

Application No: 12/3016C

Location: Rectory Farm, OLD KNUTSFORD ROAD, CHURCH LAWTON, ST7 3EQ

Proposal: Outline Application for New Residential Development and Access Roads for up to 31 residential units.

Applicant: Northwest Heritage C/O

Expiry Date: 02-Nov-2012

#### **SUMMARY RECOMMENDATION**

**APPROVE subject to conditions and S106 legal agreement**

#### **MAIN ISSUES**

**Planning Policy And Housing Land Supply  
Sustainability  
Character and Appearance  
Landscape Impact  
Ecology  
Highway Safety and Traffic Generation.  
Affordable Housing  
Drainage and Flooding  
Open Space  
Residential Amenity  
Education**

#### **REFERRAL**

The application has been referred to Strategic Planning Board because it is a major development and a small parcel of the site is outside of the settlement limits and therefore constitutes a departure from the Development Plan.

#### **1. SITE DESCRIPTION**

This application relates to the former Rectory Farm situated to the northwest of Church Lawton and to the east of the Town of Alsager. The site lies partly within the infill boundary line for Lawton Gate, which is a small settlement over washed by Green Belt. Rectory Farm and its associated outbuildings fall within the infill boundary line of the adjacent settlement

with the remaining part of the site to the north, falling within Green Belt as designated in the adopted Congleton Borough Local Plan First Review (2005).

The site is bound to the north by a brook beyond which there is the Trent and Mersey Canal which occupies an elevated position relative to the northern end of the site. The site is bound to the east and south by residential properties forming the Lawton Gate settlement. To the west is Old Knutsford Road, which runs parallel with the A50. The southern portion of the site accommodates the main rectory farm dormer bungalow, a detached dormer ancillary outbuilding and some detached barns / stables towards the rear.

The levels of the site drop away significantly where the curtilage for Rectory Farm ceases. The land slopes downwards towards the brook where there are some trees and planting. This part of the site is open with views afforded across the site from the adjacent canal towpath to the north.

## **2. DETAILS OF PROPOSAL**

Outline planning permission is sought for the erection of up to 31 dwellings. Approval is also sought for means of access with all other matters, including appearance, landscaping, layout and scale, reserved for a subsequent application.

## **2. RELEVANT PLANNING HISTORY**

None relevant to this application

## **3. PLANNING POLICIES**

### **Regional Spatial Strategy**

DP4 Make best use of resources and infrastructure  
DP5 Managing travel demand  
DP7 Promote environmental quality  
DP9 Reduce emissions and adapt to climate change  
RDF1 Spatial Priorities  
L4 Regional Housing Provision  
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets  
EM3 Green Infrastructure  
EM18 Decentralised Energy Supply  
MCR3 Southern Part of the Manchester City Region

### **Policies in the Local Plan**

PS6 Settlements in the Open Countryside and the Green Belt  
PS7 Green Belt  
GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR5 Landscaping  
GR6 Amenity and Health

GR9 Accessibility, servicing and provision of parking  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR17 Car parking  
GR18 Traffic Generation  
GR21 Flood Prevention  
GR 22 Open Space Provision  
NR1 Trees and Woodland  
NR2 Statutory Sites (Wildlife and Nature Conservation)  
NR3 Habitats  
NR5 Habitats  
H2 Provision of New Housing Development  
H6 Residential Development in the Open countryside  
H13 Affordable Housing and Low Cost Housing

**Other relevant planning guidance:**

National Planning Policy Framework  
Interim Planning Policy: Release of Housing Land (Feb 2011)  
Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)  
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994  
North West Sustainability Checklist

#### **4. OBSERVATIONS OF CONSULTEES**

##### **Environment Agency**

The Environment Agency has no objection to the updated Flood Risk Assessment subject to the following conditions:

- Submission of scheme to demonstrate that floor levels of proposed buildings are set no lower than 85.0 m AOD, has been submitted to and approved in writing by the local planning authority.
- Submission of scheme to demonstrate that road levels are set no lower than 84.7 m AOD, has been submitted to and approved in writing by the local planning authority.
- Submission of scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
- Submission of scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority

##### **United Utilities**

No objection, subject to the following conditions:

- This site must be drained on a separate system, with only foul drainage connected into the public foul sewerage system. Surface water should discharge to the watercourse

as stated within the drainage strategy and with the prior consent of the Environment Agency.

- A public sewer crosses the site and therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

### **Campaign to Protect Rural England (CPRE):**

Object on the following grounds:

- Development not essential to local needs or rural economy
- Development is outside of the settlement boundary and constitutes an intrusion into Green Belt
- Sustainability – whilst most of the facilities referred to are within the required distance, they cannot be reached without crossing the busy A50
- No measures to assist pedestrians
- Limited visibility from second proposed access
- Loss of wildlife and habitats – full otter and vole surveys should be carried out and various mitigations should be proposed

### **Highways**

No objection - This application has seen revision and now proposes just one point of access onto Old Knutsford Road to serve up to 31 dwellings. Old Knutsford Road used to be part of the A50 but is now by-passed and downgraded in status as it serves just a handful of properties and is very lightly trafficked. It currently has a derestricted speed limit, though the actual approach speeds natural to the site are low.

The submitted Transport Statement has been written on the basis of the original application detail for 40 dwellings and therefore the figures taken from it are in excess of the 31 dwelling proposed. As such, the actual traffic impact figures will be lower than those outlined in the TS.

No objection, subject to the following:

1. Notwithstanding the details on the submitted plans, the developer will provide an amended and detailed scale plan for the proposed junction which will show a 4.8 metre carriageway and two standard footpaths entering the site
2. The developer will provide an upgrade to the existing footpaths fronting the site to create footpath widths of 2.0 metres.
3. A streetlighting scheme for Old Knutsford Road to a convenient point north of the proposed access and include for 30mph speed limit signs to the southern approach
4. The developer will provide a capital sum for appropriate upgrades to the local bus shelter facilities. This will be in the sum of £21,000 and will be used to improve bus shelters local to the site (in accord with Transportation Unit estimates). This funding will be provided via a S106 agreement.

### **Canal & Rivers Trust**

Canal & River Trust is satisfied that the risk to the proposed development as a result of a failure of the canal infrastructure has been adequately assessed. The Trust therefore has no

objection to planning permission being granted, subject to financial contributions towards improvements to the access to the canal towpath. The applicant has indicated their agreement with our request to improve the means of access to the canal towpath.

### **Archaeology**

No objection - The 19<sup>th</sup> - century Ordnance Survey maps show the application area in some detail, including the actual rectory. This structure is the one shown in the photo included in the Design and Access Statement, which looks no older than mid-19<sup>th</sup> century. It is likely, however, to be the latest in a long line of rectories going back into the medieval period and, significantly, the 1839 tithe map shows an earlier structure on a slightly different alignment, which is surrounded by extensive 'pleasure grounds'. The sites of both structures lie partially within the application area and will, inevitably, be affected by the development.

The evidence is not sufficient to generate an objection to the development on archaeological grounds or necessitate any pre-determination work. However, a developer-funded watching brief would be appropriate in order to record any remains of the rectories (especially the earlier one) and the associated pleasure grounds. Any such watching brief would be limited to the areas referenced above and would need to be maintained during relevant groundworks (topsoil stripping, excavation of foundations). The work may be secured by condition.

### **Environmental Health**

No objection, subject to conditions restricting hours of construction / piling, submission of an environmental management plan, scheme for dust control and contaminated phase II survey.

### **Sustran**

- Could a direct pedestrian/cycle access from the site to the National Cycle Network Route 5 on the adjacent canal towpath be created?
- Can a site of this scale make a small contribution to further improvements on the towpath?
- The design of any smaller properties should include storage areas for residents' buggies/cycles.

### **Education**

No objection - the Council's Education Department and it has been confirmed that there is sufficient capacity within the local schools to accommodate the proposed development.

## **5. VIEWS OF THE CHURCH LAWTON PARISH COUNCIL**

The Parish Council has objected to the proposals on the following grounds:

- Proposal is not in accordance with the development plan
- Proposal is outside of an identified settlement boundary
- Proposal would compromise the openness and strategic functions of the Green Belt
- The site is not sustainable
- The relevant local plan policies are up to date and consistent with the NPPF

- NPPF does countenance refusal of planning permission for inappropriate development in Green Belt
- There are no ‘special circumstances’ to justify approval
- There is no guarantee that the second phase for the adjacent residential development included this site
- The adverse impacts of the development would not outweigh the benefits of the scheme
- Increased risk of flooding
- Increased traffic and access
- Lack of available school places
- Impact on residential amenity
- Impact on Ecology
- Impact on the Trent and Mersey Canal Conservation Area
- Impact on Drainage and Foul Water
- A Number of Omissions in application
- Geological impacts

Odd Rode Parish Council has also commented. They have expressed concern about the extra traffic and state that if permitted, a pedestrian crossing for an extension of the footpath to and from Rode Heath.

## **6. OTHER REPRESENTATIONS**

Over of 140 letters (including letters from Rectory Farm Action Group) have been received in response to the original and the revised application. The grounds for objection are summarised as follows:

- This is a Green Belt site
- Proposal is contrary to local policy and the NPPF
- There are no special circumstances to justify the development and is therefore inappropriate
- Proposal would not make a substantial contribution to the Council’s housing shortfall
- Other Brownfield sites should be used e.g. Twyford
- There is no demand for such houses
- There are already vacant properties which cannot be sold in the area
- Permission for hundreds of houses has already been permitted in Alsager
- Nearby Kidsgrove Brook already floods
- Increased risk of flooding from more surface and drainage water in the area
- Traffic Levels along A50 and approach roads would be increased
- The junction with the A50 is dangerous
- Local roads are narrow and the nearby aqueduct may be affected by increase in traffic and larger vehicles
- Local roads are congested when there is an accident on M6
- Would result in the loss of a green space
- Would not amount to an infill development
- Would impact detrimentally on the character and appearance of the area
- Impact of protected species and local ecology

- Impact on flooding and drainage
- Quality of the land not brilliant hence why it has not been built on previously
- Loss of views
- Loss of privacy
- Swallows, bats, badgers and other wildlife regularly use the site / meadow
- Proposed protected species mitigation is not acceptable
- The area is enjoyed by walkers
- The site is prominent from the adjacent canal
- Loss of property values
- Disturbance to neighbouring amenity
- Schools in the locality are oversubscribed (Cherry Lane School has been closed for years)
- Proposed houses would not be in keeping with the area or adjacent low level bungalows
- There are several shafts in the lower field
- United Utilities discharge effluent into the Kidsgrove Brook
- Smells and contamination from sewerage as local network cannot cope
- There is a main sewer running through the site
- Subsidence
- Loss of trees and hedgerows
- Lack of local amenities and infrastructure, the nearest are in Alsager
- Lack of consultation – they have disregarded local opinion
- There is a covenant on the land
- Resident's will not be able to get insurance due to flooding
- The site is overlooked by public footpaths
- Impact on adjacent Canal conservation area
- Landowner is deliberately letting the site degenerate
- Inaccuracies made by agent
- Rectory Farm has a well and a spring
- Amended proposals show a higher density of development
- There is no local employment to warrant this development
- The amended proposals would still encroach into Green Belt
- The proposed open space is not suitable
- Proposals will result in a cramped development
- Evidence of Red Ash in area

18 of the letters are written in support of the application and state:

- These house are much need and would be a great boost for the area
- Would provide affordable housing including starter homes for first time buyers
- Proposal would see a positive impact on local wildlife
- Would provide homes for those with mobility problems
- The developers have tried to keep the local community informed
- The site is enclosed and should have been developed before

## **7. APPLICANT'S SUPPORTING INFORMATION:**

- Floor Risk Assessment (Updated)
- Landscape and Visual Assessment
- Planning Statement
- Design and Access Statement
- Transport Statement
- Ecological Assessment
- Arboricultural and Tree Impacts Assessment
- Letter Responding to Objections

## **8. OFFICER APPRAISAL**

### **Main Issues**

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site for residential development, having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, landscape impact, ecology, amenity, open space, drainage and flooding, sustainability and education.

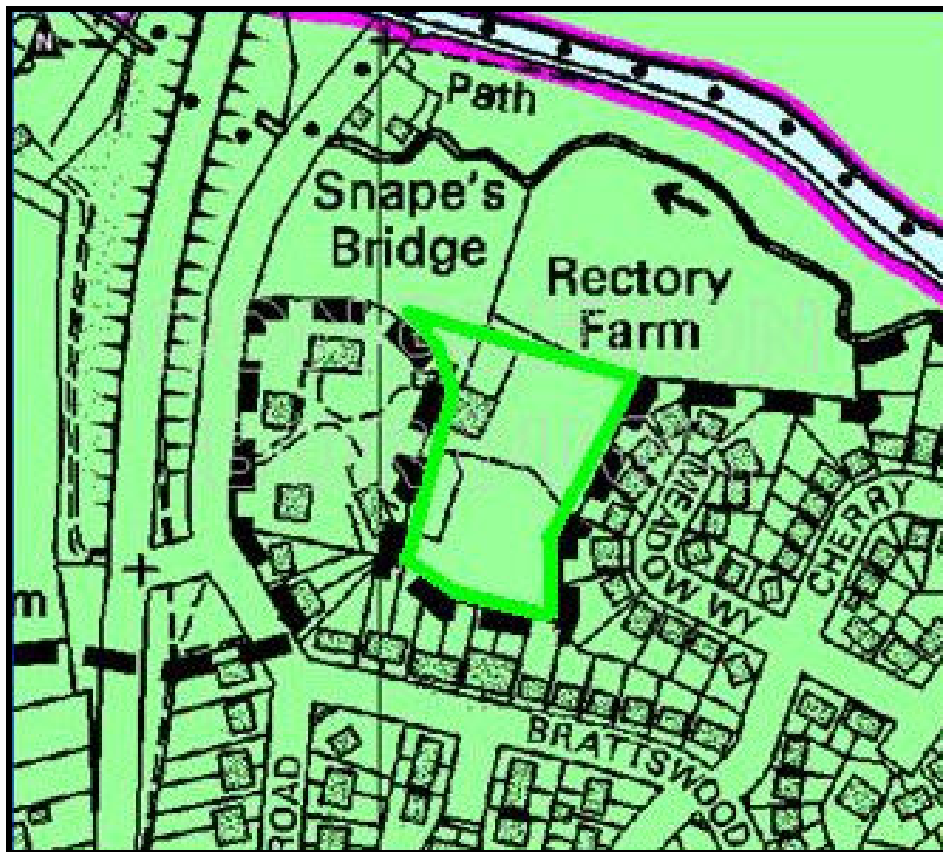
### **Planning Policy and Housing Land Supply**

The site lies predominantly within the infill boundary line of the settlement known as 'Lawton Gate', where local plan policy PS6 is relevant. Policy PS6 states that the principle of new development within the settlement will be permitted where it is limited and is appropriate to the local character in terms of use, intensity, scale and appearance.

The rear portion of the site falls just outside of the infill boundary and therefore is designated as Green Belt in the adopted Congleton Borough Local Plan First Review 2005. The Infill boundary line is shown on Figure 1 below and is denoted the dotted line. The part of the site within the Green Belt is denoted by the solid line.

### **Figure 1.**





Within the Green Belt, local plan policy PS7 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The area designated as Green Belt amounts to a small parcel of land which is surrounded on 3 sides by existing development. Development of this part of the site would represent a natural 'rounding off' of the settlement and the development of this small parcel would not affect the openness of the surrounding green belt. There is a clear distinction between this part of the site and where the adjacent paddock / field drops away and slopes down towards the north. Consequently, it is not considered that the loss of this part of the site would undermine the openness of the Green Belt or for purposes of including land within it.

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

*"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward*

*from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.*

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011, a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012 the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. This document is to be considered by the Strategic Planning Board on 8<sup>th</sup> February and the Portfolio Holder on 11<sup>th</sup> February 2013.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However, for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30<sup>th</sup> May 2012, these circumstances do not apply to Cheshire East. Accordingly once the 5% buffer is added, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years.

The NPPF clearly states at paragraph 49 that:

*“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

## **Conclusion**

- The site is predominantly within the infill boundary line of Lawton Gate with only a small parcel located within the Green Belt. As such, the principle of the development is deemed to be acceptable.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted.
- The 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposals that are not policy compliant does not apply.
- The proposal does accord with the emerging Development Strategy.
- However, the 5 year supply is a minimum requirement and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects.

## **Sustainability**

Being located on the built up edge of Church Lawton, the site already benefits from existing local facilities. These include: a primary school, local store at Lawton Gate, which are within 500 metres of the site and facilities at Rode Heath including: a primary school, doctors surgery, and a few shops. There are three public houses (2 in Rodeheath), and a petrol filling station locally as well. Lawton Gate is easily within walking distance on footpaths and Rodeheath can be accessed by the well used canal towpath or connecting roads. The scheme proposes alterations to the footpaths along the frontage of the site which will improve the existing poor provision and will also benefit existing residents.

Bus services are available with two services having stops within the 500 metre requirement advised by the former North West Development Agency sustainability toolkit. These services are hourly or two-hourly, although there is a third service with a 20 minute frequency but this is a little further away.

Overall, the site is considered to be sustainable. Nonetheless, there is a need to upgrade the local bus stops that would enable the development to more widely accessible to the neighbouring towns and villages.

## **Character and Appearance**

An indicative layout plan has been submitted with the application. This shows the main entrance to the site situated in between the properties referred to as 'Rectory Bungalow' and 'Rectory Lodge'. Given that the site is situated to rear of existing properties, with a single point of access, and because the site is self contained, there is little opportunity or need for frontage onto Old Knutsford Road.

Within the site, the proposed layout would introduce a cul-de-sac development with a main spinal road running through the site. Views would terminate on a semi-crescent cul-de sac with dwellings situated along the northern and the eastern boundaries. The pattern of the development would follow the shape of the site and details how 31 units could be laid out within the site. The indicative layout would not deviate or harm the character or appearance of the area. As such, it is deemed to be acceptable.

Given the mix in character, and having regard to the fact that the site would be self contained, the design of the dwellings would not appear out of keeping with the area. The design is considered to be acceptable and in accordance with relevant design policies of the local plan.

## **Landscape Impact**

The application site is located to the north of Church Lawton, some of it within the boundary of the Green Belt, to the south of the Trent and Mersey Canal Conservation Area. No baseline information has been submitted with the application, but in the National Character Areas as defined by Natural England in their revised study of the countryside Character Series (1998), the application area is defined as Character Area 61; Shropshire, Cheshire and Staffordshire Plain. In the Cheshire Landscape Character Assessment 2008, adopted March 2009, the site is identified as being located in Landscape Type 17: Higher Farms and Woods; within this character type the application site is located within the Little Moreton Character Area: HFW2. In the Former Congleton Borough Council, Congleton Landscape Character Assessment 1998, the area is located within the Cheshire Plain Landscape, one that is identified as being 'of good quality'. This is a pleasant rural landscape having a reasonable distribution of semi-natural features'.

The application site covers an area of approximately 1.19ha and has a number of existing buildings located on it including a large detached house, a double garage and some barns. To the north of the application site is an attractive area of undulating agricultural land bound to the north by Kids Grove Brook and further to the north by the Trent and Mersey Canal. The access road to the application site is flanked by a number of existing bungalows and generally the area can be described as of rural nature with modern residential developments. There are existing residential properties to the south and east and the Knutsford Road forms the western boundary. The Trent and Mersey Canal is located to the north of the application site and the elevated location of the canal, in relation to the application area, offers extensive views across the whole of the application site from Footpath 41 (Odd Rode), which follows the canal towpath at this location

This Council's Landscape Officer has stated that as this is an outline application and the layout shown is illustrative, it is considered that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. This would be secured at the reserved matters stage. Subject to this, the provision of 31 units would not materially harm the landscape character of the area when viewed from areas generally accessible to the public and would not impact on the openness given that it would amount to infill and the majority of the site is previously developed.

## **Ecology**

It must be demonstrated that proposed developments and their infrastructure must not impact on designated or candidate European Sites (Special Areas of Conservation; Special Protection Areas; Ramsar Sites and Offshore Marine Sites) protected under the European Habitats Directives 92/43/EEC or the Conservation of Habitats and Species Regulations 2010.

The application is supported by an ecological assessment undertaken by a suitable qualified and experienced ecologist. The Council's ecologist has examined the assessment and commented that, evidence of a minor roost of common bat species has been recorded within one of the buildings on site. However, the usage of the buildings by bats is likely to be limited to a small number of animals using the buildings for short periods of time during the year. The loss of the buildings and associated roost in the absence of mitigation is likely to have a minor impact upon a small number of individual bats and a negligible impact upon the conservation status of the species as a whole. The development could however lead to the disturbance/killing/injuring of any bats present when the work was undertaken and therefore whilst the roost is minor in nature, its loss should be compensated for.

Where a European Protected Species has been recorded on site and is likely to be affected by the proposed development, the planning authority must have regard to the Habitat Regulations when determining this application. In particular, the LPA must consider whether Natural England is likely to grant a derogation license. The Habitats Regulations only allow a derogation license to be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives
- the favourable conservation status of the species will be maintained

The applicant has submitted an acceptable outline bat mitigation method statement. The Council's Nature Conservation Officer is satisfied that if planning consent is granted the favourable conservation status of the species of bat concerned will be maintained. However, given that the application is only outline, it is advised that a condition is required to ensure any reserved matter application is supported by a revised bat mitigation method statement. The proposal would assist in the Council's 5 year housing land supply, there are no suitable alternatives and the favourable conservation status of the bat species identified would be maintained.

Following the completion of further survey work, reptiles and other species groups are unlikely to be present or affected by the proposed development.

With respect to breeding birds, the site has the potential to support breeding birds including the more widespread Biodiversity Action Plan (BAP) species which are a material consideration. The Council's Nature Conservation Officer has confirmed, that subject to conditions that require a survey to be carried out if works are to be undertaken during the bird breeding season and the incorporation of features into the scheme for breeding birds and the planting of native hedgerows.

### **Highway Safety and Traffic Generation.**

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The application proposes a single point of access off Old Knutsford Road positioned directly in-between Rectory Farm Bungalow and Rectory Lodge. The Strategic Highways Manager has confirmed that the visibility splays offered are in accordance with the requirements of Manual for Streets. Added to this, Old Knutsford Road is a lowly trafficked local semi-rural road and, as such, the traffic generation from 31 units would not give rise to local traffic issues.

Subject to conditions, improvements to the local bus stops, footways and the provision of street lighting along the frontage, the proposal is deemed to be acceptable in terms of highways and compliant with local plan policy GR9.

### **Affordable Housing**

The proposed development will provide 9 affordable units (6 social rent and 3 for intermediate tenure) within the proposed 31. This provision accords with the Interim Affordable Housing Statement requirements that developments of this scale should provide a minimum of 30% affordable housing within the scheme and of which 65% should be social rented and 35% should be intermediate tenure. Subject to the developer entering into a Section 106 Agreement as detailed above, it is considered that the proposal would comply with Local Plan Policy and the provisions of the Affordable Housing Interim Planning Statement.

### **Drainage and Flooding**

The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). The site is largely located within Flood Zone 1, indicating that the site is not at risk from fluvial or tidal sources. The proposed development is outlined. As such, the layout is not to be determined. However, it is clear from the indicative layout that the development can be accommodated entirely on land within Flood Zone 1.

Suitable mitigation and appropriate siting of the development can be incorporated to ensure that flood risk to the proposed development remains low and meets the requirements of the NPPF. Data obtained from the FRA also places the site at low risk of flooding from other sources.

In accordance with the NPPF and local policy, the FRA has considered the impact on the surface water regime in the area should development occur. The Environment Agency has confirmed that the redevelopment of the site is considered to be acceptable with the use of appropriate conditions for a drainage scheme for surface water run-off, a scheme to manage the risk of flooding from overland flow of surface water.

United Utilities have also raised no objections, subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

### **Open space**

The Council's Greenspaces Officer has stated that there would be a deficiency in both Amenity Greenspace (open space) and Children's and Young Persons provision (play equipment) if the development were to be approved. As such, it has been recommended that an area of 744m<sup>2</sup> open space would be required with financial contributions of £8,797.80 required for the future maintenance. It has also been recommended that within the POS, at least 5 pieces of play equipment be provided with financial contributions of £28,656 for the future maintenance.

It would appear that these requirements have been borne through the lack of existing provision within Church Lawton generally. However, the needs of existing residents should not be borne through this application. The proposed development should only be expected to mitigate for the effects that it has and therefore should only be based on the increase in residents created by the development and the adopted local standards set out in the Open Space Study, being fairly and reasonably related in scale and kind to the proposed development. It is considered that such requirements are not fairly or reasonably related in scale to the proposed development, which is for only 31 dwellings.

The requirements recommended by the Council's Greenspaces Officer are not considered to meet the tests in the Community and Infrastructure Levy regulations. The Greenspaces Officer has been asked to revisit the calculations. a further update on this matter will be provided to Members prior to the meeting.

### **Residential Amenity**

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise. Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

The layout and design of the site are reserved matters. However, the proposed layout enjoys adequate separation with the nearest neighbouring properties and demonstrates that up to 31 units could be accommodated on the site, whilst maintaining these minimum

distances between existing and proposed dwellings. It also illustrates that the same standards can be achieved between proposed dwellings within the new estate.

## **Education**

The Education Department has assessed the primary schools within 2 miles and the secondary schools within 3 miles of this proposal. Based on current forecasts and having regard to other developments which impact on these schools, no contribution is required. Consequently, it is considered that there is adequate space within local schools to accommodate the proposed development.

## **Conclusions**

The site is largely previously developed and lies predominantly within the infill boundary line of the 'Lawton Gate' settlement where there is a presumption in favour of limited sustainable development. Whilst the rear portion of the site falls within the Green Belt, it is surrounded on 3 sides by existing development and is partly previously developed. Development of this part of the site would represent a natural 'rounding off' of the settlement and the development of this small parcel would not affect the openness of the surrounding green belt or undermine the purposes of including land within it.

Overall, the site is considered to be sustainable subject to the upgrade of local bus stops and so far as this application is outline, it is not considered that the proposal as amended would materially harm the character or the appearance of the area or the surrounding landscape. The proposal would assist in the Council's 5 year housing land supply, there are no suitable alternatives and the favourable conservation status of the bat species identified would be maintained and would not impact detrimentally on other species protected by law.

As amended, the proposal would not impact detrimentally on highways, neighbouring residential amenity, drainage or flooding and would not require any education provision as there is sufficient capacity. With respect to public open space, some provision will be required, but the exact requirements suitable to this development will be determined and updated to Members by way of a written update.

## **9. RECOMMENDATION**

**APPROVE** subject to the completion of a S106 agreement in respect of the Heads of Terms as set out below that authority be given to the Head of Planning and Policy to grant approval subject to the imposition of the following:

### **Heads of Terms for Legal Agreement**

1. Provision of public open space and CYPP and ongoing maintenance of the facilities to be determined.
2. Delivery of 9 affordable units (6 social rent and 3 for intermediate tenure).
3. Financial contribution of £21,000 for the Upgrade of Bus Stops
4. Upgrade to the existing footpaths fronting the site to create footpath widths of 2.0 metres



**And the following conditions**

- 1. Standard outline**
- 2. Submission of reserved matters**
- 3. Approved plans including amended plans and access detail**
- 4. Contaminated land Phase II investigation to be submitted**
- 5. Hours of construction**
- 6. Details of pile driving operations**
- 7. Submission of scheme to demonstrate that floor levels of proposed buildings are set no lower than 85.0 m AOD**
- 8. Submission of scheme to demonstrate that road levels are set no lower than 84.7 m AOD**
- 9. Scheme to limit surface water runoff**
- 10. Submission of scheme to manage the risk of flooding from overland flow**
- 11. Sustainable Urban Drainage System**
- 12. Only foul drainage to be connected to sewer**
- 13. Retention of important trees**
- 14. Updated Protected species survey to be submitted with any subsequent Reserved Matters applications**
- 15. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.**
- 16. Scheme for incorporation of features into the detailed scheme for use by breeding birds**
- 17. Archaeological developer-funded watching brief to be carried out**
- 18. Environmental management plan including scheme for dust control to be submitted**
- 19. A streetlighting scheme for Old Knutsford Road to a convenient point north of the proposed access and include for 30mph speed limit signs to the southern approach**

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