

Application No: 20/4483M

Location: 51 & 53, Handforth Road, Wilmslow, SK9 2LX

Proposal: Demolition of existing two detached properties and erection of 63-bedroom care home with associated landscaping, car park and access.

Applicant: J Parr, New Care Projects LLP

Expiry Date: 14-Jan-2021

## **SUMMARY**

Application number 19/3831M was allowed on appeal following the refusal of the application by the Northern Planning Committee in January 2020. This current application is mostly the same as the previous submission but with 3 additional bedrooms and some minor elevational changes. The proposed landscaping and car parking would remain the same as that allowed on appeal.

As the proposal is not class C3 (dwellinghouses) there is no affordable housing requirement. However, the development would provide suitable accommodation for an ageing population within Cheshire East.

The impact on European Protected Species and other ecological interests has been assessed by the nature conservation officer and is acceptable. The proposal accords with the relevant ecology policies in the local plan and national guidance in the Framework. There is not considered to be any reason, having regard to the Conservation of Habitats and Species Regulations 2010, to withhold planning permission in this case.

Similarly, the proposal also raises no significant visual, amenity, design or flooding issues, and complies with relevant local and national planning policies. .

A number of economic benefits would arise from the development including additional trade for local business and the creation of employment.

Bearing all the above points in mind, it is considered that the proposal accords with relevant Development Plan policies and subject to it is recommended the application be approved, subject to relevant conditions and a s106 contribution to healthcare.

## **SUMMARY RECOMMENDATION**

Approve subject to conditions and completion of a S106 agreement and referral to the Secretary of State

## **REASON FOR REPORT**

The application is to be presented at Northern Planning Committee due to the scale of development. Similar previous applications on this site have also been considered by the Northern Planning Committee.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises 2no. detached residential dwellings situated in large plots which front onto Handforth Road. The land levels increase from the north-west of the site to the south-east.

The site frontage (north-east) is to Handforth road, with mature tree screening to the north and west, separating the site from the neighbouring residential properties and the sports field to the rear.

The site is located to the south-east of Handforth and north-east of Wilmslow, within a predominantly residential area, as defined in the Macclesfield Local Plan.

## **DETAILS OF PROPOSAL**

Full planning permission is sought for the demolition of the two existing detached dwellings and the erection of a 63 bed care home with associated landscaping, car park and access.

## **RELEVANT HISTORY**

20/5368M

NMA to 19/3831M

Not determined to date

20/4701D

Discharge of conditions 4, 10, 12 and 15 of 19/3831M

Not determined to date

20/4845D

Discharge of conditions 3, 6 and 14 of 19/3831M

Not determined to date

19/3831M

Demolition of existing two detached properties and erection of 60 bed care home with associated landscaping and car park and access.

Refused 30.7.2019

Appeal allowed subject to conditions 17.8.2020

18/4024M

Demolition of existing 2 detached properties and erection of 65no. bedrooms care home with associated landscaping, car park and access - Refused 3.5.2019 - Appeal Dismissed

18/1025M

Demolition of existing 2 detached properties and erection of 83bedroom care home with associated landscaping, car parking and access – Not determined - Appeal withdrawn

## **POLICIES**

### **Cheshire East Local Plan Strategy (CELPS)**

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

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE8 Renewable and Low Carbon Energy

SE9 Energy Efficient development

SE12 Pollution, Land Contamination and Land Instability

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and Well Being

SC4 Residential Mix

### Appendix C – Parking Standards

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

### **Macclesfield Borough Local Plan (MBLP)**

DC3 (Protection of the amenities of nearby residential properties)

DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC8 (Landscaping)

DC9 (Protected Trees)

DC38 (Guidelines for space, light and privacy for housing development)

NE11 (Nature conservation)

DC57 (Community Uses - Residential Institutions)

### **Wilmslow Neighbourhood Plan**

SP1: Sustainable Construction  
SP3: Sustainable Transport  
NE5: Biodiversity Conservation  
NE6: Development in Gardens  
H2: Residential Design  
H3: Housing Mix  
CR5: Health Centres

### **Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)  
Cheshire East Design Guide

### **CONSULTATIONS (External to Planning)**

**United Utilities** – No objection

**Strategic Housing Manager** – No objection

**Manchester Airport** – No objection

**Head of Strategic Infrastructure** – No objection

**Lead Local Flood Authority (LLFA)** - No objection

**Environmental Protection** – Comments awaited

**NHS Eastern Cheshire Clinical Commissioning Group** - Object for the following reasons;

- A care home is not required within this area as there are 21 care home of mixed use (residential and nursing) within the Primary Care Network boundary that have an 852 bed capacity already within the surrounding area and subsequently the GP practices boundaries. It is felt than an additional care home in this area would have an unfair negative impact on primary care service availability to other residents living locally.
- As directly commissioned by the CCG, Community Services is on a block contract; there is little opportunity to adjust this in order to meet increase demand developments such as the above would create, especially if there is no apparent need.
- There is a continued general need for nursing care homes but this does not extend to residential care homes.

**Head of Adult Services** – Object due to high level of vacancies in existing care homes

**Wilmslow Town Council** - Recommend refusal due to the development being overbearing and out-of-character with the local area; it resulting in a C2 use in a low-density residential area.; Loss of privacy for neighbouring properties; a detrimental impact on the visibility of an

important protected tree line; Inadequate parking exacerbated by three further bedrooms, resulting in a detrimental impact on Handforth Road and other surrounding residential roads.

If it is granted, a condition must be included to specify that vehicles associated with the construction must be parked within the site itself or at an alternative off-street location, and not on surrounding residential streets.

**Wilmslow Civic Trust** - Parking provision inadequate

## **OTHER REPRESENTATIONS**

Comments have been received from 54 properties raising the following concerns:

- Out of character with surrounding residential properties
- Overall footprint is excessively overbearing .
- insufficient parking spaces
- Impact upon highway safety in particular school children and the proximity to the existing roundabout
- Would result in noise and disturbance
- Would result in smells emanating from the extractor fans.
- Light pollution in the evenings
- Cheshire East Adult Social Services have recently reported there are vacant Care Home beds and vacant beds for residents suffering from Dementia in the Wilmslow/Handforth and surrounding areas
- Northern Planning Committee recently rejected a similar scheme close by
- A 175 extra care facility is proposed at the Handforth Garden Village when it is completed.
- Poor public transport service means it will be difficult to access without private car use,
- The pavement in front of the proposed care home site has proved especially difficult for pedestrians to maintain social distancing in recent months, and the increase in traffic would substantially worsen this situation.
- The proposed design fails to address the fundamental problem that this is the wrong use for this site,
- Wrong location
- Increase in Flood risk
- Would have a harmful visual impact on the area
- Increase in highway activity to the site
- Not a sustainable location due to the infrequency of bus and train services
- With the exception of the Planning Inspectorate, this proposal has been rejected at every stage for sound reasons,
- This development should never have been approved.
- The applicant is pushing to build the application back up to the original plans.
- Post Covid the emphasis to be placed on 'in home' care.
- Condition 13 of the Planning Inspectorate Appeal Approval for the previous 60 bed incarnation of this proposal stipulated that a Travel Plan should be submitted for approval which does not form part of this application
- Loss of privacy and peace,
- Increased construction traffic would result in highway danger
- Would result in a twenty four hours a day seven days a week commercial development

- Has consideration been given to commercial waste disposal, storage of hazardous materials
- If not built, would the developer be made to restore the site to its present state
- Delays with comments being uploaded to be visible to the public
- The development would do nothing to enhance the local area, has no economic or social benefit to the area,
- This application is almost identical to previous
- The design is more suited to a town centre or office park development area.
- The Planning Officers for the case have repeatedly miscalculated or ignored the guidelines for off-road parking requirements by 10 places.
- Councillors objections at the January Macclesfield meeting - not been addressed in this application.
- This new care home would bring enormous stress and strain to the local NHS trust, The proposed funding would not be sufficient to contribute to the amount of resource it will require to attend to the residents of this care home,
- The Transport Statement is out of date
- The CCG have stated that there is no need for another care home as Cheshire East has one of the highest ratio of beds (Cheshire East Adult Social Care have stated that there were 610 available beds in Cheshire East on 22.10.20)
- Application 20/1560M for a 60 bed care home at 107/109 Manchester Road was not supported by Cheshire East Adult Social Care because it would further destabilise the sustainability of existing care homes in the borough.
- The development would cause the loss of wildlife habitat
- The development would increase water run off/flooding for adjacent residents downhill from the site.
- A copy of a press article and the subsequent comments online relating to that article
- The building would be higher than the existing houses
- their argument for re-submission is therefore proved fallacious due to due to lack of requirement for care home beds
- Loss of protected trees
- Propose increased working hours from 08:00 - 18:00
- The three extra bedrooms means more than 3 extra visitors to the site and a 39% increase in their part time staff from 23 to 32 with the parking provision remaining at 25 with 8 of these spaces tandem parking which is short of the councils own care home specific guidance of 34 car park
- There has been recent serious highway incidents close to the site
- Still waiting for the Secretary of State to respond to a request for a call in of the allowed (at appeal) application 19/3831M
- It would result in the loss of satellite signal which is currently available when the trees are not in leaf
- Other sites available which are more appropriate
- Not appropriate location for this type of development
- The care need document is extremely out of date considering it does not mention anything about the current pandemic
- New care is not proposing a remodel of an existing facility such as the one in Handforth town centre nor have they recognised that there is an oversupply of care beds

- The developers have planned for contractors to park on Welland Road and Finsbury Road whilst working on the building which is unsafe and would increase noise and may affect to emergency vehicles being able to access the estate
- Construction of Houses or Bungalow will be more suitable
- The construction of new homes by Wimpy has already increased traffic
- 65 beds were refused, so why is 63 is now acceptable
- Inaccuracies in the Carterwood report: and the Ecological impact assessment is out of date.

## **Background**

The previous application 19/3831M for a 60 bed care home was refused by Northern committee members on the 21.1.2020 for the following reason:

*The proposed development would lead to an overdevelopment of the site by reason of its scale, mass and bulk, which in turn, would detrimentally impact the character and appearance of the area. Material considerations are not deemed sufficient to outweigh the harm. The proposal would therefore fail to adhere with policies; SD2 (Sustainable Development Principles) and SE1 (Design) of the Cheshire East Local Plan Strategy.*

This decision was subject of a written representation appeal which was allowed on 17.8.2020.

The Planning Inspector considered the main issue for them to consider was “*the effect of the proposal on the character and appearance of the area*”.

They concluded that “*The sensitive design of the buildings together with significant landscaping would ensure that the proposed development would be able to successfully assimilate in to the area. I conclude that the proposal would not cause harm to the character and appearance of the area and would comply with the requirements of Policies SD2 and SE1 of Cheshire East Local Plan Strategy 2017 in relation to character, local distinctiveness and sense of place*”.

## **Principle of Development**

The site lies within a Predominantly Residential Area of the adopted Macclesfield Borough Local Plan where residential uses are acceptable in principle.

The site is considered to be in a sustainable location. It is a previously developed site, within an area surrounded by housing, which is within walking distance of public transport links and to services. No in principle policy objections are raised to the proposal, particularly given that a very similar proposal has been allowed on appeal in August 2020.

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”.

As stated in 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"

The Council can now demonstrate a 5 year housing land supply but it is important to note that this site will deliver 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 development elsewhere.

Policy SC4 of the Cheshire East Local Plan states the following: "*Development proposals for accommodation designed specifically for the elderly and people who require specialist accommodation will be supported where there is a proven need; they are located within settlements; accessible by public transport; and within a reasonable walking distance of community facilities such as shops, medical services and public open space.*"

The purposes are broadly repeated in the saved Macclesfield Borough Local Plan policy DC57, which lists a number of relevant criteria for assessing new residential institutions.

The site falls in a sustainable location, close to the town centre, shops and facilities. Bus routes run past the site.

Policy DC57 states that the development must comprise a reasonable sized private garden in the order of 10 sq. metres per resident. Accommodation would be provided for up to 63no residents. This would require a private garden in excess of 630 sq. metres for the use of the residents. The garden area on the eastern side of the care home would be in excess of 1000 sq. metres of useable garden area, which would have a pleasant aspect and due to the mature landscaping, it would not be overlooked, or overshadowed.

### **Need for the development**

The Head of Adult Services raise an objection due to an existing over provision of bed spaces

They state that "*at the time of writing there are 656 care home vacancies in the Borough, 379 within residential care homes and 277 in Nursing homes.*"

*Of the 656 vacancies 226 are in Wilmslow and surrounding areas. This is made up of 103 vacancies in residential and 123 vacancies in nursing homes. Typically pre Covid 19 vacancy levels were between 150 and 200".*

The Inspector accepted the Needs Assessment in respect of the last application for 60 bedrooms and stated that even with the pandemic there is a need to provide high quality facilities when caring for an aging population. Therefore the applicant has an extant permission to erect a 60 bed care home.

Although the comments of Adult Service are noted, the fall back position of the lawful erection of a 60 bed care home should be given significant weight in the consideration of this amended

proposal. It is considered that the creation of 3 additional bedrooms would not have a material impact upon the principle of the proposal complying with the objectives of policy SC4 of CELP.

## **Healthcare**

The NHS Eastern Cheshire Clinical Commissioning Group (CCG) has raised an objection as they feel that a care home is not required within this area and will only serve to put additional pressure onto Primary Care and its services.

This objection is based on the current high number of care home sites already within the surrounding area and subsequently the GP practices boundaries.

The Inspector accepted that a Unilateral Undertaking submitted as part of the appeal documents including a contribution of £28,914.60 towards health care provision would mitigate for the impact upon local healthcare facilities and that the level of contribution had been calculated using a standard method applied by the NHS for nursing and residential homes.

Also that the contribution is necessary to help offset the effects of the development, directly related to it, and that it is fairly related in scale and kind. The UU would meet the requirements of CELPS Policy IN2; section 106 of the Town and Country Planning Act, Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, and Paragraph 56 of the Framework.

Therefore should members be minded to approve this application it would be subject to a similar Section 106 requirement in order for it to comply with policy IN2 of CELPS.

## **Design and Impact on the character and appearance of the area**

Policies SE1 and SD2 of the CELPS and policy H2 of the WNP seek to ensure that new development respects the character of the area and is of an appropriate design. This is consistent with the provisions of the NPPF and is supported through the Cheshire East Design Guide.

The application again proposes the replacement of the existing two detached dwellings with a large care home. The principle difference is that 3 additional bedrooms would be located where there were previously a lounge area on the ground, and roof terraces at first and second floor. This would be located on the north-west elevation adjacent to the public footpath. As a result a glazed curtain wall would be removed.

There would also be some minor amendments including alterations to the roof geometry of the bay projections but no increase in overall height. Plus some windows re-aligned to match others, some areas of render removed, a door reduced in height, one window removed and changes to the colour of the roof tiles to match the front elevation of the building and a window altered on the south west elevation

The inspector stated *“that given its height and length the building would be more visible from the side footpath than the existing house. However the part of the building which would be closest to the footpath would be lower, front section. The higher side elevation would be set*

*at an angle to the path, increasing in distance from it towards the rear of the site, supplemented with additional planting, would provide affective screening of the building which would help to reduce the visual impact from the public footpath, the park and from Tarporley Walk”.*

The addition of the 3 bedrooms would have very limited impact in respect of the bulk and mass of the development as they would not project beyond the north- west elevation as previously approved.

The Council’s Design Officer raised a number of points in respect of the scale, massing and layout of the building, the parking area and proposed materials. However he acknowledged that the previous application had been approved on appeal and that it would be unreasonable to request significant changes to these matters.

He also refers to the proposed palette of materials as being welcomed with red brick, render and tiles all having some local presence. But there are some issues with the application of these. These matters could be dealt with by condition.

Overall it is considered that the impact of the proposal on the character of the area is acceptable in relation to policies SE1 and SD2 of the CELPS and policy H2 of the WNP.

## **Amenity**

As the proposed addition of three bedrooms would be located on the north- west elevation facing the public footpath to the north of the site, it is not considered that there would be any additional harm to the amenity of the adjacent neighbouring properties, compared to the extant permission. The nearest properties located to the north are over 29 metres away and there are mature trees on the intervening land. Therefore there would be no additional overlooking resulting from the additional three windows.

The length, height and width of the proposed building would remain the same as that previously allowed on appeal.

Comments from the Environmental Protection team are awaited. During the previous application, they raised some concern about odour and noise from extraction fans but the Inspector in the last appeal stated the kitchen would be located on the footpath side of the building, away from No 49 and this could be controlled through appropriate conditions.

It is considered that the impact of the proposal on the residential amenity of the neighbouring properties subject to condition is within acceptable limits in line with saved policies DC3, DC41 and DC38 of the MBLP.

## **Highways and parking**

The proposed parking layout and number of spaces is the same as that allowed on appeal remaining at 25. The Strategic Highway manager states that this is acceptable as this would be 0.396 spaces/bed.

The inspector stated on the last proposal that the level of parking proposed (25 spaces for 60 units) would be lower than the Council's maximum parking standard, however they accepted that a previous Inspector found that the appellant's calculation of parking demand, based on parking surveys at three other care homes within the borough, was appropriate, and that the level of parking proposed would be sufficient and there was no reason to disagree with these findings.

The Inspector stated also that, the appellant had calculated that at least five parking spaces would be available at even the busiest times of the week, which would provide additional capacity and allow for visitors for whom car travel would be the only realistic option. Eight of the parking spaces would be in a tandem arrangement. However as the car park would be for the sole use of the care home, there would be scope for staff to manage parking arrangements according to their working patterns, so that use of the 4 'blocked in' spaces would not cause problems.

Therefore although there would be a very small increase in number of bedrooms given the proposed arrangement it is considered that the number of parking spaces and their arrangement is still acceptable

### **Accessibility**

The comments from the public are noted in respect of the location of the site, however the previous permission was not refused for this reason and the Inspector stated "*a care home is not an uncommon use in a residential area and the Council and the previous Inspector accepted that the site is in a reasonably sustainable location, with access to bus and rail services and is fairly close to the town centre*".

*The site is situated on a hill, which I agree could make walking and cycling more difficult for some, however provision for cyclists does exist around the appeal site. The site is in reasonable walking distance of local shops, services and Handforth railway station, and pavements exist along the western side of Handforth Road, on which the appeal site is located. Even if not suitable for all, walking and cycling would be options which would be available for staff and visitors coming from within the local area*".

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

### **Trees**

Policy SE 5 of the CELPS outlines that development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives.

There are trees that could potentially be affected by the proposed development. An Arboricultural Impact Assessment has been submitted which suggests that where any tree

removals are required, this will be mitigated by high quality landscaping. Comments are awaited from the tree officers and will be reported as an update.

### **Nature Conservation**

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

#### Breeding Birds

Suitably worded conditions relating to breeding birds should be included in any approval in the interests of biodiversity and to comply with policy SE3 of the CELPS.

#### Great Crested Newts

Following surveys of the site, Great Crested Newts are not considered likely to be present on site. No further action is required.

#### Bats

Evidence of bat activity in the form of minor roosts of a relatively common bat species has been recorded within number 53 and number 51. The usage of the buildings 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.

The submitted report recommends the installation of 2 bat boxes on the new building as a means of compensating for the loss of the roosts and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

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

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

(b) no satisfactory alternative and

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

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

Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Saved Macclesfield Borough Local Plan Policy NE11 and policy SE3 of the Cheshire East Local Plan states that the Council will seek to conserve, enhance and interpret nature conservation interests. Development which would affect nature conservation interests will not normally be permitted.

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

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

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

In this case it is considered that the proposal will result in social and economic benefits, and any alternatives are likely to involve extensions to the existing building, which would have a comparable impact upon the species.

The submitted report recommends the installation of bat boxes on the replacement building as a means of compensating for the loss of the roosts and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

The nature conservation officer advises that if planning consent is granted the proposed mitigation/compensation is acceptable.

#### Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. The applicant has submitted a strategy illustrated in the *Colour Landscape Proposals plan* (Drawing number 04, October 2020) which, pending results of the required bat and great crested newt surveys, are acceptable.

#### **Other matters**

Many residents refer to contact with the Secretary of State regarding the last appeal. However this appeal decision was issued on 17 August 2020. The

Planning Casework Unit on behalf of the Secretary of State have advised that they have received a request for the Secretary of State to call-in this application. Therefore, if members are minded to approve the application, the resolution will be subject to referral to the SoS.

## **HEADS OF TERMS**

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

- A contribution of £30,360 towards health care provision

### **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 contribution towards health care 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.

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

## **CONCLUSIONS**

While the objections are noted, the amended scheme is considered to be acceptable as the overall scale and mass of the building has remained very similar to that allowed at appeal. There is the fall back position of the extant permission for a 60 bed care home which can be afforded significant weight in consideration of this amended scheme.

As the proposal is not classified as use class C3 (dwellinghouses) there is no affordable housing requirement. The development would provide suitable accommodation for an ageing population within Cheshire East.

The impact on European Protected Species and other ecological interests has been assessed by the nature conservation officer and is acceptable. The proposal accords with the relevant ecology policies in the local plan and national guidance in the Framework. There is not considered to be any reason, having regard to the Conservation of Habitats and Species Regulations 2010, to withhold planning permission in this case.

Similarly, the amended proposal also raises no significant visual, amenity, design or flooding issues, and complies with relevant local and national planning policies.

A number of economic benefits will also arise from the development including additional trade for local business and the creation of employment.

Bearing all the above points in mind and subject to the receipt of outstanding consultee comments, it is considered that the proposal accords with relevant Development Plan policies and as such it is recommended the application be approved, subject to relevant conditions and a s106 contribution to healthcare.

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

1. Commencement of development (3 years)
2. Development in accordance with approved plans
3. Samples of materials to be submitted
4. Details of soft and hard landscape details to be submitted
5. Electric vehicle charging points to be provided
6. Detailed drainage strategy to be submitted
7. Nesting Bird survey to be submitted
8. Works to be in accordance with ecology report
9. Details of equipment to control fumes and odours to be submitted
10. Scheme of sound insulation to be submitted
11. Details of air vents, air conditioning units or fans to be submitted
12. Construction method statement to be submitted
13. Travel plan to be submitted
14. Contamination report to be submitted
15. Tree works and tree protection method statement to be submitted

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 Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.

