
Appeal Decision

Site visit made on 16 March 2021

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2021.

Appeal Ref: APP/R0660/W/20/3262327

Cypress House, South Acre Drive, Handforth, SK9 3HN

- 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 Churchill Retirement Living against the decision of Cheshire East Council.
 - The application Ref 19/3218M, dated 28 June 2019, was refused by notice dated 11 September 2020.
 - The development proposed is the formation of 45 apartments for older people (sixty years of age and/or partner over fifty-five years of age) guest apartment, communal facilities, access, car parking and landscaping.
-

Decision

1. The appeal is dismissed

Application for costs

2. An application for costs was made by Churchill Retirement Living against Cheshire East Council. This application is the subject of a separate Decision.

Procedural Matter

3. The decision notice includes reference to development plan policies which, the appellant says, were not identified by Officers or Members at the Planning Committee as being relevant to the refusal. However, these policies were submitted as part of the appeal documentation and the appellant has had a chance to comment. Therefore, I have taken them into account.

Main Issues

4. The main issues are (i) whether the living conditions of future residents would be acceptable in relation to the provision of amenity space; and the effect of the proposed development upon (ii) the character and appearance of the area in respect of the provision of landscaping and (iii) highway safety.

Reasons

Living Conditions

5. The Council has not drawn my attention to any specific private amenity space standards for specialised older persons' accommodation. However, this does not mean that the provision of amenity space should not be considered.

6. I accept that mobility can be difficult for older people and that the proposal would provide a managed and maintained amenity area. I also appreciate that some of the amenity space would be provided by communal internal spaces and that outdoor requirements differ for different age groups, for example, unlike the future occupants of the flats, families might require space for children's play. I also acknowledge that apartments generally provide less amenity space than houses.
7. The appellant argues that residents are typically in their early 80s and that sitting out is rare. Nevertheless, I do not consider this is a good reason to deny the residents the choice of sitting out in a pleasant space. I understand that there are two public open spaces within 500m of the appeal site but as many of the occupants would be elderly and some would be likely to have problems with mobility, I do not consider that public space provides a comparable alternative to onsite provision.
8. The amount of amenity space provided would be extremely low. Some small terraces/balconies would be provided to individual apartments together with a very small communal seating area adjacent to the windows of some of the proposed flats.
9. The position of the communal area would present a privacy issue for the occupants of the flats it is adjacent to. Moreover, it would be positioned within a constrained triangular area enclosed on two sides by the long three storey elevations of the apartments and the mature trees on the pub car park boundary. Not only would it be small but it would be overshadowed. It would not be an inviting place to sit and would be inadequate for the scale of development proposed. The other parts of the communal grounds would be narrow spaces adjacent to both the road and the proposed car park so these would not be attractive places to relax either. The private and communal areas, in combination, would not provide a good standard of external amenity space.
10. The appellant has drawn my attention to appeal decisions in support of their case in this respect. The appeal in Norwich¹ dates from 2004 and the one in Bishops Stortford² dates from 2011. Both decisions were made before the publication of the National Planning Policy Framework which indicates in Paragraph 127(f) that planning should create places that promote health and well-being, with a high standard of amenity for existing and future users. I consider that the current proposal would conflict with this guidance. In any event, I do not have the full details of those cases before me, such as the proposed layouts. Furthermore, they are in different local authority areas where different policies apply. For all those reasons, the decisions are not directly comparable to the appeal before me.
11. The appellant has also provided details of the amount of amenity space provided at other retirement developments but similarly, I do not have the full details of those cases before me and I have determined this appeal on its own merits. The appellant has received awards for excellence in gardens. However, whilst I have no doubt that the awards were made on merit, I have no reason to believe that they were made in connection with planning policies or standards.

¹ APP/G2625/A/03/1118836

² APP/J1915/A/10/2140579

12. In conclusion, the proposal would not provide adequate living conditions for future residents and would conflict Cheshire East Local Plan Strategy 2010-2030 (July 2017) (CELP) Policy SD2 and Handforth Neighbourhood Plan (HNP) Policy H11 which requires appropriate amounts of open space and amenity space.

Character and appearance

13. There is currently little formal landscaping of the site as the external areas are covered in an expanse of hard surfaces. A landscape scheme is proposed which includes trees, hedges and borders.
14. Nevertheless, the proposed building would occupy a large proportion of the site and would be very close to the Wilmslow Road and South Acre Drive boundaries in a prominent corner position in the street-scene. The appearance of the building would be slightly softened by the mature trees along the adjoining pub car park boundary but there would be insufficient space along the road boundaries for mature trees and some trees would be removed to make way for the development.
15. Furthermore, South Acre Drive is characterised by modest two storey dwellings set back from the road by lawns. The community centre next to the site is single storey and is also set back from the road by lawn. The existing building is uncharacteristic of its general surroundings as it is very close to the pavement but it is of a two storey appearance and extends for a shorter distance along the road boundaries than would the proposed building.
16. The proposal would be three storeys and there would be a greater length of building close to the back of the pavement along South Acre Drive than currently exists. Furthermore, the building would continue around the corner of the junction with Wilmslow Road and would introduce a substantial built form on a currently spacious corner. This existing space is a visually valuable part of the street scene and is reflected by the lawn and trees on the opposite corner of South Acre Drive/Wilmslow Road. I note the appellant's comments about the scale and massing not being part of the Council's reason for refusal, but these matters are intrinsically linked to the provision of, and need for, landscaping.
17. For the above reasons, the lack of space available for landscaping would create an unbalanced appearance at the junction of South Acre Drive/Wilmslow Road and would lead to the proposed building uncharacteristically dominating the street-scene. The proposed planting could not mitigate the physical presence of the building and the lack of space around it.
18. I conclude that the proposal would harm the character and appearance of the area and would conflict with CELP Policies SD2 and SE4; and HNP Policies H8 and H11 which, in combination, seek to protect character and appearance and to create or reinforce local distinctiveness. This includes seeking to ensure a balance between built form and green spaces and the incorporation of appropriate landscaping.

Highway Safety

19. Appendix C of the CELP sets out the parking standards for the area which will only apply where there is clear and compelling justification that it is necessary to manage the road network. It indicates that the standards can be varied on a

site-by-site basis with reference to evidence obtained locally or from a suitable data source (e.g. TRICS). There is some disagreement between the parties as to whether the standards for dwellinghouses or those for sheltered/extra care accommodation should be applied.

20. Whether or not the dwellings would be Use Class C3, the proposal is for specialist accommodation for older people. Whilst it is possible that some of the residents could be working age, the appellant has commented that the average age of new occupants is about 80. The development would provide features that would be attractive to people older than the usual working age. These features would include some communal facilities; a lodge manager who is on call during the day; and an emergency telephone system. Given the specific nature of the accommodation, I consider that the extra care parking standards are the logical ones to use.
21. Under the extra care parking standards, the Council suggests that 38 spaces would be required. However, only 23 spaces are proposed. Nevertheless, the site is within about 450m of the centre of Handforth which contains a large range of day to day services. There is also a bus stop nearby which provides an hourly service during the day, except for Sunday, to other centres such as Macclesfield, Alderley Edge, Wilmslow and Didsbury. Handforth train station is also close to the site providing services to other destinations, including the main line stations, Crewe and Manchester Piccadilly.
22. Public car parking is available in the centre of Handforth and the appellant has identified Wilmslow Road car park as being convenient for visitors. The submitted Parking Technical Note provided survey data of that car park which suggests that it usually contains available spaces. The Note also identified substantial on-street parking availability on South Acre Drive. Furthermore, I noted at my visit that there are parking restrictions around the site near the junction of Wilmslow Road and this provides the opportunity to enforce against illegal car parking.
23. Given the sustainability of the site, and the opportunity to travel by a choice of transport modes, I consider that residents would not be dependent on the use of the car and therefore car ownership for residents would not be completely necessary. I am also mindful that the Council's Strategic Infrastructure Manager was consulted and made no objection to the proposal. The shortfall in provision against the Council's parking standards is therefore acceptable and I consider that there would not be such an overspill of parking onto South Acre Drive to prejudice vehicular or pedestrian safety.
24. I conclude that the proposal would not harm highway safety. Therefore, I find no conflict with CELP Policy SD2 or HNP Policy H2. In combination, these policies seek to ensure that residential development encourages travel by sustainable modes of transport and gives priority to the needs of pedestrians rather than the movement and parking of vehicles.

Other Matters

25. The development would provide specialist accommodation which might, according to the report submitted by the appellant, "Homes for Later Living"³, enable people to live with a reduced risk of health challenges resulting in

³ Homes for Later Living WPI Strategy, 2019

savings to the NHS and social care services. It would enable older people to live independently for longer in easy to manage accommodation where they could meet friends and avoid loneliness. These benefits, according to the report, help people to live longer. It would also free up larger housing as older people downsize and stimulate associated house moves, resulting in more houses being available for first time buyers.

26. It would also provide economic benefits as a result of the residents spending money in local shops and facilities. The scheme would also employ one or two people in the long term for the management and maintenance of the development.
27. The proposal would be a reuse of brownfield land and add to the supply of housing and would particularly address an increase in the local aging population. Policy H2 of the HNP requires the provision of an appropriate mix of dwelling size and type.
28. In respect of the benefits of the scheme, the appellant has drawn my attention to an appeal in Bromley⁴. However, the inspector found no harm in relation to the main issue. In this case, I have found harm in relation to two of the main issues. Therefore, the Bromley case is not comparable to the appeal before me.
29. A Unilateral Undertaking has been submitted by the appellant which would provide for contributions to public open space, sports and recreation and affordable housing. The affordable housing contribution would be a benefit of the scheme.

Conclusion

30. The benefits of the scheme advocated by the appellant and the lack of harm to highway safety do not outweigh or overcome the harm I have found in respect of living conditions and to the character and appearance of the area. I therefore find that the proposal would conflict with the development plan as a whole and I dismiss the appeal.

Siobhan Watson

INSPECTOR

⁴ APP/G5180/W/16/3155059