
Appeal Decision

Site visit made on 24 June 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2020

Appeal Ref: APP/R0660/W/20/3249224

51-53 Handforth Road, Wilmslow, Cheshire SK9 2LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by New Care Projects LLP against the decision of Cheshire East Council.
 - The application Ref 19/3831M, dated 30 July 2019, was refused by notice dated 21 January 2020.
 - The development proposed is demolition of existing 2 detached properties and erection of 60-bedroom care home with associated landscaping, car park and access.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing 2 detached properties and erection of 60-bedroom care home with associated landscaping, car park and access at 51-53 Handforth Road, Wilmslow, Cheshire SK9 2LX in accordance with the terms of the application, Ref 19/3831M, dated 30 July 2019, and subject to the attached schedule of conditions.

Procedural Matter

2. The address on the application form is given as 51 Handforth Road, however the site also encompasses the neighbouring property, No 53. I have therefore taken the address to be 51-53 Handforth Road, which reflects the Council's decision notice and the appeal form.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located on Handforth Road, which is a busy residential through road which slopes downhill as it passes over the A34 and towards the centre of Handforth. The stretch of road along which the appeal site is located is characterised by large, detached properties which vary in style and design but share a building line which is significantly set back, and slightly elevated, from the road. The properties occupy much of the width of their plots, so the houses appear quite closely spaced. Despite this, the large front gardens have mature planting and extensive vegetation on the opposite side of the road give the area a green and spacious feel.

5. The two properties which make up the appeal site form the end of the row of houses, beyond which the street changes in character and the buildings front onto side roads rather than Handforth Road. A public footpath runs along the northern boundary of the site, which leads to a public park which borders on to the rear of the site.
6. An earlier application for a slightly larger care home on the same site was dismissed on appeal in October 2019¹. The previous Inspector was concerned about the visual impact of the proposal when viewed from Handforth Road, and found that the height and width of the proposed building, in combination with the less pronounced articulation of the facades, would cause harm to the character and appearance of the area.
7. The current appeal proposal also involves a single, large building which would have a wider frontage than the nearby houses, however significant changes have been made to the Handforth Road elevation following the earlier dismissal. The current scheme has been designed to appear from Handforth Road as two distinct detached dwellings. A lightweight glazed link would connect the two elements and would form the main entrance to the care home. This represents a significant difference between the two schemes.
8. The existing properties along this section of the Handforth Road have stepped ridge heights, reflecting the slope of the road. I note the Council's comments that the building would take advantage of the changes in level, rather than following the slope. However, the eaves and ridge heights of the proposed development would be stepped across the frontage, so that the building would appear to continue the rhythm of the street. The ridge heights on the main elevation have been reduced since the previous appeal, and although the overall building heights would be slightly greater than the nearby houses, owing to the topography this would not be obvious when viewed from the street.
9. The existing properties along the street vary in style and design. In order to reflect this variation, the two elements of the building frontage would have different materials, one part having part white render and a grey roof and the other being entirely brick with a red tile roof. Differing fenestration, with bay windows on one side, would further contribute to the impression of two separate houses, as would the use of hipped roofs, which would also help to reduce the bulk and mass of the building when viewed from Handforth Road.
10. I note the Council's comments that No 53 Handforth Road, which would be replaced by the proposed development, is more moderate than many of its neighbours and is unobtrusive in the street scene. Whilst that may be the case, the area surrounding the appeal site is characterised by large dwellings and a sensitively designed building of a different style and design would not necessarily appear out of place on the site.
11. The front elevation would be set slightly further back from the street than the neighbouring properties, but given the distance from the road and the location of the site at the end of the row of houses, this minor deviation in the building line would not be particularly obvious or unattractive.

¹ Appeal ref APP/R0660/W/19/3230381

12. The glazed link would be two stories high, but the upper floor would be a narrow feature, providing only a corridor. Although there would be partial brickwork on the rear elevation, the link would be of a lightweight appearance. Whilst I accept that such a feature is not found elsewhere along the street, its considerable set back from the road and the front building line would mean that it would not be a prominent or unappealing feature when viewed from Handforth Road.
13. The existing front gardens of the houses on the site have mature planting and thick, high hedges. The proposed parking area to the front of the care home would result in a greater proportion of hardstanding and a reduction in soft landscaping at the front of the site. However, the landscaping proposals submitted with the scheme show the retention of existing boundary hedges and a large tree on the front boundary, which has significant amenity value. This would be supplemented by additional hedge and tree planting along the front and side boundaries, which would help provide screening and ensure that the scheme retained, and contributed positively towards, the existing green and verdant character of the area.
14. The main part of the building, which would rise to three storeys in height, would be located to the rear of this frontage. I note comments made by interested parties that three storey buildings are not a common feature in the area, which was a point also addressed by the previous Inspector. However, the elements of the building fronting onto Handforth Road, which the Inspector was particularly concerned about, would be two storeys in height, and the three storey element to the side and rear would not be readily visible from Handforth Road.
15. Given its height and length, the building would be more visible from the side footpath than the existing house. However, the part of the building which would be closest to the footpath would be the lower, front section. The higher side elevation would be set at an angle to the path, increasing in distance from it towards the rear of the site. Furthermore, the retention of mature trees at the sides and rear of the site, supplemented with additional planting, would provide effective screening of the building, which would help to reduce the visual impact from the public footpath, the park and from Tarporley Walk.
16. The building would be significantly larger than the nearby houses, but Nos 51 and 53 both have very substantial gardens and the submitted plans show that the building could be comfortably accommodated without the site becoming overdeveloped. Good sized landscaped areas would be retained at the rear and side of the building, which would provide screening and softening of the development, with ample amenity space for residents.
17. The sensitive design of the buildings together with significant landscaping would ensure that the proposed development would be able to successfully assimilate into the area. I conclude that the proposal would not cause harm to the character and appearance of the area, and would comply with the requirements of Policies SD2 and SE1 of the Cheshire East Local Plan Strategy 2017 (CELPs) in relation to character, local distinctiveness and sense of place.

Other Matters

18. A significant number of objections to the scheme have been made by local residents and other interested parties. A number of parties have questioned

the need for the development, given the number of existing care homes in the locality, some of which are reported to have vacancies. To address this point, which was also a matter of concern for the planning committee, the appellants have commissioned a needs assessment which has been submitted as part of the appeal proposals.

19. The proposed development would provide general residential care, nursing care and dementia care. The needs assessment indicates that there is a need within a 3 and 5 mile catchment for additional elderly care beds for those with high level care needs, at a level which significantly exceeds the 60 beds currently proposed. I note resident's comments that the needs assessment is not robust and that there is already an oversupply of care facilities in the local area. However, the needs assessment has been reviewed in detail by the Council's Adult Social Care Contract and Commissioning team, who have concluded that the content and data contained in the report is an accurate reflection of the current position in the identified catchment area; is fair and appropriate and has demonstrated examples of working collaboratively with the local authority and Local Clinical Commissioning Groups. I have no reason to disagree with the findings of the needs assessment, or the Council's conclusion that a need has been demonstrated for a proposal of this nature within this area.
20. I note comments by local residents that there are two redundant care home buildings nearby, but there may be a variety of reasons why these facilities are no longer operational. Furthermore, the appellant has demonstrated that there is a need for additional facilities of this nature in this area and there is nothing that necessitates any consideration of alternative sites.
21. The potential financial costs of the proposed facilities for future residents, compared with other care homes, is not a planning matter and therefore has not formed part of my consideration of this appeal.
22. The impact of the current Covid-19 pandemic on the need for the proposed care home has been raised by a number of parties. The effects of the pandemic on the care sector are likely to be wide ranging and complex, and it will take time for the impacts to be fully understood. However, the need to provide high quality facilities to care for the ageing population will remain, and there is nothing to suggest that the need for the proposal would be in any way diminished as a result of the pandemic.
23. The NHS Eastern Cheshire Clinical Commissioning Group (CCG) have raised concerns about the additional pressures which would result from the proposal on local primary care facilities, in particular Handforth Health Centre, which would be the only GP practice which could be allocated to the proposed care home. The CCG and other GP practices in the Primary Care Network share the view that provision within the locality is sufficient and that any additional facility would create unnecessary pressure from out of area patients.
24. However, CELPS Policy IN2 states that development contributions will be sought to help facilitate the infrastructure needed to support development. In order to provide support for Handforth Health Centre, the appellant has provided a signed Unilateral Undertaking (UU) setting out details of a financial contribution.
25. The level of contribution has been calculated using a standard method applied by the NHS for nursing and residential homes. The contribution is necessary to

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

26. A care home is not an uncommon use in a residential area. The Council and the previous Inspector accepted that the site is in a reasonably sustainable location, with access to bus and rail services and is fairly close to the town centre. However, I note concerns raised by other parties about the adequacy of public transport options for staff and visitors, and the difficulties for cycling and walking caused by the distance to local facilities and the terrain. The site is situated on a hill, which I agree could make walking and cycling more difficult for some, however provision for cyclists does exist around the appeal site. The site is in reasonable walking distance of local shops, services and Handforth railway station, and pavements exist along the western side of Handforth Road, on which the appeal site is located. Even if not suitable for all, walking and cycling would be options which would be available for staff and visitors coming from within the local area.
27. Buses running between Handforth and Macclesfield pass close to the site, but I note comments made by local residents that, as of January 2020, the bus service has changed operator and with services no longer operating at weekends and evenings. Although reduced, the service would still provide an option for visitors and for staff during weekdays, depending on shift patterns. In addition, the appellant has confirmed that a minibus could be provided to pick up and drop off staff within a reasonable radius, which would give an alternative to the private car and public transport. A Travel Plan would be a useful mechanism to promote and implement such alternatives to car travel, and can be secured through a condition.
28. The proposed development would provide 25 car parking spaces to the front of the building. I note concerns raised by local residents that this would be inadequate, leading to parking on local roads with associated disturbance to residents and risks to highway safety. The level of parking proposed would be lower than the Council's maximum parking standard, however the previous Inspector found that the appellant's calculation of parking demand, based on parking surveys at three other care homes within the borough, was appropriate, and that the level of parking proposed would be sufficient. I have no reason to disagree with these findings, and note that compared with the previous appeal proposal, the current scheme would have a slight increase in parking provision, from 0.37 spaces per bedroom to 0.42, so would also be acceptable.
29. Based on their parking assessment, the appellant has calculated that at least five parking spaces would be available at even the busiest times of the week, which would provide additional capacity and allow for visitors for whom car travel would be the only realistic option.
30. Like the previous appeal proposal, eight of the parking spaces in the current scheme would be in a tandem arrangement. However as the car park would be for the sole use of the care home, there would be scope for staff to manage parking arrangements according to their working patterns, so that use of the 4 'blocked in' spaces would not cause problems. Furthermore, I note that no

concerns regarding this arrangement were raised by the previous Inspector or by the Council.

31. Concerns have also been expressed about traffic generation from the scheme and the impact on the local highway network, with a number of local residents noting that the transport statement is out of date and that it does not reflect the recently constructed mini roundabout. However, the transport statement was updated to support the current proposal, and the Council's highways officer has made no objection to the scheme, and has raised no concerns relating to any changes in the local road network. For these reasons I consider that the traffic generation would not lead to an overcapacity of the local highway network.
32. Local residents have commented that traffic generated from the scheme would impact on the safety of other road users, in particular pedestrians with children, given the lack of pavement on the other side of Handforth Road. However the proposal would not generate significant levels of traffic, and although it would be necessary to take care when crossing the access road, it would not cause an unacceptable risk to pedestrians.
33. The previous Inspector concluded that the scheme would not cause harm to the living conditions of neighbouring properties with regard to outlook. However local residents, including the occupiers of the adjacent property, 49 Handforth Road (No 49), have raised concerns that the scheme would cause harm to their living conditions as a result of loss of privacy, disturbance from vehicle movements during the day and night, light, pollution and noise and smells from extractor fans. I address these below.
34. The occupiers of No 49 have noted that the planting on the northern boundary of the site, adjacent to their property, is deciduous, so there would be a loss of privacy, particularly in winter. However, the submitted landscaping scheme shows additional planting along the shared boundary to reinforce the boundary screening, with evergreen planting along the section of shared boundary closest to the house. This boundary screening would help to reduce any loss of privacy.
35. In terms of potential light disturbance from windows, the largest of the windows facing the rear garden of No 49 would be located on the section of the building which would overlooking the proposed courtyard, a reasonable distance from the common boundary. Existing trees and additional planting along the boundary would help to provide screening. The appellant has confirmed that any external lighting would be minimal and low level.
36. In relation to potential disturbance from vehicles entering and leaving the site, the appellant has confirmed that there will be minimal movements during the night, with no staff changeovers at that time. Food delivery would generally be three times a week at pre-arranged times, and waste collection once a week. GP visits would normally be twice a week, although in future may take place on a virtual basis. The submitted drawings show a row of 9 car parking spaces in front of the shared boundary with No 49, but comings and goings from these spaces are likely to be limited, as staff cars are unlikely to be moved during shifts and visiting limited to specific times. Overall, levels of vehicle movements associated with the care home would be fairly low, and although there would be some impact on the neighbouring property, the effect on living conditions would not be unacceptable.

37. Turning to concerns raised over potential noise and odours from the kitchen and other external fans, the kitchen would be located on the footpath side of the building, away from No 49. The appellant has confirmed that a kitchen extraction system would be used which ensured that noise and odours would not be emitted to the outside area, and that any air conditioning units would use noise attenuation and would be placed in appropriate locations to avoid disturbance to residents of the care home and neighbouring properties. These matters can be controlled through appropriate conditions.
38. Whilst there would inevitably be some disturbance during the construction period, this would be temporary in nature and measures could be put in place through a construction management plan to limit noise, dust and disturbance, and control the hours of work during this time. Measures to limit noise and disturbance from piling and foundation works could also be imposed through a suitable condition.
39. I note concerns raised in relation to drainage and flooding, but no objections have been raised in this regard by the Council's Flood Risk Management team subject to conditions requiring the submission and implementation of a detailed drainage strategy.

Conditions

40. The Council has provided a list of suggested conditions which I have assessed in light of the advice in the Planning Practice Guidance². I have combined some of the conditions to make them more concise and have made minor wording changes in places to improve clarity and enforceability.
41. In addition to the standard condition setting out the timescale for implementation, a condition specifying plans is required in the interests of certainty. In order to safeguard the character and appearance of the area, a condition requiring details of hard and soft landscaping works is necessary, together with an implementation plan for these works. For similar reasons, the submission and approval of samples of the external materials to be used on the building is required.
42. In order to protect the living conditions of future residents and neighbouring occupiers, a condition requiring details of equipment to control fumes and emissions is necessary, and a further condition is necessary to control noise levels associated with external vents and fans. A condition requiring a sound insulation scheme is also required to ensure that internal noise levels are acceptable, to protect the living conditions of future residents.
43. The Council has suggested a condition requiring measures to protect breeding birds during the nesting season, and I agree that this is reasonable and necessary. A condition requiring that development is carried out in accordance with the recommendations of the submitted Ecological Impact Assessment is also necessary in the interests of protecting biodiversity.
44. In the interests of promoting sustainable transport, a condition requiring the development and implementation of a Travel Plan is necessary. A condition requiring provision of at least one charging point for electric vehicles is also necessary in the interests of promoting low emission vehicles, and a drainage strategy required to safeguard against flooding.

² Paragraph: 003 Reference ID: 21a-003-20190723

45. The Council has suggested a condition requiring a Phase 1 Preliminary Risk Assessment to identify any potential contamination. Although this is unlikely given the previous residential use of the site, I agree that this condition is reasonable given the sensitivity of the proposed use and the more intensive use of the site.
46. The Council has also suggested a condition requiring the submission of a detailed Arboricultural Method Statement. In part, this information has already been provided by the appellant, together with details of tree protection measures, and I note that the Council's forestry officer has commented that the development should be carried out in accordance with these documents. However, to ensure that the tree works are properly carried out, details of the implementation and supervision of these works is also necessary and I have imposed an appropriate condition, which is needed in the interests of safeguarding the character and appearance of the area.

Conclusion

47. For the reasons given, I conclude that the appeal be allowed subject to the attached conditions.

R Morgan

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 7172-P3-001B – ground floor plan and main elevation to Handforth Rd
 - 7172-P3-001B – showing detail of main elevation only
 - 7172-P3-01C – site plan and location plan
 - 7172-P3-02D - elevations
 - 7172-P3-003D – contextual elevations
 - 7172-P3-04 E – floor plans
 - 7172-P3-05 B – site sections
 - TRI-2161-01 – existing site layout
 - DEP Landscape Strategy Document rev G dated 13.11.19
 - DEP 3762 04 rev M - landscape proposals
 - DEP 3762 03 rev F – tree works and tree protection
 - DEP Arboricultural Survey and AIA - updated 13 November 2019
- 3) Prior to the construction of the care home samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the local

planning authority. Development shall be carried out in accordance with the approved samples.

- 4) Prior to the construction of the care home, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:
 - i) earthworks showing existing and proposed finished levels or contours;
 - ii) external lighting;
 - iii) an implementation programme,

The landscaping works shall be carried out in accordance with the details required in this condition and the Landscape Strategy Document (rev G dated 13.11.19), and in accordance with the agreed implementation programme.

- 5) Prior to the care home becoming operational, at least one electric vehicle charging point shall be provided within the designated parking area. The charging point shall be independently wired to a 30A spur to enable minimum 7kW charging or the best available given the electrical infrastructure. The infrastructure shall be maintained in an operational condition thereafter.
- 6) Prior to the commencement of development, a detailed drainage strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall take account of calculations of the effects of a 1 in 100 year rainfall event plus 40% allowance for climate change. As part of the strategy, a detailed service and foul and surface water layout shall be provided which provides for the long term retention of the trees.

The drainage strategy shall be implemented in accordance with the approved details before completion of the development, and thereafter shall be retained and maintained in accordance with the approved details.

- 7) Prior to the removal of any vegetation or the demolition of buildings between 1 March and 31 August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any building to be demolished or tree or hedgerow to be removed, a 4m exclusion zone shall be left around the nest during construction work until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone taking place.
- 8) The development hereby approved shall be carried out in accordance with the recommendations contained in sections G.2.2.2.1 and H.1.2 186 of the Ecological Impact Assessment (Access Ecology, July 2018 rev A) unless varied by a European Protected Species licence subsequently issued by Natural England. Provision for roosting bats shall be installed in accordance with the approved details, to a timetable agreed in writing with the Local Planning Authority, and retained thereafter.
- 9) Before the care home becomes operational, equipment to control the emission of fumes and smell from the premises shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. All equipment installed as part of

the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.

- 10) Prior to the erection of the care home a scheme of sound insulation shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of the building including windows, openings and ventilation. The approved details shall be implemented in full before the building is first occupied and shall be retained at all times thereafter.
- 11) The location and details (including sound power levels and their noise impacts at sensitive receptors) of any external air vents, air conditioning units or fans shall be submitted to and agreed with the Local Planning Authority. The rating level from all fixed plant and machinery associated with the proposed development (when operating simultaneously), shall not exceed the existing background sound level at any time when measured at the boundary of the nearest noise sensitive premises.
- 12) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) details of the method, timing and duration of any pile driving operations;
 - ix) details of any floor floating works to be carried out as part of the construction of the building;
 - x) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 13) Prior to the care home becoming operational, a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall provide for the promotion of alternative/low carbon transport options for staff, such as car sharing, promotion of a car club, provision of a minibus, provision of secure on-site cycle storage, and provision of public transport information. The Travel Plan shall include suitable and measurable targets which aim to reduce transport related emissions and a programme for implementation. The travel plan shall be adhered to at all times during the operation of the development.

- 14) No development (other than demolition and site clearance works) shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing by the local planning authority.
- 15) No works or development shall take place until a scheme of implementation, supervision and monitoring for the approved tree works and tree protection measures have been submitted to and approved in writing by the local planning authority. This scheme shall be appropriate to the scale and duration of the works and shall include details of:
- i) induction of staff in awareness of arboricultural matters;
 - ii) identification of individuals and their responsibilities;
 - iii) statement of delegated powers;
 - iv) timing and methods of site visiting and record keeping, including updates;
 - v) procedures for dealing with variations and incidents;
 - vi) the scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved in writing by the local planning authority.

The scheme of supervision shall be implemented as approved.