PPG) says that decisions must be underpinned by an understanding of viability; ensuring realistic decisions are made to support development.

The Council's independent advisor has concluded that the scheme will not be able to deliver the full affordable housing and / or other commuted sum payments whilst remaining a viable development opportunity.

The Gross Development Value ("GDV") of the overall scheme is in the region of £11 million. National Planning Practice Guidance advises that a minimum profit level of between 15-20% of GDV is the industry accepted standard which reflects the minimum enhancement a developer would reasonably expect to achieve in order to bring a site forward for this type of development. In this case, the developer is assuming 20% of GDV. This is at the upper end of the range and given the high level of demand for such accommodation it could be argued that the associated level of risk to the developer could justify a reduced rate. However, the Council's independent advisor has concluded 20% level is reasonable in the current climate of market instability and noting the large initial financial outlay that this project involves before receiving any income from sales.

It has been calculated that the development would generate a surplus in the viability calculations of approximately £292,050 toward planning obligations. Based on the viability assessment undertaken it is considered that is acceptable in principle and there could be no basis for seeking any further contributions. Officers will seek to include an overage clause within the s106 to enable a clawback of contributions should the scheme prove to be more viable than currently projected.

In this case, owing to the nature of the accommodation for older persons, any affordable housing would be secured by way of commuted sum rather than delivered on site. The Council's Housing Strategy & Needs Manager considers the proposed contribution to be acceptable.

Of the £292,050 that is available for planning obligations, it is recommended that £200,000 is put towards affordable housing. On this basis the proposal will comply with policy Sc5 of the CELPS.

Residential Mix

Local Plan Policy SC 4 identifies the need for housing developments to offer a mix of housing types, size and tenures to accommodate the specific requirements of the demographic. Reference is made to the need for development proposals to accommodate units specifically

designed for the elderly and people who require specialist accommodation. This scheme primarily offers accommodation for the elderly in the form of the 45no. retirement living one and two bed apartments, which would contribute towards creating a mixed, balanced and inclusive community, when combined with the existing residential development in the area. HNP policy H2 states that schemes are strongly encouraged to include a suitable proportion of affordable housing, housing designed for the ageing population. The proposal is fully in line with objectives of the policy to meet the needs arising from the increasing longevity of the Borough's older residents. The proposal is therefore considered to comply with Local Plan Policy SC 4.

Public Open Space

Policies RT5 and DC40 of the MBLP set out the amenity open space requirements for housing development (per dwelling). The retirement living housing element of the scheme would place a greater burden on open space and recreational facilities in the area and accordingly, the applicants would normally be expected to make a financial contribution towards the Borough Council's sports, recreational and open space facilities in lieu of on-site provision.

Policy SE6 of the Cheshire East Local Plan requires 65 square metres per dwelling for the provision of public open space (POS) and recreation / outdoor sport (ROS) facilities. It appears that this cannot be provided on site and therefore financial contributions will be required for off site provision in line with policy SE6 of the Cheshire East Local Plan.

In lieu of onsite provision of POS, a com sum for offsite provision will be required at a rate of £1,500 per bed space. This would be used to make POS improvements, additions and enhancements at Meriton Road Park, the town centre park in Handforth 580m away from the site, and at Arthur Boon open space on the corner of Dean Drive and Wilmslow Road 500m away from the site. Both are easily accessible. An ROS contribution of £500 per two + bed plus apartment to be used in line with the Council's playing pitch strategy.

The required contributions sought for 30 one bed apartments and 15 two bed apartments would therefore be as follows:

- Public Open space contribution of £90,000
- Recreation & outdoor sports contributions of £7,500

Due to the viability issues raised above, these contributions are considered further in the planning balance section below.

Education

The retirement living housing would not place any greater burden on local education provision given the type of accommodation proposed. The units are not 'family dwellings' owing to their size (i.e. maximum of 2 bed) and owing to the occupation by older residents. Accordingly, the scheme would not trigger a requirement for commuted sums towards education provision.

Design and Impact on Character of the Area

Between them, the NPPF and Local Plan Policies SD1, SD2, SC4, SC5, SE1, SE4 and C01 from the CELPS and DC8, DC35, DC36 and DC37 of the MBLP and H11 of the HNP seek that all development should be: locally distinctive; high quality; sustainable; well-designed and

durable responding to the heights, scale, form and grouping, materials, massing, green infrastructure and relationship to existing built form in the immediate as well as wider areas.

Following discussions between the applicant and the Council's Design Officer, the scheme has been the subject of a number of revisions. The proposal replaces Cypress house, a two storey building that is set back from Wilmslow Road. The proposal is an L shaped building of three storeys. The massing is broken down by the use of different materials and series of bays with gables which are designed to replicate a series of town houses on the South Acre Drive elevation. This reflects the design of the building on the corner of Sagars Road and Wilmslow Road nearby. Elevations fronting onto South Acre Drive/Wilmslow Road display front doors which give the presentation of an active frontage and provide a more traditional road frontage with activity.

In order to reduce the height and scale of the building the third storey has been incorporated into the roof, so while the building comprises three storeys it appears more as two and a half storeys.

The plot is situated in a prominent position on entry and exit to Handforth Village and the corner of the building between South Acre Drive and Wilmslow Road attempts to create a 'gateway' feature to the development with a taller element comprising gable features facing onto South Acre Drive and Wilmslow Road. The elevation facing onto Wilmslow Road aims to replicate a pair of semi-detached dwellings in order to complement the existing development along Wilmslow Road. Gabled buildings are prevalent in the immediate area.

There are more modern buildings of similar height within the vicinity, but the majority of the adjacent buildings are two-storey particularly along Wilmslow Road. The three storey scale has been reduced by incorporating the third storey within the roofspace which enables the proposal to sit well within the context of the site.

While the development would cover most of the site, the variation in roofs, materials and the quality design help the development integrate well into the site.

The site is predominantly shielded by a mature green boundary of off site trees which shield views of the site when approaching from the south. This would be strengthened by additional planting to this elevation.

It is considered that the improvements satisfy previous concerns relating to massing, elevational design and the referencing of locally distinctive design and scale, in accordance with the policies listed above.

Landscape

The proposed building would cover most of the site with only limited space left for soft landscaping. Some concern has been raised by the Council's Landscape Officer regarding the low proportion of soft ground retained on the site, the lack of mitigation for loss of vegetation, insufficient information regarding topography, soils, surfaces, vegetation and boundary treatments, and the visual impact of the building.

Whilst these comments are acknowledged, matters of topography, soils, surfaces, vegetation and boundary treatments can be dealt with by condition.

Furthermore, the site is located close to the village centre in a built up area. The existing site contains a wide expanse of hardstanding to the front of the site with minimal landscaping. The properties along Wilmslow Road mainly consist of rear of pavement terraced properties with no landscaping, and the adjacent property to the south (The Bulls Head) is dominated by hardstanding adjacent to the road, again with minimal landscaping within the site.

Whilst the proposed building does cover most of the site there would still be scope for an appropriate landscaping scheme to help soften the appearance of the development, along with the existing mature tree cover along the southern boundary of the site. It is considered that this would be appropriate for the location and a condition requiring a landscape scheme to be submitted would ensure appropriate treatment to boundaries and external areas.

Amenity

Saved Macclesfield Borough local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearby residential properties through a loss of light, overbearing effect or loss of sunlight/daylight with guidance on space distances between buildings contained in saved policy DC38 of the Macclesfield Borough Local Plan and guidance within the Cheshire East Design Guide.

The objections relating to the impact upon the living conditions of neighbours have been carefully considered. Numbers 1-4 South Acre Drive are positioned to the north of the development and are positioned at a higher level than the application site. The proposed development along South Acre Drive would roughly follow the building line of the existing care home which is positioned approximately 21m from the front elevations of 1-4 South Acre Drive. Policy DC38 states that buildings should provide a distance of 21m front to front for two storey developments and 28m for three storey developments.

The existing windows facing South Acre Drive are large gable windows and the proposed building would be relatively low for a three storey building with low eaves in line with a two storey building. The corner apartment facing onto number 1 South Acre Drive contains a secondary window at 2nd floor serving a living room. If a condition was included to obscurely glaze this window bearing in mind the relatively low height of the proposed building, the increase in land level of number 1 together with the existing relationship it is considered that the impact on this property would be within acceptable limits.

Number 37 Wilmslow Road would be positioned over 20m from the nearest point of the proposed building and would be offset to the south. With this in mind the impact of the proposal on this property is considered to be acceptable.

To the rear the distance between the 3 storey apartment block and the nearest point of the proposed building would measure approx. 17m. The habitable rooms would be off set from the habitable rooms on the existing development and so the impact on this building is considered to be acceptable.

Accordingly, the proposal is not considered to result in any significant harm to the living conditions of neighbouring properties, in accordance with policy DC3 of the MBLP.

Noise

In support of the application, the applicant has submitted an acoustic report by Clarke Saunders Acoustics, 25 June 2019, AS11139.190607.ra (Stage 1)| 25/06/19. At section 6.2, it is stated that this is a stage 1 Risk Assessment, identifying the development area as low to high risk in terms of noise impact. Noise mitigation measures have not been identified in this report and in order to ensure that future occupants of the development do not suffer a substantial loss of amenity due to noise (particularly transport related noise) a condition is recommended for a noise impact assessment and any appropriate mitigation to be submitted.

Highways

The existing access points are to be stopped up and a new access created to the eastern edge of the site. It has been noted from a site visit that on street parking takes place along South Acre Drive.

The proposed level of parking was initially significantly below the adopted parking standards for this type of development and this shortfall was acknowledged by the applicant. Appendix C of the CELPS recommends that one space should be provided for one bedroom properties and two spaces for two bedroom properties, which would equate to a requirement of 60 spaces. However for sheltered accommodation (shown as a C2 use in Appendix C of the CELPS), the parking requirement is 0.5 per unit and 1 per 3 units (for visitors), which would equate to a requirement of 38 spaces, as there are no staff.

Amended plans have been received showing 23 parking spaces (including 2 visitor spaces) which, albeit still below CEC parking standards, it is considered that the level of parking at 0.5 spaces per unit is acceptable given its sustainable location with good access to facilities and local parking facilities. In addition, likely demand has been compared against active Churchill development's parking ratios at other, geographically similar, locations. The applicant has submitted details of parking assessments carried out at active properties over 12 hour periods, which suggest parking at lower levels than that proposed in the current application satisfies demand at these similar sites.

Other approved Churchill developments in Bridgenorth, Shropshire and Ashbourne, Derbyshire have been analysed and it is noted the parking provision is less generous than that being proposed at approximately 0.35 spaces per apartment against 0.5 spaces at the Handforth site. The Handforth site also provides 2no. spaces dedicated for visitors to the facility.

The Strategic Infrastructure Manage also raises no objections to the proposal. Accordingly, given this information, the proposed level of parking is considered sufficient to serve this development and unlikely to cause a detrimental impact on the surrounding highway network.

Arboriculture and Forestry

Following the receipt of amended plans that have addressed previous concerns, updated comments from the Council's Arboricultural Officer are required and will be reported as an update, together with the wider arboricultural impacts of the proposal.

Nature Conservation

Policy SE3 of the CELPS and H8 of the HNP require all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the main building. The usage of the building by bats is likely to be limited to small-medium numbers of animals using the building for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a medium impact on bats at the local level and a low impact upon the conservation status of the species as a whole.

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.

Current case law instructs that if it is considered clear or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable “other imperative reasons of overriding public interest” then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Alternatives

The alternative would be for the existing buildings to fall into disrepair to the detriment of the character of the area. It is likely that some intervention will be required in the future. The alternative of the future refurbishment of the building is likely to have a similar impact upon the protected species as the demolition.

Overriding public Interest

The proposals would bring about additional much need dwellings for an ageing population to the area.

Mitigation

To compensate for the loss of the existing roost the submitted report recommends the installation of bat access tiles on the completed building as a means of compensating for the loss of the roost. A condition will be included in any approval for the recommended mitigation.

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

Breeding birds

If planning consent is granted a condition will be required to safeguard breeding birds.

Subject to the conditions recommended above, the proposal will comply with policy SE 3 of the CELPS and H8 of the HNP.

Flood Risk and Drainage

Policy SE13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation. Policy H12 of the HNP is also relevant to surface water management.

The site is located within Flood Zone 1 where flooding from rivers and the sea is very unlikely with less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. Subject to conditions (including a surface water drainage strategy), the proposal would not give rise to flooding or drainage issues based on the Council's own flood risk advice. Therefore the development is considered to comply with policy SE 13 of the CELPS and H12 of the HNP.

Contaminated Land

Policy DC63 of the MBLP and policy SE12 of the CELPS seek to ensure that development for new housing or other environmentally sensitive development is not located on areas of contaminated land.

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site. No information relating to land contamination has been submitted in support of the planning application. The plans for the site show areas of landscaped garden for the residents to use, in particular a garden area proposed to be used for seating. Should soils be imported to site to create these areas of landscaping, they should be demonstrated to be suitable for their proposed use.

The Council's Environmental Protection Unit has raised no objection subject to appropriate conditions. Consequently subject to these conditions the proposal will comply with policy DC63 of the MBLP and CELPS Policy SE12.

CONCLUSIONS

Handforth is identified as one of the 'Key Service Centres' in Cheshire East where national and local plan policies support sustainable development. The proposal provides 45 dwellings for older persons of an acceptable scale relative to the area and would deliver housing within a highly sustainable location near to the village centre.

The site is brownfield and therefore its redevelopment to provide retirement accommodation in such a highly sustainable location aligns with the general principles of national and local policy. The proposals would provide much needed accommodation and correspondingly, a

diverse community taken with surrounding uses. There are benefits derived from ensuring a sustainable future use is secured for such an important and prominent site within Handforth.

The viability of the scheme has been independently assessed and the contribution in lieu of the on sit provision of affordable housing is acceptable in this case. However due to the viability issues surrounding the redevelopment of the site, which have been independently appraised by a consultant acting on behalf of the Council, only £292,050 is available for planning obligations. It is recommended that £200,000 of that goes towards affordable housing, with £84,550 towards POS and £7,500 towards ROS.

In design terms, as amended, this is a well designed scheme which would sit well in the existing surroundings.

The impact on highway safety is considered to be acceptable and the proposal would not materially harm neighbouring residential amenity.

The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology, flood risk, noise and air quality.

The proposal is for sustainable development which would bring environmental, economic and social benefits. The proposal is therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy the saved policies of the Macclesfield Borough Local Plan, the Handforth Neighbourhood Plan and advice contained within the NPPF. The application is therefore recommended for approval subject to conditions and the necessary Section 106 obligation.

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include:

- Affordable housing contribution of £200,000
- Public Open space contribution of £84,550
- Recreation & outdoor sports contributions of £7,500
- Overage Clause from additional value generated from the Site

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of public open space is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

In the absence of sufficient commuted sums/obligations an Overage/Clawback clause is required to cover any uplift in value on the development during its completion to consider any connected raise in commuted sum amounts as appropriate. This would allow any increase in profits above those cited and assessed to be directed towards commuted sum payments that are sought but are not able to be paid owing to the viability of the scheme.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

In order to give proper effect to the Northern 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.

Application for Full Planning

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. A02EX - Submission of samples of building materials
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A12LS - Landscaping to include details of boundary treatment
7. Nesting bird survey to be submitted
8. Foul and surface water shall be drained on separate systems.
9. Surface water drainage details to be submitted
10. Travel information pack to be submitted
11. Electric vehicle infrastructure to be provided
12. Contaminated land - verification report to be submitted
13. Ecological Enhancement details to be submitted
14. Imported soil to be tested
15. Steps to be taken in event of unidentified contamination
16. Car parking spaces to be provided and retained at all times thereafter
17. Details of proposed finished floor levels and land levels to be submitted

18. Obscure glazing requirement
19. Accommodation limited to over 55 age group
20. Development in accordance with submitted bat survey
21. Existing access removed and footway reinstated
22. Construction management plan to be submitted
23. Noise Impact assessment to be submitted

