

**WARD:** Hale Barns

**96465/FUL/18**

**DEPARTURE: No**

**Demolition of existing dwelling and redevelopment of the site to provide a new 64 bedroom care home (Use Class C2) together with associated access, car parking and landscaping.**

Great Heys, 74 Bankhall Lane, Hale Barns, WA15 0LW

**APPLICANT:** Octopus Healthcare

**AGENT:** Savills

**RECOMMENDATION: MINDED TO REFUSE (IN CONTESTING THE APPEAL)**

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**INTRODUCTORY MATTERS**

The context of this report is to establish the Council's stance at a forthcoming public inquiry in respect of application ref. 96465/FUL/18. This proposes a 64 bed care home on the site of Great Heys, Bankhall Lane, Hale Barns. The submission of this application followed the refusal by the Planning and Development Management Committee (in April 2018) of an earlier application for a 72 bed care home on the site (ref. 92767/FUL/17). An appeal against this refusal was submitted by Octopus Healthcare in October 2018 and with it agreed that it would be heard via a public inquiry (scheduled for June 2019). In the knowledge of continuing officer concerns in relation to the second application, but in advance of this application being formally determined, an appeal against non-determination was submitted. The Planning Inspectorate subsequently agreed to the appellant's request to co-join the non-determination appeal (ref. 96465/FUL/18) with the refusal appeal (ref. 92767/FUL/17), and with the merits of both schemes to be considered by an independent Planning Inspector at the June 2019 inquiry.

The submission of an appeal against non-determination removes the ability of this Council to determine application ref. 96465/FUL/18. However, there remains a need to define the Council's position to adopt at the inquiry in relation to this second proposal. The position of officers, as reflected in this report, is that the revisions made relative to the last application have not addressed previous concerns. Whilst this second application has not formally triggered a requirement for presentation to the Planning and Development Management Committee (unlike the first application which generated a degree of support), in the interests of consistency and when noting the status and significance of inquiry procedures, a decision has been made by the Head of Planning and Development to inform Committee of officers' views. However, to reiterate, any resolution would purely serve to define the scope of the inquiry case in relation to application ref. 96465/FUL/18. The application will remain outstanding until the

Inspector's decision is reported. That being the case, the report that follows and the assessment process it embodies is presented akin to a standard application.

It is also brought to Committee's attention that the Hale and Bollin Resident Group has been awarded Rule 6 status by the Planning Inspectorate and thus they will also participate in the inquiry.

## **SITE**

This application relates to an angular shaped parcel of land which extends to 0.6 hectares. It is situated on the southern side of Bankhall Lane near to where the residential areas of Hale and Hale Barns converge. The site features a large detached house – known as Great Heys - which is positioned towards the northern part of the site and which is currently vacant. The remainder of the site comprises a generously-sized garden, which includes lawns and established planting, incorporating mature boundary trees and hedgerows (including both woodland and ornamental species). There is also an outdoor swimming pool and a large ornamental pond. A driveway lies in front of the dwelling and a narrow gateway allows vehicular access from Bankhall Lane. The existing dwelling is of typical post-war design. However, it is unusual in its configuration in having a two-storey element at its core and two, single-storey flat roof projections either side. There is a definitive right of way (Footpath no. 3, Hale) which runs along the site's western boundary.

Bankhall Lane in this location, which runs on a broad west-to-east axis, forms the southern limit of the built up area of Hale before leading up, in a north-easterly direction, to Hale Barns. For a large section of Bankhall Lane, development is generally confined to its northern side, although there are some exceptions, including the application site, Bankhall Farm and Hale Nursery. The remainder of the land on the southern side in this location is undeveloped. The effect is that whilst there is further residential development to the site's north which is contiguous to the rest of Hale/Hale Barns, to its south is open pastureland and beyond that the wooded valley of the River Bollin. Similarly, there are undeveloped gaps to the west and east of the site until Hale Nursery and the small residential estate of the Merridale respectively are met. The topography of the area in which the site is situated is gently rolling with a few elevated locations and then with a downwards south-westerly slope towards the River Bollin.

With reference to the Proposals Map accompanying the Development Plan, there are no annotations affecting the site itself. However, there is a conservation area (the South Hale Conservation Area) directly to the site's north which encompasses the residential properties on the opposite side of Bankhall Lane. Furthermore, the land directly to the site's south and west is within the designated Green Belt and it also forms part of a Protected Area of Landscape Character. This area, and incorporating land to the site's east, is also a recognised Wildlife Corridor.

## **PROPOSAL**

The application, which is made in full, proposes the demolition of the existing dwelling and the redevelopment of the site to provide a 64 bed care home together with associated access, car parking and landscaping. This application follows the refusal of an earlier application for a 72 bed care home on the site (ref. 92767/FUL/17).

The application (as with the previous application) is made by Octopus Healthcare who identify themselves as a leading investor and developer of healthcare facilities in the UK. The application submission explains that Octopus Healthcare has entered into an agreement with Care UK who would then operate the care home on a leasehold basis. The development is intended to provide care and accommodation for the frail and elderly, and with a range of residential, nursing and dementia care services. 24 hour on-site care would be provided, the application submission explains. That the development is categorised as a Class C2 use - residential institutions - is accepted.

The care home would principally be arranged over two-storeys (and with a part basement). The design approach involves the creation of a series of interlinked buildings, or 'wings'. A total of four buildings are proposed with connecting glazed links (also at two-storeys) and orientated around a central residents' garden. Equal floorplates for ground and first floor levels are proposed, and then with 32 bedrooms at each level. The application submission explains that one 'wing' would be focussed on specialised dementia care (16 beds), with the remaining wings providing a mixture of residential and nursing care. However, a limit would not be placed on the amount of dementia patients that could be accommodated, it is explained. In addition to providing 64 (single) bedrooms (with en-suite facilities), the application submission indicates that the development would also include (internally): an entrance and reception area, a visitors café, an activity room, a residents' library, a reading area, a residents' hair and beauty salon, a cinema room, a manager's office, administrative areas, communal lounge areas, communal assisted WCs, quiet lounges, medical stores, cleaning stores, nurses' stations, maintenance rooms, a kitchen, a laundry, a staff room and other staff facilities, and a plant room.

The care home development, with its four wings, is proposed across the site. The proposed wing buildings have a traditional residential appearance with pitched roofs, gables and a materials palette that includes red brick and slate roof. In contrast, the links are predominantly glazed and with lower-lying flat roofs.

A new vehicular access is proposed; also from Bankhall Lane but to the west of the existing access. The existing access would be removed. The new access would lead to a car parking area to the front of the building. A total of 23 car parking spaces are proposed, which includes 3 dedicated mobility spaces and a drop off space for deliveries and ambulances. A parking area for motorcycles is also incorporated along with cycle racks and a cycle store.

Communal garden areas would be provided at the centre of the site and also towards

the site's southern, eastern and western edges. These would include zones of more formal planting, seating areas, terraces, lawns and a wildflower meadow. Ground floor bedrooms would be provided with small private patios whilst there would be a communal balcony at first floor level. Existing boundary planting is proposed to be retained, where possible, and reinforced.

The applicant estimates that the facility would provide approximately 64 jobs (based on full-time equivalents) upon its operation.

### **Value Added**

Some additional plans have been requested during the application process to clarify the access changes. In addition, further information has been submitted to respond to the initial consultation response of the Lead Local Flood Authority.

### **DEVELOPMENT PLAN**

**For the purpose of this application the Development Plan in Trafford comprises:**

- **The Trafford Core Strategy**, adopted 25 January 2012. The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council. It partially supersedes the Revised Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy; and
- **The Revised Trafford Unitary Development Plan (UDP)**, adopted 19 June 2006. The majority of the policies contained in the revised Trafford UDP were saved in either September 2007 or December 2008 in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the LDF. Appendix 5 of the Trafford Core Strategy provided details as to how the Revised UDP is being replaced by the Trafford LDF.

### **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

Policy L1 – Land for New Homes  
Policy L2 – Meeting Housing Needs  
Policy L4 – Sustainable Transport and Accessibility  
Policy L7 – Design  
Policy L8 – Planning Obligations  
Policy R1 – Historic Environment  
Policy R2 – Natural Environment  
Policy R3 – Green Infrastructure

### **PROPOSALS MAP NOTATION**

None affecting the site

### **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

None

## **SUPPLEMENTARY PLANNING GUIDANCE**

SPD1 – Planning Obligations

SPD3 – Parking Standards and Design

SPD5.21 – South Hale Conservation Area Appraisal and Management Plan

SPG4 – Residential Care Homes and Nursing Homes for the Elderly

SPG30 – Landscape Strategy

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework (GMSF) is a joint Development Plan Document being produced by each of the ten Greater Manchester districts. Once adopted it will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016, and following a redraft a further period of consultation commenced on 21 January 2019. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The Ministry of Housing, Communities and Local Government published the current National Planning Policy Framework (NPPF) on 19 February 2019. The NPPF will be referred to as appropriate in the report.

## **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

The National Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics in one place. It was first launched by the Government on 6 March 2014 although has since been subject to a number of updates, the most recent of which was made on 19 February 2019. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

A: The application site:

92767/FUL/17 - Demolition of existing dwelling and redevelopment of site to provide a new 72 bedroom care home (Use Class C2) together with associated access, car parking and landscaping.

Application refused on 17 April 2018

Refusal appealed against by Octopus Healthcare

Public inquiry scheduled for June 2019

There were three reasons for refusal, which are to be contested at the inquiry, as follows:

1. The proposed development, by reason of its scale, density, mass and use change, would fail to preserve or enhance the character and appearance of the adjacent South Hale Conservation Area and would lead to less than substantial harm to the significance of this designated heritage asset which would not be outweighed by the public benefits of the development. It is thus considered contrary to Policy R1 of the Trafford Core Strategy, the South Hale Conservation Area Supplementary Planning Document (SPD5.21), and the National Planning Policy Framework.
2. The proposed development, by reason of its scale, density, mass and use change, would be inappropriate to the site's semi-rural context. It would thus cause appreciable harm to the character, appearance and enjoyment of the surrounding countryside landscape and would have a detrimental impact on the visual appearance and character of the street scene and the surrounding area. It is thus considered contrary to Policy R2 and Policy L7 of the Trafford Core Strategy, and the National Planning Policy Framework.
3. Available information indicates that protected species are present on site and would be disturbed by the proposed development. It is not considered that the planning merits of the proposed development sufficiently justify the resultant impact to protected species. As such, the proposal is considered contrary to Policy R2 of the Trafford Core Strategy, and the National Planning Policy Framework.

B: Land to the site's east (known as land to the east of Great Heys, Bankhall Lane):

96290/OUT/18 - Outline application with all matters reserved for the erection of 2no detached dwellinghouses with landscaping, access and other associated works. This application remains under consideration.

### **APPLICANT'S SUBMISSION**

The applicant has submitted the following documents in support of the application (in addition to plans and drawings):

- Planning Statement
- Demand and Supply Statement
- Design and Access Statement
- Heritage Statement
- Landscape and Visual Impact Assessment
- Flood Risk Assessment
- Bat Mitigation Survey
- Updated Preliminary Bat Roost Appraisal
- Transport Statement (including Framework Travel Plan)
- Site Investigation Report

- Tree Survey Report
- Arboricultural Impact Assessment
- Crime Impact Statement

## **CONSULTATIONS**

**Greater Manchester Archaeological Advisory Group** – No objection

**Greater Manchester Ecology Unit** – No objection, subject to condition (to request full lighting details, to request an up-to-date bat survey prior to works commencing, to provide evidence that a Natural England licence has been issued, to request a method statement for works to trees with bat roost potential, to limit vegetation clearance and tree felling to outside the breeding bird season, and to incorporate mitigation measures for hedgehogs)

**Greater Manchester Police Design for Security** – No objection, subject to condition (to ensure that the recommendations in the submitted Crime Impact Statement are adhered to)

**Lead Local Flood Authority** – No objection, subject to condition/informative (to ensure the implementation of the submitted drainage strategy, and to advise on the need for LLFA consent when connecting to the culvert)

**United Utilities** – No objection, subject to conditions/informative (to request separate foul and surface water drainage systems, and details of a sustainable drainage scheme, and with some advisory notes)

**Trafford Clinical Commissioning Group** – Objection in principle (as expanded upon in the report)

**Trafford Council Arboricultural Officer** – No objection, subject to condition (to request a detailed landscape plan, a landscape management and maintenance plan, and a method statement for works taking place within root protection areas)

**Trafford Council Heritage Development Officer** - Objection on the grounds of the harm caused to the setting of the conservation area (as expanded upon in the report)

**Trafford Council Local Highway Authority** – No objection, subject to condition (including to request details of the site access, to ensure the provision of parking and servicing, to require the provision of a service management plan, to request a full travel plan, and cycle parking details, and an advisory note to protect the public right of way)

**Trafford Council Pollution and Licensing (Contaminated Land)** – No objection, subject to condition (to request further site investigation and subsequent remediation if necessary)

**Trafford Council Pollution and Licensing (Nuisance)** – No objection, subject to condition (to request a noise impact assessment, to limit the noise level of installed plant and machinery, to control any installed ventilation/extraction system, to control any external lighting, to request an environmental management plan relating to the construction phase, to install low emission vehicle charging points, to request emission data for the proposed combined heat and power system, and to limit the hours of servicing and deliveries)

**Trafford Council Children, Families and Well-being Service** – Objection in principle (as expanded upon in the report)

## **REPRESENTATIONS**

Consultation undertaken on behalf of the local planning authority has produced the following responses from residents:

**Objection** – 155 letters of objection have been received, which raise the following points in summary:

Objection in Principle:

- There are already numerous care homes in the wider Altrincham area and many of these have vacancies;
- Other care home developments in Trafford will take care of the future need;
- This is the wrong type of nursing home accommodation in the wrong place;
- There is no need for a care home that only caters for the wealthy;
- Affordable care is needed, not this expensive and exclusive care;
- A proposed high end care home would take limited staff away from affordable care, which is what is needed;
- The applicant's assessment of need covers an area ten miles beyond Trafford;
- Trafford Council would not utilise the beds since they would be too expensive;
- Care homes should be directed to areas of need;
- The Council should insist that the developer only builds for Trafford residents; and
- The site is in a wholly residential area and this commercial development would not be conducive to this setting.

Patients' Amenity:

- Patients would have no local amenities to access;
- There would be no outdoor space to provide patient stimulation;
- The site is too close to a river for it to be suitable for vulnerable people;
- Residents in these homes typically do better when connected to communities and normal life;
- Visitors wishing to escort patients for a walk would be challenged by the narrow footpath; and
- This development would not meet the needs of dementia patients.



#### Landscape:

- The development would take away valued Green Belt land;
- This is a sensitive spot near to the River Bollin;
- The building would completely dominate the surrounding green area;
- Many dog walkers and hikers like this area;
- This development would detract from the natural beauty of the area;
- A hard edge to the footpath would be introduced and the value of the footpath would be reduced;
- The view down to the River Bollin would be ruined;
- This is an area of peace and tranquillity;
- The amount of development would be out of character with the adjacent countryside;
- The assessment of landscape and visual impact has not been broad enough; and
- Attractive, mature trees would be removed.

#### Design/Visual Amenity:

- The proposed density is more suited to an urban area;
- The proposed development would be 11 metres high (4 metres higher than the current house) and built on a prominent embankment;
- The development is extremely large in size;
- The proposal is far too big and commercialised for this area;
- This would represent significant over-development of the plot, which is not characteristic of this location;
- The uplift from the existing dwelling to the massive care home development is disproportionate;
- This is a very large development; whether it is 72 or 64 beds it would still replace one single dwelling;
- The proposed glass corridors are deceptive; they would in fact be very solid bedrooms; and
- The level of development would be greater than even the three detached dwellings proposed for the adjacent site.

#### Heritage Impact:

- This development would interfere with the special heritage of this area;
- The characteristics of the adjoining Conservation Area should be preserved; and
- The proposal contravenes the South Hale Conservation Area guidance document.

#### Highways:

- There is a genuine safety reason to refuse this application;
- The amount of car parking proposed is completely inadequate;
- Overspill parking would occur along Bankhall Lane;
- The development would generate excess traffic which this area cannot cope with;

- Bankhall Lane is narrow, is on a hill, contains a bend at the site access, and has overhanging trees;
- Bankhall Lane is a country lane;
- Several 'near-miss' road accidents have been witnessed in this area;
- The nursery next door has had the effect of creating a one lane road due to on-street parking;
- This development would be very dangerous to both drivers and pedestrians;
- Vehicular access and egress would be unsafe due to limited visibility and lack of turning space;
- There is a children's play area down the road, and an adjacent nursery, and with children and young families frequently crossing;
- Children at the nearby nursery who regularly use the narrow footpath would be put at risk;
- There would be a number of deliveries per day for food/linen supplies and then waste collection, and also ambulance access;
- There is no space along Bankhall Lane to allow for any widening of the highway;
- The development would increase the danger to the many cyclists who use the road;
- The submitted Transport Statement is poorly prepared;
- The staff required to service a 64-bed care home would be considerable and the majority would come by car;
- Bankhall Lane is used as a cut through from Arthog Road to Ashley Road;
- The construction process would generate hundreds/thousands of HGV trips;
- One house has been demolished and rebuilt recently on Bankhall Hall and this has caused traffic chaos;
- The refuse vehicles used by Trafford are bigger than the ones identified in the submitted tracking drawings; and
- This is a recipe for a serious incident.

#### Unsustainable Location:

- This area is not supported by public transport;
- There are no bus routes past the site, the nearest train station is 1.5 miles away, and the nearest Metrolink stop is over 2 miles away;
- Staff with late/early shift changes would certainly not travel by bus;
- All visitors, staff and suppliers would be car-borne;
- The footpaths by the site are narrow and cannot support pushchairs or wheelchairs; and
- There are no local amenities in walking distance.

#### Wildlife Impact:

- The site is in a wildlife corridor;
- The development would have a negative effect on birds;
- There are tawny owls, barn owls, foxes, badgers and many small mammals in the area, as well as rare species of bats;
- The development would destroy habitat;

- There is a small stream which runs alongside Bankhall Lane which possibly contains protected species; and
- There are great crested newts in the area.

#### Miscellaneous:

- A development like this would require 24 hour servicing by ambulances, caterers and refuse collections, which would disturb existing residents;
- The reasons for refusing the last application equally apply to this proposal;
- A reduction of 8 beds would not make any difference;
- Building adjacent to the River Bollin could cause problems with surface-water run-off and drainage;
- Existing mature, healthy trees would be lost and new trees would take 50 years to grow to the same size;
- Parts of the application submission are incorrect and misleading;
- The development would have a significant environmental impact, including during the construction period;
- There are plenty of other urban, brownfield sites where this type of investment would be welcomed;
- There has been no consultation with the community;
- There would be increased light pollution, as well as dust and emissions;
- The installation of a combined heat and power system is objected to due to the impact on air quality;
- The development would lead to clinical and trade waste, which has not been accounted for;
- There should have been an environmental impact assessment;
- There is contamination in and around the site;
- There has been no appraisal of alternative options; and
- The empty new Health and Well-being Centre in Altrincham should be used as a care home instead.

In addition to the above, the Hale and Bollin Resident Group has submitted a separate letter of objection and it has also appointed a highways consultant to independently review the application submission and to submit a professional representation. The additional points raised within these representations include:

- The application site is in the least accessible location, as identified by the Trafford Core Strategy;
- The submission fails to demonstrate that safe and suitable access to the site could be achieved for all users, and nor does it address the needs of people with disabilities and reduced mobility;
- The proposed development does not respond to the site's context but seeks only to maximise the development opportunity;
- Rather than being a landscape-led design response, the site has been treated as degraded and urban;

- The commercial scale and appearance of the proposal is not appropriate adjacent to a conservation area;
- The applicant's assessment of need is based on generic data;
- There has been a complete absence of any analysis by affordability;
- The proposal aims to maximise income and shareholder value;
- On approach to the site from the east, Bankhall Lane reduces in width;
- Cars have been observed to cross the central carriageway markings as they navigate the bend in the road;
- There are obstructions within the footways that may require a pedestrian to enter the main carriageway, which represents a severe safety concern;
- It is considered that a single footway into the site would provide insufficient infrastructure to facilitate access by pedestrians and cyclists;
- Furthermore, unobstructed two-way vehicular access should be provided to ensure safe movement into/out of the site without queuing on the adopted highway;
- A clearly defined, segregated pedestrian route through the car park should be provided;
- The submitted tracking diagrams confirm that a refuse vehicle would require the full width of the access road, and would also cross onto the opposite side of the Bankhall Lane carriageway and would overhang the footway;
- A Service Management Plan should be submitted prior to the application's determination;
- There is a significant concern that there would be insufficient on-site car parking, and there is no alternative local provision other than parking on street; and
- The submission fails to provide sufficient technical highways information to formulate an appropriate decision.

Two letters of objection from Trafford councillors have also been received (Cllr Patricia Young and Cllr Patrick Myers) which raise the followings points (in summary):

- The building of such a large structure on this site is opposed;
- The development would cause a very large increase in the number of cars needing to park on local roads;
- It would be dangerous to access this development from a narrow road with a bend;
- There is little change since the previous application; and
- The proposed traffic management arrangements should be carefully considered;

The objection from Cllr Myers also requested the 'calling-in' of the application to the Planning and Development Management Committee in the event of a positive recommendation.

In addition, a representation has been received on behalf of the Trafford Ramblers Group. This states that the Group is neither objecting to or supporting the proposal. However, that the application site is located adjacent to Footpath Hale no. 3 is referred to. The Group wishes to see no changes to the boundary of the application site which could impact upon the amenity of the footpath, it is stated.

**Support** – 1 letter of support have been received, which raises the following points (in summary):

- Care facilities for dementia patients need to be provided;
- Bankhall Lane is not a busy or dangerous road;
- The development would create new jobs

### **OBSERVATIONS**

#### **The Decision-taking Framework**

1. Section 38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement, and at paragraph 12 states that ‘the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making’, and that where a planning application conflicts with an *up to date* (emphasis added) development plan then permission should not normally be granted.
2. The NPPF is a material consideration in planning decisions, and as the Government’s expression of planning policy and how this should be applied, it should be given significant weight in the decision-taking process.
3. The Trafford Core Strategy, for the purposes of this application, does not constitute an up-to-date development plan in the manner envisaged by the NPPF’s paragraph 12. The reason for this is two-fold. Firstly, this is as a consequence of this Council not being able to demonstrate that it has a five year supply of deliverable housing sites when assessed against its housing requirement (thus Core Strategy Policy L1 (Land for New Homes) and Policy L2 (Meeting Housing Needs) are regarded as being out-of-date). Secondly, some Core Strategy policies have been formally recognised as being out-of-date due to them not reflecting current NPPF guidance. Indeed, the Core Strategy is over seven years old and was adopted two months prior to the publication of the original NPPF in March 2012. In July 2018 a reworked NPPF was published, and with further more modest revisions introduced in February 2019. Policy R1 (Historic Environment), which has been categorised as a policy of ‘most importance’ (see the NPPF’s paragraph 11) in determining this application, is one such policy that has been recognised in such terms. Its out-of-date status is on the basis that it is not consistent with the NPPF since it does not reflect the tests

of 'substantial' and 'less than substantial' harm. Full weight cannot, therefore, be afforded to it, and the aforementioned tests of the NPPF remain to be applied in the determination of relevant applications in treating this guidance as a material consideration.

4. The effect of some 'most important' policies being out of date is that 'the presumption in favour of sustainable development', as referred to in paragraph 11d of the NPPF, is engaged. For the avoidance of doubt, it is commented that other 'most important' policies of relevance to this application (chiefly Policy L7 (Design) and Policy R2 (Natural Environment)) remain in date, although this does not override the engagement – overall - of the presumption in favour.
5. Paragraph 11c of the NPPF explains that 'the presumption in favour of sustainable development' means approving development proposals that accord with an up-to-date development plan without delay. However, paragraph 11d continues that where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date planning permission should be granted unless:
  - i. the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; *or* (emphasis added)
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
6. The advice in paragraph 11d embodies the key decision-taking structure that has been applied in appraising the merits of this application, and it will be returned to at the end of this officer assessment.
7. Whether other development plan policies that are material (if not 'most important') in determining this application are in date or out-of-date will be covered in the relevant sections of the report.

#### The First Application

8. A comparable application for a 72-bed care home development at the site was refused, unanimously, by the Planning and Development Management Committee in April 2018 (ref. 92767/FUL/17). Consultation as part of this earlier application's assessment generated objections from the Council's Children, Families and Well-being (CFW) Service, together with the Trafford Clinical Commissioning Group (CCG), regarding the nature and characteristics of the care home proposed. Despite there being no five year housing land supply in Trafford and despite the balance being in favour of applications for new housing in such a scenario, it was concluded that the wider public benefits of the proposal

were in fact very limited and that public harm arising from the operation and function of the proposed development would in fact occur.

9. There were three reasons for refusing the last application. The first two reasons were underpinned by the extent of built development proposed for the site, with resultant harm to both historic environment and to landscape character identified. The third reason for refusal, which related to ecological matters, was a product of the accumulation of concerns regarding both the principle of the development and its physical manifestation on site. The concerns of the CCG and of the CFW Service were treated as material considerations which were given weight as part of the wider planning balance (including when taking account of the enactment of the NPPF's 'presumption in favour of sustainable development' which also applied at the time of this application's determination).
10. This current application, for a 64-bed care home, was submitted by Octopus Healthcare as an alternative development. The amendments incorporated relative to the appealed application were intended to address previous concerns. The application submission explains that a 64-bed scheme represents the least commercially viable development that could be delivered.

### The Principle of the Development

#### Housing Land Supply

11. The site comprises an existing residential property set within substantial grounds and located at the fringes of the built up area of Hale/Hale Barns. It is acknowledged that the site is already in some form of residential use (Class C3 – dwellinghouses) and that its redevelopment in part may be acceptable in principle.
12. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK, and with this further reinforced via the 2018/2019 versions of the NPPF relative to the 2012 original. Local planning authorities (LPAs) are required to support the Government's objective of significantly boosting the supply of homes. With reference to paragraph 59 of the NPPF, this means ensuring that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay.
13. The responsibility of LPAs in supporting the Government's ambitions include identifying and updating annually a supply of specific deliverable sites to provide five years' worth of housing against their housing requirement. This is in addition to a new housing delivery test (introduced in November 2018 as part of the 2018 NPPF) which is intended to measure an LPA's performance in facilitating the delivery – rather than merely planning for – new homes.

14. The required scale of housing for Trafford had previously been identified by Policy L1 of the Core Strategy (a typical annual requirement of 587 new homes). However, the new NPPF has established a different approach in making it clear that housing requirement figures cannot be relied upon if they are over five years old (unless they have been reviewed and have been found not to require updating). As a statutory development plan that was adopted in 2012 and with no formal review having been undertaken, the Core Strategy's housing targets have thereby become redundant. In these circumstances, the NPPG is clear that the starting point for calculating a five year supply should be 'local housing need using the standard method.'
15. In February 2019 the Government confirmed the standard methodology for calculating minimum local housing need (LHN) figures (by means of the 2019 update to the NPPF and also changes to the NPPG). The application of this methodology for Trafford has provided a new minimum annual LHN figure of 1,362 new homes (net). Clearly, this figure is far in excess of that set out in the Core Strategy. It should be commented, however, that the emerging annual housing requirement for Trafford as contained in the Greater Manchester Spatial Framework (GMSF) is lower, at 1,015 (minimum). Upon its adoption, the agreed minimum target set out in the GMSF would be carried through to the new Trafford Local Plan (which is currently at a very early stage of production). Therefore, in some respects, 1,362 is an interim figure in reflecting current transitional arrangements. Nevertheless, it is evident that the GMSF requirement is also significantly higher than the previous Core Strategy target.
16. As an aside it should be commented that the 1,362 annual requirement (or indeed the 1,015 emerging GMSF requirement) comprises an overall housing need figure. It is anticipated that separate requirements for different types of housing (including for older people) will be developed in time as the new Trafford Local Plan is progressed. However, at present, there is no individual housing need figure for older persons accommodation in Trafford, and it is accepted that the reference to 'approximately 500 units' in Core Strategy Policy L2 (as 4% of the previous overall target) is out-of-date.
17. Policy L2 of the Core Strategy is clear that all new residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing needs. Therefore, the ability of this development to contribute to meeting housing supply targets is important. This is amplified in the context of the absence of a five year supply of deliverable housing land (as stated in paragraph 3) and the need to address the supply backlog. Indeed, latest housing land monitoring, based upon the uplifted requirement, indicates a current supply in Trafford of only 2.6 years.
18. That being the case, however, it should be commented that a 64-bed care home in Class C2 (residential institution) use would not contribute 64 individual units to



the supply position (or rather 63 units when accounting for the loss of the existing dwelling on site). The NPPG provides guidance on how to make an adjusted calculation of the contribution made by this type of accommodation, which takes account of the fact that, in turn, some housing would be released back into the market. When applying the recommended formula, it has been calculated that a 64 bed care home would equate to approximately 35 units in supply terms.

19. Whilst certainly not disregarding the individual contribution made by all residential development proposals regardless of their scale (since to do so would be contrary to the advice in Policy L2), in the context of the elevated annual requirement (1,362 new homes), the percentage contribution in this case (2.6%) clearly would not represent a meaningful amount. Nevertheless, and when recognising the responsibilities of LPAs in supporting the Government's ambitions regarding housing growth, weight has to be attached to the benefits, in principle, of the scheme's residential offer. There would not, however, be any corresponding affordable provision (i.e. 'affordable housing' as defined in the glossary to the NPPF) since the development does not trigger a requirement (in falling within the C2 (residential institutions) Use Class rather than C3 (dwellinghouses)).
20. In setting aside the proposal's ability to make some contribution to general housing targets and the housing land supply deficit (and notwithstanding the current absence of a specific requirement for older persons housing), it would appear that the development may also be commendable in seeking to address the accommodational and care needs of a vulnerable population group that is growing in number. Indeed, that the number and proportion of older people is on the increase across the UK is commonly well-documented. Despite this, however, neither the Trafford CCG nor the Council's CFW Service are able to support this proposal. The reasons for this are numerous and include financial, locational and design concerns as well as objections to the care home model on offer. This is consistent with the position adopted in respect of the last application. That these concerns continue to be raised, their extent and their implications, have proven significant, particularly in the context of paragraph 11d of the NPPF and its implications for decision-taking.

#### The Trafford Clinical Commission Group's (CCG) Position

21. The Trafford CCG has responsibility for planning and commissioning a range of health care services across the Borough. In this respect, it is understood that the CCG typically welcomes early engagement with potential care home developers and operators regarding emerging schemes in order that their requirements and expectations regarding a development and its operation can be factored in. Evidently there are examples where this has worked successfully within the Borough. In the case of Bankhall Lane, it is gathered that some contact was made prior to the first application. However, at the outset the CCG expressed a

number of deep-seated concerns, including the basic matter of the site's suitability for a care home development.

22. The importance of locating new development in accessible locations is a fundamental principle of good planning and is central to the concept of achieving sustainable development, as advocated by the NPPF. It is reflected in the Core Strategy, including by means of Policy L2 which is clear that new housing should be appropriately located in terms of access to existing community facilities as well as public transport options. Siting residential institutions in isolated locations has long been accepted as a mistaken policy approach and not in the interests of patient/resident well-being. This is recognised in an adopted Supplementary Planning Guidance (SPG) document, which originally dates back to 1991 although with subsequent revisions (SPG4: Residential Care Homes and Nursing Homes for the Elderly). This acknowledges the importance of siting accommodation for the elderly in locations that allow them to easily maintain links with the rest of the community and the services that they require. The continued importance of this principle was recognised as part of the preparation of the Trafford Land Allocations document (which was due to sit alongside the Core Strategy). The last version of this document (a 2014 consultation draft) contained a specific recommended policy (Policy HO3) to guide the location and design of residential accommodation for older persons. The development principles that such proposals were expected to adhere to include the siting of such facilities close to local services and amenities and in places that are easily accessible by a range of transport modes. It is fully acknowledged that limited weight can be applied to Policy HO3, although nonetheless it remains a useful tool when considering the merits of a relevant application. Moreover, it is anticipated that an equivalent policy will feature within the new Trafford Local Plan as it is progressed.
23. It is regrettable, therefore, that the application site does not conform with this important principle. Whilst it is accepted that this is not a very remote, rural location, it is nonetheless at the absolute periphery of the built-up area of Hale/Hale Barns. Amenities in walking distance are extremely limited. There is a small collection of shops at the junction of Park Road/Arthog Road to the site's north-west but these are very restricted in their number and offer and in any event are positioned 0.5 miles away. Whilst Hale District Centre does contain a wide range of shops and facilities and does function as a successful community hub, this is double the distance, and is thus not regarded as being within easy reach on-foot, especially for the elderly and infirm. Moreover, the footways to Bankhall Lane in proximity to the application site are particularly narrow and therefore are not inviting or suitable for those who may have impaired mobility. In turn there is the issue of the site's remoteness from public transport. The nearest bus stop is positioned on Arthog Road, 400 metres from the site. However, it is understood that the frequency of the service is only one per hour and even less at weekends. Whilst the Metrolink would provide a far more regular service (including later into the evening and at weekends) the nearest

stop is over two miles away (in Altrincham), and even Hale train station is one mile away.

24. This fundamental limitation of the site has been raised by the CCG. That the site is not more centrally located would manifest itself in a number of problems, the CCG considers. These include that staff would not be able to rely upon public transport when working more unsociable hours, and the general inability to attract the necessary levels of low-skilled staff due to the lack of affordable public transport options (which in turn undermines the applicant's claims regarding the scheme benefits of employment creation). Furthermore, the advantages for patient well-being of a location with good levels of community activity would not be realised.
25. Beyond the geographical shortcomings of the site, the CCG has further concerns. These are generally attributed to the care home model that the applicant/operator is seeking to deliver, which the CCG does not regard as reflecting current best practice guidance. Firstly, the size of the development is considered to be too big. It has been explained that it is generally acknowledged that a facility with approximately 62 beds is at the upper limit of acceptability and that an operation larger than that would not deliver clinical, person-centred care. Whilst the number of beds has been reduced relative to the last application, the proposed development is still seeking additional spaces beyond this accepted threshold. Secondly, the format of the proposal serves to further suggest that it is not sufficiently focussed on the overriding function of delivering high quality care, according to the CCG. The incorporation of features such as a cinema room and a visitors' café are unnecessary and merely support the applicant's intentions of delivering a high-end physical environment. The inclusion of these facilities would purely serve to inflate care fees without any resultant uplift in patient care, and on-site provision is not an adequate replacement for being able to access these amenities in a local, community setting, it is stated. Associated with this, therefore, the CCG has expressed concern that the development is targeted towards a very high-end market and it would not deliver affordable care that would be accessible to all. Thus, it is evident therefore that there is a significant mismatch between what the application proposal would deliver and what the CCG regards as being suitable in meeting patients'/residents' needs and delivering best practice.

#### The Children, Families and Well-being Service's Position (CFW)

26. The duties of the CFW Service incorporate adult social care services, and therefore their role is distinct from that of the CCG. The CFW Service's objection is predicated on the direct financial burdens that could be placed on the public purse as a result of the application scheme. Discussions with the CFW Service have drawn attention to a number of challenges facing the public sector as a result of the existing care home market in Trafford. It is understood that there are already over 60 registered care homes (including residential, nursing and

dementia care) across the Borough. These are traditional institutional homes where residents pay a weekly fee for the care they receive. Trafford, and particularly the southern part of the Borough, is seen as an attractive place to live and enjoy the latter stages of life. Thus, it witnesses an influx of population, from across Greater Manchester, Cheshire and beyond, who seek to utilise the older persons' accommodation that the Borough offers. However, the cost of this care is, on average, markedly higher than in other parts of the sub-region.

27. A further problem arises due to the amount of 'self-funders' in Trafford. Self-funders are those care home residents who pay for their own care due to having sufficient personal capital. However, when a self-funding resident's funds are exhausted then it falls to the local authority to step in. The financial implications of this are significant in Trafford in view of the number of care home places together with the high fee rates. The expectation is that the resident will stay in the home that he/she selected - that is unless it can be demonstrated that their care needs have changed - and there is no guarantee that reduced local authority rates will be forthcoming at that point. The model for catering for the needs of the Borough's frail and elderly population that is encouraged by the CFW Service is one in which people are supported and cared for in their own home for as long as possible, in line with national best practice, and this has resulted in a reduction in the number of beds commissioned.
28. In view of this picture, the CFW Service has very legitimate and acute concerns regarding the effects of this development which would introduce a further 64 beds to the care home market. It is envisaged that the majority of residents attracted to the development would be self-funders. Furthermore, as has already been explained, the development proposals are reflective of a particularly high-end and exclusive residence such that expected fees would be at the upper end of the scale, even for Trafford. Moreover, there is some expectation that the development would attract residents from outside of the Borough, particularly given its location at the very southern tip of Trafford, close to both the motorway network and the administrative boundaries with Cheshire East, Manchester and Warrington. Indeed, an assessment submitted with the application, which is intended to demonstrate a need for the proposal (and which the CFW Service has reviewed) identifies an intended catchment area (based upon a 15 minute drive-time) which extends to include Lymm, Knutsford, Wilmslow and Gatley. Whilst fully acknowledging its own social care responsibilities, it is apparent to the CFW Service that the development could serve to encourage more frail, elderly people with complex needs to relocate to the Borough, and this would not be financially sustainable given the nature and cost of the accommodation on offer.
29. The conclusions of the CFW Service have been reached despite new evidence to support this application in the form of a Demand and Supply Statement. As part of its duty to safeguard and promote the welfare of the Borough's elderly residents, the CFW Service has to be permanently watchful of the pool of

accommodation options, particularly in terms of institutional care, in order to ensure that supply can meet demand. Data regarding vacancy levels is a matter which is reviewed weekly by the CFW Service in order to inform the appropriate placement of individuals. However, there is a consistent supply of available beds to meet the arising demand at any one time, the CFW Service has advised, and with no evidence of waiting lists, for example, which would be an indicator of an acute shortfall in provision.

30. In terms of planning ahead to meet future needs, the CFW Service is further satisfied that this would be met through recent new developments as well as other planning commitments. This includes two care homes that are presently under construction: a 60-bed development on Washway Road, Sale, and a 40-bed development on Bowfell Road, Urmston, and with both likely to be opened in 2019. The strategic development of Trafford Waters also incorporates a new care home of up to 150 beds. Further to this, a 60-bed care home on Harboro Road in Sale is also due to re-open shortly. The CFW Service considers that these developments would adequately cater for the need arising within Trafford for elderly institutional care. The only remaining area where further provision would be welcomed, the CFW Service has advised (as supported by the CCG), is in relation to *specialist dementia beds* for adults with particularly challenging needs. However, it has been made clear that this proposed development, whilst providing some general dementia spaces, would not commission this level of critical care. Rather, the proposal's format, including its dementia offer, would duplicate existing and emerging developments, the CFW Service has advised.
31. Another area of unmet need, the CFW Service has commented, is in relation to other forms of senior living. This includes extra-care, assisted living or sheltered housing type developments. This form of accommodation typically involves residents purchasing or renting a new home or apartment (often with a requirement for them to be aged 55 or over), whilst still having access to a degree of care and support. This model of older persons housing is supportive of the CFW Service's general aims in allowing people to stay in their own homes, if they wish, for as long as possible as their circumstances change. It is clear, however, that the application proposal is based on a fundamentally different form of accommodation. Overall, in not responding to these particular areas of need, but rather in further encouraging a saturated high-end market for institutional elderly care, there could be real, negative implications, chiefly for the public sector, the CFW Service reports.
32. Finally, the comments of the CFW Service serve to cast further doubt on the applicant's claims regarding the operational employment benefits that would arise. In addition to the site-specific issue troubling this proposal when bearing in mind the lack of public transport options, the CFW Service has highlighted a broader concern which applies to the Borough as a whole but which is felt most markedly in the southern areas. There are significant recruitment challenges facing existing residential and nursing providers in Trafford, it has been explained. This Borough's skills market is noticeably different to the rest of

Greater Manchester, with an above average skilled workforce, higher levels of employment, a smaller pool of working age adults, and a falling rate of benefit claimants. These characteristics are more profound in southern Trafford, where the appeal site is located. The health and social care workforce is typically low paid, it is stated, and with obvious affordability issues when having regard to the typical cost of housing, particularly in the south of the Borough. That there is a higher than average turnover rate amongst adult social care positions in Trafford. When added to the CCG's site-specific concerns, the CFW Service is doubtful whether the proposed development could in fact be adequately and safely staffed.

### Conclusions on the Principle of the Development

33. The effect of the comments of the CCG and the CFW Service is to confirm that a reduction of 8 beds to the proposed care home development is not sufficient to address previous concerns. The location of the development is fixed, and the proposed function and management of the care home is unchanged.
34. The established use of the site for residential purposes (in accommodating one dwelling) continues to be acknowledged, and the contribution that the application proposal would make to *general* housing targets and to the *overall* housing land supply deficit is understood. However, the position of the CCG and CFW Service has served to substantially weaken any claim that the principle of a Class C2 care home development is an appropriate use of the site, and furthermore the details of this specific proposal, including when having regard to its operation and its size, are not supported.
35. This issue will be returned to elsewhere within this report when applying the relevant 'planning balance' test (including when taking account of the enactment of the NPPF's 'presumption in favour of sustainable development'). However, at this stage it can be commented that the consultation responses of the CFW Service and the CCG continue to be treated as important material considerations when drawing overall conclusions regarding the acceptability of the proposal in principle.

### Impact on Heritage Assets

36. The site lies adjacent to the South Hale Conservation Area. There is also a Grade II Listed Building 170 metres to the site's west. An eighteenth century house formally referred to as Bank Hall, this now accommodates Hale Nursery. Consistent with the position concluded in respect of the last application, it is the impact of the proposal upon the setting of the conservation area which is considered to be of most significance. In relation to the listed building, the separation distance between the application site and Bank Hall together with the effects of boundary planting and the intervening green field are considered

sufficient in combination to protect its setting. A different conclusion has again been drawn, however, with regard to the conservation area.

37. Nonetheless, at the outset of this discussion, an overview is given regarding the design/layout changes that have been incorporated into this 64 bed care home scheme relative to the last application, and which have been reported by the applicant as seeking to address concerns regarding the impact on heritage assets (as well as landscape and general visual amenity impacts). These can be summarised as:

- A reduction in overall built floorspace (gross internal area) by 460 square metres;
- A reduction in building footprint by 270 square metres;
- A change in the configuration of the building and a move towards a more regular layout;
- The provision of less built form adjacent to the site's western boundary and within the site's south-western corner;
- A corresponding increase in the amount of outdoor amenity space;
- The introduction of flat-roofed glazed links;
- A slight increase in the gap between the building and the site's southern boundary; and
- The retention of more trees and hedgerows within the site.

38. Protecting and enhancing the historic environment is an important component of the NPPF. The document introduced the term 'heritage assets' which are defined (in the glossary) as: 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions. It includes designated heritage assets and assets identified by the local planning authority (including local listing)'. It is the conservation of heritage assets in a manner appropriate to their 'significance' which is the focus of the NPPF, and with this significance defined (in the glossary) as: 'the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence but also from its setting'.

39. The protection of the Borough's built heritage features as a strategic objective (SO8) within the Core Strategy. This is supplemented by Policy R1 (Historic Environment) which seeks to ensure that the Borough's heritage assets are safeguarded for the future, where possible enhanced, and that change is appropriately managed and tested for its impact on the historic environment. In relation to conservation areas, it is explained that developers will be required to demonstrate how a proposed development would preserve or enhance the conservation area and its wider setting. As previously indicated, however, Policy R1 does not reflect the NPPF's categories of 'substantial' and 'less than substantial' harm and their corresponding tests. In summary, these NPPF tests provide an opportunity for an applicant to demonstrate that there would be public

benefits arising from a proposal which may outweigh heritage harm. Conversely, the 'protect, preserve and enhance' requirement of Policy R1 infers that no harm should be caused or would be justified. It is for this reason, as previously reported, that Policy R1 is out-of-date.

40. In addition, any planning decisions relating to conservation areas (as well as listed buildings) must also address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990. In relation to conservation areas, the Act dictates that special attention is paid to the desirability of preserving or enhancing the character or appearance of that area. Notwithstanding what has been concluded regarding the status of Policy R1, it is considered that the phraseology it contains is reflective of the statutory considerations set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.
41. The South Hale Conservation Area was designated in 1986. The site is located just outside of it. Bankhall Lane forms one of the conservation area's southern boundaries and thus buildings directly opposite the site on the northern side of Bankhall Lane are incorporated. In fact, the application site had – up until February 2017 – also been included within the conservation area. However, some boundary changes have recently been made, covering both extensions and deletions, in accordance with the recommendations of a systematic review exercise. The explanatory document, which forms part of a wider conservation area appraisal and which has the status of a supplementary planning document, justifies the specific exclusion. It explains that parts of Bankhall Lane, and extending into Rappax Road (including the Merridale estate), contain pockets of mid to late 20<sup>th</sup> century development that are not of sufficient quality or historic or architectural character to warrant continued inclusion in the conservation area. Indeed, it is accepted that the existing residential property on the application site, which is typical in its design of the 1960s era, is of limited architectural or historic value, although it nonetheless displays some bygone charm.
42. The relevant document referred to above is the South Hale Conservation Area Supplementary Planning Document, identified as SPD5.21. This SPD is in two parts: a conservation area appraisal document and then a management plan, dated March 2017. Both have been closely reviewed in considering the implications of the proposed development for the conservation area, particularly in the context of their definition of the area's significance when having regard to the advice in the NPPF. The appraisal document explains that the special character of this conservation area derives from a number of elements. This includes: houses set in gardens which are characterised by a variety of mature trees and shrubs; a low-proportion of these gardens given over to hard-standings and with space afforded around properties; tree-lined streets and on-street planting; a general feeling of spaciousness; the compatibility of natural and man-made features; and with the undulating landscape creating a semi-rural feel.



That the area provides a habitat for wildlife is also referred to, along with the fact that the conservation area is largely residential in character.

43. Notwithstanding the site's exclusion from the conservation area, principally in view of the building it accommodates, it is considered that it too possesses some of these important qualities. This includes the ample size of the plot relative to the house which it surrounds, that the existing dwelling is set back from the street scene, that its garden contains many mature trees of diverse species, that the dwelling is obscured by established planting, and that there is an overriding sense of space. Similarly, these factors combine to give the site a semi-rural ambiance, which is in fact enhanced on the application site in view of its location at the absolute limit of the residential area and encircled by fields (on three of its four sides). The site is also residential in nature. It is thereby considered that the application site presently serves to support the significance of the conservation area by continuing some important characteristics and by extending the ability to appreciate that significance.
44. However, it is considered that the development proposed would erode many of these characteristics and that the unity with the adjacent conservation area would be undermined. The extent of the application site's resultant material change in character is such that harm to the significance of the conservation area would arise, it is considered. The cornerstone of the problem is the amount of development that is still proposed for the site. One dwelling, albeit large, would be replaced by a 64-bed care home which would support a considerable amount of ancillary floorspace as part of the overall offer. When it is accepted that some reduction in building volume and footprint has been incorporated relative to the last application, the effect is not a material improvement, it is considered. The proposed development still entails a sprawling floorplate which would occupy a substantial portion of the site, extending close to the site's southern, eastern and western boundaries. Parts of the site not accommodating built development would in turn be transformed into hard-standings to allow for a widened site access, a vehicular circulation zone, car parking, outdoor terraces, and pathways around the building's perimeter. Whilst a somewhat larger area than previously allowed for (focused on the site's south-western corner) still only a small portion of the site (as a whole) would be left as undeveloped outdoor amenity space. This contrasts markedly with the existing situation in which the garden is of an impressive size and quality and where there is a high ratio of hard to soft landscaping.
45. It follows that, again, a number of trees and shrubs within the site are proposed to be felled as part of this development to facilitate either the building or site access works. The main area of loss is in the centre of the site encircling the ornamental pond, where there are a number of attractive and varied species which are generally in good health and vigour. The submitted Arboricultural Impact Assessment refers to the complete loss of 13 trees or tree groups and the partial loss of a further tree group. New areas of hard-standing are also

proposed within the root protection areas of some retained trees. It is accepted that the majority of trees to be felled are located within the site's interior, that many of the existing boundary trees can be retained together with the boundary hedging, that mitigation planting is proposed at the site's boundaries to fill any gaps (although no detailed landscape plans have been submitted), and the extent of tree loss has been reduced relative to the last application. However, the number, quality and variety of trees presently on site are a vital feature in continuing the character of the conservation area and in giving it a semi-rural feel, and indeed the trees at the site's heart are visible from the adjacent public footpath if not from Bankhall Lane. Mitigation planting at the site's boundaries is of course welcomed, however, there are concerns that this would not exhibit the same level of maturity, quality and depth, certainly in the short term, thereby prejudicing the ability of the site to contribute to the general greenness of the conservation area.

46. The closest part of the site to the conservation area is the frontage to Bankhall Lane. The conservation area appraisal document defines the residential property directly opposite this frontage (Glenside, 67 Bankhall Lane) as a specific positive contributor to the significance of the conservation area. The vehicular entrance to Bankhall Lane is presently formed by a narrow, low-level gate. Its narrowness and simple form, coupled with the presence of mature trees at the site's frontage, further contributes to the overriding semi-rural characteristic. This is further influenced by the restricted width and winding nature of Bankhall Lane in this location. Only glimpsed views of the existing dwelling are available, and likewise with Glenside, and the effect is one of privacy and seclusion. However, the application proposal would involve the closure of the existing access and the creation of a new, widened bell-mouth access further to the site's west. This widening, which is a necessity in order to provide safe and suitable access for a much more intensively-used operation, and with some corresponding tree loss, would serve to open up the site. This would render the new built form, which is already appreciably larger than the existing dwelling, much more conspicuous. The view into the site, even with some mitigation planting, would be of an enlarged hard-standing and an over-sized building behind. Furthermore, it is reasonable to assume that any care home operator would wish to erect some signage at the site's entrance for the purposes of advertisement and direction, along with some external lighting (although it is noted that no lighting details have been submitted). Plainly this would be evident from Bankhall Lane, including from within the conservation area and close to an identified positive contributor. The cumulative effect would be a visual shift from residential to a much more commercial character.
47. Consistent with the last application, the current proposal also involves the lowering in height of the two most easterly building blocks by some 1.5 metres. Whilst the details of this component are limited, it is understood that this would be achieved through the excavation in land. This intervention with the site's ground levels would necessitate the provision of what would appear to be a

retaining wall towards the site's eastern boundary and extending across the southern boundary, and which would serve to obscure the building at the lower levels. This is considered to be a contrived and artificial solution; it would introduce additional hard engineering works and would interfere with the natural and undulating nature of the area, which again would run counter to certain special qualities of the conservation area. Moreover, limited information regarding this aspect of the proposal has been provided such that it is difficult to comprehend precisely how the impact would be perceived from Bankhall Lane.

48. The flat-roofed glazed links are new to this application and it is considered that these warrant particular attention. Whilst the application submission suggests that these would offer transparency and would allow for through views, it is considered that this is a disingenuous claim since the submitted floor plans confirm that these would be used for habitable accommodation. Thus, the ability for them to offer unobstructed views across and beyond the site (unlike more traditional built form) is considered extremely unlikely. It should also be commented that, whilst the glazed links offer a reduced height of development specifically for these interim structures, the maximum ridge height of the proposed care home building has in fact increased by more than 1 metre when compared with the previous proposal.
49. There is an important view of the application site from a field access at Bankhall Lane (to the north-west of the site). The proposed building, even when allowing for the revisions made, would still result in the perception of built form expanding across the full length of the site from north to south. Indeed, whilst the application submission makes the case for the proposed building having an improved relationship with the site's western boundary, and whilst it is recognised that a greater gap would be provided towards the rear part of the site, the distance is no better towards the site's front half, and in fact the amount of built footprint proposed in the site's north-western corner (closest to Bankhall Lane) has increased.
50. Overall, it is considered that the proposed development, even when amended, is quite dramatically at odds with some defining characteristics of the South Hale Conservation Area. Whilst the application site is no longer located within it, nonetheless it possesses some of its central features associated with spaciousness, seclusion, semi-ruralness and the incorporation of mature planting, and thus successfully functions as its setting. The extent to which the application proposal would fail to uphold important principles of the conservation area is considered to be significant. In view of the site's proximity to the conservation area and the degree of unity with it, the effect of the proposed development would be a general erosion in special character which would serve to harm the significance of a heritage asset. This harm is derived from the increased scale, mass and spread of the development, the effect of this overdevelopment on the site's landscaping, and the prominence and alteration of the land use which would be less characteristic of the area.

51. The NPPF acknowledges that there can be levels of harm to the significance of a heritage asset. In this case, and as confirmed by the Heritage Developer officer, the level of harm that would arise has been categorised as 'less than substantial'. Whilst this is a lesser level of harm than 'substantial', case-law has established that it would be incorrect for a decision-taker to equate 'less than substantial harm' with a 'less than substantial' objection. Nonetheless, different NPPF tests apply in dealing with different classes of harm. In the case of harm to the significance of a designated heritage asset that is less than substantial, paragraph 196 advises that 'this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'
52. This, therefore, represents the policy test to be applied (in treating the NPPF as a material consideration in the absence of an up-to-date development plan policy). The consultation response of the Heritage Development officer confirms that there would be no corresponding benefits to heritage assets that would be secured in parallel (of the type that could stem from a proposal to bring back into use a vacant listed building, for example). In turning to the other public benefits, the previous discussion, in reporting the position of the CCG and the CFW Service, has highlighted that it would be misjudged to attach weight to any apparent benefits arising from the proposal offering a form of specialist accommodation and care for the elderly. In addition, the long-term employment benefits, as advanced by the applicant, are inconclusive (although it is accepted that the proposal would support some short-term construction positions, yet the number is not defined, and there could also be some indirect and unquantifiable economic benefits associated with local supply chains). What remains, therefore, is the proposal's ability to contribute to general housing targets and to address the housing supply backlog. Whilst this is undoubtedly important in the context of the central thrust of the NPPF, in this circumstance it amounts to a 2.6% contribution when compared against the overall annual housing requirement. Whilst not disregarding any proposal, regardless of its scale, that would support the Government's ambitions of significantly boosting the supply of homes, it is clear that the public benefit case is far from compelling. On this basis, it is considered that the 'less than substantial harm' to designated heritage assets would not be outweighed by the public benefits of the proposal. Therefore, the test set out in paragraph 196 of the NPPF has not been satisfied, and the proposal is also contrary to the guidance in SPD5.21. That a conflict with Policy R1 also exists is still maintained – by virtue of the fact that the conservation area and its setting would not be preserved or enhanced - although it is accepted that this policy is out-of-date (as previously recorded) and cannot be afforded full weight.

## Visual Amenity and Landscape Impact

53. The NPPF, at paragraph 170, is clear that planning policies and decisions should contribute to and enhance the natural and local environment, including by protecting and enhancing valued landscapes, and by acknowledging the intrinsic character and beauty of the countryside. Within the Trafford Core Strategy, this objective is articulated by means of Policy R2 (Natural Environment). This policy restates the importance of protecting and enhancing landscape character and of recognising the value of the Borough's countryside assets, including not only their immediate location but also their surroundings. This policy is supported by Policy L7 (Design) which is clear that new development should be appropriate to its context and should address matters such as scale, density and massing when having regard to the character of the area. Both Policy R2 and Policy L7 are regarded as being consistent with the NPPF and thereby can be afforded full weight when decision-taking.
54. That the application site would undergo considerable physical change as a result of this development, which would cause harm to the historic environment, has already been documented. However, it is considered that further policy conflict arises when the impact of this change in character on the *natural* landscape is considered. In reaching this conclusion, which is consistent with the last application, the submitted, renewed Landscape and Visual Impact Assessment (LVIA) has again been examined.
55. The site is located in an area of transition between the residential area of Hale/Hale Barns and rural Cheshire. It sits separately from the main residential area on the northern side of Bankhall Lane and protrudes into an area of otherwise open fields. There are other isolated examples of this incursion along the south side of Bankhall Lane, including Hale Nursery. However, despite this irregular pattern of development, there are no intentions for wholesale release of land in this location as part of the preparation of the new Trafford Local Plan. On the contrary, this swathe of greenfield land is regarded as performing an important function in acting as a green buffer to the wooded River Bollin valley further beyond.
56. With reference to the Proposals Map, the site adjoins an area of protected landscape character. Simultaneously, this area is also in the Green Belt. The text accompanying Core Strategy Policy R2 cross-refers to an adopted supplementary planning guidance (SPG) document (SPG 30: Landscape Strategy, September 2004). This sets out the character of particular countryside landscapes across Trafford which includes, but is not restricted to, those protected landscapes as designated on the Proposals Map. In this respect, it is significant that the application site itself forms part of an identified countryside landscape. Referred to as 'Wooded Claylands', this comprises all open land between Bankhall Lane and the River Bollin. Key features of this landscape type, it is explained, include a gentle, rolling topography, an ancient wooded

landscape, the restriction of views as a consequence of hedgerows and trees, and poorly draining soils. In general terms these wooded claylands occupy the fringe areas on Trafford's boundaries. However, this is not to suggest that the countryside including and surrounding the site has an urban fringe appearance. Rather, it is an attractive and sensitive green finger between the developed areas of Hale/Hale Barns and the wooded river valley to the south. For information purposes, this river valley itself is identified as having a different character by the SPG, which is defined as a 'Wooded River Valley.'

57. Therefore, whilst the application site is in residential use, it is significant that it has been specifically identified by SPG30 as part of a countryside landscape with shared characteristics with adjoining open fields to the east, west and south. This is akin to the conservation area coherence that has been referred to, and in this case is as a consequence of the dispersed and low-density pattern of development that exists on site, that the site's boundaries are defined by hedgerows and trees, that this vegetation serves to restrict views, and the general peace and tranquillity of the location.
58. The SPG refers to the importance of new development making a positive contribution to landscape quality and character, thereby supporting the aims of Policy R2 and Policy L7. However, in this case it is considered that the application proposal would again cause appreciable harm to the adjacent countryside. Similarly, this originates from the amount of development still proposed for the site. The extensive footprint of the proposed care home building has repeatedly been referred to, and - to reiterate - it is not considered that the scheme adjustments have sufficiently addressed the critical issue of density. It is maintained that the design approach involving the provision of four component blocks exaggerates the overall sense of scale and mass. The glazed links would not be perceived as light weight and insubstantial for the reasons previously stated. Notwithstanding the modifications made, the development would still significantly reduce the amount of intervening space between the buildings on site and the plot boundary. The development would very considerably extend further southwards within the site than the existing dwelling (despite the marginal improvement made), and thus much closer to the neighbouring landscape. The resultant development spread and the general pattern of development would still not be consistent with the prevailing landscape character. The site would take on a much more suburbanised appearance and would present a hard and abrupt built up edge which would not transition well with the adjacent countryside. This contrasts markedly with the present very generously-sized plot relative to the existing dwelling, and with the rear garden and space to the west of the house currently providing an important visual break from development, including before the adjacent footpath is reached. Trees on site would also be lost (albeit lesser in number) which, in addition to contributing to conservation area character, also presently emphasise the site's connection with the adjacent rural landscape.

59. It is accepted that the site benefits from natural screening in the form of mature boundary vegetation. Some of this would be lost, although some compensatory planting is proposed. Again, the LVIA suggests that the establishment of screen planting would offer further visual containment over time. However, doubts have already been expressed regarding the ability of replacement planting, certainly in the short term, to make adequate recompense for the depth and quality of existing on-site landscaping. Moreover, it is not considered that the approach of relying upon screening to soften the visual impact of such a large development, which is fundamentally unsuitable to its context, is appropriate.
60. Indeed, a detailed review of the LVIA has been undertaken. As with the LVIA accompanying the first application, it is considered that the new LVIA has understated the likely harmful landscape and visual effects that would take place. It is acknowledged that long range views into and over the site are typically restricted as a consequence of hedgerows, trees and the general topography of the area (as recognised by the SPG). Notwithstanding this, there are a number of public viewpoints, particularly at close and mid-range, from which views of the site are readily available (particularly in the winter period when trees, which might otherwise provide screening, are not in leaf). In this regard, it is considered most inaccurate for the representative viewpoints contained in the LVIA to present the position in the summer months. In addition, it is noted that the LVIA has omitted certain key viewpoints from where the development would be most noticeable. Interestingly, the new LVIA ascertains slightly higher levels of impact on certain landscape and visual receptors than did the first LVIA, even though the revised application is intended to address previous concerns (although, to reiterate, the overall approach of the new LVIA is still to underplay the development's effects). Overall, the LVIA's conclusions, that the application proposal would successfully integrate with its surroundings and that there would be no noticeable change in visual amenity or landscape character, are still not accepted.
61. On the contrary, the development would undoubtedly create noticeable change to the site and its surroundings, as has previously been referred to. These changes would be felt from Bankhall Lane opposite the site, from Bankhall Lane to the east and west of the site, and from the adjacent public footpath. The implications of this for Bankhall Lane and for the conservation area have already been documented, and many of the heritage-led concerns regarding the establishment of a more commercial character at the site are considered equally contradictory with the objectives of landscape policy. The impact on the experience of the footpath is, as with the first application, considered most undesirable, and with the scheme amendments in this area not allowing officers to make any changes to their overall position. To reiterate, this footpath is presently an attractive and popular recreational route which quickly leads users from built up Hale/Hale Barns into the peaceful countryside environment of the River Bollin valley. The retention of some boundary planting would continue to enclose the footpath route. However, it is still considered that the proximity and extent of built form to the footpath (particularly towards the north-western corner

of the development) would delay the impression of reaching the countryside (when walking southwards) and would generally dilute the route's rural attributes.

62. This discussion has focussed upon the impact of the proposal on landscape character. However, to reiterate, the site also adjoins the Green Belt. That Green Belt policy is a policy for controlling urban growth, and that it is exceptionally restrictive in its approach to new development, is well-known. However, since the application site is located outwith, albeit adjoining, the Green Belt, the principles of inappropriate development cannot directly be applied. However, this adjacent designation serves to underline the openness and function of the surrounding landscape (in Green Belt terms) and the general sensitivity of the wider area.
63. For the avoidance of doubt, it is commented that the principle of the general architectural approach that has been adopted for the built form, with the exception of the glazed links, is again not specifically objected to under the terms of Policy L7. That being the case, further details would need to be scrutinised regarding the selection of materials and the external facade treatments. Rather, again, it is the scale, bulk and general spread of development which is considered most inappropriate, including for heritage assets, the surrounding landscape and generally in visual amenity terms.
64. It should also be commented that the conclusions that have been formed regarding landscape - and heritage - impact have paid due regard to the implications of the outstanding application (in outline with all matters reserved) for the provision of residential development on the land to the site's east, which remains under consideration (ref. 96290/OUT/18).
65. Thus, the application site commands a sensitive, transitional landscape location which is specifically recognised by SPG30. The level of development proposed still represents overdevelopment of the site which would be visually perceived as extending into the surrounding countryside and towards the River Bollin. The change in character that would take place, including to established planting and with a move towards a more commercial appearance, would undermine the site's visual harmony with the adjacent landscape. Moreover, the proposal would diminish the value of the adjacent footpath as a recreational and rural route. It is maintained that the site warrants a low density transition to the adjoining countryside. The findings of the LVIA, that adverse landscape and visual effects would be limited, is thus not accepted. Accordingly, the proposal is considered contrary to Policy R2, Policy L7 and the NPPF on the premise that the proposal has not taken account of the landscape value of the application site and nor its relationship with its countryside surroundings.



## Ecological Matters

66. As part of the planning system's role in contributing to and enhancing the natural and local environment, the NPPF advises that this includes minimising the impacts on biodiversity. A number of principles for LPAs to adopt when decision-taking are put forward in the interests of conserving and enhancing levels of biodiversity. This includes refusing planning permission where significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, and encouraging the incorporation of biodiversity enhancements in and around new developments.
67. At the development plan level, this matter is covered by Policy R2 (Natural Environment) of the Core Strategy. This requires applicants for planning permission to demonstrate that their development proposals will protect and enhance the biodiversity value of a site and its surroundings. That the site has potential biodiversity value seems a reasonable conclusion given the matters covered in this report to date. The conservation area appraisal document refers to South Hale, as part of its overview of its essential features, as providing a habitat for wildlife and being characterised by the sound of birdsong. Furthermore, with reference to the Proposals Map, the site is surrounded on three of its four sides by an identified Wildlife Corridor. In turn, the application proposal has the potential to impact upon biodiversity in a number of ways, including through the demolition of an existing vacant building, through tree and vegetation removal, and by generally altering the characteristics of the site and bringing about a more intensive level of use and activity.
68. It follows that the application submission includes some important ecological studies which have been updated since the last application, including a preliminary bat roost assessment and subsequent bat surveys. These have been reviewed by the Greater Manchester Ecology Unit (GMEU) together with some baseline work that supported the last application (comprising a wider ecological appraisal). When having regard to the majority of potential species and habitats, the consultation response concludes that the ecological impacts of the proposed development would generally be benign (although with a requirement for all works to trees and shrubs to take place outside of the breeding bird season and for small mammals to be protected during excavation works). However, it is the proposal's impact upon bats that is a cause for concern. This impact is chiefly attributed to the demolition of existing on-site buildings. Consistent with surveys to support the last application, a bat roost has been confirmed within the main dwelling to be demolished (identified as a day roost used by common pipistrelle bats). Bats have also been observed emerging from the building. In addition to this confirmed roost loss, the GMEU response also highlights other potential bat impacts that would arise from the development, including from the removal of an on-site tree (T46) which has been identified as having 'moderate' bat roost potential, the loss of hedgerows and boundary trees that serve as foraging habitat, and the likely introduction of external lighting to the

site (although with no lighting details provided). For the purposes of clarification, the submitted ecology work records that tree T46 would be retained whilst T36 (a tree with identified 'low' bat roost potential) would be lost. However, it has since been confirmed that T46 would be lost and T36 retained, and the GMEU's response accounts for this reporting error.

69. The proposed development would result in the loss of a confirmed bat roost. All species of bats, and their roosts, are protected via the Conservation of Habitats and Species Regulations 2017, and are defined as European Protected Species (EPS). Moreover, case-law has established that appropriate consideration of impacts upon EPS is a requirement for LPAs in the determination of planning applications. It follows that a licence would be required from Natural England to derogate the terms of this legislation before any works could commence that may disturb bats. Before a licence could be granted, however, three tests must be satisfied. These are set out in Regulation 53 of the above Regulations and comprise:

- 1) Regulation 53(2)(e) states: a licence can be granted for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- 2) Regulation 53(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied that there is no satisfactory alternative;
- 3) Regulation 53(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

70. The third test is purely ecological in its focus and whether it could be passed has been considered by the GMEU. This assessment has drawn upon a mitigation strategy submitted with the application which would form the foundation of the EPS licence application to Natural England. In building upon this strategy, and using this to address other potential bat impacts (including to request, via condition, updated inspections of trees, to require the provision of new bat boxes on site, to ensure a cautious approach is taken in respect of all tree/vegetation works, to require that the replacement landscaping includes native plant species, and to request external lighting details), the GMEU is satisfied that this test (Regulation 53(9)(b)) could be fulfilled.

71. However, the other two tests (Regulation 53(2)(e) and Regulation 53(9)(a)) are land-use planning related and these require judgement from the LPA. In response, it has already been stated that there are continuing legitimate concerns regarding the nature and format of this proposal in principle. Whilst it may seem that the provision of specialist care and accommodation for elderly people with complex and challenging needs could be categorised as a form of development which would preserve public health and safety, an analysis of the

detail of this proposal has not concluded in its favour in this regard. It follows that there is no case of an overriding public interest which would support this development, and in fact both social and economic disadvantages have been identified. Furthermore, on the contrary, adverse consequences for the environment have also been recognised. Additionally, and to the extent that there is a need for further care home provision, it is reasonable to assume that there are more satisfactory alternatives to this development which would be more affordable and less exclusive in their offer, more centrally located, more community-focused, and more engaged in delivering high quality nursing care in accordance with industry standards, whilst not carrying with them the same adverse effects on the historic and natural environment.

72. In view of the situation regarding two of the three tests, it is the officers' view, again, that there is a reasonable prospect of Natural England not granting a licence to otherwise allow the development to proceed lawfully. Therefore, it is considered that the proposal does not accord with Policy R2 of the Trafford Core Strategy, or the NPPF, in so far as there are no exceptional circumstances to justify the ecological impact.

#### Highways Matters

73. The planning system plays an important role in delivering and promoting sustainable transport, the NPPF is clear. Significant development should be focussed on locations which are or can be made sustainable, paragraph 103 advises, through limiting the need to travel and offering a genuine choice of transport modes. Transport issues should be considered at the outset in relation to development proposals, the NPPF states (paragraph 102). This is in order that the potential impacts of new development on transport networks can be addressed. All developments that will generate significant amounts of movement should be accompanied by a travel plan together with a transport statement/transport assessment, the document advises. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be *severe*, paragraph 109 states.
74. In reflecting the NPPF, Core Strategy Policy L4 (Sustainable Transport and Accessibility) seeks to direct development to accessible places that benefit from existing transport networks, services and facilities in order to reduce the need to travel. It also supports opportunities to improve the pedestrian environment and cycling network. Planning permission will not be granted for new development that is likely to have a significant adverse impact on the safe and efficient operation of the strategic, primary and local highway unless appropriate transport infrastructure improvements and/or traffic mitigation measures can be secured, the policy states. It has been concluded that the *severe* reference within the NPPF is a more stringent test for residual cumulative impacts on the road

network, and thus Policy L4 has been concluded to be out-of-date for the purposes of decision-taking and full weight cannot be applied.

75. The highways implications of the proposed development have been closely scrutinised by the local highway authority (LHA), and all representations received on this issue have been carefully reviewed, including the submission on behalf of the residents group. It should be noted that there was no highways-related reason for refusal in respect of the last application (for the 72 bed care home), although it is understood that the residents groups (as a Rule 6 party) may be contesting this at the inquiry. Whilst the amount of traffic generated by the proposed care home development would self-evidently surpass that associated with one residential dwelling, the LHA is again satisfied that this uplift in traffic could be safely absorbed by the local highway network (and without any requirement for infrastructure improvements or highways mitigation). It follows that the LHA is comfortable with the methodologies and assumptions embodied in the submitted Transport Statement. Further to this, the means of accessing the site – incorporating the new point of entry/egress from Bankhall Lane – is considered appropriate in that it would provide a visibility splay of at least 2.4 x 51 metres to the east and west. Whether sufficient vehicular manoeuvrability has been factored into the layout of the car parking/servicing area has also been carefully considered, and with swept path drawings/tracking diagrams requested and reviewed. These are based on all servicing, collections and deliveries taking place within the site, and not on Bankhall Lane, in accordance with the application submission. Within this in mind, the LHA is content that all manoeuvres could be successfully and safely undertaken (within the site) even by the longest vehicle that could be expected to enter it. However, it is recommended that a condition is imposed which would serve to prevent road-side servicing and which would generally encourage the careful management of all servicing, collections and deliveries practices (in the form of a service management plan).
76. On the issue of car parking the LHA is also comfortable. The level proposed meets (and in fact exceeds) the maximum standards for this type of development (Use Class C2), and when in this type of location (regarded as Area C, the least accessible), as set out in the Supplementary Planning Document (SPD) 3: Parking Standards and Design (February 2012), it is explained. This is 1 space per 5 beds. The amount of mobility spaces is also considered acceptable, and likewise the proposed provision of cycle and motorcycle parking (although with a further level of detail needed regarding the cycle parking, which could be conditioned). The consultation response also records that there is no adverse vehicular conflict anticipated between the application site and Hale Nursery in view of the separating distance.
77. That the site is not in the preferred location for a new care home development in terms of it being divorced from any community hub, and with prospective care home workers unable to easily draw upon a range of public transport services,

has been set out in earlier sections of this report. This reflects the comments of the CCG and guidance in SPG4 (Residential Care Homes and Nursing Homes for the Elderly) and draft Policy HO3. Of course, the importance of directing new development in order that it can maximise the use of sustainable transport modes, in order to prevent car-reliant development, is central to the NPPF's aspirations and is also expressed in Policy L4. Whilst the LHA acknowledges that the development could perform better in accessibility terms, the consultation response does not support the refusal of the application proposal – with reference to a direct Policy L4 conflict - on this basis. This is in recognition that this is not an extremely remote location, that the amount of traffic generated would not be immense in transport terms, that some opportunities do indeed exist for the site to be accessed by public transport, and with a travel plan used to further encourage sustainable travel options (to be conditioned). For the avoidance of doubt, the apprehensions of the CCG on this issue are still regarded as warranted as part of a package of concerns regarding the suitability of this proposal. It is simply the case that a reason for refusal on *transport sustainability grounds alone* is not considered justifiable, in following the advice of the LHA.

78. Overall, and with reference to the NPPF benchmark in paragraph 32, the LHA is satisfied that the development would not have *severe* highways impacts. It follows that to refuse the application on transport grounds is, again, likely to be difficult to successfully defend, the LHA has stated. There are considered to be no legitimate reasons for officers to conclude differently, and thus the proposal is considered compliant with the NPPF (and Policy L4, to the extent that weight can be attached to the latter).

#### Residential Amenity

79. Policy L7 of the Trafford Core Strategy is clear that development proposals must not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of an overbearing impact, overshadowing, overlooking, visual intrusion, or noise/disturbance. It has already been mentioned that this policy is up-to-date for the purposes of decision-taking.
80. In considering the amenities of the residents of the development itself, whilst some concerns have been raised as part of the wider 'in principle' debate regarding aspects of this proposal which may not ideally reflect industry standards, it is not considered that living conditions would be below standard to the extent that would warrant a separate residential amenity reason for refusal under the terms of Policy L7. It is noted, for example, that the development has been designed to reduce the potential for overlooking between the care home blocks.
81. The impact of the proposal on nearby residential properties within Policy L7's parameters has also been considered. However, the land to the south, west and

east of the site is not developed and the carriageway of Bankhall Lane separates the site from the residential properties to the north. As such, it is considered that - notwithstanding the amount of development proposed on site - there would still be sufficient separating distance to prevent issues such as overbearing impact, overshadowing, overlooking or visual intrusion becoming too problematic in residential amenity terms to the extent that day-to-day living would be unduly prejudiced. However, regard has also been paid to the implications of the outstanding planning application for the provision of residential development on land to the site's east (ref. 96290/OUT/18). Whilst the merits of this application, which is in outline form with all matters reserved, remain under discussion, it is placed on record that the proximity of the care home building's eastern elevation to the shared boundary - and given the extent of fenestration including at first floor level - could allow for some overlooking to occur (including of garden areas).

82. With regard to the noise impact of the development, it is recognised that SPG4 (Residential Care Homes and Nursing Homes for the Elderly) specifically acknowledges that the activity associated with a care home can cause undue nuisance to neighbouring residents. This can be as a consequence of the increased vehicular usage of the site, including by larger delivery vehicles, visitors, staff, and in medical emergencies which could occur around the clock. There is also the fact that this site has some noise sensitivity in that it is situated in an area which has been specifically recognised for its peace and tranquillity, and thus existing background noise levels are likely to be low. Accordingly, the Nuisance team within the Council's Environmental Health Service had been consulted to advise on this issue. However, the consultation response confirms that they are satisfied that the level and type of noise and activity that would be generated would still be within reasonable limits for this residential area and that a statutory noise nuisance would not occur. Nonetheless, the consultation response advises on the need for a number of noise-controlling conditions. This includes, importantly, a restriction on when servicing, deliveries and collections to/from the site could take place, which are limited to between 0700 hours and 1900 hours Mondays to Saturdays, and not at all on Sundays or Bank Holidays. Also requested is the submission of a noise assessment to cover both the construction and operational stages of the development in order to precisely understand the noise implications and whether subsequent noise attenuation would be warranted. Further recommended conditions include the provision of a construction management plan (which would be used to control the hours of construction), and limiting the noise levels of any installed plant and machinery. Overall, the proposal is considered acceptable when having regard to the impact on residential amenity, for both prospective occupiers and surrounding residents (although in noting that the application at the adjacent site remains outstanding). Compliance with Policy L7 on these terms has therefore been demonstrated.

## Other Environmental Health Matters

83. The NPPF advises local planning authorities to ensure that planning decisions prevent both new and existing development from contributing to, or being put at risk from, unacceptable levels of soil, air or water pollution or land instability. Within the Core Strategy this objective is covered by Policy L5 (Climate Change), which states that development that has potential to cause adverse pollution (of air, light, water or ground) will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place (and with this aspect of Policy L5 regarded as being up-to-date).
84. Again, advice has been sought from the Council's Environmental Health Service on a number of these issues (the Contaminated Land and Nuisance teams specifically). Taking account of the submitted site environmental survey which supports the application, the consultation response confirms that there are no overriding concerns regarding the presence, and risk, of land which is contaminated. However, a condition is recommended which would serve to request further site investigation before the commencement of development, and subsequent remediation if necessary, which is a standard approach.
85. No concerns have been raised regarding the potential for the development to lead to a deterioration in levels of air quality, although there is an expectation that the submitted construction management plan would include measures to control the emission of any dust and dirt from the demolition and construction processes. There is also a requirement for low emission vehicle charging infrastructure to be installed within the development (to be conditioned), which could help to promote the uptake of low emission vehicles. The issue of whether the proposed Combined Heat and Power System, which is proposed within the development, would have a negative impact on air quality levels has been raised with the Pollution team (in responding to a concern of an objector). However, the response confirms that there are no objections to its installation in principle, although a condition is recommended to request likely emissions data.
86. Finally, on the issue of light pollution, and in replicating similar concerns regarding potential visual and wildlife effects, the consultation responses advises on the submission of full external lighting details (to be conditioned). In this instance, this is in order to ensure that any lighting installed would be designed and erected to prevent light nuisance occurring. Overall, the proposal is considered compliant with Policy L5.

## Flooding and Drainage

87. The NPPG, in supporting the NPPF, defines flood risk as being: 'a combination of the probability and potential consequences of flooding from all sources, including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs,

canals and lakes and other artificial sources'. The applicable policy in the Trafford Core Strategy is Policy L4 (Climate Change) which explains that development will be controlled in areas at risk of flooding, having regard to the vulnerability of the proposed use. This aspect of Policy L4 is regarded as being up-to-date.

88. The application is accompanied by a Flood Risk Assessment (FRA) which has been reviewed by the Lead Local Flood Authority (LLFA). The FRA confirms that the site is located in Flood Zone 1, which means that it is exposed to the lowest annual probability of river or sea flooding (a less than 1 in 1,000 risk). As a consequence, there is no need for the sequential or exceptions tests - set out in the NPPF and designed to direct development away from areas which are at risk of flooding - to be applied. Whilst the FRA identifies that there is some potential for secondary flood sources, in the form of surface water flooding and sewer flooding, the FRA records that this risk (which is 'low' in any event) could be adequately managed through the use of a small number of minor flood risk management techniques. The effect, it is stated, would be to reduce the 'low' risk to 'negligible'.
89. Further to this, the application submission includes a preliminary drainage strategy, which includes a Sustainable Drainage System (SuDS). This confirms that the site is unsuitable for infiltration drainage due to ground conditions, but that surface water could be discharged into a culverted watercourse adjacent to the site. The use of a flow control device is also recommended, together with some on-site attenuation storage. Further details were requested by the LLFA during the application process before it could be concluded that this would comprise a satisfactory system of drainage. The final consultation response, however, confirms acceptance with both the FRA and the initial drainage strategy. It follows that there are no reasons to refuse the application on flood risk grounds and the proposal is considered compliant with Policy L5.

#### Other Planning Considerations

90. The purpose of this section of the report is to wrap up any remaining matters, including issues that have been raised in the letters of representation that have not been addressed to date.
91. Notwithstanding the concerns that have been raised regarding the level and nature of proposed tree loss as part of a package of criticisms regarding the extent of character change that the site would undergo, the Council's Arboricultural officer has confirmed satisfaction in technical terms with the applicant's approach as set out in the submitted Arboricultural Impact Assessment. However, this is subject to conditions being imposed, including to request a landscape management/maintenance plan, and a method statement for construction works taking place within root protection areas.



92. The Greater Manchester Police has confirmed that the development has been designed in a way that reduces the opportunities for crime. However, a condition has been recommended in order that further design features would be incorporated at the detailed design stage, in accordance with the principles advanced in the submitted Crime Impact Statement.
93. The proposal does not fall within a category of development where there is a requirement to consider whether Environmental Impact Assessment would be justified. Officers are satisfied with the quality and breadth of the application submission and consider that sufficient information has been submitted to enable the application/appeal process to be concluded. There is no evidence that the operation of the proposed care home would produce any noxious substances of a type or on a scale that would be material to this planning decision, or would warrant the imposition of a controlling condition. Any remaining issues raised in representations which have not been specifically identified have nonetheless been duly examined but are not considered determinative.

#### **DEVELOPER CONTRIBUTIONS**

94. The proposed development would not be liable to the Community Infrastructure Levy (CIL) given its Class C2 (residential institution) use.
95. The development would be required to incorporate specific green infrastructure (tree planting and landscaping) on site, in accordance with the requirements of Supplementary Planning Document (SPD) 1: Planning Obligations (July 2014). This would be in addition to any compensatory planting.

#### **PLANNING BALANCE AND CONCLUSION**

96. The application site is located at the fringe of the residential areas of Hale/Hale Barns and at the southern extreme of built up Trafford. The proposal involves the replacement of an existing vacant detached dwelling with a new care home (Use Class C2) which would provide nursing care for the elderly as well as offering specialist dementia places. The care home would incorporate 64 beds and a collection of other patient and visitor facilities. An application for a comparable development, albeit for a 72 bed care home, was refused last year (ref. 92767/FUL/17) and is subject to an outstanding appeal. At the subsequent inquiry, the LPA will seek to defend its three reasons for refusal.
97. This current application has also been appealed against, on the grounds of non-determination (to be merged with the on-going inquiry relating to the previous application), and the purpose of this report is to establish the LPA's stance to take at appeal had the second application been allowed to run its course.
98. However, as with the last application, this report has served to highlight persistent concerns with the proposed development. The provision of this type of

facility would appear to have some merit in principle in catering for the needs of a growing ageing population. However, again, consultation with the CFW Service and the Trafford CCG has not in any way concluded favourably. Despite the amendments made, the principle of this proposal, as a large care home on the site of the residential dwelling of Great Heys, remains unchanged, and that public harm would arise from the operation and function of this type of development continues to be identified. Furthermore, that harm to the historic environment and to landscape character, underpinned by the extent of built development proposed, is also maintained. That a direct impact upon a recognised protected species would arise has been a further repeated finding, and with this not regarded as justifiable given the mounting policy conflicts and the attrition of reasons to support the proposal.

99. Conversely, however, there is an obvious and important benefit accruing from the proposal; this relates to the ability to support general housing supply objectives which, regardless of the scale of offer, is in accordance with the ambitions of the NPPF. That being the case, the percentage contribution would amount to only 2.6% against the current annual requirement. In addition, the scheme's employment generating potential (once operational) is questioned for reasons previously outlined. The development would, however, support some construction jobs (undefined in number) and there could be some positive economic impacts (albeit immeasurable) on local supply chains. There is a need to consider these benefits, when weighed against the harms, as part of the 'planning balance' exercise applicable to this proposal.

100. In returning to the fundamental decision-taking framework identified at the beginning of this report, Section 38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an *up to date* (emphasis added) development plan, permission should not normally be granted. In this respect, this report has identified that the proposals do not comply with up-to-date Policy L7 and up-to-date Policy R2 of the Core Strategy when having regard to concerns regarding harmful landscape and visual effects, and impacts upon protected species.

101. It has also been concluded that the proposed development would lead to 'less than substantial' harm to the significance of a designated heritage asset (to the South Hale Conservation Area). The harm that has been identified, as with the landscape harm, is chiefly attributed to the extent of built development proposed for the site. However, it has been deemed that Policy R1 (Historic Environment) of the Core Strategy, a policy of 'most importance' to this application, is out-of-date since it does not reflect current NPPF guidance

regarding the tests to be applied. The NPPF is a material consideration in planning decisions, and therefore the relevant test set out in paragraph 196 the NPPF has been applied. This states that where 'less than substantial' harm to a designated heritage asset's significance has been identified, this harm should be weighed against the public benefits of the proposal. However, as stated above the public benefits have, in fact, been found to be quite limited and are chiefly restricted to the contribution that would be made to general housing targets and to addressing the housing supply backlog. Doubt has been cast regarding the scheme's long-term employment benefits, it has been explained, and it is difficult to ascertain the extent of any short-term construction openings and any positive impacts on local supply chains. The effect is that the 'less than substantial' harm to significance would not be outweighed by the public benefits, and thereby the test at paragraph 196 has not been satisfied.

102. Notwithstanding the commentary above regarding the direct policy conflicts (with Policy L7 and R2), it has been explained that 'the presumption in favour of sustainable development', described at paragraph 11d of the NPPF, is engaged in this instance. The reason for this is two-fold: firstly, because of the out-of-date status of Policy R1, and secondly because of the absence of a five year housing land supply (thereby rendering Policy L1 and Policy L2 out-of-date). The effect of paragraph 11d is that planning permission should be granted unless either paragraph 11d (i) *or* paragraph 11d (ii) of the NPPF applies. Whilst these paragraphs were set out in the introduction to this report, for clarity's sake they are now repeated:

- i) The application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; *or* (emphasis added)
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

103. In taking paragraph 11d (i), the stance of officers is that the application of policies in the NPPF relating to designated heritage assets provides a clear reason for refusing the development proposed. This is in the context of the 'less than substantial' harm to the significance of the South Hale Conservation Area not being offset by the limited public benefits that would arise. This in itself is considered to amount to a clear reason for refusing the development proposed when applying the decision-taking framework of the NPPF. Moreover, this is supplemented by the direct development plan policy conflicts (Policy L7 and Policy R2) which paragraph 12 of the NPPF advises should normally lead to planning permission being refused.

104. Whilst it may not strictly be necessary to advance to the provisions of paragraph 11d (ii) of the NPPF given the accumulating reasons to refuse this application, nonetheless this exercise has been undertaken. Indeed, it is

recognised that the engaging of paragraph 11d (ii) in these circumstances is to introduce a 'tilted balance' in support of residential applications unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The inference is that the lack of a five year housing land supply should be given significant weight by the decision-taker. With this in mind, and in noting the LPA's responsibilities in supporting the Government's objectives regarding housing growth, it is considered prudent to examine this particular planning balance in the interests of weighing up the development as a whole. Of course, as set out at the introduction of this report, the advice in paragraph 11d of the NPPF embodies the key decision-taking structure that has been applied in appraising the merits of this application.

105. The benefits of this proposal have again been set out in paragraphs 99 and 101 above, and with these principally attributed to the support given to general housing supply objectives. Whilst these benefits are important and carry extra force when having regard to the effects of the tilted balance, it is considered that there is indeed a significant counterweight to be applied in this instance. This begins with the position of the CCG and the CFW Service which indicates that there is real potential for public harm to arise as a consequence of the proposed care home operation (akin to their position in relation to the last application). Their concerns are numerous and are associated with the proposal's high-end philosophy and its lack of focus on delivering affordable, inclusive and patient-centred care. Further concerns are associated with the site's poor location in sustainability terms and the lack of opportunities for residents/patients to successfully integrate with the local community. Moreover, there are the direct financial obligations that could arise given that the care home model is based on attracting self-funders, and with additional burdens placed on the Borough's primary and secondary health care services associated with a potential inflow of population. Finally, the CFW Service is satisfied that there is an alternative strategy in place to deal with any remaining need for institutional care (although with an on-going requirement for *specialist* dementia places). Added to this then are the adverse physical impacts of the proposed development that have again been found. These are rooted in the amount of development that is proposed on site, the extensive floorplate, and the general change in the site's character that would occur. In this respect, harm to both the historic environment and to landscape character has been identified. This is then supplemented by further harm associated with the impact upon a European Protected Species, and with it concluded that Natural England is unlikely to grant a licence to derogate the terms of the Conservation of Habitats and Species Regulations 2017. This list can be further augmented with reference to the direct development plan policy conflicts (with Policy L7 and Policy R2) and the lack of compliance with, and respect for, supplementary planning documents (SPD5.21, SPG4 and SPG30). Other policy shortfalls have also been identified, although it is accepted that only limited weight can be applied (see draft Policy HO3). Cumulatively, therefore, and when returning to the test in the NPPF's paragraph

11d (ii), it is considered that the adverse impacts of granting planning permission would *significantly and demonstrably* outweigh the benefits.

106. As a whole, therefore, and even when applying the NPPF's 'presumption in favour' the proposal is not regarded as contributing to the achievement of sustainable development and is considered – again - contrary to policies of the Core Strategy, to supplementary planning guidance, and to the NPPF. It is therefore recommended that this is the position adopted by the LPA at the co-joined inquiry, based upon the three 'refusal' reasons identified below.

### **RECOMMENDATION:**

**MINDED TO REFUSE (IN CONTESTING THE APPEAL)** for the following reasons:

1. The proposed development, by reason of its scale, density, mass and use change, would fail to preserve or enhance the character and appearance of the adjacent South Hale Conservation Area and would lead to less than substantial harm to the significance of this designated heritage asset which would not be outweighed by the public benefits of the development. The development thus fails to satisfy the test at paragraph 196 of the National Planning Policy Framework and it is also contrary to Policy R1 of the Trafford Core Strategy and the South Hale Conservation Area Supplementary Planning Document (SPD5.21).
2. The proposed development, by reason of its scale, density, mass and use change, would be inappropriate to the site's semi-rural context. It would thus cause appreciable harm to the character, appearance and enjoyment of the surrounding countryside landscape and would have a detrimental impact on the visual appearance and character of the street scene and the surrounding area. It is thus considered contrary to Policy R2 and Policy L7 of the Trafford Core Strategy, and the National Planning Policy Framework.
3. Available information indicates that protected species are present on site and would be disturbed by the proposed development. It is not considered that the planning merits of the proposed development sufficiently justify the resultant impact to protected species. As such, the proposal is considered contrary to Policy R2 of the Trafford Core Strategy, and the National Planning Policy Framework.