

Appeal Decision

Hearing held on 12 October 2021

Site visits made on 11 and 12 October 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2021

Appeal Ref: APP/R0660/W/20/3264480

107 - 109 Manchester Road, Wilmslow, SK9 2JH

- 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 Care UK against the decision of Cheshire East Council.
 - The application Ref 20/1560M, dated 10 April 2020, was refused by notice dated 6 November 2020.
 - The development proposed is the "Demolition of existing buildings and construction of a 60 bedroom care home (Use Class C2), with associated access, parking, landscaping and site infrastructure."
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing buildings and construction of a 60 bedroom care home (Use Class C2), with associated access, parking, landscaping and site infrastructure at 107 - 109 Manchester Road, Wilmslow, SK9 2JH in accordance with the terms of the application, Ref 20/1560M, dated 10 April 2020, subject to the conditions in the Schedule attached to this Decision.

Preliminary Matter

2. Prior to the hearing a Statement of Common Ground (SOCG) signed by both main parties was received. At the hearing, parties confirmed that the matters of agreement within it are up to date and remain relevant to my decision on this appeal. In particular I note the benefits which parties agree the proposal would deliver. Having assessed the evidence, I agree with the benefits set out in the SOCG.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, and whether there is a proven need for the proposal.

Reasons

Character and appearance

4. The appeal site fronts Manchester Road, a relatively wide, tree-lined street, with marked cycle-lanes and grass-verges to the front of large, predominantly detached houses, set back from their front boundaries in large plots and generally well-screened with mature planting and trees within those plots. To my mind, it is the combination of these street trees within the generally grassed verges and the mature planting to front plot boundaries which defines the character of the area immediately around the site.

5. Turning to the built form, whilst plots and properties are generally generous and large, there are pockets of higher density development and more intensive residential occupancy. Regardless of the development plan context to these, they do now contribute to the established character and appearance of the area. Houses in the area are generally clearly read as detached, with gaps between them visible in views along the road, although given the mixed appearance and design of houses in the street, built form up to side boundaries is not unusual. Most properties are well set-back from the front of their plots, usually with parking areas to the front. Notably both appeal site properties have large, tarmacked driveways, at a degree of size and coverage broadly similar to that in the proposal. Added to the width of the road, verges and pavements, this additional set-back reinforces the relatively low-density, spacious character of the area.
6. Although the proposal would replace two detached dwellings with a single larger building, I am satisfied that the design and appearance of this would not be so different as to be harmful to that established character and appearance. In my opinion, the glazed split in the front elevation, combined with the different approaches and appearances of the elements to either side of it would successfully integrate the proposal with its mixed surroundings. The existing street trees, wide verge and set back from the front of the plot would also successfully tie the proposal to its context. Whilst the proposal would be visible in the street-scene, and on close inspection, would clearly be a large building linked by a glazed element, I find that the overall effect of the proposal on the character and appearance of Manchester Road would be acceptable.
7. Turning to the rest of the building, whilst it is clearly larger than those it replaces, I find that the combination of the proposed plan-form and the treatment of the elevations would reduce the overall apparent bulk and scale. As with the front elevation, I consider that the use of glazed links between more traditional forms and volumes to the sides and rear would effectively reduce the apparent scale. The side elevations would also be generally screened from public views along Manchester Road owing to the broadly consistent building line.
8. Saved Policy H12 of the Macclesfield Borough Local Plan (the Local Plan) sets criteria for new housing development within defined Low Density Housing Areas such as apply to the appeal site. Having regard to my conclusions on the appearance of the proposal, as well as evidence on separation distances, plot coverage and my observations on site, I am satisfied that the proposal accords with the relevant criteria in that policy. In particular, I note the retention of trees and planting at the edges of the site, and their augmentation with new planting which have the greatest effect on the character and appearance of the site and the area.
9. Whilst there is a slightly increased degree of plot coverage than elsewhere in the area, I do not find this to be harmful when assessed against the requirements of the development plan as a whole, considering the overall size of the site, the building-plot ratio and the likely effects of the proposal on the character and appearance of the area in light of its proposed design and appearance.

10. The loss of mature trees within the site is unfortunate, but as most of the trees to be lost are in the centre of the site they have a lesser role to play in the character and appearance of the area and their loss would be less keenly felt than others around the boundaries of the site.
11. Policy NE6 of the Wilmslow Neighbourhood Plan (the NP) controls development in gardens and amenity space and requires that all development seeking to subdivide larger residential plots or gardens should not, wherever possible, result in significant loss of garden space, amongst other things.
12. I have carefully considered the proposal against the requirements of this policy. On its face, it is not relevant to the appeal proposal before me. The appeal proposal seeks to deliver a development across two residential plots, combining them into one and replacing existing buildings rather than subdividing larger residential plots or gardens, adding development within gardens or amenity space: the trigger for engaging Policy NE6.
13. However, accepting both that the Council has determined the application against that policy, and a large number of representations have been received on this point, I have also considered the proposal against the criteria within Policy NE6.
14. The proposal before me does result in some loss of garden space, but given the overall scale of the site, I do not find that loss to be significant, and note that in any event, this part of the policy is not an absolute requirement. Turning to the percentage of the site to be hard surfaced, even if the total area of proposed buildings and all hard surfacing were to be included in calculations, as it is proposed to use permeable surfacing for the car parking area to the front, this criterion is satisfied. Turning to the retention of trees, it is clear that some trees on the site will be removed. However, as I have noted above, in reference both to the character and appearance of the area, and in regard to the application of planning policies, I find that their loss, and the effect of their loss would be on balance acceptable and would not conflict with the overall aim of the development plan when read as a whole. With regard to the proposal meeting the 10 Green Biophillic Points set out in Policy SP2 of the NP, I am satisfied that the proposal conforms with these where it is appropriate to do so.
15. As a result, I am satisfied that the proposal is consistent with the requirements of Policy NE6 of the NP with specific reference to the criteria within it, and indeed the supporting text. That text notes that Wilmslow has seen a recent rise in plot subdivision and back-land development. I do not consider that the proposal is either of these things and note that the proposal has a road frontage, with blocks of garden space to the sides and rear, and that the overall balance of hard surface, built form and garden space is acceptable.
16. I note the representations and discussion at the Hearing around confidence and faith in the planning process engendered by the application of development plan policies in decision making. Third parties were particularly concerned with regard to policies in the NP in light of the level of engagement in producing it and drawing links to the proposal before me. However, I am required to have regard to the development plan as a whole. Whilst the NP is a part of the development plan, so are the policies of the Cheshire East Local Plan Strategy 2010-2030 and saved policies in the Local Plan.

17. Applying the same approach to confidence and faith in the planning process to those plans and their policies, and as a matter of well-established case-law and decision-making principle, I must apply judgement in cases such as this where policies within the development plan may be mutually irreconcilable or pull in different directions.
18. Applying that judgement, whilst there is a minor conflict between the aims of Policy NE6 of the NP with regard to the retention of trees, the relevance of this policy to the proposal before me, the compliance of the proposal with other policies in the development plan, and the benefits that the proposal would deliver (set out in the SOCG), all lead me to conclude that that conflict is so minor and limited that the proposal would comply with the development plan as a whole.
19. I therefore find that the proposal would not result in harm to the character and appearance of the area with regard to visual amenity or density and would not result in a cramped form of development or overdevelopment of the site which would undermine the visual amenity of the area and its low density character. It would therefore comply with the development plan read as a whole, and in particular, policies SE1 and SD2 of the Cheshire East Local Plan Strategy 2010-2030 (the LP Strategy). These policies seek to ensure, amongst other things, that development accords with sustainable development principles, and is designed in such a way as to make a positive contribution to the sense of place, design quality, liveability, workability and safety of its surroundings.
20. The proposal would also specifically comply with saved Policies DC41 and H12 of the Local Plan. These policies seek, amongst other things, to ensure that infill housing or redevelopment safeguards the existing character, appearance and amenity of its surroundings, particularly in LDHAs.
21. Insofar as it is relevant, the proposal would also comply with Policy NE6 of the Wilmslow Neighbourhood Plan, in its aim to protect the character, appearance and green infrastructure of the area, as well as guidance in the Cheshire East Borough Design Guide as set out in the SOCG.

Proven need

22. Policy SC4 of the LP Strategy states that development proposals for accommodation designed specifically for the elderly and people who require specialist accommodation will be supported where there is a proven need.
23. The policy also sets out a number of other criteria which must also be met if the need is proven. However, as it is common ground that those criteria would be met, the sole focus of my decision and the matter at issue between the parties concerns the need for the development proposed.
24. The appellant has provided forecasts of the existing and future need and demand for care home spaces in the area. These forecasts have been produced in line with widely accepted methodology and the Council does not dispute its use in this case. The evidence of the appellant is compelling in demonstrating that there is a significant current unmet need for care home spaces in the area, and that this need will continue to grow in the future. Evidence from both parties supports the forecast demographic shifts towards an older population, and in particular, a local population aging at a faster rate than elsewhere in the region or country as a whole.

25. Even accepting the degree of uncertainty inherent in any forecasting, given the scale of need relative to the scale of the proposal, I find that the evidence before me is compelling and that it proves a need for the appeal proposal.
26. It is clear from the evidence before me that the covid pandemic has had some effects on care home need. However, whilst there have been some short-term effects and the subtleties of longer-term effects are yet to be fully understood, a baseline need, greater than the scale of this proposal remains, and there is nothing before me to suggest that this need will not increase over time as shown in the evidence.
27. Parties have provided me with copies of, and we discussed at the hearing, the status and content of various reports and strategies concerning care home need, demand, capacity, vacancy and current and future models and modes of provision. I also note the concerns of the Council and third parties around staffing and competition issues in the care sector locally and nationally. Whilst these are clearly important matters, they are beyond the scope of both Policy SC4 and the Council's original decision on the proposal.
28. Whilst these are material considerations in the determination of the appeal, as they are policies and positions of the Council, I find that they are necessarily of less weight in a planning decision than the adopted development plan policies. Like the development plan policies discussed above in relation to character and appearance, it appears to me that there is a tension caused by the separate roles and responsibilities of the Council as Local Planning Authority and in its roles and responsibilities under the Care Act.
29. I acknowledge that the Council, in its role relating to care provision, is in a difficult position as a result of the covid pandemic in terms of both fulfilling its care related requirements and responding to consultations for proposals such as this one. Whilst I have some sympathy with this position, I do not find that there is anything in their evidence to disprove the need for the development proposed.
30. Although the policies and strategies of the Council in their Market Position Statement and Corporate Plan seek to address care needs at a finer grain of detail than Policy SC4 of the LP Strategy, I must determine the appeal in accordance with that development plan policy which only requires there to be a proven need. I do not find the other evidence, policies and strategies of the Council to be material considerations of such weight to indicate that a decision be taken other than in accordance with the development plan.
31. In the face therefore of the evidence before me proving an existing and growing need for the development proposed, and limited evidence from the Council to the contrary, I find that there is a proven need for the development proposed. The proposal does therefore accord with Policy SC4 of the LP Strategy.

Other Matters

32. Although neither a reason for refusal, nor a main issue in this appeal, I have had close regard to the effect of the proposal on the living conditions of the occupiers of 111 Manchester Road (No 111), to the north of the appeal site with specific regard to effects on light and privacy, and I visited the property during my site visit.

33. The proposal will clearly lead to a change in the rear aspect of No 111, including the addition of a single storey element (the bin store) reasonably close to the boundary between the site and No 111. However, single-storey elements adjacent to boundaries are not unusual in this area, and I do not find that to be harmful in itself. Turning to the potential for loss of privacy and overlooking, the combination of the requirement for obscure glazing to the corridor window, the set-back of the side-facing windows from the boundary, the screening provided by the front part of the proposal in views towards No 111 and the separation distances all lead me to conclude that the proposal would not give rise to harmful or unacceptable loss of privacy or overlooking. I note that the separation distances proposed are in excess of the minima set out in the Cheshire East Design Guide.
34. With regard to loss of light, the application was accompanied by a Daylight and Sunlight Study which measured the effect of the proposal on neighbouring properties, including No 111. Whilst this shows that the proposal would have an effect, I do not consider that it would be so sufficient as to be harmful or otherwise unacceptable. With regard to the overall effect of the proposal on the living conditions of the occupiers of No 111, I also note that the boundary treatments are to be maintained and strengthened, including the use of relatively mature new planting.
35. I am also mindful of the contents of the SOCG and the conclusions of Council Officers in their Committee Report on amenity issues. Drawing all of that together, I am satisfied that although the proposal would have an effect on the living conditions of the occupiers of No 111 with specific regard to effects on light and privacy, this would not be harmful or otherwise unacceptable. For the same reasons, I am also satisfied that the proposal would not harm the living conditions of occupiers of any other surrounding properties.
36. Third parties have drawn my attention to the potential for restrictive legal covenants affecting the development of the site for trade or business. The planning process does not override separate legal rights, nor does it provide legal rights where none currently exist. As such, it remains for the appellant to secure and maintain these rights, separately from the planning application and appeal process.
37. I also note the number of objections from third parties to this proposal. Whilst those comments, and indeed the number of those comments, are material to my decision on this proposal, the issues they raise, where not directly addressed in my main issues, have been addressed in the SOCG and the Committee Report. I have had regard to the representations, the conclusions of Council Officers, the SOCG and the discussion at the hearing. I am therefore satisfied that the proposal would be acceptable with regard to all other matters raised, including the effects of the proposal on trees, biodiversity, noise or disturbance arising from the construction and use of the proposal, foul and surface water drainage, healthcare effects, as well as highway safety and convenience matters, including the cycle path on Manchester Road, parking provision, walking routes and the quality of footways in the area.

Planning obligation

38. I have had regard to the evidence, the relevant guidance in the Framework and considered whether the requirement for a contribution towards healthcare provision as requested by the NHS Cheshire Clinical Commissioning Group meets the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010. I am satisfied that such a contribution would be necessary to make the development acceptable in planning terms, directly relates to the development and is fairly-related in scale and kind to the development.
39. A signed and sealed agreement, executed in counterpart, under section 106 of the Act has been provided. The Council has confirmed that this undertaking meets their requirements, both legally and with regard to what it will secure and deliver. I agree with that conclusion. On that basis, I consider that the proposal could secure satisfactory contributions towards healthcare provision.

Conditions

40. The Council has suggested a number of conditions to be attached, should planning permission be granted. In considering them I have had regard to the requirements of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) as well as the comments of the appellant and discussion with all parties at the Hearing. Subsequent to that discussion, I have reordered the conditions for clarity. As discussed at the Hearing, I have removed tailpieces from conditions where they were suggested owing to concerns over issues of fairness and procedural appropriateness.
41. I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans and documents (2) to give certainty as to what has been permitted. In order to ensure the satisfactory appearance of the completed development. Conditions 3 and 4 are necessary to ensure that the development can be carried out without undue harm to the living conditions of the occupiers of neighbouring properties and to ensure that site deliveries, access, parking and on-site operations do not cause unnecessary or unacceptable highway effects.
42. Condition 5 is necessary to ensure the satisfactory appearance of the completed development. It has been amended to incorporate the recommendations from the Officer Report, comments of third parties, and in light of my observations on site to include reference to windows which require to be obscurely glazed. As this requirement was set out in the Officer Report and recommendation, I have not found it necessary to go back to the parties on this matter.
43. Conditions 6, 7, 8, 9, 19 and 20 are necessary to ensure both the satisfactory appearance of the completed development, ensure that the character and appearance of the area is protected, and ensure that the proposal has and retains an appropriate relationship to its surroundings through the retention and augmentation of planting, landscaping and boundary treatments. Conditions 10 and 11 are necessary to ensure that the proposal protects any existing nesting birds and delivers the biodiversity enhancements identified as benefits to the proposal.

44. Conditions 12 and 13 are necessary to ensure that the proposal can be appropriately drained and that doing so will not cause undue effects elsewhere. The appellants' proposed addition to condition 12 has not been included as it would serve to make the condition so imprecise as to be unenforceable.
45. Condition 14 is required to ensure that the draft Travel Plan, submitted with the application is developed into an appropriate final version. Condition 15 is necessary to ensure provision is made for non-car means of transport in line with sustainable and active travel aims. Condition 16 is necessary to ensure that appropriate provision is made for electric vehicle charging and future expansion of that provision. At the Hearing, parties were unable to agree on the particular wording or specification to be set out in the condition. I have therefore framed the condition to allow a specification to be agreed between the parties. Conditions 17 and 18 relate to soil and contaminated land to ensure that any unexpected contamination is appropriately dealt with. Conditions 21 and 22 are necessary to ensure that the development does not harm the amenity of occupiers of surrounding property.
46. The appellant has confirmed in writing that they have no objection to the terms of the pre-commencement conditions proposed by the Council. It is necessary and reasonable that the information required by these conditions be provided prior to the commencement of development, as these are matters which cannot properly or reasonably be addressed following the commencement of the development.
47. I am therefore satisfied that the conditions meet the tests in, and requirements of both the Framework and the PPG.

Conclusion

48. For the reasons given above I conclude that the proposal accords with the development plan taken as a whole and there are no material considerations which indicate that a decision be taken other than in accordance with it.
49. The appeal should therefore be allowed, and planning permission granted.

S Dean

INSPECTOR

Schedule of Conditions

1. The development hereby approved shall commence within three years of the date of this permission.
2. The development hereby approved shall be carried out in total accordance with the following approved plans and documents:

Plans:

4854-LP01C, 4854-PL01H, 4854-PL02, 4854-PL03A, 4854-PL04, 4854-PL05A, 4854-PL06F, 4854-PL07F, 4854-PL15A, 4854-PL17B, 402.40000.00001.001 Rev P07, 402.40000.00001.003 Rev P03, 402.40000.00001.002 Rev P03.

Documents:

SLR Transport Statement, Version 1.0, April 2020; SLR Flood Risk Assessment & Drainage Strategy, Version 1, March 2020; SLR Additional Information Requested by United Utilities, Version 1, July 2020; SLR Additional Information Requested by United Utilities_02, Version 1, September 2020; SLR Ecology Survey & Assessment of Potential for Roosting Bats, Version 1, December 2019; SLR Results of Roosting Bat and Nesting Bird Survey, Version 1, May 2020; SLR Preliminary Land Quality Risk Assessment, Version 1, October 2019; SLR Car Park Management Plan, Version 1, April 2020.

3. 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: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; wheel washing facilities; measures to control the emission of dust and dirt during construction; delivery, demolition and construction working hours. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

4. Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works taking place and shall be implemented in accordance with the approved details.
5. No development involving the use of any window, facing or roofing materials shall take place until details or samples of the materials, including a schedule of windows to be obscurely-glazed, to be used in the construction of external surfaces of the care home and bin store hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
6. Prior to occupation, a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme.

7. The approved landscaping plan shall be completed in accordance with the following:-
- a) All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority.
 - b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification -for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
 - c) All new tree plantings shall be positioned in accordance with the requirements of Table A.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations)
 - d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
8. Prior to occupation a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before first occupation. The boundary treatment shall be carried out in accordance with the approved details and permanently retained.
9. Prior to the commencement of the development or other operations on site in connection with the development hereby approved, a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such Method Statement shall include full details of the following:
- a) Location and installation of services/ utilities/ drainage. where construction is within the RPA of retained trees and details of the implementation of trenchless methods where appropriate.
 - b) Details of an Engineer designed or no dig hard surface construction for the parking area where it encroaches within the Root Protection Area (RPA) of trees.
 - c) A detailed schedule of works to retained trees including all proposed access facilitation pruning shall be submitted to and approved in writing by the Local Planning Authority. The approved tree pruning works shall be carried out in accordance with BS3998:2010.
 - d) Methodology to improve the rooting environment for retained Beech trees (1.2 and 1.4) located on the highway verge

- e) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing on a Tree Protection Plan (TPP) in accordance with BS5837|:2012
 - f) Implementation, supervision and monitoring of the approved Tree Protection Scheme by a suitably qualified Arboriculturist (where such expertise is required)
10. Prior to the removal of any vegetation or the demolition or conversion of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where active nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest 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.
 11. Prior to the use of any building materials in the new development the applicant to submit a strategy for the incorporation of features to enhance the biodiversity value of the proposed development. The submitted strategy should include proposals for the provision of features for nesting birds including house sparrow and roosting bats, gaps in fences to facilitate the movement of hedgehogs, brash/deadwood piles, and native species planting. The proposals shall be permanently installed in accordance with approved details.
 12. Foul and surface water shall be drained on separate systems.
 13. Prior to the commencement of any development (excluding demolition), a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be carried out in accordance with the approved details.
 14. Prior to occupation, an updated Travel Plan (developed from the SLR Draft Travel Plan, Version DRAFT1, April 2020 submitted as part of the application) shall be submitted to and approved by the Local Planning Authority.
 15. Prior to occupation details of a covered and secure cycle store shall be submitted to and approved in writing by the Local Planning Authority.
 16. Prior to occupation, electric vehicle charging infrastructure shall be provided in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority. The installation should include cabling for a further three units to enable the easy installation of subsequent units. The infrastructure shall be maintained and operational in perpetuity.

17. Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use prior to importation to site. Prior to occupation, evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the Local Planning Authority.
18. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.
19. The approved development shall not be occupied until the approved access that is required for the development has been constructed in accordance with the approved plans and has been formed and graded to the specification of the Local Planning Authority, which is available from the Highway Authority, and the required visibility splays have been provided, all to the complete satisfaction of the Local Planning Authority.
20. Details of the existing ground levels, proposed ground levels and the level of proposed floor slabs shall be submitted before any development on the site first commences. Details which receive the written approval of the Local Planning Authority shall be implemented in full.
21. The noise rating levels of all plant (including kitchen equipment) associated with the proposal shall comply with the following:

Receptor	Period	Measured Background Sound Level dB(A)	Rating Level Limit dB(A)
Manchester Road	Daytime	44	39
	Night-time	35	30
Lacey Green	Daytime	41	36
	Night-time	37	32

A Noise Validation Report shall be produced and submitted for approval by the LPA within 6 months of development being in operation to ensure the above Noise Rating Levels have been achieved.

22. Prior to its installation, the details of the location, height, design, and luminance of any external flood lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure that the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall be installed and thereafter operated in accordance with the approved details.

End of Schedule of Conditions

APPEARANCES

FOR THE APPELLANT:

Neil Cameron QC	Landmark Chambers
Matthew Johnson MRTPI	DLBP
Amy Peterson	DLBP
Philip Lewis BSc BArch RIBA	KWL Architects
Nigel Newton Taylor BSc (Hons) MRICS	HPC
David Gannon	Care UK

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Keen	Senior Planning Officer
Joanne Sutton	Senior Commissioning Manager, Long Term Care and Health
Elizabeth Hopper	Contracts and Quality Manager, Adult Social Care and Health

INTERESTED PARTIES:

Cllr Dan Stockton	Ward Councillor, Cheshire East Council
Roger Bagguley	Residents of Wilmslow
Jon Newell	Wilmslow Town Council
Kate and Chris Newman	
Mrs Allan	