

Strategic Planning Board

Agenda

Date: Wednesday, 2nd February, 2022
Time: 10.00 am
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

PLEASE NOTE –This meeting is open to the public and anyone attending this meeting will need to wear a face covering upon entering and leaving the venue. It is advised that this only be removed when speaking at the meeting.

The importance of undertaking a lateral flow test in advance of attending any committee meeting. Anyone attending is asked to undertake a lateral flow test on the day of any meeting before embarking upon the journey to the venue. Please note that it can take up to 30 minutes for the true result to show on a lateral flow test. If your test shows a positive result, then you must not attend the meeting, and must follow the advice which can be found here:

https://www.cheshireeast.gov.uk/council_and_democracy/council_information/coronavirus/testing-for-covid-19.aspx

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings will be uploaded to the Council's website.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

For requests for further information

Contact: Sarah Baxter

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To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 5 - 8)

To approve the minutes of the meeting held on 22 December 2021 as a correct record.

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Strategic Planning Board
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **20/4976M-Proposed development of a Retirement Care Community (Class C2) involving the demolition of existing dwelling and outbuildings, retained single point of vehicular access, retained tennis court, fishing/boating lake, Japanese Water Garden, secret/sensory garden, with new allotments, bowling/feature greenspace and woodland walks; construction of a 60 bed registered care home with isolation capability; 72 no. assisted living extra care 1, 2 and 3 bed apartments; a village centre hub building comprising health and wellness and communal facilities, integrated satellite community healthcare (GP) clinic and 5 no. 2 bed and 9 no. 1 bed close care suites and health and wellness; associated parking (including electric car share and community minibus), bin storage, pumping station, electricity sub-station, means of access and off-site pedestrian footpath link along Pepper Street, highway improvements and biodiversity net gain, Holly Tree House, Pepper Street, Chelford, Macclesfield for Mr David Hughes** (Pages 9 - 62)

To consider the above application.

6. **21/1727W-Proposed extension to Silica Sand Extraction with Progressive Restoration at Bent Farm Quarry, Brownlow Farm, Wallhill Lane, Congleton for David Walton, Sibelco UK Limited** (Pages 63 - 88)

To consider the above application.

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Application No: 20/4976M

Location: HOLLY TREE HOUSE, PEPPER STREET, CHELFORD, MACCLESFIELD, SK11 9BE

Proposal: Proposed development of a Retirement Care Community (Class C2) involving the demolition of existing dwelling and outbuildings, retained single point of vehicular access, retained tennis court, fishing/boating lake, Japanese Water Garden, secret/sensory garden, with new allotments, bowling/feature greenspace and woodland walks; construction of a 60 bed registered care home with isolation capability; 72 no. assisted living extra care 1, 2 and 3 bed apartments; a village centre hub building comprising health and wellness and communal facilities, integrated satellite community healthcare (GP) clinic and 5 no. 2 bed and 9 no. 1 bed close care suites and health and wellness; associated parking (including electric car share and community minibus), bin storage, pumping station, electricity sub-station, means of access and off-site pedestrian footpath link along Pepper Street, highway improvements and biodiversity net gain.

Applicant: Mr David Hughes

Expiry Date: 15-Oct-2021

SUMMARY

The application proposals represent inappropriate development in the Green Belt.

Paragraph 148 of the NPPF states that *'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*

The fact that the proposals represent inappropriate development in the Green Belt in conjunction with the conclusions that the development would also result in a substantial harmful impact upon the openness of the Green Belt and conflict with the purpose of safeguarding the countryside from encroachment, carry substantial weight, as set-out within policy. This is used to set the benchmark for the subsequent weighting exercise.

In addition to Green Belt harm, significant weight is attributed to the harm that would be caused to the intrinsic character and beauty of the Open Countryside. This is because the proposals fail to fall within any of the forms of development permitted within such locations, as listed within policy.

Significant weight is placed on the location of the proposed development being contrary to the strategic aims of the development plan which seeks to direct such development, including the

proposed on-site commercial uses (albeit restricted to residents) to urban locations which are naturally more locationally sustainable and as such generate less harm in such rural locations. This is not afforded substantial weight as a result of the measures proposed by the applicant in an attempt to make the site and the proposed development more sustainable.

Significant weight is also attributed to the ecology harm that would be created due to the loss of a bat roost and the risks posed in relation to killing or injuring Great Crested Newts present on site. Although mitigation is proposed, there are no overriding reasons to approve the application proposals and therefore the development is deemed contrary to the Habitat Regulations and development plan ecology policy.

Limited to moderate weight is afforded to the design harm that would be created by introducing a large volume of development in this rural location which would result in a harmful urbanising effect. This is only afforded limited to moderate weight when considered in conjunction with the landscape considerations, given the natural screening of the site from multiple viewpoints and the soft landscaping proposed.

Limited to moderate weight is afforded to the lack of affordable housing provision and health and open space contributions to off-set the impacts of the development proposed. This is only afforded limited to moderate weight because although the contributions not being provided potentially result in significant impacts, the submitted viability appraisal, which has been externally examined and found to be largely correct, demonstrates that such provisions cannot be afforded.

Limited weight (as a minimum) is afforded to the likely impact of the development upon the existing local primary care services, irrespective of receiving a commuted sum. More specifically, their availability to other residents living locally and the potential impact upon Community Services with the resultant increase in the 'high need' population within the area. This is weighted as such because although an impact has been highlighted, it's an impact difficult to quantify.

Limited weight is attributed to the minor loss of possible Best and Most Versatile Agricultural land given the minor scale of the land to be lost to the development.

No concerns are noted with regards to technical highway safety matters, landscape, trees, flood risk or drainage, public rights of way, Manchester Airport or subject to conditions where appropriate.

In consideration of whether there are any Very Special Circumstances that could clearly outweigh the abovementioned harm cumulatively:

Significant weight is afforded to the social benefits of the scheme. The main social benefits are that the development would address specific, highlighted care needs for an elderly population which is particularly high within Cheshire East compared to the national average. This is conjunction with the benefits derived from the community concept and the various levels of care proposed on one site.

Moderate weight is afforded to the economic benefits of the scheme with regards to the full-time equivalent job creation, the short-term jobs that would be created during construction period and localised spends in the area. This is afforded moderate weight primarily as a result of the job creation.

Overall, paragraph 148 of the NPPF is clear that, in the Green Belt, Very Special Circumstances cannot exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by the

other considerations. As such, in order to be able to approve the application proposals, the overall balance would need to favour the applicant's case not marginally, but decisively. The considerations in favour of the proposed development, notably the social benefits, carry significant weight. However, irrespective of the presence of a sequential test which seeks to discount alternative sites, the benefits identified are not deemed to clearly outweighing the combined harm to the Green Belt and the other harm identified. As a result, Very Special Circumstances of the type required by the NPPF and Development Plan policy have not been demonstrated.

The application is subsequently recommended for refusal.

RECOMMENDATION

REFUSE

DESCRIPTION OF SITE AND CONTEXT

The application site is located to the north of Pepper Street, Chelford entirely within the Green Belt. The majority of the site is land currently associated with Holly Tree House, a residential property. The remainder of the land subject to the application extends along the north-western side of Pepper Street and is either within the applicant's ownership or is on Highway's land.

The application site covers an area of approximately 4.21 hectares (including areas of proposed highways works). The main part of the site is bound to the north and east by Stockin Moss (a Local Wildlife Site), a large area of woodland and to the west, by Chapel Wood. Footpath 15 Marthall follows a route along the western and part of the northern boundary before aligning in northern direction. Bridleway 14 Marthall follows a route to the east of the site before aligning towards the north eastern corner of the site and following a northerly alignment. There are fences and railings and hedgerows along other boundaries.

PROPOSAL

Full planning permission is sought for the creation of a Retirement Care Community (C2 use). Works comprise of:

- Demolition of existing dwelling and outbuildings
- Creation of a 'Retirement Care Community' comprising of:
 - Erection of a 60 x 1-bed, care home, built over 2-storeys operated by a care provider
 - Erection of x72 assisted living 'Extra care' apartments in the form of 13 blocks of two-storey development, broken down as follows:
 - Block 1 – x6 3-bed apartments
 - Block 2 – x2 2-bed apartments
 - Block 3 – x6 2-bed apartments
 - Block 4 – x3 2-bed apartments and x1 1.5-bed apartment
 - Block 5 – x5 2-bed apartments and x1 1.5-bed apartment

- Block 6 – x5 2-bed apartments and x2 1.5-bed apartments
 - Block 7 – x2 2-bed apartments and x2 3-bed apartments
 - Block 8 – x6 2-bed apartments and x2 1.5-bed apartments
 - Block 9 – x1 2-bed apartment, x2 1.5-bed apartments and x1 3-bed apartment
 - Block 10 – x6 2-bed apartments and x2 1.5-bed apartments
 - Block 11 – x2 2-bed apartments and x2 3-bed apartments
 - Block 12 – x5 2-bed apartments
 - Block 13 – x8 2-bed apartments
- Erection of x14 'Close care' suits (also referred to as 'Assisted Living') located at first-floor of the Village Centre (VC) building (x5 1-bed and x9 2-bed) operated by a care provider

The 'extra care' and 'close care' will both be restricted to over 60's and offered on a long or short leasehold model and will retain a minimum care support package of 3 hours per week.

- Erection of a 'village hub', comprising of; Health and Wellness and community facilities and GP clinic facility.
 - Ancillary structures including - pumping station, electricity sub-station, bin storage
 - Landscaping including - access and parking, allotments, bowling/feature and woodland footpath
- Highway improvements including:
 - Creation of a bollard-lit, 2-metre-wide footpath to Chelford Road (A537) along Pepper Street from the application site entrance to junction with the A537, diverting along and through the edge of a field adjacent to the highway, within the applicant's ownership
 - Creation of a new crossing across A537
 - Creation of x2 new bus stops, one either side of Pepper Street close to site entrance to provide a dedicated location for people to stand and utilise the current 'hail and ride' bus service that passes the site.

Revised plans were received during the application process in an attempt to address concerns raised by the planning officer and consultees. These changes included:

- Amendments to internal layout. Slightly re-siting of buildings & parking away from the Root Protection Areas of trees, including a reduction in proposed parking from 165 to 130 (128 excluding minibus parking provision)
- Amendments to the internal, first-floor arrangement of Block 5 resulting in elevational changes regarding the position of windows.
- A small update to the 'Red line' boundary to include a length/strip of wildflower meadow planting, parallel with Pepper Street along the proposed footpath leading to the junction with Chelford Road

RELEVANT HISTORY:

20/2500M (Holly Tree House) - Certificate of existing lawful use for the residential curtilage and garden to Holly Tree House (Change of use) – Refused 5th February 2021 for the following reasons:

- 1. It is not considered that the evidence provided by the applicant is sufficiently precise and unambiguous as to demonstrate that, on the balance of probabilities, the site edged red as a whole has been used as garden to Holly Tree House for a continuous period in excess of ten years. In reaching this conclusion the council has considered the evidence submitted by the applicant as well as the evidence submitted by the local residents and other interested parties in addition to evidence contained within the council's own records.*

97/1586P (Holly Tree House) - Full Planning - Single-storey outbuilding – Refused on the 14th October 1997

97/0155P (Stockinwood) - Full planning - Four 6-metre-high lighting columns – Refused on the 10th April 1997

97/0118P (Stockinwood) - Full planning – Formation of pond & earth mounding with associated landscaping – Approved on the 2nd April 1997

Note condition 1:

- 1. This application solely grants consent for the formation of earth mounding, excavation and ponds as indicated on the approved drawings. Permission is not granted or implied for the erection or formation of any buildings or structures within the application site. Nor is consent implied or granted for the material change of use of the land to form part of the residential curtilage of the dwelling known as Stockinwood.*

Reason: For the avoidance of doubt and to define the plans and development to which this permission relates.

97/0121P (Stockinwood) – Full planning - Modified scheme for alterations and extensions - Approved 11th March 1997

96/0079P (Stockinwood) - Full planning - Alterations & extensions - Approved 1st April 1996

96/1863P (Stockinwood) – Full planning - Four 6-metre-high lighting columns - Refused on the 4th December 1996

82274P (Stockinwood) - Full planning - Replacement detached dwelling – Refused on the 11th October 1995

81310P (Stockinwood) – Full Planning - Replacement detached dwelling and detached triple garage with living accommodation above – Refused on the 21-Jun-1995

78491P (Stockinwood) – Full planning - Replacement dwelling triple garage tennis courts and alterations to access – Refused on the 10th August 1994

ADOPTED PLANNING POLICY:

The Cheshire East Development Plan policies relevant to this application, currently comprises of; the Cheshire East Local Plan Strategy (CELPS) and the Macclesfield Borough Local Plan. More specifically:

Cheshire East Local Plan Strategy 2017 (CELPS)

MP1 - Presumption in Favour of Sustainable Development, PG1 – Overall Development Strategy, PG2 – Settlement Hierarchy, PG3 - Green Belt, PG6 – Open Countryside, PG7 – Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, IN2 – Developer Contributions, EG1 – Economic Prosperity, EG2 – Rural Economy, SC3 – Health and Well-being, SC5 – Affordable Homes, SC6 – Rural Exceptions Housing for Local Needs, SE1 – Design, SE2 - Efficient use of land, SE3 – Biodiversity and Geodiversity, SE4 – The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 – Green Infrastructure, SE12 – Pollution, Land Contamination and Land instability, SE13 – Flood Risk and Water Management, CO1 - Sustainable Travel and Transport and CO4 - Travel Plans and Transport Assessments

Macclesfield Borough Local Plan (MBLP)

Relevant saved policies include:

GC1 – Green Belt (New Buildings), RT7 - Cycleways, Bridleways and Footpaths, RT8 – Access to the Countryside, H9 – Occupation of Affordable Housing, DC3 – Amenity, DC6 - Circulation and Access, DC8 – Landscaping, DC9 - Tree Protection, DC10 – Landscaping and Tree Protection, DC13 & DC14 – Noise, DC15 & DC16 – Provision of facilities, DC17, DC19 & DC20 – Water resources, DC35 – Materials & Finishes, DC38 – Spacing, Light and Privacy, DC46 & DC47 – Demolition, DC57 – Community Uses – Residential Institutions, NE11 – Nature Conservation, NE14 – Nature Conservation Sites, NE17 – Nature Conservation in Major Developments, IMP3 – Land Ownership

Other Material Considerations

National Planning Policy Framework (NPPF) (2021 update)

Of particular relevance are chapters in relation to; Achieving sustainable development , Decision making , Delivering a sufficient supply of homes, Building a strong, competitive economy , Ensuring the vitality of town centres , Promoting healthy and safe communities , Promoting sustainable transport , Making efficient use of land , Achieving well design places , Protecting Green Belt land , Meeting the challenge of climate change, flooding and coastal change and Conserving and enhancing the natural environment.

National Planning Policy Guidance (NPPG)

Of particular relevance is the guidance in relation to:

- Housing for older and disabled people (2019)
- Green Belt (2019)

- Natural Environment (2019)
- Viability (2019)

Other

- 'Vulnerable and Older Person's Housing Strategy' (2020-2024), Cheshire East Council
- 'Joint Market Position Statement' 2021/25 – Cheshire East Council and NHS CCG
- EC Habitats Directive 1992
- Conservation of Habitats and Species Regulations 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- Rectory Homes Limited v SSHCLG and South Oxfordshire District Council [2020] EWHC 2098 (Admin)
- Written Ministerial Statement December 2015 by Baroness Williams of Trafford
- Pre-application response letters - PRE/1677/19 & PRE/1263/20

Note: The Ollerton & Marthall Neighbourhood Plan is at Regulation 7 stage at the time of this report being finalised and as such, there is no draft plan at this stage to consider.

CONSULTATIONS (External to Planning)

Head of Strategic Transport (CEC Highways) – No objections on access/safety grounds but concerns raised about the sustainability of the site. There are concerns about the isolated nature of the location and distance from services and public transport. Despite the measures put forward in the application the development will rely predominantly on being served by motor vehicle. In event of approval, a condition is proposed to restrict occupancy to over 60's in need of care

ANSA Greenspace (CEC) – Request a contribution of £108,000 towards off-site Public Open Space provision

Adult Social Care (CEC) – Highlighted that from their experience, there has been a notable drop-off in demand for care home spaces as a likely result of COVID-19 pandemic. However, they cannot substantiate proven 'need', only provide anecdotal evidence relating to vacancy and occupancy levels in facilities used.

The team recognise a need for 'Extra care' facilities. In terms of the care home element, its advised that Cheshire East Council has seen an increase in the need for male only units within care homes. It is concluded in terms of the care home element that *'Future need for permanent care home placements is essentially unknown and dependant on the pandemic. We do know that the need for nursing dementia, mental health and male only units is on the rise.'*

Strategic Housing (CEC) – Object to the proposed development because it is considered that the density of the built form and the location of this site are not appropriate. In addition, it has been highlighted that affordable housing maybe required in light of a recent High Court decision.

Environmental Protection (CEC) – No objections, subject to a number of conditions including: the submission/approval of an external lighting scheme; the provision of electric vehicle charging infrastructure; the submission/approval of an updated Conceptual Model based on the findings of the Phase I Preliminary Risk Assessment; submission/approval of a contaminated land verification report; submission/approval of a soil verification report and that works should stop if contamination is identified. A number of informatives are also proposed

Flood Risk Officer (CEC) – No objections, subject to implementation of submitted drainage strategy

Public Rights of Way Officer (CEC) - No objections, subject to a condition requiring: the submission/approval of a Public Rights of Way Management Scheme; that the line of the PROW be marked out on the development site prior to commencement and during development; the pre-commencement and post-completion condition surveys are undertaken and the submission/approval of a scheme of signage for pedestrians and cyclists.

Informatives are also proposed to remind the applicant of their PROW responsibilities.

NHS Cheshire Clinical Commissioning Group (CCG) – Object to the proposed development on the basis that it will have a negative impact upon the Primary Care and Community Care provision, including the local GP practice, and its ability to look after its existing patients. This harm would not be covered by a commuted sum, which is calculated using a fixed formula.

In the event of approval, request a commuted sum of £93,0096.

Environment Agency – Proposals fall outside of EA's remit

United Utilities - No objections, subject to the following conditions: submission/approval of a surface water drainage scheme, foul and surface water should be drained on separate systems and the submission/approval of a sustainable drainage management and maintenance plan

Manchester Airport – No objections, subject to a number of conditions including: submission/approval of a bird hazard management plan (BHMP), submission/approval of a revised landscaping scheme that will dovetail with BHMP, Any solar panels shall not be installed until a Glint and Glare assessment has been submitted and approved and that all exterior lighting be capped at the horizontal

Cadent Gas Ltd – Recommend applicant be advised of infrastructure (Low to medium pressure gas pipes) within the vicinity of the proposal with an informative of steps developer must take as a result

Cheshire Wildlife Trust (CWT) – Object because the North-East of the development infringes upon the Stockin Moss Local Wildlife Site (LWS) for no real reason

Cheshire Archaeology Planning Advisory Service (APAS) – No observations

Ollerton and Marthall Parish Council – Object to the proposals for the following reasons;

Principle

- Green Belt – Inappropriate development that will result in substantial harm and no evidence of 'Very Special Circumstances'
- Draft neighbourhood plan has not identified a need for housing in the area

Community pre-consultation

- No evidence of the findings provided
- Not wide ranging in terms of who was consulted

Highways

- Application lacks an effective Construction Management Plan
- Impact on existing highway in terms of; safe access and exit from the site between services and facilities not adequately addressed
- Poor sustainability of the site resulting in car reliance
- SCP Highways Report commissioned and submitted with objection

Amenity

- Impact of increased traffic resulting in noise and light pollution

Flood risk

- 'Stockin Moss' flooded regularly and is peat land – development likely to exacerbate issues

OTHER REPRESENTATIONS:

Neighbouring units were notified, a site notice was erected and the proposals were advertised in a local newspaper. At the time of consideration, consultation responses had been received from approximately 176 interested households/groups/Councillor's and adjacent Parish Council's.

Of these 176, 133 objected to the scheme and raised the following issues:

Procedural Matters

- Council have only written to a handful of residents / lack of publicity
- Site is in Marthall, not Chelford

Principle/Green Belt

- Inappropriate development in the Green Belt
- Compromise the openness of the Green Belt
- No Very Special Circumstances demonstrated - there are similar facilities in plentiful supply in the local and immediate area. Comparable examples put forward are not comparable
- Contrary to PG3 of CELPS
- Contrary to objectives and policies of the Neighbourhood Plan (HP1, NE1, DI1)
- Contrary to draft SADPD
- Development inappropriate for the village
- No need for the facility - already supported living for the elderly at Astle Court & on Elmstead Road in Chelford
- No identified a need for housing in the area (17 by 2030 – Cheshire East Draft Housing Strategy)
- Need for Care homes reduced because of Covid-19
- Will set an infill precedent
- Extent of proposed development is excessive
- Number of residents the similar as the population as a nearby village (Snelson). Proposal would increase Chelford' s population by over 10%

Rural economy & sustainability

- No benefit to the village
- Facilities proposed on site are within 5-minute drive and being on site, offer not benefit to local community
- Won't create any ore jobs – site already employs gardeners and groundsmen
- Any jobs that might be created from this development will not explicitly go to the people who live in Chelford and surrounding area
- Local Dr's and chemist already at capacity
- Location of site is not sustainable - No local supermarket, chemist, post office, bank or hospital; No bus stops on Pepper St; Existing pubic transport provision is insufficient (Bus services are infrequent). New bus stop will not increase regularity; Far away from emergency care; Some of facilities listed nearby do not exist; Sceptical about whether electric cars and bus can mitigate issue; Unsuitable access to facilities
- 100-space car park is excessive if site is considered to be sustainable
- House prices will not be affordable for local people / will not create affordable housing for local people
- Impact on local services such as water pressure, broadband and electricity supply

Highways

Traffic volume concerns

- Current infrastructure of Pepper Street, Knutsford Road and Chelford cannot take another 200 cars a day
- At least 165 vehicles, staff cars, delivery vehicles,
- Pepper St is a busy cut through and has a volume of accidents
- Traffic already backs up at peak times at junction of Pepper St and A537. Proposals would only exacerbate this issue
- Transport Statement/Assessment should be submitted with the application
- Do not accept trip data provided as its outdated, has not been taken from the key locations and does not account for staff
- Impact upon neighbouring Parishes

Highway safety

- No street lighting on Pepper St where it meets A537
- Pepper St narrows where meets A537
- Impact of increased traffic of horse riders (bridleway), walkers and cyclists
- No new footpath proposed in the Peover direction
- Already parking issues in the village which the proposals would exacerbate
- Speeding traffic on Pepper St is already a concern
- Pepper St narrow in places
- Pepper St already covered in potholes – would be exacerbated
- Concerns re: construction traffic – should be prohibited from using certain routes
- Application lacks an effective Construction Management Plan
- No obvious encouragement for cyclists

- SCP Highways Report commissioned by Parish Council's and submitted with objection. Key points; Application site is in remote location and will be car dependant; Safe access not demonstrated for all modes of travel; Anticipation trip attraction rates appear to be an underestimate; Submitted transport info does not adequately consider impact on local highway network and in particular on a narrow section of Pepper St nearby; Mitigation proposed is unlikely to alter car dominance of the development given remote location

Ecology

- Impact on wildlife and LWS
- Loss of hedgerows
- Impact on Local Wildlife Site
- Peatland (Stocking Moss) should be protected
- Not evidenced that the proposal will lead to a net bio-diversity gain
- Impact of noise and light upon wildlife not adequately addressed

Flood risk and drainage

- Proposals may possibly result in flooding
- Possibly result in greater flooding of adjacent farms
- Would result in greater flooding of 'Stockin Wood'
- Concerns about high water table
- United Utilities have advised that existing distribution network is insufficient for proposed development
- Sewers are not capable of supporting the development

Amenity

- Impact upon air and noise pollution of increased traffic
- Light pollution created by the development
- Noise pollution from regular activities at the site

Design

- Not in keeping with the character of the surrounding area
- Pumping station and electricity hub out of character with the area
- Scale - of some of the development proposed (2.5 storeys) is taller than some surrounding properties are permitted to be extended
- Overdevelopment as a result of scale and mass in low density area
- Cannot see that carbon footprint of development and day-to-day operation has been assessed

Trees & landscape

- Loss of trees and woodland
- No landscaping shown/proposed outside of site e.g. adjacent to footpath to Pepper St

Footpaths

- Footpaths will be unsuitable for residents and often flood

- Footpath will terminate where no further pavement
- Footpath proposed will lead users to a busy crossroad (safety concern)
- Not suitable in width

Other matters

- Insufficient financial contributions proposed
- Don't agree with the suggestion that there was 'a very good level of support for the scheme' – no evidence provided to demonstrate this

Of the 176 interested households/groups, 42 were supportive of the proposals for the following reasons:

- Development type needed in the area
- Not enough accommodation locally for the elderly
- Attractive proposal to live give facilities proposed
- Many objections aimed at applicant and not development proposed
- Location lends itself to such a development
- Pepper Street is not so extensively used that any additional traffic could not be accommodated with or without appropriate traffic control measures
- Lots of open space and wheelchair friendly
- Much needed housing for over 55's – free up local housing stock encouraging families to move into larger properties
- Enables local people to stay in the area they want to live
- Will allow people to stay independent for longer
- Maybe empty retirement apartment in Wilmslow, but that's because knowbody wants to live there
- If impacting local medical provision, solution should be to expand the provision
- Don't doubt that there are other sites, but correct scheme is well considered
- Suitable for active parents / what they have been looking for

OFFICER APPRAISAL

Procedural matters

C2 or C3 accommodation?

The description of development refers to the proposals as a '...Retirement Community (Class C2)'... Consideration needs to be given as to whether all of the development proposed indeed does fall within the C2 Use Class.

The Town and Country Planning (Use Classes) Order 1987 (as amended) defines C2 development as 'Residential Institutions' and sets out the following types of development that would be deemed to fall within this category. This includes:

- Use for the provision of residential accommodation and care to people in need of care (other than a use within C3 (dwelling houses))
- Use as a hospital or nursing home
- Use as a residential school, collage or training centre

Paragraph 010 (2019) of the 'Housing for Older and Disabled People' NPPG defines the different types of housing categories for older people. This is broken down as follows:

- *Age-restricted general market housing* – Generally for active, over 55's with shared amenities, but no support or care services
- *Retirement living or sheltered housing* – Usually flats or bungalows with limited shared facilities. Does not generally provide care, but provides some support for occupiers to live independently
- *Extra care housing or housing with care* – Purpose built accommodation with a medium to high level of care available through an on-site care provider. Sometimes known as retirement communities/villages
- *Residential care homes and nursing homes* – individual rooms within a residential building with a high level of care provided. Usually, no independent living

The NPPG goes on to state that *'Any single development may contain a range of different types of specialist housing.'*

Paragraph 014 (2019) of the 'Housing for Older and Disabled People' NPPG sets out that:

'It is for a local planning authority to consider into which use class a particular development may fall. When determining whether a development for specialist housing for older people falls within C2 (Residential Institutions) or C3 (Dwellinghouse) of the Use Classes Order, consideration could, for example, be given to the level of care and scale of communal facilities provided.'

The applicant advises that the application proposals comprise of housing falling into the two housing categories for older people which provide the greatest level of care: Extra care housing or housing with care and Residential Care homes.

The applicant advises that the application model includes: 'Registered care', 'Close care' and 'Extra care'. The accommodation proposed comprises of:

- X60-bed Care home (Registered care) – Offering 24-hour registered care for people who need: Personal, dementia or nursing care
- X14 'Close care' apartments – Will provide a transitional step between the 'extra care' and the care home. Significant care provided, but not 24 hours
- X72 'Extra care' apartments – independent living but have to sign-up to a minimum of 3 hours care per week as part of a service charge

It is clear that the 60-bed care home, which offers 24-hour care, represents a C2 use.

How the model would be set-up for the proposed 'Close care' and 'Extra care' apartments is not hugely different. In both instances:

- Occupants must be aged over 60 and take up a minimum of 3.0 hours/week domiciliary care plan package provided by a registered care agency
- Occupants will be offered a health and care assessment upon application with this used to provide a tailored care plan and package. This assessment will be subject to regular review to determine future needs

- All suites will be linked to a 24-hour emergency on call service provided and managed by the on-site staff and registered care agency

However, the agent for the application advises that the care provided within the 'Close care' units would be for people in a transitional period, effectively between the lighter touch 'extra care' apartments and heading towards needing 24/7 registered care. The additional services included with 'Close care' but not necessarily with 'Extra care' include - daily staff monitoring, meal from village pub & meal planning, buildings insurance and utility bills, cleaning/laundry and bed making.

As well as this level of care, as the NPPG indicates, the scale of the communal facilities is also a factor when deciding if a care proposal represents C2 or C3 use. In this case, the communal facilities proposed are extensive and include facilities such as:

- Creation of a Village hub comprising of –
 - GP satellite consultation room and lobby
 - Bar / restaurant
 - Café / Deli
 - Activity room
 - Cinema room
 - Hairdressers
 - Gym
 - Lounge/IT/library room
 - Indoor swimming pool / sauna / steam and treatment room with separate male and female changing facilities
- Outdoor activities on-site including –
 - Tennis court
 - Allotments
 - Boating and fishing
 - Putting green & golf nets
 - Themed gardens

It is noted that although the minimum level of care proposed would be 3 hours per week, there are various instances where less than 3 hours of care per week has been sufficient for a development to be considered C2 use and not C3 use. For example, the Rectory Homes High Court decision which approved a C2 care facility which was for over 65's with a minimum of 2 hours care provided per week.

It is deemed that because of the minimum level of care proposed (which is greater than accepted in instances elsewhere in the country) in conjunction with the extent of the communal facilities provided, subject to the levels of care, age restriction and facilities being appropriately secured, both the x72 'Extra care' apartments and the x14 'Close care' apartments are considered to represent C2 use.

As such, the overall use of the proposals is considered, on balance, to be C2.

Green Belt

Whether inappropriate development in the Green Belt?

The site lies entirely within the Green Belt. Policies PG3 (Green Belt) of the CELPS and GC1 (Green Belt – New Development) of the MBLP therefore apply. The Green Belt paragraphs within the NPPF are also a material planning consideration.

Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

In order to protect the Green Belt, Policy PG3 of the CELPS and paragraph 149 of the NPPF detail that Local Planning Authorities should regard the construction of new buildings as inappropriate development.

Policy PG3, the most up-to-date development plan policy in relation to Green Belt, sets out a list of exceptions. These include replacement buildings, limited infilling in villages and the redevelopment of previously developed land.

In consideration of the ‘replacement building’ exception, such a proposal would only be considered appropriate in the Green Belt if the new building is in the same use and would not be materially larger. The application proposals are significantly larger, in all respects, to the development being replaced and the proposal represent a change of use from C3 to C2. As such, this exception is not deemed to apply as the proposals would fail on both counts.

In consideration of ‘limited infilling in villages’, the development proposed by this application cannot be considered ‘limited’ and it is not deemed that there is a gap to be infilled. As such, this exception is not deemed to apply.

Finally, in consideration of the re-development of previously developed land (PDL), development on such land is only considered appropriate if the development would not have a greater impact on the openness of the Green Belt than the existing development.

It is questionable whether all of the application site should be accepted as PDL in light of the recently refused Certificate of Lawful Existing Use or Development (CLEUD) application which sought approval for the extent of residential curtilage and garden in association with Holly Tree House.

In addition, it is worth highlighted that the definition of Previously Developed Land within the NPPF states that ‘...it should not be assumed that the whole of the curtilage should be developed...’

In consideration of openness, Paragraph 001 (2019) of the Green Belt NPPG sets out what factors can be taken into account in the assessment of openness. Three factors are listed and include-

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.*

Given the large number of people that would either reside, work or visit the application site if approved, there is likely to be a notable higher level of associated activity compared to the existing use. Furthermore, because the proposed footprint, floorspace, volume and spread of built form would be significantly greater than the built form to be demolished, it is deemed that the application proposals for the village site itself would have a substantially greater impact on the Green Belt's openness in spatial and intensification terms than the existing use. Due to the site's location, largely screened from a number of wider viewpoints by existing woodland and mature vegetation, for the first 3-5 years there would also be moderate visual harm to openness but this harm would be reduced to a lesser degree once further mitigation planting has matured.

As such, irrespective of whether all of the site should be accepted as PDL or not, as the development would clearly have a greater impact upon openness than the existing development, the proposals would not fall within this Green Belt exception either.

It is recognised that the bar for this openness test in relation to this exception is lowered in the event that affordable housing is proposed as detailed within paragraph 149 of the NPPF. However, no affordable housing is proposed and even if it was, it has already been established that the development would result in a 'substantial' impact upon openness.

As such, the community care village development itself is considered to represent inappropriate development in the Green Belt.

With regards to the proposed off-site highways works, notably the proposed footpath link, this would be considered under the 'engineering operation' exception to inappropriate development in the Green Belt.

Policy PG3 of the CELPS states that 'engineering operations' are not inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. This is consistent with the NPPF.

The application proposes the erection of bollard-lit, 2-metre-wide footpath extending approximately 540 metres from the application site entrance on Pepper Street, along the western side of Pepper Street, leading to Chelford Road. The footpath would extend approximately 172 metres from the application site entrance along what is currently grass verge, before slightly changing direction and entering into an agricultural field (within the applicant's ownership), and following the line of the Pepper Street, but extending through the field, separated from Pepper Street by the existing hedgerow that is proposed to be retained, until it reaches the junction with Chelford Road.

It is deemed that this footpath would not preserve the openness of the Green Belt both visually, spatially or in terms of the degree of activity it would generate. It would also conflict with the purposes of including land within the Green Belt due to encroachment.

The proposed bus stops sought on either side of Pepper Street on grass verge and the pedestrian refuge crossing on Chelford road are deemed to have a minor impact upon openness and encroachment.

All elements of the application proposals are therefore deemed to represent inappropriate development in the Green Belt and contrary to Policy PG3 of the CELPS, GC1 of the MBLP and the NPPF. Indeed,

the agent for the application has advised that they accept that inappropriate development comes into play and they therefore rely on the Very Special Circumstance case presented.

Paragraph 147 of the NPPF states that *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'*

Paragraph 148 of the NPPF states that *'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*

As such, before considering whether or not any very special circumstances exist in this instance, consideration needs to be given to *'any other harm resulting from the proposal'*. This is considered below.

Whether or not there is any other Green Belt harm?

The proposed development, in the round, is deemed to result in a substantial harmful impact upon the openness of the Green Belt primarily in spatial terms and with regards to the increased level of activity that would be introduced in this rural location. To a lesser extent, there would also be harm to openness in visual terms.

It is also considered that the proposed care village itself, due to the spread of additional built form proposed on the site compared to the existing situation would result in additional harm to the Green Belt in terms of encroachment.

Other relevant Development Plan considerations

Open Countryside

Policy PG6 (Open Countryside) of the CELPS states that *'The Open Countryside is defined as the area outside of any settlement with a defined settlement boundary'*.

Footnote 34 of Policy PG6 states that settlement boundaries will be reviewed and defined through the production of the SADP and neighbourhood plans. However, until then, the spatial extent of settlement boundaries are those defined in the saved policies and proposals maps.

The application site is outside of any defined settlement boundary and as such, is deemed subject to Policy PG6. Policy PG6 of the CELPS states within the Open Countryside, only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposal does not meet any of the exceptions noted in points 2 or 3 of Policy PG6 of the CELPS and as such, is deemed contrary to Open Countryside policy.

Settlement Hierarchy

The site is located in the 'Other settlements and rural areas' tier of the settlement hierarchy within the CELPS. Policy PG2 (settlement hierarchy) of the CELPS sets out that 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 to locations well related to the existing built-up extent of the settlement.

In this case, the application site is not well related to the existing built-up extent of a settlement and is not of a scale commensurate with the function and character of the local area. The development is therefore deemed contrary to Policy PG2 of the CELPS.

Locational Sustainability

Policy SD1 of the CELPS relates to sustainable development within Cheshire East. It states that development should, wherever possible (amongst other requirements), prioritise the most accessible and sustainable locations.

Policy SD2 of the CELPS refers to sustainable development principles. It is stated that one of these principles is that new development should provide access to a range of forms of key services and amenities.

Policy CO1 of the CELPS relates to Sustainable Travel and Transport. This policy encourages a modal shift away from car travel to public transport, cycling and walking. This sets out 5 headline sub-policies that the Council will expect developments to do. These are: 1. Reduce the need to travel; 2. Improve pedestrian facilities so that walking is attractive for shorter journeys; 3. Improve cyclist facilities so that cycling is attractive for shorter journeys; 4. Improve public transport integration and 5. Approve routes associated with freight.

To assist with the assessment of locational sustainability, a table is provided within the subtext of Policy SD2 which outlines recommended distances from application sites to services and amenities. An assessment of the scheme using this table is set out below. It should be noted that the figures below are based on walking distances (not as the crow flies) but on real life distances.

The following services and amenities currently meet the minimum standard:

- Public right of way (500m) - 200m PROW's 14 and 15 directly adjacent to site
- Post Box (500m) – 480m outside Methodist Chapel on Pepper Street
- Railway station (2km where possible) – 1.28km Chelford Railway Station
- Public house (1km) – 800m Edgerton Arms
- Public Park or Village Green (1km) – Proposed on site (or Mere Court Open Space 990m)

Services and amenities either proposed on site or off-site as part of the scheme (within the recommended minimum distances):

- Pharmacy (1km) – Proposed on site
- Bus stop (500m) – 200m Pepper Street (Proposed as part of development)
- Leisure Facilities (1km) – Proposed on site (Swimming, tennis, golf and bowling)
- Medical Centre (1km) – Proposed on site (Satellite GP provision)
- Amenity open space (500m) – Proposed on site
- Outdoor Sports (500m) – Proposed on site (Swimming, tennis, golf and bowling)
- Local meeting place/Community Centre (1km) – Proposed on site

The following amenities/facilities are all over the minimum distances suggested:

- Bank or Cash Machine (1km) – 2,090m Shell Petrol Filling Station on A537
- Convenience Store (500m) – 1,120m Londis on Chelford Rd
- Primary School (1km) – 1,120m Chelford Primary School and Pre-school
- Supermarket (1km) – 7km Waitrose and Tesco in Alderley Edge
- Post Office (1km) – 1,120 metres in community hall on Elmstead Rd (4hrs twice a week)
- Child-care facility (nursery or creche) (1km) – 1,120 metres Chelford Pre-school

The following facilities are not deemed to be applicable in this case due to the nature of the development sought:

- Secondary School (1km) – 9km in Wilmslow
- Children's Playground (500m)

Based on the above, without any of the development proposed by the application proposals, the application site would meet just 5 (28%) of the 18 relevant services and amenities listed and as such, would be concluded to be locationally unsustainable. With the proposed services and amenities sought by this application taken into consideration, the development would meet the recommended distances of 12 (67%) of the 18 relevant services and amenities. Whilst the provision of amenities on and off site, if delivered and sustained, would inevitably improve the credentials of the site when measured against the checklist, it does not address the fundamental weaknesses of the site such as the poor access by means of public transport.

Of the services and amenities listed, public transport is a key consideration that can carry notable weight in the assessment of locational sustainability depending on the frequency of the services and where they travel to and from.

Bus services

At present, there is no formal bus stop on Pepper Street. The closest official bus stop is located in the heart of the village of Chelford on Knutsford Road, opposite Dixon Drive just short of 1 Kilometre away from the main body of the application site. There is currently no safe pedestrian access to this bus stop from the site as Pepper Street to Chelford Road (which turns into Knutsford Road), does not currently have a footpath. In addition, the existing footpath on Chelford Road is narrow in places (1 metre – 1.2 metres wide).

The No.88 Bus (currently operated by D&G) travels in both directions from its stop on Knutsford Road in the heart of Chelford Village and serves Altringham, Wilmslow, and Knutsford when travelling west and Henbury and Macclesfield when travelling east.

It is advised within the submitted Transport Statement that this service travels east to Henbury & Macclesfield 5 times a day Monday-Friday and west to Knutsford, Wilmslow & Altringham also 5 times a day with a reduced service at weekends. These services travel along Pepper Street, but do not formerly stop along it. However, the agent for the applicant advises that there is a 'hail and ride' service that the No.88 offers, along Pepper Street.

The application proposes the introduction of x2 bus stops (including raised kerbs and post). According to the plan within the submitted Transport Statement, these would be located on either side of Pepper Street close to the application site entrance. The intention is that these x2 stops would allow a safe place to stand for the future occupiers of the site (and residents) to 'hail and ride' the No.88 service.

The applicant also proposes to provide a private shuttle bus service from the application site. The applicant advises that as such, the scheme is not reliant on the public bus service because *'...the shuttle bus service being proposed is more convenient for staff and residents and we can control how and when that operates whilst a commercially run service is not as flexible.'*

The benefits of this and therefore the weight afforded to it are only realised / delivered if this can be secured through the planning permission. In any event, the bus service is infrequent and even with proposed enhancements the credentials of the site in terms of access to public transport are poor.

Train services

In the village of Chelford is a train station. This has hourly trains to Manchester Piccadilly in one direction and hourly trains to Crewe in another. The station is approximately 1.28km from the application site.

Footpath improvements

At present, there is no safe pedestrian access from the application site to the village of Chelford, where a number of services and amenities are located, including the closest formal bus stops and train station.

Between the application site and Chelford Road, is an approximate 540-metre-length of country lane, Pepper Street, which has no pavement and is unlit.

As part of the application proposals, as well as x2 bus stops, the applicant also seeks to provide a new, bollard-lit footpath. This footpath would start from the site entrance on Pepper Street and extend along the western side of Pepper Street, diverting along the edge of an adjacent field, to the junction with Chelford Road. Running the length of the proposed footpath, bollard lighting is proposed. At Chelford Road, once the pedestrian has crossed Chelford Road itself (where a crossing is also proposed by the application proposals), the village can be directly accessed by an existing footpath which is largely lit. However, this existing path is narrow in places between 1m and 1.2m wide.

As set out already, this footpath is deemed to represent inappropriate development in the Green Belt.

Without the development sought by this application, the site would be deemed wholly locationally unsustainable for the development proposed. Many of the works, services and amenities proposed in an attempt to make the site locationally sustainable result in additional built form and/or greater activity being introduced in this rural, Green Belt location. In addition, it is questionable whether walking into Chelford will be an attractive route for pedestrians given the narrowness of parts of the existing footpath to the village centre along the busy A537. It is therefore considered that the site is locationally unsustainable for the scale of the development proposed. As highlighted by the strategic policies of the CELPS, such development should be directed to existing urban locations which are naturally more locationally sustainable, rather than rural locations which are more naturally locationally unsustainable and therefore require further development to overcome the issue.

Provision of older persons accommodation / Residential Institutions

Point 2 of Policy SC4 (Residential Mix) of the CELPS requires developers to demonstrate how their proposal will be capable of meeting and adapting to the long-term needs of the borough's older residents. This would include the provision of a variety of dwelling types, measures to support Health and Wellbeing and independent living through new developments that recognise the needs of older people, those with dementia and other vulnerable people.

Point 3 details that development of such accommodation will be supported where there is a proven need; they are located within settlements; accessible by public transport; and within reasonable walking distance to community facilities such as shops, medical services and public open space.

In response, the development proposes what point 2 of Policy SC4 seeks to encourage, new development that recognises the needs of older people including those with dementia and supports independent living.

In response to the criteria of the instances where this type of development is supported (Point 3):

Is there a 'proven need'?

The applicant suggests that there is proven need for the development sought. A 'Care Needs Assessment' produced by Christie & Co accompanies the application. This makes the following conclusions based on a catchment area which has been drawn 10km from and around the application site:

- The site is located within an area where there is materially above the national average of elderly people
- The proportion of people in SK11 9 postcode meets the criteria of being a defined '*naturally occurring retirement community*'. Only 4% of country meet the criteria of this definition
- No comparable retirement villages within the catchment area, nearest one is in Nantwich in the south of the Cheshire East
- Latest Cheshire East Council Market Position Statement for Adult Social Care (2017-2020) acknowledges a need for a new, high quality nursing home and extra care provision
- The draft Cheshire East Council 'Vulnerable and Older Person's Housing Strategy' references a notable increasing elderly population
- Deem that there is a clear need in the absence of such a development in an area that meets the definition of a '*naturally occurring retirement community*'
- Assessment of need demonstrates an 'undersupply of future fit market standard care home provision' coupled with a substantial shortage in extra care provision. More specifically:
 - Care home – Undersupply of 563 market standard beds as at 2020, increasing to an undersupply of 939 as at 2030
 - Extra care – Undersupply of 840 units (extra care and dementia) as at 2020, increasing to an undersupply of 1,1517 as at 2030

Note: This has been calculated by comparing projected and current demand against supply and projected supply.

- Suggest that due to Covid-19, the type of accommodation proposed (with en-suite wet rooms, wider corridors etc), have enhanced benefits in terms of infection control
- Need for a facility that allows a stepped progression of care and allows couples for example, with differing levels of care needs, to live on one site.

In response, matters of 'need' have been raised and or commented upon/referred to within consultation responses received from various consultees including: the Council's Spatial Planning Team, the Council's Affordable Housing Team, the Council's Adult Services Team and the NHS CCG. These comments are summarised below.

Cheshire East Council Development Plan and C2 'need':

Policy PG1 (Overall development strategy) of the CELPS states that *'sufficient land will be provided to accommodate the full, objectively assessed needs for the borough of a minimum of 36,000 homes between 2010 and 2030. This will be delivered at an average of 1,800 net additional dwellings per year'*. No specific reference to C2 accommodation is made within the policy.

The Housing Development Study (2015) established the objective assessment of housing need (OAN) in the CELPS for Cheshire East as 36,000 homes over the plan period (2010-2030). A component of the OAN was for 2,185 units of elderly persons accommodation (C2 accommodation). The Housing Development Study (2015) noted that: -

- older people are living longer and more healthy lives;
- the specialist housing offered today may not be appropriate in future years;
- the council and governments approach are underpinned by the principle of sustaining people at home for as long as possible.

Therefore, it does not necessarily follow that identified need for C2 accommodation will be provided as additional bed spaces (C2 uses). C2 accommodation forms part of the overall 36,000 figure and is considered as part of the overall housing supply. C2 accommodation does not have a 'target' to be met in the CELPS.

In accordance with the NPPF, the Council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2020) was published on the 11th March 2021. The published report confirms a deliverable five-year housing land supply of 6.4 years.

The 2020 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19 January 2021 and this confirms a Cheshire East Housing Delivery Test Result of 278%. Housing delivery over the past three years (8,421 dwellings) has exceeded the number of homes required (3,030). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

As such, in the context of the wider housing need of Cheshire East, within which C2 provision is included, there is currently in excess of a 5-year supply.

Affordable Housing Officer (CEC) reference to 'need':

The Council's Affordable Housing Officer advises that the Housing Team has updated its 'Vulnerable and Older Persons' Housing Strategy' which seeks to identify the needs and requirements of a number of cohorts across the borough, including older adult provision. Extra care provision is included within the document.

The strategy includes a dataset which was composed in 2019, which outlined the borough-wide requirement for extra care development over the CELPS period. This data suggested there was a need for 3,611 extra care spaces up until 2030. This was further split out as 2,266 owned units and 1,345 rented units. This data applied to the *whole borough* of Cheshire East.

To ascertain the local need requirements for Cheshire East, a number of indicators obtained from various sources (including mid-census data and the Cheshire East Tartan Rug) were applied to a map of the borough. These indicators referred to a range of areas which could suggest a future need for extra care accommodation – including, but not limited to:

- prevalence of older adults
- prevalence of self-reported poor health in residents aged 50 and over
- prevalence of day-to-day activities being limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months
- proportion of pensioners who stated they were living alone in the 2011 Census

Each of these indicators were analysed further, in an attempt to assess the parts of Cheshire East with the 'need'. Alderley Edge, Chelford, Handforth and Wilmslow were identified suggesting that there was a level of need for 'extra care' in the area subject to this application.

The Council's Affordable Housing Officer concludes that the need for extra care accommodation within Cheshire East is not disputed, and the data analysis indicators have suggested that Chelford forms part of the wider area which has a need for 'extra care'.

Adult Social Care Officer (CEC) reference to 'need':

The CEC Adult Social Care Officer highlighted that from their experience, there has been a notable drop-off in demand for care home spaces as a likely result of COVID-19 pandemic. However, they cannot substantiate proven 'need', only provide anecdotal evidence relating to vacancy and occupancy levels in facilities.

The team recognise a need for 'Extra care' facilities. In terms of the care home element, its advised that Cheshire East Council has seen an increase in the need for male only units within care homes. It is concluded in terms of the care home element that *'Future need for permanent care home placements is essentially unknown and dependant on the pandemic. We do know that the need for nursing dementia, mental health and male only units is on the rise.'*

The agent for the application has specified within correspondence to the Council that the care home would offer higher acuity needs care and advised that the applicant would be willing to agree to a condition that the care home would offer specialist dementia support.

NHS CCG Officer reference to 'need':

The NHS CCG Officer has advised that they cannot technically refute/substantiate the degree of need for the facility proposed but anecdotally, does question the need for the care home element of the scheme, based on the number of care homes approved in Cheshire East in recent years.

'Proven Need' conclusions:

The applicant has commissioned a 'Care Needs Assessment' which they consider demonstrates a proven need for the development proposed in the area proposed. The CELPS does not set any targets for C2 provision within Cheshire East.

It is recognised that Cheshire East does indeed have a high population of elderly residents and the only similar style facility to that proposed, currently within Cheshire East is within Nantwich, in the south of the borough (whereas the application site is classed as being within the north of the borough).

With regards to the need for 'extra care' provision, the Council's Affordable Housing Officer details that the latest draft of the Cheshire East 'Vulnerable and Older Person's Housing Strategy', based on data from 2019, demonstrates that there is a need for 'extra care' borough-wide and specifically within the part of the borough that includes the application site.

The Cheshire East Council Adult Social Care Team have referenced the latest 'Joint Market Position Statement' between CEC and the NHS CCG. This document is published by commissioning authorities which summarises the care supply and demand in a local authority area. The statement brings together local information and analysis relating to commercial opportunities within the public health, health, and social care market in that area. This statement sets out the need 'extra care' provision.

As such, it is accepted that there is a proven need for the 'extra care' element of the application proposals.

With regards to the proposed care home and close care part of the proposals, the Cheshire East Adult Social Care Team and the NHS have anecdotally questioned the need for the care home element.

The Cheshire East Council Adult Social Care Team have highlighted that from their experience of working in the public sector in recent times, they have seen a drop-off in care home demand as a result of the COVID-19 pandemic. As such, they are of the view that the future need of this element of the proposals remains uncertain and dependant on the pandemic at this time.

The NHS CCG Officer has highlighted that a number of other care home facilities with Cheshire East have obtained planning approval in recent years and has therefore, anecdotally, questioned the need for the care home element of the proposals.

However, both consultees advise that they cannot technically refute the 'need' information submitted by the applicant, demonstrating a 'need' for a care home in this part of Cheshire East. In terms of care homes approved in Cheshire East in recent years, a number of facilities have been approved or allowed. The most recent approval in the area of was a scheme on Manchester Road, Wilmslow. This was a scheme allowed at appeal (APP/R0660/W/20/3264480) in November 2021 for a 60-bed care home within the settlement boundary. However, it's difficult to quantify the impact of other schemes in addressing a 'proven need' for various reasons, including that other schemes may not be built out and their impact on need may differ depending on the type of care need offered.

The applicant is clear that the care home proposed on site is not a generic care home, but a facility specifically for 'higher acuity needs'.

The Cheshire East Adult Services Officer has pointed out that within the latest 'Joint Market Position Statement' it is set-out that within Cheshire East, there are specific care home needs in terms of facilities that provide for nursing dementia, mental health and male only units.

In response, the applicant has indicated a willingness to include a condition in the event of approval that ensures the care home would indeed offer specialist dementia support. This is welcomed.

To conclude, it is acknowledged that the 'extra care' facility would make a contribution towards meeting a need for this type of accommodation. In terms of the close care and care home elements, despite questions being raised about the need for a further care home facility in the area, the Council have no evidence to refute the applicant's justification. In addition, the applicant has suggested they would be willing to agree to a condition to ensure the care home element of the scheme would offer specialist dementia support, an identified need nationally.

Subject to this condition, it is considered that the care home element too, would make a contribution towards meeting a need.

Located within settlements

The application site is located entirely within the Cheshire Green Belt, so fails this policy test of Policy SC4 of the CELPS.

Accessible by public transport

At present, there is no footpath to the closest village (Chelford) from the site. However, the No.88 Bus travels along Pepper Street and offer's a 'hail and ride' service. As part of the application, a footpath is proposed linking the site to the footpath into Chelford, x2 bus stops are proposed and a private bus service is proposed as part of the development.

At present, the site is not readily accessible by public transport. However, it is recognised that it would be more accessible in the event of approval should all of the elements be appropriately secured.

Reasonable walking distance to community facilities

There is no definition of 'reasonable' walking distance and specific mention is made to the following facilities to which should be with a 'reasonable' walking distance – shops, medical services and public open space.

It has been set-out in the locational sustainability section of this report that the site does not fall within the recommended distances for either a convenience store or a supermarket. It is noted that a pharmacy collection/dispensary service would be provided on site. It is considered that these are the only facilities listed within the checklist which you could interpret as possibly being 'shops'. Furthermore, even in the event of the proposed off-site highway works being implemented, the convenience store and the supermarket would still not be within a reasonable walking distance according to the sustainability checklist.

Medical services would be provided on site. Mere Court 'public' open space is deemed to within a reasonable walking distance from the site and a shared open space is proposed on site.

As a result of the site not being deemed to be within a reasonable walking distance of shops in particular, in the event of approval, it is not deemed that the site would be within a reasonable walking distance to community facilities. This coupled with the fact that the site does not fall within a settlement means that the development proposals are deemed contrary to Policy SC4 of the CELPS.

Saved Policy DC57 (C2 Residential Institutions) of the MBLP notes that proposals for residential institutions will be subject to the following (summarised) criteria.

- Site must be close to local facilities, local shops and other community facilities and normally sited in a residential area
- A balance of residential uses must be maintained in any neighbourhood, avoiding a concentration of specialist care facilities
- Development should not prejudice the amenity of neighbouring properties in terms of overshadowing, overlooking, loss of privacy and noise and disturbance
- Development must comprise of a reasonably sized private garden in the order to 10sqm per resident
- That the development satisfies the general requirements for all development including provision of on-site car park for residents, staff and visitors.
- Safe access should be provided.

In response, it has already been set out why it is considered that the site is locationally unsustainable. In addition, the site is not located within a residential area. The creation of a community care village of the size proposed would lead to a concentration of specialist care facilities in the neighbourhood. No notable neighbouring amenity issues would be created as set out later in this report. Private amenity space for individual apartments are proposed as is a larger, shared open space which cumulatively, would equate to more than 10sqm per resident. Car parking provision and highway safety is found to be acceptable as detailed later in the report.

However, due to the unsustainable location of the site within a countryside location and the creation of a concentration of specialist care facilities being created, resulting in an imbalance of residential uses in the area, the development is deemed contrary to saved Policy DC57 of the MBLP.

Rural Economy

Policy EG2 of the CELPS refers to the rural economy, more specifically commercial proposals outside of Principal Towns, Key Service Centres and Local Service Centres. The application site is considered to fall within what is defined as 'Other settlements and Rural Areas'.

Policy EG2 of the CELPS states that in such locations, developments which (amongst other exceptions) provide opportunities for local rural employment development that supports the vitality of rural settlements will be supported.

As part of the development proposals, the development provides a number of facilities that will form the 'village hub', including a GP satellite consultation room, pharmacy, bar/restaurant, café/deli, hairdressers, gym, lounge/IT/library room and Indoor swimming pool / sauna / steam and treatment room with separate male and female changing facilities. All of these facilities will need to be managed/monitored and therefore would create job opportunities.

However, such proposals, as Policy EG2 of the CELPS goes on to state, must meet the sustainable objectives of CELPS policies MP1, SD1 and SD2. It has already been established that it is deemed that the location of the site is unsustainable for the older persons accommodation. The same conclusion applies to these associated proposed on-site facilities. Policy EG2 states that such development in these locations will be supported where they could not reasonably be expected to be located within a designated centre by reason of their products sold. In addition, the policy sets out that the development should be consistent in scale with its location, which given the rural location where the development is proposed. It is not deemed that the proposals would adhere to these requirements also. Furthermore, it would conflict with other listed development plan policies including: PG3 (Green Belt) and PG6 (Open Countryside) as already detailed. As such, the development proposals are also deemed contrary to Policy EG2 of the CELPS.

Character, Appearance and Landscape

Policy SE1 (Design) of the CELPS advises that proposals should achieve a high standard of design and wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

Policy SD2 of the CELPS states that development should contribute positively to an areas character and identity, creating or re-enforcing local distinctiveness in terms of; height, scale, form, grouping, choice of materials, design features, massing and impact upon the streetscene. These policies are supplemented by the Cheshire East Design Guide SPD.

Policy 134 of the NPPF states that development that is not well designed should be refused.

Policy SD2 of the CELPS states that development will be expected to respect and, where possible, enhance the landscape character of the area.

Policy SE4 of the CELPS specifically relates to landscape considerations. It states that all development should conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made features that contribute to local distinctiveness.

The site is located approximately 1km from the centre of the small village of Chelford down the country lane of Pepper Street. The immediate vicinity is characterised by 'open' countryside and woodland with a handful of large houses sitting in large gardens in a ribbon type development pattern which is focussed predominantly to the south of Pepper Street.

It is one of these large houses, located to the north of the lane, that is proposed for demolition and replacement with the application proposals.

The submission includes a Landscape and Visual Appraisal (LVIA) which identifies the landscape baseline, namely that the application site is located within the area identified in the Cheshire East Landscape Character assessment 2018 as LCT7 Lower Wooded Farmland and specifically the LCA 7d Marthall Character Area, while the surrounding area is representative of this landscape character area the site itself forms part of a landscaped garden area.

The submitted appraisal indicates that the application site is physically well enclosed and separate from the surrounding landscape setting and indicates that the site has a low susceptibility to change, a medium/ high value at character level and low value at site level and that the anticipated magnitude of change will be low, with a negligible to slight magnitude of change. The visual appraisal identifies 7 viewpoints and indicates that the most significant visual effects would be moderate to moderate slight – without any mitigation, and that this would be experienced from walkers and drivers on Pepper Street and by users of Footpath 15, to the immediate west and part of the north of the site.

The Council's Landscape Officer advises that he broadly agrees with the submitted appraisal. The Officer agrees that with the retention of the existing perimeter vegetation, the proposed extensive additional planting across the application site combined with the extensive areas of woodland to the north, west and east mean that visual impacts will not be adverse and that the proposals will not have an adverse impact on the appearance or distinctiveness of the surrounding landscape. On this basis, the Council's Landscape Officer offers no objections to the proposals on landscape grounds.

The Council's Urban Design Consultant advises that it is clear that the layout has much to commend it in urban design terms. The demolition of the existing house is accepted, the separation of the care home facility seems sensible and is well-handled and the creation of the central spinal route and the 'village green' is good.

The Council's Urban Design Consultant advises that the architecture has much to commend it too, with a clean and contemporary design approach reinforced by some welcome reference to the local vernacular. Reference to the Cheshire East Borough Design Guide and the contextual advice contained therein are particularly welcomed.

Page 45 of the submitted Design and Access Statement sets out that the development has been designed using a number of environmental design principles including - passive design (e.g. inclusion of thermal insulation to minimise heat loss), site layout to capture light and solar energy, ventilation considerations and tree planting. Whilst these principles are welcomed, little specific detail on the environmental design benefits of the scheme has been provided.

There are many such similar large houses, sitting in substantial plots that are often found in and around larger settlements and where the principle of increasing density on the site is often supported. However, in this case, the site is located some distance from the centre of what is a small village, in an area of countryside with only a handful of large, detached houses close by. The Council's Urban Design Consultant advises that the proposed concentration on the site and the density of development proposed would be out of keeping and would jar with the urban grain of the place. The Council's Urban Design Consultant suggests that the proposed scheme, for this reason, would irrevocably change the character of the area.

It is considered that the proposed density/quantum of development proposed on the site would be out of keeping and jar with the urban grain of the place. The provision of the new footpath along Pepper Street would add to the urbanising impact. However, it is acknowledged that the scheme has been carefully designed so the built-up parts most visible from the principal public vantage point, Pepper Street would be of a form, scale and spacing not significantly different to the form, scale and spacing of nearby dwellings opposite/nearby.

It is also acknowledged that on the Pepper Street frontage, the built form is largely set-back from the highway boundary, also a feature of nearby dwellings and further reduces the visual harm. In addition, existing soft landscaping on the Pepper Street boundary (hedging, vegetation, and trees) would be retained. It is further acknowledged that the impact of the development from wider vantage points would be limited due to the existing woodland to the north, west and east. For these reasons, limited to moderate weight is afforded to the harm of the development upon the character and appearance of the area. It is not deemed that the harm, because of the above reasons, would be sufficient to warrant a refusal of the application on design grounds alone. Nonetheless, limited to moderate harm is deemed to be created due to the quantum of development proposed and the associated urbanisation of the land subject to the development.

Trees

Policy SE5 of the CELPS states that development which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands, that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted.

The site comprises of extensive landscaped grounds which are screened from Pepper Street by established trees and mature hedgerows. The site is bordered by Stokin Moss Wood LWS to the north west and north east which comprises of woodland recorded on the National Forest Inventory and as Priority Habitat. Further priority habitat woodland borders the south western boundary of the site. No trees within the site are afforded protection by a Tree Preservation Order and the site is not within a designated Conservation Area.

This application is supported by an updated Arboricultural Impact Assessment (AIA) produced by Tree Solutions (19/AIA/CHE(E)/162(Rev C) dated March 2021. The scheme was revised in an attempt to address a number of original concerns raised by the Council's Tree Officer with regards to the social proximity of some of the buildings to adjacent woodland which in turn would have resulted in pressure for trees to be pruned/removed.

92 individual trees, 30 groups and one woodland have been identified within the survey. Of the above surveyed trees, the report has identified that 12 individual, 3 groups and part of 1 other group which are surveyed as moderate quality B Category trees will be removed to accommodate the development. 11 individual C Category trees, and up to 10 C Category groups are also proposed for removal with 3 U Category trees to be removed due to condition.

The Council's Tree Officer advises that many of the removals comprise of semi-mature/early mature planting of groups of trees of lesser importance which are internal to the site which are not worthy of formal protection, and whose removal will not have a significant impact on the wider landscape character. Some mature, moderate B Category quality trees internal to the site are proposed for removal and these losses are required to accommodate the development layout. On balance, the Council's Tree Officer advises that the extent of new planting indicated on the Landscape Masterplan is considered to offer mitigation for losses of lower and moderate quality, semi-mature and early mature trees.

Shading patterns of trees have been illustrated on the updated Tree Protection Plan and Shading Diagram. The Council's Tree Officer advises that the shading diagram adequately demonstrates that the effects of shading will not be significant to structures located in close proximity to the off-site woodland adjacent to the northern boundary, and elsewhere within the site.

Amendments to the site layout have been made to remove car parking bays and hard standing where conflicts had been identified to arise with trees, and an allotment area has been relocated to a more suitable location in terms of tree impacts.

An indicative tree protection plan has been submitted which has identified tree protection for the duration of any construction period. The plan also identifies those locations where engineer designed hard standing will be required within the RPA's of trees.

The amended layout as indicated in the updated AIA has demonstrated the feasibility of the proposal in terms of trees and there are no objections to the principal of the development as set out within the latest plans from the Council's Tree Officer. In the event of approval, the Council's Tree Officer recommends a number of tree conditions relating to: Tree retention, tree protection, arboricultural method statement, service and drainage layouts and an engineered no-dig surface construction method within the root protection areas of retained trees.

Subject to these conditions, the proposal is deemed to adhere with the requirements of Policy SE5 of the CELPS.

Ecology

Policy SE3 of the CELPS (Biodiversity and Geodiversity), seeks to protect and enhance areas of high biodiversity and geodiversity value. Paragraph 4 sets out that development proposals that are likely to have a significant adverse impact on listed local or regional designations, habitats or species will not be permitted except where the reasons for benefits of the proposed development outweigh the impact of the development. Within the list of local and regional designations, habitats and species relevant to the application proposals are:

- Local Wildlife Sites (Stockin Moss)
- Habitats and species within the Cheshire Biodiversity Action Plan
- National priority species and habitats
- Legally protected species

Saved Policy NE11 of the MBLP is consistent in so far as it states that development which would not adversely affect nature conservation interests will not normally be permitted.

Paragraph 180 of the NPPF advises that 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.

The application is supported by various ecology reports and correspondence. The acceptability of the various elements of the development in ecology terms is considered below:

Non-statutory Sites

The application is located adjacent to Stockin Moss Local Wildlife Site (LWS). The Cheshire Wildlife Trust object to the application proposals because they advise that the north-east of the development infringes upon the Stockin Moss Local Wildlife Site (LWS) for no real reason.

As the LWS occurs on peat it may be sensitive to changes in hydrology and the quality of any water entering it from the application site.

The submitted drainage strategy advises that the existing site drains into a water course in Stockin Moss and that it is intended that the proposed development would also drain into this same watercourse. The Council's Nature Conservation Officer advises that a reduction in the volume of water entering the Moss or a reduction in the quality of the water, resulting from contamination of surface water, has the potential to have an adverse impact on the LWS.

The revised ecology report states that the drainage engineer has advised that there would be no significant change in flow rates into the LWS as the drainage scheme for the site will maintain at the

existing green field rate. Information has been received from the applicant's drainage engineer which confirms that a SUDS scheme, incorporating permeable paving and a detention basin would be sufficient to remove contaminants from the roads and roofs of the proposed development. In the event of approval, the Council's Nature Conservation Officer advises that a condition be imposed requiring the submission/approval of a detailed drainage scheme which safeguards to the Stockin Moss Local Wildlife Site.

The potential contamination of Stockin Moss LWS from the use of fertiliser and pesticides in the open space areas of the development remains a concern of the Council's Nature Conservation Officer. However, the risk associated with the development is likely to be no higher the existing use of the site. The Council's Nature Conservation Officer therefore recommends that if planning consent is granted the use of pesticides and fertilisers be controlled through a landscape and habitat management plan secured by means of a planning condition.

Bats

Evidence of what is likely to be a maternity colony of a widespread bat species and a minor roost of a second widespread bat species was recorded in the main house during the survey. The Council's Nature Conservation Officer advises that this roost is of nature conservation value.

In the absence of mitigation, the proposed development would pose the risk of killing or injuring any bats present and would result in the loss of the roost. The Council's Nature Conservation Officer advises that the loss of the roost would have a Moderate-High severity of impact on the local scale and a Moderate impact on the species concerned at the regional scale.

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

EC Habitats Directive

Conservation of Habitats and Species Regulations 2010

ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is 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
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range

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 be granted. 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.

In terms of the Habitat Regulations tests:

- The proposed development is in the interests of public health. However, for the reasons set out in the report, there is deemed to be no overriding reason for granting approval. As such, the development is deemed to fail this initial test.

An alternative option on the site would involve the retention/re-use of the existing main house and associated roost. In consideration as to whether this would represent a ‘satisfactory’ alternative, the agent for the application has advised that a new build solution would facilitate the delivery of state-of-the-art care services rather than these being compromised by trying to re-use the existing main house. Whilst acknowledged, no specific evidence has been provided to demonstrate this to be the case. As such, there is possibly a satisfactory alternative option on this site therefore the proposals are considered to fail this test also. Even if the applicant could ultimately demonstrate otherwise, a further satisfactory alternative is ‘no development on site’, linked to the outcome of the first test.

- In the event that the loss of the existing roost is considered unavoidable, the Council’s Nature Conservation Officer has advised that the proposed mitigation and compensation is acceptable to maintain the favourable conservation status of the species of bat concerned. As such, the proposals adhere with this test.

However, as the first and second tests have not been met, the application proposals are deemed to fail Habitat Regulations which in turn, means that it’s unlikely that Natural England would grant a protected species licence.

As the development would have a significant adverse impact on habitats or species and because the benefits of the proposed development do not outweigh the impact of the development, the proposals are also deemed contrary to Policy SE3 of the CELPS and Policy NE11 of the Macclesfield Borough Local Plan.

Lighting and bats

To avoid any adverse impacts on bats resulting from any lighting associated with the development, the Council’s Nature Conservation Officer recommended that a lighting scheme be submitted. The lighting bollards proposed along the footpath are of notable concern. However, the Council’s Nature Conservation Officer concludes that a lighting scheme for the development proposals as a whole could be covered by a condition so the detail could be agreed.

Great Crested Newts (GCN)

The presence of GCN's has been confirmed at one pond during surveys undertaken to inform this planning application. In the absence of mitigation, the proposed development would result in the loss of an area of relatively low value terrestrial habitat and pose the risk of killing or injuring and newts present on site.

EC Habitats Directive
Conservation of Habitats and Species Regulations 2010
ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is 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
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range

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 be granted. 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.

In terms of the Habitat Regulations tests:

- The proposed development is in the interests of public health. However, for the reasons set out in the report, there is deemed to be no imperative reason of overriding public interest for granting approval. As such, the development is deemed to fail this initial test.
- There alternative scenario in this case is no development on site. The Council's Nature Conservation Officer has advised that the development would result in a loss of terrestrial habitat and pose the risk of killing or injuring and newts present on site during construction. As it has been determined that there is no overriding reason for granting approval, 'no development' is deemed to be a satisfactory alternative in this case. The proposal is therefore deemed to fail this test also.
- The submitted mitigation would be delivered through Natural England's District Level Licencing (DLL) scheme. The Council's Nature Conservation Officer advises that in the event that

planning consent was granted, entry into the DLL scheme would be sufficient to maintain the favourable conservation status of the species. As such, the proposals adhere with this test.

However, as the first and second tests are not deemed to have been met, the application proposals are deemed to fail Habitat Regulations which in turn, means that it's unlikely that Natural England would grant a protected species licence if and after Planning Permission has been granted.

As the development would have a significant adverse impact on habitats or species and because the benefits of the proposed development do not outweigh the impact of the development, the proposals are also deemed contrary to Policy SE3 of the CELPS and Policy NE11 of the Macclesfield Borough Local Plan.

'Other Protected Species'

Evidence of 'Other Protected Species' activity was recorded on site. The Council's Nature Conservation Officer advises that based on the current status of the species on site, the proposed development would have a negligible impact upon this species. However, as the status of these 'Other Protected Species' can change within a short time scale, the Council's Nature Conservation Officer recommends that if planning consent is granted a condition be attached which requires the undertaking and submission of an updated 'Other protected Species' survey prior to the commencement of development.

Common Toad

This priority species, which is a material consideration, was recorded at a pond on site. The Council's Nature Conservation Officer advises that the proposed development would have a minor adverse impact upon this species as a result of the loss of low value terrestrial habitats. It must however be ensured that the western boundary of the site remains permeable to allow toads to move between the retained pond and the adjacent woodland habitats. The revised ecology report includes recommendations for the incorporation of features on the sites west boundary are designed to facilitate the movement of toads. As such, subject to a condition to ensure these features are installed, the proposals should not detrimentally impact upon Common Toads.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Native hedgerows are present on the sites northern and southern boundaries. The submitted ecological assessment advises that these would be retained as part of the proposed development.

The submitted ecological assessment refers to the creation of 370m of new hedgerow on the proposed footpath. The location of this planting is included as a plan with the ecology report and further details of the location of this planting has been provided on the path showing the location of the footpath. The Council's Nature Conservation Officer concludes that the proposed development would lead to an increase in biodiversity associated with hedgerows if the proposed off-site planting was secured. This can be secured via planning condition in the event of approval.

Nesting Birds

If planning consent is granted a condition would be required to safeguard nesting birds.

Biodiversity Net Gain

In accordance with Policy SE3 of the CELPS, all development proposals must seek to lead to an overall enhancement for biodiversity. In order to assess the overall loss/gains of biodiversity an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 2 has been undertaken and the submitted with the application.

The Metric calculation as submitted, shows that the proposed development, which includes an off-site area of habitat creation, would deliver an overall gain for biodiversity amounting to 3.04%. This is in compliance with Policy SE3 of the CELPS.

In the event that planning consent was granted, the Council's Nature Conservation Officer advises that a detailed habitat creation method statement, 30-year habitat management plan and ecological monitoring strategy will be required by condition/legal obligation to ensure the long-term management of the off-site habitat creation area. The habitat creation method statement and ecological monitoring strategy must be informed by the proposals in section 5 and figure 5 of the submitted Ecology report dated 21st July 2021 prepared by Kingdom Ecology and the submitted Biodiversity Metric version rev 3 (21st July 2021).

Ecology summary

The development when considered against the Habitat Regulations is deemed to fail the tests in relation to bats and Great Crested Newts.

The agent for the application had knowledge of this concern prior to a recommendation being made and a Habitat Regulations Tests Response document was provided during the assessment process. However, this document takes the form of a 'Reasoned Statement', a type of document sent to Natural England as part of an application for a protected species licence *after* planning permission has been granted. The purpose of the document is to provide Natural England with the applicant's evidence of how their development passes the 'imperative reasons of overriding public interest', 'no suitable alternatives' and 'favourable conservation' tests under the Habitat Regs. Natural England will not grant a license unless all of the three tests are passed and importantly, they will not consider a protected species license application until *after* planning consent has been granted.

The submitted document sets out the applicant's evidence relating to the 'need' for the development and their case for 'Very Special circumstances'. If the Council is not supportive of this application, then it is unlikely that the Council would agree that the development is of 'Overriding public interest' and may take the view that the 'do nothing scenario' is an acceptable 'Suitable Alternative'.

As the development would have a significant adverse impact on habitats or species and because the benefits of the proposed development do not outweigh the impact of the development, the proposals are also deemed contrary to Policy SE3 of the CELPS and Policy NE11 of the Macclesfield Borough Local Plan.

Amenity

Policy DC3 of the MBLP states that development should not significantly injure the amenities of amenities of adjoining or nearby residential property or sensitive uses due to (amongst other

considerations): loss of privacy, sunlight and daylight, an overbearing impact and environmental considerations.

Saved Policy DC38 of MBLP refers to space guidelines as does Volume 2 of the Cheshire East Borough Design Guide SPD.

Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

Neighbouring amenity

The closest neighbouring dwellings to the application proposals would be the occupiers on the opposite side of Pepper St to the application site and the occupier/s of Mere Hills House to the north-east.

All of these neighbouring dwellings are over the minimum recommended separation standards quoted with the development plan, from any of the proposed built form. As such, none of these occupiers should be detrimentally impacted by the proposal with regards to loss of privacy, light or an overbearing impact.

Amenity of future occupiers

As per paragraph 130 of the NPPF, development should ensure a high standard of amenity for existing and future users. In consideration of this, an assessment of the relationship between the proposed buildings is proposed as well as consideration of private amenity space provision.

With regards to the relationships between the buildings themselves, there are various instances where these buildings oppose each other and their proximity to each other is lower than recommended policy separation standards.

It is recognised that there is strong emphasis on 'community' as part of the general health and well-being vision for the overall development concept and weight is placed on this. As such, in the majority of the instances where a substandard relationship is noted, these breaches are considered acceptable in this case. These standards are only a guide and there would be a degree of buyer beware and knowledge that the occupiers would be buying into a community development.

However, there are a few occasions where the breach is more significant than others. The main concern relates to a loss of privacy as a result of the provision of numerous balconies throughout the development. As such, in the event of approval, it is recommended that a schedule of privacy screens for balconies proposed on blocks 1, 3-6, 8-10, 12 and 13 be conditioned requiring the prior approval of the LPA. In addition, a condition is proposed requiring the obscuring of the ground-floor window on the western end of Block 06, shown to serve a secondary window to an open-plan kitchen lounge and dining room, also to prevent a loss of privacy. Subject to these conditions, it is deemed that the application buildings would not have an unacceptable impact upon the amenity upon the future occupiers of the site with regards to their relationship to one another.

In terms of private amenity space, the agent for the application has advised that each resident of the extra care element of the proposals, as well as having access to a wide range of communal areas, will have their own area of outdoor private space be that either in the form of a small patio area or a balcony. This is deemed acceptable.

Environmental Amenity

In consideration of environmental amenity (noise, air and land pollution), the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; the submission/approval of an external lighting scheme, the provision of electric vehicle charging infrastructure, submission/approval of an updated Conceptual Model based on the findings of the Phase I Preliminary Risk Assessment, submission/approval of a contaminated land verification report, submission/approval of a soil verification report and that works should stop if contamination is identified. A number of informatives are also proposed.

To conclude, the development would not result in creating any neighbouring amenity issues external to the site or for within the site itself for the future occupiers, subject to the inclusion of the conditions set out. As such, the development is deemed to adhere to the amenity policies of the development plan.

Highways

The crux of Saved Policy DC6 of the MBLP is that development should provide safe and convenient access provision for vehicles, pedestrians, special needs groups, and service/emergency vehicles and to provide safe and convenient facilities for the servicing of businesses. Adequate parking provision should also be provided.

Policy CO1 of the CELPS refers to sustainable transport and travel.

Access

The applicant has undertaken a speed survey to determine the visibility requirements at the access. The 85%ile dry weather speeds are shown in a table for 2019 and 2021.

The earlier speed survey results have been used by the applicant to determine the visibility splays as these are higher than the recent measurements. Manual for Street guidance on SSD's has been used and results in 2.4m x 73m eastbound and 2.4m x 70m westbound.

Development Impact

The Council's Highway's Officer advises that given that the residential units will be associated with a care use, the use of lower trips rates than general open market houses can be accepted. The Council's Highway's Officer advises that the resultant number of trips that would be generated by the development in the peak hours is relatively low and not to a level that would result in any capacity problems on the local highway network.

The development is predicted to generate 33 two-way AM peak hour trips and 17 two-way trips in PM peak during the week.

Pedestrian/ Cycle Access

The applicant is proposing a 2-metre-wide footpath that links the site to Chelford Road. This will be provided partly within private land and the public highway. The path will not be gated and there will be lighting provided. Following discussions with the Council's Highway's Officer, Highways are likely to adopt the section on the public highway and the section within private ownership would need to be controlled through a S106 agreement in the event of approval. This would be to ensure

that: it will be of suitable construction, its maintenance and access are controlled in perpetuity and to ensure that the detail of any lighting is agreed.

An uncontrolled pedestrian crossing facility is proposed on Chelford Road including the provision of a pedestrian refuge, this will provide a link to the existing footpath on the northern side of Chelford Road.

There is a substantial section of the A537 that does have a footway on the southern side, and whilst there is a footway on the northern side of Chelford Road the path is narrow in places between 1 metre and 1.2 metres wide.

There are no cycle paths that serve the development and there are no dedicated segregated cycle paths on the A537 through Chelford, any cycle journeys to and from the site would have to take place on carriageway.

Sustainable Transport

There is currently a bus service 88 which runs between Altrincham and Macclesfield that passes the application site on Pepper Street. It is proposed to provide two new bus stops on either side of Pepper Street close to main site access as part of the application.

The applicant also proposes to provide a shuttle bus for the use of residents to be used to ferry passengers to various destinations such as Macclesfield, Knutsford or the railway station in Chelford. It is indicated that this service will be managed internally, and a timetable set as to the destinations of the bus.

A number of pool cars (16) / a car club is proposed to be provided on the site for the use of staff/residents that can be booked for a set time. Having the provision of pool cars will aid reducing car ownership but may not be convenient for use as journeys would have to be booked in advance.

Car parking

The applicant has reduced the number of parking spaces from 165 to 128 (including 22 mobility spaces). This level of parking accords with Cheshire East Council standards. As the development proposal is for a retirement care community use it is important that there is not an excess of parking on the site that encourages car ownership and traffic generation.

Highway's conclusions

The information provided regarding the proposed access and also the approach vehicle speeds has demonstrated that the access design is acceptable to serve the development. A concern of this development proposal is that the residential apartments would be open market units and not restricted to care use, this has been clarified by the applicant that all units will be occupied by residents needing care. The Council's Highway's Officer therefore advises that this be controlled in the event of approval.

The Council's Highway's Officer advises that a residential care and community use has a lower traffic generation than typical residential accommodation and as such, the trip generation from the site is relatively low and does not cause any capacity problems on the local road network.

The site will be connected to the existing pedestrian network by the provision of a new footway along Pepper Street and also a pedestrian refuge crossing facility on Chelford Road. The part of the footpath proposed on private land would need to be controlled via a S106 agreement in the event of approval. However, the Council's Highway's Officer states that the development is situated in an isolated rural location that is some distance away from many facilities such as supermarkets/shops and public transport facilities.

The Highway's Officer states that whilst there are a number of facilities provided within the site to reduce travel such as shuttle buses and pool cars, the vast majority of trips will be vehicle based both from residents and vehicle deliveries to the site.

The Highway's Officer concludes that this development would be better placed in an urban environment and is not considered to be readily accessible and this matter should be included when making an assessment of the overall sustainability of the site by the planning officer.

The Council's Highways Officer states that matters of locational sustainability aside, there are no technical highways reasons to refuse the application.

As such, the proposal is deemed to adhere with Policy DC6 of the MBLP.

Flood Risk and Drainage

Policy SE13 of the CELPS relates to flood risk and water management. It states that all development 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 in line with national guidance.

According to the Environment Agency flood risk maps, the whole of the application site falls within a Flood Zone 1 (FZ1). FZ1 is the lowest of the flood risk categories and means that the land has less than a 1 in 1,000 annual probability of river flooding. It relates to all areas outside of Flood Zones 2 and 3, Flood Zones of a higher probability of flooding.

Given the scale of the application site, the application is accompanied by a Flood Risk Assessment (FRA).

The Environment Agency have reviewed the proposals and advised they have no comments to make as the development falls outside the scope of their remit.

The Council's Flood Risk Officer has reviewed the proposals and advised that they have no objections, subject to a condition requiring the submission/approval of a detailed drainage strategy/design, limiting surface water run-off. Informatives are also proposed.

In consideration of drainage, United Utilities have advised that they have no objections, subject to the following conditions: submission/approval of a surface water drainage scheme, foul and surface water should be drained on separate systems and the submission/approval of a sustainable drainage management and maintenance plan.

Subject to the above conditions, the proposal is not deemed to create any flood risk or drainage concerns and would adhere with the flood risk and drainage policies of the development plan.

Public Rights of Way (PROW)

The development, if granted consent, may affect Public Footpath Ollerton Numbers; 9, 26, 11 and 27 and Peover Superior No. 27, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

The proposed development would have an indirect effect on the Public Right of Way, which constitutes a material consideration.

The Council's PROW Officer has reviewed the proposed development and raises no objections to the proposed development subject to a condition requiring; the submission/approval of a Public Rights of Way Management Scheme; that the line of the PROW be marked out on the development site prior to commencement and during development; the pre-commencement and post-completion condition surveys are undertaken. Informatives are also proposed to remind the applicant of their responsibilities.

It is recommended these be included in the event of approval.

Manchester Airport

The Safeguarding Authority for Manchester Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria.

They have concluded that they have no objections, subject to a number of conditions including submission/approval of a bird hazard management plan (BHMP), submission/approval of a landscaping scheme that will dovetail with BHMP, that any solar panels shall not be installed until a Glint and Glare assessment has been submitted and approved and that all exterior lighting be capped at the horizontal.

Again, it is recommended these be included in the event of approval.

Archaeology

The application is supported by a desk-based archaeological assessment.

The Cheshire Archaeology Planning Advisory Service (APAS) has reviewed this document and advise that it outlines in a sufficient manner, the historical background of the proposed development area.

APAS records show little potential for significant archaeological remains within the proposed development area. As such, APAS advise that there would be no archaeological observations required for the proposed development.

Agricultural Land Quality

Policy SD1 of the CELPS states that development should, wherever possible (and amongst other matters), protect the best and most versatile agricultural land.

Policy SD2 of the CELPS states that all development will be expected to avoid the permanent loss of areas of agricultural land quality 1, 2 or 3a, unless the strategic need overrides these issues.

Paragraph 174 of the NPPF states that planning decisions should contribute and enhance the natural and local environment by recognising the benefits of (amongst other matters) best and most versatile agricultural land.

Footnote 58 within the NPPF states that *'Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality.'*

Agricultural land falling within classes 1-3a are classed as 'Best and Most Versatile' BMV.

According to the 2010 Natural England Land Classification Map for the North West Region, the land where the proposed footpath that travels along the edge of a field, falls within land which is Grade 3 quality.

According to a more up-to-date (2017) map produced by Natural England, which considers the likelihood of parcels of land being Best and Most Versatile, the map shows that the land submit to the footpath has a 'High likelihood' of being BMV land.

During the application process, an Agricultural Land Classification report was submitted. This found that the section of footpath that enters the agricultural field parallel with Pepper Street (0.2ha) is classified as grade 3a. As such, the agricultural quality of the parcel of field to be lost to this footpath is confirmed as BMV land.

However, the report, at paragraph 5.1.2 states that *'this small loss of agricultural land would not prevent continued access and agricultural production on the remainder of the field, and it would not adversely affect the quality of the land in the remainder of the field...'* The report goes on to state at paragraph 5.1.7 that whilst there would be loss of BMV land, the loss *'...will not significantly harm agricultural interests...'* with regards to policy. It is also advised that the benefits of providing the footpath and planting the new hedgerow outweigh the harm.

According the application, the reason for routing the proposed pedestrian footpath into and along the edge of an agricultural field was *'to provide safer pedestrian access away from the road, creating a less sub-urban pavement route and instead provide a more sympathetic and natural rural route.'*

It is recognised that the scale of the incursion into BMV land is extremely limited and that a professional has advised that this incursion would not 'significantly harm agricultural interests'. It is therefore not deemed that the minor scale of the incursion would be sufficient to warrant a reason for refusal of the application. However, it would be amiss not to acknowledge this minor loss as a material consideration weighing against the proposals, albeit in a limited capacity.

Affordable Housing

Consideration has been given as to whether the application proposals, or part of the application proposals, should be subject to affordable housing requirements.

As a reminder of what is proposed:

- 60-bed care home
- X72 'extra care' apartments
- X14 'close care' apartments

A residential care home / nursing home, using the definition from national planning practice guidance is deemed not to trigger an affordable housing requirement given the nature of the services provided.

The recent decision of the High Court in Rectory Homes Limited v SSHCLG and South Oxfordshire District Council [2020] EWHC 2098 (Admin) highlights that 'extra care' developments within Use Class C2 are not exempt from providing affordable housing solely by virtue of falling within that use class.

Whether or not affordable housing is required will depend on the wording of the relevant development plan policy relating to a site. Policy SC5 of the CELPS states that in residential developments, affordable housing will be provided in line with the thresholds set out in the policy. As such, it is considered that affordable housing thresholds will apply to the 'extra care' elements of the scheme (x72 apartments).

In consideration of the 'close care' element, as these units have the necessary facilities including a multi - purpose kitchen / dining / living area and independent access to each suite then they too are deemed capable of forming a dwelling, it is therefore concluded that these 14 units should also be subject to affordable housing policy SC5 'affordable homes' in the CELPS.

As such, based on the requirements of Policy SC5 of the CELPS, 30% of 86 (25.8 units) are required to be affordable units. This is rounded up to 26 on-units or 25 units and a commuted sum for the 0.8.

The application proposals do not provide an affordable housing provision, or a contribution towards off-site provision.

Health

The NHS CCG Officer advises that the area of the application proposals is covered primarily by the Primary Care Network; CHAW. The GP Practices currently involved, are as follows:

- Alderley Edge Medical Centre
- Chelford Surgery
- Handforth Health Centre
- Kenmore Medical Centre
- Wilmslow Health Centre

Combined, there is a Practice Population of 47,477.

The NHS CCG Officer advises that currently, there are over 21 care homes of mixed use (residential and nursing) within the Primary Care Network boundary that have an 852-bed capacity. In general, patients in nursing and residential homes are found to have more complicated health care requirements and require more time and care than patients with otherwise similar characteristics who are not in nursing and residential homes.

The NHS CCG Officer advises that it is felt that an additional care home in this area would have an unfair negative impact on primary care services availability to other residents living locally. Furthermore, it is advised that this has the potential to also impact Community Services and increase the high need population within the area. As directly commissioned by the CCG, Community Services and Acute services currently on a block contract; there is little opportunity to adjust this in order to meet increase demand developments such as the above would create.

As such, with regards to its impact, the NHS CCG object to the proposals. They advise that it is considered that such a proposal would have a negative impact on the Primary Care and Community Care provision, including the local GP practice, and its ability to look after its existing patients. Such a facility, even with a level of private care being provided on site, will still ultimately negatively impact the local NHS services to some degree to an extent that could not be covered by a commuted sum (using a fixed formula) being provided to offset the impact.

In the event of approval, the NHS CCG request Section 106 monies be allocated from the Developer in order to provide infrastructure capital to assist in sustaining the existing GP Practices being able to provide Primary Care services and to mitigate the impact. From a rationale perspective; the persistent financial challenges faced by the CCG and therefore the provision of improvement is vast; subsequently, alternative funding streams such as Section 106 are vital to provide the necessary capital for GP Practices to undertake improvement works to their existing premise (or other such advised project) to maintain the ability to deliver the operational requirements set out on a national level; whilst ensuring patient care and experience is at the forefront.

Assumptions have been made in line with the 1.5 bed units described within the application for the purposes of the below application:

<i>Size of Unit</i>	<i>Occupancy Assumptions Based on Size of Unit</i>	<i>Health Need/Sum Requested per Unit</i>
<i>1 bed unit</i>	<i>1.4 persons</i>	<i>£504 per 1 bed unit</i>
<i>2 bed unit</i>	<i>2.0 persons</i>	<i>£720 per 2 bed unit</i>
<i>3 bed unit</i>	<i>2.8 persons</i>	<i>£1,008 per 3 bed unit</i>
<i>4 bed unit</i>	<i>3.5 persons</i>	<i>£1,260 per 4 bed unit</i>
<i>5 bed unit</i>	<i>4.8 persons</i>	<i>£1,728 per 5 bed unit</i>
<i>1 bed unit x65 = £32,760</i>		
<i>2 bed unit x74 = £ 53,280</i>		
<i>3 bed unit x7= £ 7,056</i>		
<i>Total: £ 93,096'</i>		

The application proposals do not propose to provide a contribution towards off-setting the impact of the development upon the NHS.

It is a material consideration that the NHS CCG object to the proposal on the basis that in their view, the application proposals would have a detrimental impact upon the NHS Primary Care Network and consider that this harm cannot be mitigated.

The applicant's healthcare consultant in response to these concerns has made the following points:

- That the provision of an on-site 'satellite clinic' does not have to be operated by NHS staff, but the private sector provider who will deliver the care packages to residents on site and other clinicians providing health and wellness related services.

- Proposals would have a positive impact upon the health of the residents residing at the facility, rather than create a burden.
- That the development would address a need.
- An innovative partnership could also help to provide such positive benefits to residents in the neighbouring area.
- The applicant is confident that operators will be able to procure a sufficient pool of staff

The impact of the proposed development upon existing, local NHS services appears to be difficult to quantify. Whilst indeed the scheme would provide health, wellbeing and care benefits for the future residents, at some point, it appears likely that the future occupiers will need a degree of NHS medical care. Given that it's also likely that a proportion of the future residents would not derive from within the existing Primary Care Network within which the site falls, it would follow that the burden upon existing NHS services within the particular Primary Care Network would increase to some degree. Due to the amount of variable factors, it's difficult to quantify the impact. Nonetheless, the NHS CCG have advised that the proposals would negatively impact the existing primary care services availability to other residents living locally.

Public Open Space / Green Infrastructure

Policy SE6 of the CELPS requires all developments to protect and enhance existing open spaces and recreation facilities, encourage improvements in their quality and provide adequate open space (to name a few). In order to assess the adequacy of the open space, a table (13.1) is provided within the subtext of Policy SE6 which sets out open space standards.

The Council's ANSA Greenspace Officer has advised that the Council focus on the amenity element of POS provision when looking at such residential units and focus on activities and amenities that would be appropriate for the future residents.

The council's Open Space officer considers that given the proposed footpath improvements linking the site to the village of Chelford and the degree of independence the occupiers of the 'extra care' element of the proposal are likely to have in particular, that this element of the scheme should be subject to Open Space requirements.

Based on the 72 'extra care' apartments, that generates a commuted sum figure of £108,000. The commuted sum would be used to make additions, amendments, and improvements to the relevant amenity facilities in the village of Chelford. The Council's ANSA Greenspace Officer suggests that this includes some or all the following: The Mere Court open space, amenity open space on Dixon Drive, Chelford activity park adjacent to the Village Hall and Chalford bowling green. There are two live projects in Chelford currently, one at Mere Court Park and the other at the Activity Park. Both would benefit from additional funding for amenity improvements including seating, paths, landscaping, pond renovation, wildlife and habitat works etc.

As such, this contribution would be required in the event approval and would be secured by means of a S106 Agreement. However, it is not proposed this be provided in this instance and the lack of provision therefore carries weight against the proposal

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 scheme, via planning policy triggers the requirement to provide 26 units affordable units on-site and a financial contribution towards NHS and Public Open Space provision.

As these provisions do indeed relate to either policy provision or identified need, it is considered that these requirements are necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

The applicant has submitted a viability report to advise that any required on-site provision or contributions cannot be provided.

Viability

Paragraph 34 of the NPPF states that plans should set-out the contributions expected from development. This should include setting out of the levels and type of affordable housing provision required along with other infrastructure.

Paragraph 58 of the NPPF 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.'

Paragraph 007 of the Viability NPPG states that instances where viability may be relevant could be *'where particular types of development are proposed which may significantly vary from the standard models of development for sale (for examples build to rent for housing for older people)...*

In response to the requirement highlighted by the Council for affordable housing provision, the agent commissioned a viability appraisal to demonstrate that the required provision would not be viable. The requested contribution requirements from the NHS (£93,000) and the Council's Open Space Officer (£108,000) would also be impacted by this appraisal.

The submitted viability report, produced by Turley, sets out that based on revenues, costs and permissible profits, the development would not have any money left to be spent on the contributions required. The Council have had this viability appraisal independently reviewed by Gerald Eve (at the applicant's expense). The independent review concluded that the conclusions within the viability

appraisal are largely accepted. Therefore, it has been concluded that the applicant indeed cannot not financially support the requirement to provide affordable housing provision or required contributions to either offset the harm of the development or address an identified need.

Accordingly, whilst the provision affordable housing and contributions towards health and public open space to mitigate for the impact of the development upon existing provision would normally be required, it is not achievable in this instance due to viability reasons. This reduces the contribution this scheme makes to the social arm of sustainable development and also tempers some of the social benefits of the scheme advanced by the applicant in support of their proposal.

This is considered as part of the planning balance.

Very Special Circumstances? (VSC's)

Paragraph 148 of the NPPF states:

'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

It has already been established that the application proposals represent inappropriate development in the Green Belt. Furthermore, additional Green Belt harm would be deemed to be created with regards to a significant impact on openness and through encroachment. According to the NPPF (above), this harm is to be afforded substantial weight.

Other harm arising from the application proposals has also been identified and set out in the report.

As such, any considerations in favour of the proposed development would need to be, either individually or cumulatively, of sufficient magnitude to *clearly outweigh* all of this harm identified in order for Very Special Circumstances to exist.

Within pages 85-87 of the submitted Planning Statement, the agent for the application has presented their VSC case. Within paragraph 3.99, this sets-out what the agent considers to represent 13 VSC's. These are copied verbatim below for clarity.

- 1. The sustainability of the site and lack of alternative, suitable or viable sites as demonstrated by the Sequential Test.*
- 2. The role of the application site in the Green Belt; it being visually contained and highly sustainable.*
- 3. Positively responding to an ageing population in Cheshire East and meeting a known shortfall in critical housing and social care needs (falling within the mid to high-end acuity levels)*
- 4. Delivery of enhanced healthcare and wellbeing improvements, which will release the burden upon local NHS services, which extra-care residents being obliged to take a min. of 3 hours domiciliary care per week through a covenanted service charge*
- 5. The pandemic has highlighted the issues of isolation and loneliness like never before and the life-shortening threats that this has upon our most vulnerable sector of society; providing a community dedicated to addressing these issues will lead to less reliance upon the social issues and healthcare sectors*

6. *Viruses design techniques (isolation suites, safe social interaction areas) will deliver a state of the art modern and unique scheme that allows Cheshire East residents to be housed in a safe, Covid-secure and socially fulfilling environment offering independent living with various degrees of mid to high acuity care support.*
7. *Ability to positively contribute towards housing land supply by releasing under-occupied family homes back into the market thus meeting a sustainable development objective (right-sizing and downsizing) and providing specialist housing including much needed accessible 'bungalow design' accommodation*
8. *The communal facilities and services offered are integral to and cornerstones of addressing independent living, wellness and providing dementia therapy (be this allotments, sensory garden, or other proposed features)*
9. *Providing new and sustainable employment and training opportunities and short-term construction jobs and investment.*
10. *Delivering other sustainable local economic benefits; such as those associated with the construction period, new resident expenditure and local rates/taxes*
11. *Enabling public access with new pedestrian footway, woodland walks, bus stop*
12. *Biodiversity net gains and enhanced landscape (tree and hedgerow planting) provision*
13. *Re-purposing an existing residential site and promoting the use of low emission vehicles and car sharing*

These are considered below in greater detail and have been grouped into social, economic and environmental categories.

Social benefits (VSC's 1, 3-7 8 and 11)

Development 'Need'

As set out earlier in this report, the Council accept that there is a 'need' for the facilities proposed. This is highlighted by the documented need for 'extra care' facilities within the 'Joint Market Position Statement' produced jointly by Cheshire East Council and the NHS CCG and the need for this particular type of facility within this particular part of Cheshire East (draft 'Vulnerable and Older Person's Housing Strategy' (2020-2024)). The concerns raised by some consultees in relation to the care home element are acknowledged, but based on current evidence it is difficult to dispute a need for this type of accommodation. This is subject to the inclusion of a condition in the event of approval to ensure the care home element of the scheme provides specialist dementia support, which would address an identified need as set-out within the 'Joint Market Position Statement'.

Availability of other sites

The specific site selection for the development proposal would appear to be driven initially by the applicant's position as landowner. The application is supported by a Sequential Test provided by the planning agent for the application. This can be a useful exercise but it should be highlighted that there is no provision in planning policy for a sequential test to be used for selecting sites for C2 uses.

This submitted document sets a 10km catchment area from the application site. It should be noted that this catchment is predominantly rural but includes the towns of Wilmslow and Knutsford which are identified as 'Key Service Centres' in the CELPS which Policy PG7 of the CELPS identifies as towns that are expected to accommodate 950 new homes (Knutsford) and 900 new homes (Wilmslow) over the plan period. The catchment also includes a number of smaller settlements, referred to as

'Local Service Centres' by Policy PG2 of the CELPS including - Alderley Edge, Chelford, Goostrey, Holmes Chapel, Mobberley and Prestbury. These smaller settlements, according to Policy PG7 of the CELPS are expected to accommodate in the order of 3,500 new homes.

There are a number of parameters set by the applicant including size & logistical criteria such as, is the site available and is it suitable and viable.

Sites were considered under the following headings: Existing registered Care Home sites, existing sheltered housing sites, sites that are presently on the open market, sites that appear on the Cheshire East Council Brownfield Register, extant CELPS and emerging SADPD draft allocated sites and safeguarded sites.

The test concludes that no sites were identified within these categories that were available and suitable within 10km of the application site. With regards to extant CELPS strategic site allocations, 12 sites were identified for release from the Green Belt but whilst almost all appear suitable, it is advised that only 1 site is presently available, the Royal London allocation (LPS54) and this is discounted as the allocation is for housing, not C2 development.

The other sites were found to be 'not available' because it is advised that they are either 'tied up' with an existing residential development partner (housebuilder) who is at an advanced stage of delivering housing schemes or the owners are not in a position to consider a release through marketing the sites or realistically delivering or considering care uses on them.

The Handforth village scheme (LPS33) is discounted due to existing complexities and timeframes for delivery.

In consideration of the emerging SADPD, a number of safeguarded sites have been identified, but these are all discounted as they are not presently available until beyond 2030.

The conclusion of the report is that no sites have been found within the catchment presented that are any more sequentially preferable than the application site and that no available, suitable, or viable alternative sites were identified.

In response, it is difficult to be able to conclude that there are no other sequentially preferable sites for the development proposed. Whilst the applicant has attempted to support their case by providing a sequential test, which is not a policy requirement, the market constantly changes and although a sequentially preferable site may not have been available at the time the assessment was undertaken, such a site maybe in the future.

It's also worth noting that care home planning permissions are not un-common within Cheshire East. Such proposals have either been approved (or allowed) at various locations within Cheshire East in recent years. Those approved or allowed have tended to be within settlement boundaries, locations which the development plan seeks to direct such development. For example, a proposal for a 60-bed care home was recently (November 2021) allowed within the settlement boundary of Wilmslow (APP/R0660/W/20/3264480). Whilst it is appreciated that this proposal is not simply a care home, but a retirement care community, offering various levels of care, it demonstrates that care development is being approved or allowed within Cheshire East in sustainable locations, which does not cause harm to the Green Belt.

It should also be noted that it is not uncommon for developers to make an unavailable site available, by approaching owners of existing sites and properties and offering to purchase it/them. The proposed use is not a use incompatible with a residential area. Such an approach is known to have been taken elsewhere in Cheshire East. Whilst there would of course be financial implications of this latter approach, the preference would still be that care development is provided in more sustainable

locations that does not cause the substantial harm to the Green Belt and the other harm identified in the case of the application proposals.

These factors are deemed to temper the weight afforded to the findings of the submitted sequential test.

It should be noted that the 10km catchment runs up to the western edge of Macclesfield, a Principal Town and the largest settlement in the North of the Borough. The study area therefore excludes the majority of Macclesfield. It is approximately a 12-minute drive from the site to Macclesfield along the A537.

Health and wellbeing benefits

It is recognised that the care village model proposed brings notable health and wellbeing benefits. This includes:

- Provision of various different levels of care on one site so an occupier can progress through the stages of care required on one site without having to move elsewhere
- Allows couples to live on same site who individually, may need different levels of care
- Benefits of the community concept, including the proposed communal facilities and services offered in supporting independent living and addressing isolation, loneliness, wellness and providing dementia therapy (be this allotments, sensory garden, or other proposed features)
- Benefits around the provision of isolation suites, safe social interaction areas etc that allows a safe, Covid-secure environment

Other social benefits

The agent for the application has suggested a benefit of the scheme would be the knock-on effect of the proposals releasing valuable housing stock within Cheshire East as they move out of their existing homes into the proposed facility.

In response, the Council can currently comfortably demonstrate a deliverable 5-year housing land supply. As such, there is no current pressure to release housing. In addition, there are no guarantees that the future occupiers of the facility will all be from within Cheshire East.

It is acknowledged that there would be minor local benefits to the existing nearby residents with regards to the provision of improved pedestrian facilities and a bus stop.

Social benefits conclusions

The main social benefits of the proposals include the addressing of a care need for an elderly population particularly high within Cheshire East compared to national standards. In addition, the associated health and wellbeing benefits associated with the provision of a modern facility of the concept proposed are recognised.

These benefits are afforded significant weight.

Economic benefits (VSC's 9 & 10)

The proposal would result in the creation of local job opportunities as a result of the development itself, and during the construction as well as knock-on economic benefits realised either for the

duration of the construction period or longer terms, with new resident expenditure and local rates/taxes.

The proposal is anticipated to generate 42.5 equivalent number of full-time jobs (25 full time and 35 part-time). There would also be the creation of temporary construction jobs and both direct and indirect expenditure and economic benefits. This would result in a positive contribution to the economy.

These benefits are afforded moderate weight primarily as a result of the job creation.

Environmental benefits (VSC's 2, 12 & 13)

The agent for the application considers that the role of the application site within the Green Belt, it being well contained and highly sustainable represent a VSC.

In response, a Green Belt exercise has already been undertaken and it has been concluded that the proposals represent inappropriate development in the Green Belt. In addition, it has been concluded that additional Green Belt harm would be created by the proposals in terms of a loss of openness and encroachment. Furthermore, it has been concluded that the site is not locationally sustainable. Whilst it is acknowledged that the site is well screened from wider viewpoints, it has been already explained why it is considered that harm would still be created.

The biodiversity net gains proposed, whilst welcomed, are a requirement of the planning permission (Policy SE3(5) of the CELPS). As such, this is not considered to represent a stand-alone 'benefit', but a requirement of the application proposals to adhere to policy requirements.

With regards to landscaping, additional landscaping is proposed which is recognised as an environmental benefit, albeit minor in the context of the wider scheme.

The re-purposing of a residential site and the promotion of low emission vehicles are either principle policy considerations (Green Belt) or proposals to reduce the impact of the development itself.

As such combined, these environmental matters are afforded limited weight as benefits.

Conclusions / Planning balance

The application proposals represent inappropriate development in the Green Belt.

Paragraph 148 of the NPPF states that *'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*

The fact that the proposals represent inappropriate development in the Green Belt in conjunction with the conclusions that the development would also result in a substantial harmful impact upon the openness of the Green Belt and conflict with the purpose of safeguarding the countryside from encroachment, carry substantial weight, as set-out within policy. This is used to set the benchmark for the subsequent weighting exercise.

In addition to Green Belt harm, significant weight is attributed to the harm that would be caused to the intrinsic character and beauty of the Open Countryside. This is because the proposals fail to fall within any of the forms of development permitted within such locations, as listed within policy.

Significant weight is placed on the location of the proposed development being contrary to the strategic aims of the development plan which seeks to direct such development, including the proposed on-site commercial uses (albeit restricted to residents) to urban locations which are naturally more locationally sustainable and as such generate less harm in such rural locations. This is not afforded substantial weight as a result of the measures proposed by the applicant in an attempt to make the site and the development more sustainable.

Significant weight is also attributed to the ecology harm that would be created due to the loss of a bat roost and the risks posed in relation to killing or injuring Great Crested Newts present on site. Although mitigation is proposed, there are no overriding reasons to approve the application proposals and therefore the development is deemed contrary to the Habitat Regulations and development plan ecology policy.

Limited to moderate weight is afforded to the design harm that would be created by introducing a large volume of development in this rural location which would result in a harmful urbanising effect. This is only afforded limited to moderate weight when considered in conjunction with the landscape considerations, given the natural screening of the site from multiple viewpoints and the soft landscaping proposed.

Limited to moderate weight is afforded to the lack of affordable housing provision and health and open space contributions to off-set the impacts of the development proposed. This is only afforded limited to moderate weight because although the contributions not being provided potentially result in significant impacts, the submitted viability appraisal, which has been externally examined and found to be largely correct, demonstrates that such provisions cannot be afforded.

Limited weight (as a minimum) is afforded to the likely impact of the development upon the existing local primary care services, irrespective of receiving a commuted sum. More specifically, their availability to other residents living locally and the potential impact upon Community Services with the resultant increase in the 'high need' population within the area. This is weighted as such because although an impact has been highlighted, it's an impact difficult to quantify.

Limited weight is attributed to the minor loss of possible Best and Most Versatile Agricultural land given the minor scale of the land to be lost to the development.

No concerns are noted with regards to technical highway safety matters, landscape, trees, flood risk or drainage, public rights of way, Manchester Airport or subject to conditions where appropriate.

In consideration of whether there are any Very Special Circumstances that could clearly outweigh the abovementioned harm cumulatively:

Significant weight is afforded to the social benefits of the scheme. The main social benefits are that the development would address specific, highlighted care needs for an elderly population which is particularly high within Cheshire East compared to the national average. This is conjunction with the benefits derived from the community concept and the various levels of care proposed on one site.

Moderate weight is afforded to the economic benefits of the scheme with regards to the full-time equivalent job creation, the short-term jobs that would be created during construction period and localised spends in the area. This is afforded moderate weight primarily as a result of the job creation.

Overall, paragraph 148 of the NPPF is clear that, in the Green Belt, Very Special Circumstances cannot exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by the other considerations. As such, in order to be able to approve the application proposals, the overall balance would need to favour the applicant's case not marginally, but decisively. The considerations in favour of the proposed development, notably the social benefits, carry significant weight. However, irrespective of the presence of a sequential test which seeks to discount alternative sites, the benefits identified are not deemed to clearly outweighing the combined harm to the Green Belt and the other harm identified. As a result, Very Special Circumstances of the type required by the NPPF and Development Plan policy have not been demonstrated.

The application is subsequently recommended for refusal.

RECOMMENDATIONS

REFUSE for the following reasons:

- 1. The proposed development would represent inappropriate development within the Green Belt. Furthermore, additional harm would be created to the Green Belt by virtue of loss of openness and encroachment. It is not deemed that Very Special Circumstances exist that are sufficient to clearly outweigh the harm to the Green Belt and the other harm identified. The development would therefore be contrary to Policy PG3 (Green Belt) of the Cheshire East Local Plan Strategy, saved Policy GC1 (Green Belt (New Buildings)) of the Macclesfield Borough Local Plan and the National Planning Policy Framework.**
- 2. The proposed development would be located outside of a settlement boundary, in an unsustainable location. In addition, the development would lead to a concentration of specialist care facilities resulting in an imbalance of residential uses in the area and would conflict with other relevant policies of the development plan. The development is therefore deemed contrary to Policies SC4 (Residential Mix), SD2 (Sustainable Development Principles), CO1 (Sustainable Travel and Transport), EG2 (Rural Economy) and the strategic aims of Policy PG2 (Settlement Hierarchy) of the Cheshire East Local Plan Strategy and saved Policy DC57 (Community Uses – Residential Institutions) of the Macclesfield Borough Local Plan.**
- 3. The proposed development would have a significant adverse impact upon roosting bats and Great Crested Newts, protected and priority species. The reasons for or benefits of the proposed development do not outweigh the adverse impacts of the proposed development upon these species and so the proposals are contrary to Policy SE3 (Biodiversity and Geodiversity) of the Cheshire East Local Plan Strategy and saved Policy NE11 (Nature Conservation) of the Macclesfield Borough Local Plan. As bats and Great Crested Newts receive protection under the Habitats Regulations, the Council must have due regard to the regulations during the determination of the application. In order to discharge its duties under the**

regulations the Council must consider whether Natural England would be likely to grant a protected species licence to allow the development to proceed. In this instance, the Council considers that the proposed development is not of imperative overriding public interest and there are suitable alternatives to the current proposals with a reduced impact upon bats and Great Crested Newts. The application therefore fails to comply with the licensing tests in the habitat regulations. Natural England would consequently be unlikely to grant a protected species license in this instance.

In order to give proper effect to the Strategic Planning Board's intent and without changing the substance of its decision, authority is delegated to the Acting 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.

