

# Southern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 30th May, 2018</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes of Previous Meeting** (Pages 3 - 6)

To approve the minutes of the meeting held on 2 May 2018.

Please contact Julie Zientek on 01270 686466

E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies or requests for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

#### 4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A total period of 3 minutes is allocated for each of the planning applications for the following:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **17/5537C Land At Cedar Avenue, Alsager: Erection of Retirement Living Accommodation (Category II type) together with communal facilities, landscaping and car parking for McCarthy & Stone Retirement Lifestyles Ltd (Pages 7 - 26)**

To consider the above planning application.

6. **18/0356C Cherry Lane Farm, Cherry Lane, Rode Heath, Cheshire ST7 3QX: Demolition of existing commercial buildings and construction of 14 no. residential dwellings with access, car parking and other associated works for Cherry Lane Farm Limited (Pages 27 - 44)**

To consider the above planning application.

7. **17/2061M Rosegarth, 51, Adlington Road, Wilmslow, Cheshire SK9 2BJ: Demolition of existing buildings and erection of 7 new dwellings for Mr & Mrs Wilman (Pages 45 - 54)**

To consider the above planning application.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 2nd May, 2018 at Council Chamber, Municipal Buildings,  
Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor J Wray (Chairman)  
Councillor M J Weatherill (Vice-Chairman)

Councillors Rhoda Bailey, P Butterill, J Clowes, W S Davies, S Edgar,  
A Kolker, J Rhodes, B Roberts and B Walmsley

**OFFICERS PRESENT**

Daniel Evans (Principal Planning Officer)  
James Thomas (Senior Lawyer)  
Julie Zientek (Democratic Services Officer)

**Apologies**

Councillor D Bebbington

**100 DECLARATIONS OF INTEREST/PRE DETERMINATION**

The following declaration was made in the interests of openness:

With regard to application number 17/6487N, Councillor S Edgar declared that he had made up his mind. He would exercise his separate speaking rights as a Ward Councillor and not take part in the debate or vote.

**101 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 4 April 2018 be approved as a correct record and signed by the Chairman.

**102 17/6487N LAND TO THE REAR OF 46, CHESTNUT AVENUE, SHAVINGTON, CHESHIRE CW2 5BJ: RESERVED MATTERS APPLICATION FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RELATING TO 16/0015N - OUTLINE APPLICATION FOR THE DEMOLITION OF NO. 46 CHESTNUT AVENUE, SHAVINGTON AND ERECTION OF 44 DWELLINGS (INCLUDING ACCESS) AND ASSOCIATED WORKS FOR WAINHOMES (NORTH WEST) LTD**

Note: Councillor S Davies left the meeting during consideration of this application.

Note: Having exercised his separate speaking rights as a Ward Councillor, Councillor S Edgar withdrew from the meeting for the duration of the Committee's consideration of this item.

Note: Mr S Harris attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application and a written update.

### RESOLVED

(a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to the following conditions:

1. Approved Plans
2. Updated Survey for other protected species
3. Implementation of the approved landscaping
4. Prior to first occupation details of boundary treatment to be submitted an approved including boundary treatment to the rear of the existing dwellings at 14, 14a, 19 and 19a Northfield Place
5. Prior to the first occupation of the development details of a bridge and pedestrian/cycle links across the watercourse to the development site to the west shall be submitted and approved. The approved details shall be implemented prior to the occupation of more than 50% of the dwellings on the development.
6. Prior to the first occupation of the development details of a LAP within the POS shall be submitted and approved. The approved details shall be implemented prior to the occupation of more than 50% of the dwellings on the development.
7. Prior to the use of any surfacing materials details are to be submitted to the LPA for approval in writing. The development shall only proceed in accordance with the approved details
8. Materials as application
9. Levels to be in accordance with the submitted plans
10. Scheme for the maintenance and management of the ditch to the rear of 14, 14a, 19 and 19a Northfield Place

### Informatives:

1. No parking of construction vehicles, contractors or visitors on Chestnut Avenue.
2. No use of reversing beepers as part of the construction works.
3. Further discussions with utility company regarding the diversion of cables on the site.

(b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of Southern

Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

The meeting commenced at 10.00 am and concluded at 11.05 am

Councillor J Wray (Chairman)

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Application No: 17/5537C

Location: Land At, CEDAR AVENUE, ALSAGER

Proposal: Erection of Retirement Living Accommodation (Category II type) together with communal facilities, landscaping and car parking.

Applicant: ., McCarthy & Stone Retirement Lifestyles Ltd

Expiry Date: 02-Jun-2018

**SUMMARY**

The site is within the Open Countryside where under Policy PS8 there is a presumption against new residential development. In this case the site has planning permission for a residential development and as a result the principle of development is considered to be acceptable.

The development is considered to be located in a sustainable location. The proposal is of an acceptable design and would not have a significantly harmful impact upon residential amenity/noise/air quality and contaminated land.

Subject to conditions it is considered that the impact of the development upon trees, ecology and the wider landscape would be acceptable.

The development would not have a severe impact upon the local highways network and the parking provision on the proposed site would be acceptable. The proposed development would not affect the PROW network within the vicinity of the site.

The development would not impact upon the watercourses to the boundaries of the site and the development would be located within flood zone 1. The development is considered to be acceptable in terms of its flood risk/drainage implications.

In this case there have been requests for contributions towards affordable housing, health and biodiversity offsetting. In this case the developer has raised viability issues which have been independently assessed by the Council's own viability consultant. On this basis it is considered that the development could provide a contribution of £23,000 to mitigate the impact upon Alsager Medical Centre.

**RECOMMENDATION**

**APPROVE subject to conditions and the completion of a S106 Agreement**

## PROPOSAL

This is a full planning application for the erection of a three-storey building which would accommodate 43 retirement living apartments (11 x one bed units and 32 x two bed units), a homeowners lounge, a house managers office, internal refuse storage, mobility scooter store with charging points and a guest suite.

A new vehicular access would be formed off Cedar Avenue to the north west corner of the site and the development would provide 38 car parking spaces.

## SITE DESCRIPTION

The site relates to a parcel of green field located between the southern side of Cedar Avenue, Alsager, within the Open Countryside.

The application site extends to approximately 0.61 hectares and is largely rectangular in shape and relatively flat. However, the land does drop-off towards the watercourse at the rear (south) of the site.

The site is bound by Cedar Avenue to the north, beyond which is residential development, to the east is residential development comprising of 4 dwellings which back onto the site from Rowan Close, to the south is the railway line and to the east is a Public Right of Way which extends along the boundary of the site, beyond which is playing fields.

## RELEVANT HISTORY

16/1352C - Outline applicaion for residential redevelopment of up to 14 dwellings with associated infrastructure – Approved 6<sup>th</sup> January 2017

## NATIONAL & LOCAL POLICY

### Cheshire East Local Plan Strategy

PG2 – Settlement Hierarchy  
PG6 - Open Countryside  
PG7 – Spatial Distribution of Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
IN1 – Infrastructure  
IN2 – Developer Contributions  
SC1 – Leisure and Recreation  
SC3 – Health and Well-Being  
SC4 – Residential Mix  
SC5 – Affordable Homes  
CO1 - Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 3 - Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 6 – Green Infrastructure  
SE 8 – Renewable and Low Carbon Energy  
SE 9 – Energy Efficient Development  
SE12 – Pollution, Land Contamination and Land Instability  
SE 13 - Flood Risk and Water Management



## **Congleton Borough Local Plan Policy**

The relevant Saved Policies are:

PS4 – Towns  
PS8 – Open Countryside  
GR6 – Amenity and Health  
GR7 – Amenity and Health  
GR9 - Accessibility, servicing and provision of parking  
GR10 - Accessibility, servicing and provision of parking  
GR13 – Public Transport Measures  
GR14 - Cycling Measures  
GR15 - Pedestrian Measures  
GR16 - Footpaths Bridleway and Cycleway Networks  
GR17 - Car parking  
GR18 - Traffic Generation  
NR3 – Habitats  
NR4 - Non-statutory sites  
NR5 – Habitats

## **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.  
50. Wide choice of quality homes  
56 - 68 Requiring good design

## **Alsager Neighbourhood Plan**

The Alsager Neighbourhood Plan is at Regulation 7 stage and as such it can be given no weight.

## **Other Considerations**

Cheshire East Design Guide  
The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing

## **CONSULTATIONS (External to Planning)**

**Environment Agency:** No objection.

**Head of Strategic Infrastructure:** No objection subject to a Construction Management Plan condition.

**CEC Environmental Health:** Conditions suggested in relation to acoustic mitigation, piling, construction management plan, electric vehicle infrastructure, contaminated land and informatives in relation to contaminated land and hours of operation.

**CEC Strategic Housing Manager:** The Gerald Eve Viability Study verifies that there is a sum available by the amount of £23,000 to be used for S106 contributions. These contributions are for Ecology, NHS and Affordable Housing. Housing would welcome a contribution to assist in providing much needed Affordable

Housing in Cheshire East, but this has to be balanced in regards to the impact of the development on Ecology and NHS.

**NHS England:** Contribution of £27,936 has been requested to mitigate the impact of this development.

**CEC Flood Risk Manager:** Condition suggested.

**United Utilities:** No objection subject to the imposition of drainage conditions.

**Health and Safety Executive:** No comment to make.

**CEC Education:** No comments received.

**CEC Public Open Space:** This is a retirement living scheme so does not require public open space requirements in line with CELP table 13.1.

However, the Landscape Concept Plan NW-2461-01-03-LA-001 Rev A shows a path running from south east of the site, along the wildlife corridor and back up towards the site entrance and believe an opportunity is being missed. Would it be possible to create a path along the north/north east of the site creating a circular route for residents to enjoy and in doing so helping them to stay healthy and active. It is well known that people would much rather walk a circular route over a back and forth destination route. There are resting points along the route such as the sensory garden and communal seating area but a couple of benches within the shaded woodland path would be beneficial.

**Newcastle-under-Lyme Borough Council:** No objection.

**CEC PROW:** It appears unlikely that the development will affect the PROW. An informative is suggested. Also the CEC PROW do not agree with the comments from Network Rail.

**Network Rail:** General comments made in relation to asset protection and access. Network Rail also express concerns that this development would increase the number of 'vulnerable users' of the PROW and level crossing. Network Rail request that the PROW is diverted and that the level crossing is closed.

### VIEWS OF THE TOWN COUNCIL

**Alsager Town Council:** The Town Council strongly objects to this application on the following grounds;

- Three storey development is out of character and will be over bearing to the neighbouring properties.
- Concerns about how foul and surface water will be dealt with in relation to Valley Brook
- The recommendation by Network Rail to close the footpath across the railway line. There are concerns that this will impede access to the open countryside

### OTHER REPRESENTATIONS

Letters of objection have been received from 11 households raising the following points;

#### Principal of Development

- There is already a development of this type on Sandbach Road South
- The site only has planning permission for 14 dwellings – this is an example of developer greed
- Risk of flooding from the adjacent watercourses
- Inner city feel of the development

#### Design issues

- The development at three stories in height would be too tall.

- A three-storey development would be out of character with the area
- Visual impact
- Density of the development
- The three-storey development would harm the street-scene
- Lighter materials should be used in this setting instead of the dark grey proposed
- The proposed building is too large
- The position of the site on the edge of the open countryside would mean that it would appear obtrusive
- Bungalows would be more suitable on this site
- The proposed car-park would appear unsightly when viewed from the playing fields to the west
- Over-development of the site

### Highways

- Additional traffic will make Cedar Avenue more dangerous
- Danger to children who attend local schools
- Cedar Avenue is used on the school run
- Additional traffic would be dangerous at the junction of Brookhouse Road
- The entrance is opposite Brookhouse Road and should be positioned more centrally
- It would be difficult for construction vehicles to access the site
- The junction of Brookhouse Road and Cedar Avenue is blind
- Brookhouse Road is not wide enough to accommodate two way traffic and does not have any footpaths
- The new junction will be dangerous for vehicles and pedestrians
- A more central access solution would be more appropriate

### Infrastructure

- Lack of school places in Alsager
- Medical infrastructure is at capacity
- Insufficient drainage/sewage infrastructure to serve this site

### Amenity

- The proposed development would overlook the gardens of the properties to the opposite side of Cedar Avenue.
- The Lime Tree would not provide sufficient screening to the properties opposite
- Loss of sunlight for the properties opposite – especially during the winter months
- Amenity of the future occupiers due to noise from the railway

### Green issues

- There needs to be adequate separation to the watercourses to the boundaries of the site
- The water run-off from the proposed site will significantly increase flooding

### PROW

- The proposal is too close to the footpath which runs adjacent to the site
- A bridge should be installed over the railway line
- In relation to Network Rail's there is no record of any accidents in this location. The removal of the crossing would be a loss to the residents of Alsager

### Other issues

- There are a number of errors within the submitted Design and Access Statement
- The community consultation was not credible as an application was submitted as soon as the consultation ended

Two letters of support has been received from one local household which raises the following points;

- This type of development is needed in Alsager

## APPRAISAL

### Principle of Development

The site lies largely in the Open Countryside as designated by the Congleton Borough Local Plan 2005. In this case the principle of residential development has already been accepted following the approval of planning application 16/1352C.

### Housing Land Supply

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy. Accordingly the Cheshire East Local Plan Strategy forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” This is the test that legislation prescribes should be employed on planning decision making. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means: “approving development proposals that accord with the development plan without delay” As a consequence where development accords with the adopted Local Plan Strategy the starting point should normally be that it should be approved – and approved promptly.

The Inspector’s Report on the Local Plan was published on 20 June 2017 and signalled the Inspector’s agreement to the plans and policies of the Local Plan Strategy. The Inspector confirmed that on adoption, the Council would be able to demonstrate a 5 year supply of housing land. In his Report he concludes: “I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years” This judgement was based on an assessment with a base date of 31 March 2016.

In August 2017 the Council published its Annual Housing Monitoring Update, using the methodology endorsed by the Local Plan Inspector but updating information to a base date of 31 March 2017. This assessment showed that the Council has a supply of 16,151 deliverable homes, equivalent to 5.45 years supply.

Since the adoption of the Local Plan the Council has received a number of important planning appeal decisions:

- On 9 October 2017 the Secretary of State dismissed an appeal concerning 900 homes at Gorsty Hill Weston. In this decision the Secretary of State replicated the Local Plan Inspector’s assessment of a 5.3 year housing supply.
- On 8 November 2017 an appeal for 400 homes at White Moss Quarry, Haslington/Alsager, was dismissed, but following evidence at the Inquiry the Inspector concluded that the Council’s housing supply was between 4.96 – 5.07 years. Accordingly as ‘a precaution’ the tilted balance was engaged.
- On 4 January 2018 an appeal for 100 homes at Park Road Willaston was dismissed, but following evidence at the Inquiry the Inspector concluded that the Council’s housing supply was between 4.93 – 5.01 years. Once again taking a precautionary approach the tilted balance was engaged.
- On 30 January 2018 an appeal for 29 homes at Rope Lane Shavington was allowed. This case did not hear new evidence on housing supply, but adopted the conclusions of the previous two appeals. The Council now has leave to challenge this decision in the High Court. This challenge maintains that the Inspector erred in his approach to housing supply.

Following the White Moss and Park Road decisions the Council completely revised and updated its housing supply assessment, looking afresh at the latest position on key sites and the housing sector generally. This evidence was presented in detail at two appeals in February/March 2018.

The first of these, involving an appeal by Gladman Developments for 46 homes at New Road Wrenbury, has now reported. This appeal was dismissed with the Inspector finding that the Council could demonstrate a deliverable supply equivalent to 5.25 years employing the most up to date evidence. On considering the Council's claimed supply of 15,908 deliverable homes, the Inspector concluded that *"in total 331 units should be deducted from the Council's supply figure, reducing it to 15,577"*.

The Inspector went on to make an overall assessment of the housing supply position:

*"Whilst I have concluded that at the present time the supply of housing land is not quite as healthy as the Council believes, there is a supply which exceeds the five year requirement. When considered along with recent facts relating to both the supply of land and delivery of housing units, I see no reason to depart from the conclusions of the local plan Inspector in finding that there is sufficient provision to ensure that local housing needs can be met"*

This most recent appeal decision positively affirms that the Council can demonstrate a five year supply of housing land. This appeal involved a thorough scrutiny of all of the relevant evidence and whilst following a hearing format, also featured experienced legal representation. Accordingly the Council considers this to be the most robust and definitive conclusion on housing supply – which confirms that a 5 year supply of deliverable sites can be demonstrated.

In the light of this, relevant policies for the supply of housing should be considered up-to-date – and so consequently the 'tilted balance' of paragraph 14 of the NPPF is not engaged.

### **Location of the site**

The National Planning Policy Framework definition of sustainable development is:

*"Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment"*

Accessibility is a key factor of sustainability that can be measured. The approved residential development on this site was considered to be locationally sustainable. The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity open space (500m) – 50m
- Children's Play space (500m) – 240m
- Public house (1000m) - 570m
- Pharmacy (1000m) – 320m
- Supermarket (1000m) – 570m
- Railway station (2000m) – 470m
- Any transport node – 643m
- Primary School (1000m) – 370m
- Outdoor Sports Facility – (1000m) – 60m
- Bus stop (500m) – 400m
- Public right of way (500m) – 0m
- Post Box (500m) – 290m

- Local meeting place (1000m) – 570m
- Child care facility (1000m) – 620m
- Bank or Cash Machine (1000m) – 420m
- Convenience Store (500m) – 420m
- Medical Centre (1000m) – 320m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 470m

Where the proposal fails to meet the standards, the facilities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those facilities are:

- Post Office (500m) – 570m

The following amenities/facilities fail the standard:

- Secondary School (1000m) – 1400m

In summary, the site complies with the majority of the standards advised by the NWDA toolkit. Furthermore, the site lies within a walkable distance to the local bus stop and train station. As such, the application site is considered to be locationally sustainable.

### **Public Open Space**

In this case the POS Officer has confirmed that this development would not require POS provision. Furthermore the development would provide a large area of private open space/communal gardens for use by the future occupiers.

### **Affordable Housing**

The site falls within the Alsager sub-area for the purposes of the SHMA update 2013. This shows a net requirement for 54 affordable homes per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 38 x 2 bed, 15 x 3 bed and 2 x 4+ bed general needs units and 5 x 1 bed older persons accommodation.

It should also be noted that information taken from Cheshire Homechoice shows there are 55 people asking for a one bed property, 57 people asking for a two bed, 16 people asking for a three bed properties and 3 people asking for a four bed property.

Policy SC5 states that for both allocated sites and windfall sites the Council will negotiate for the provision of a specific percentage of the total dwelling provision to be affordable homes. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%.

There is currently a shortfall of affordable housing delivery in Alsager, and the affordable housing requirements for this application as per the Interim Planning Statement: Affordable Housing are the provision of 38 affordable dwellings with 25 provided as either social or affordable rent and 13 as intermediate tenure.

With other similar Retirement Living developments it has been accepted that a commuted sum in lieu of the on site provision is appropriate. This is on the basis of a Viability Study showing that the onsite provision is not possible.

### **Education**

This development would not require any education contributions.

## Health

Having considered the contents of the response from the South Cheshire Clinical Commissioning Group (CCG) officers are satisfied that the requested contribution of £27,936 is CIL compliant. This is because the NHS plan is at an advanced stage and a scheme exists within the Infrastructure delivery plan of Cheshire East. The letter from the CCG also provides calculations of how the requested contribution was derived. As a result the contribution is justified.

This health contribution will be considered within the viability section below.

## Landscape

The impact of the development upon the wider landscape was considered as part of the previous application where it was determined that the potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. As part of this application a Landscape Concept Drawing has been submitted and this is considered to be acceptable. A detailed landscaping scheme would be controlled through the imposition of planning conditions.

## Highways Implications

### Safe and Suitable Access

The site benefits from existing pedestrian infrastructure provision and is a short walking distance to the local amenities and services in central Alsager, and to bus stops and the railway station.

The proposed access from Cedar Avenue is acceptable as are the achievable visibility splays which reflect those that have been approved with the previous residential application. These visibility splays reflect the design speed of the road which is low due to the existing traffic management in the form of vertical deflection on Cedar Ave. As before, a number of trees will be required to be removed for the visibility splays to be achieved as shown on the submitted plan.

### Car Parking Provision

The development would provide 38 car parking spaces for the proposed 43 apartments. This is a higher provision per apartment than other similar sites according to the Transport Statement. Car ownership data for the local area has also been looked at and when broken down by area, accommodation type, and age, the data indicates that the proposed provision could accommodate parking demand for both residents and visitors without the need for on-street parking.

### Network Capacity

A development of this type and size will generate more vehicle trips throughout the day when compared to what has been approved on the site but the trips will be more spread out throughout the day and have less impact during any given hour.

### Highways Conclusion

A safe access is achievable and the impact on the local and wider highway network will be minimal. It is therefore considered that the highways impact of the development would be acceptable and comply with the NPPF which states that:

*‘Development should only be prevented or refused on transport grounds where then residual cumulative impacts of development are severe’*

## Amenity

A number of the objection letters refer to the proximity to the proposed dwellings and the impact upon residential amenity.

In this case the Congleton Borough SPG requires the following separation distances:

21.3 metres between principal elevations

13.8 metres between a non-principal and principal elevations

The SPG then goes on to state that;

*'Where the residential development comprises flat developments of three storeys or greater the minimum distance between buildings will normally be increased depending on site conditions'*

It should also be noted that the recently adopted Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule. Figure 11:13 of the Design Guide identifies the following separation distances;

21 metres for typical rear separation distance

18 metres for typical frontage separation distance

12 metres for reduced frontage separation distance (minimum)

In this case the proposed development would include a three-storey element to the central part of the front elevation which would face the rear gardens of properties which front Woolaston Drive. In this case sectional drawings have been provided to show the relationship of the development with the dwellings opposite and the dwellings to the east of the site. The proposed development would be set at a slightly lower level than Cedar Avenue and the properties fronting Woolaston Drive. The three-storey element would have a separation distance of 29.7 metres to the nearest point of the dwelling at No 5 Woolaston Drive whilst the two-storey element would have a separation distance of 27.8 metres to the nearest point on No 7 Woolaston Drive. These separation distances are considered to be acceptable for this development whilst it is also considered that the line of mature Lime trees along Cedar Avenue would also provide an additional level of screening especially during the summer months.

To the east of the site the proposed development would face the rear elevations of the dwellings fronting Rowan Close. Again the proposed development would be set at a lower level and there would be a separation distance of 29.2 metres to this side with the intervening Pine Trees providing additional screening to this side.

As such it is not considered that the proposed development would have a detrimental impact upon adjacent residential amenity through loss of light, privacy or overbearing impact.

## Air Quality

Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

In order to ensure that sustainable vehicle technology is a real option for future occupants at the site a condition will be imposed to secure electric vehicle infrastructure provision on the site.

## Noise

There is a railway line to the south of the site which may have noise implications for the future occupants of the development. The applicant has submitted an acoustic report in support of the application. The impact of the noise from local railway noise on the proposed development has been assessed in accordance with



BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. This is an agreed methodology for assessing noise of this nature.

The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from rail noise. The mitigation would take the form of insulation of the internal walls, standard thermal double glazing and the use of mechanical ventilation. The conclusions of the report and methodology used are acceptable.

A condition will be imposed to secure the required noise mitigation measures.

### **Contaminated Land**

The site is within 250m of a known landfill site or area of ground that has the potential to create gas. The proposed residential properties are a sensitive end use and could be affected by any contamination present or brought onto the site. The report submitted in support of the application recommends that a Phase II investigation is conducted. This should include an assessment of the potential risks associated with mobile contamination from the adjacent railway line. Conditions will be attached to any approval in relation to contaminated land.

### **Trees and Hedgerows**

The application is supported by a detailed Arboricultural Report. In this case the tree cover associated with the site and its immediate surroundings mainly consists of a mature linear group of Limes located within the Cedar Avenue southern highway verge, a row of mature Pines on the eastern boundary, a row of Alder Oak and Sycamore adjacent to the stream on the southern boundary, and scattered Hawthorn and Oak on the western boundary.

Access into the site requires the removal of two mature Limes (T1 & T2) and two further Limes (T50 & 51) standing within the site to the South of T1 and T2, these are high value Category A trees, their loss was accepted as part of the previous housing scheme on the site which was granted approval, with specimen replacement planting required to frame the entrance.

The retirement accommodation has been located in a position to ensure the rooting environment of the retained trees is not compromised during the construction phase. There is an area of intrusion within the RPA of T38 and T40 but this is accepted as being minimal and unlikely to detrimentally impact on the future health and longevity of the trees. The Pines located on the Eastern boundary of the site are located a satisfactory distance from the proposed building.

The closest interface between the habitable room windows, and retained trees is associated with the buildings northern elevation and the mature Limes associated with Cedar Avenue. The building is set an adequate distance from the trees to allow construction to proceed and ensure internal light levels are not unreasonable, shade will not be an issue with the trees standing to the north of the building, post development the trees are considered defensible should an application to fell or significantly prune be received.

The proposed on site parking occupies a significant area associated with the western boundary of the site, there is a limited RPA incursion in respect of T43, 48, and 49, these are young trees which should be able to accommodate a marginal root loss.

An internal footpath which extends across the southern aspect of the site transgresses a number of the trees located on the sites southern boundary; land levels accommodate a 'no dig' construction under a cellular confinement system, construction details will be required, this can be addressed by condition.

As a result the Councils Tree officer has raised no objection to the development subject to the imposition of planning conditions.

### Public Rights of Way

Public footpaths Alsager FP10 and FP12 are located adjacent to the application site. However the route of the two PROW would not be affected by the proposed development.

In this case the comments made by Network Rail relate to the PROW (Alsager FP12) which runs to the western boundary of the site which crosses the railway line via a level crossing. Network Rail have requested that this PROW is diverted and that the level crossing is closed as the development would result in additional 'vulnerable users' using this route. This is not supported by the Councils PROW Team and objections have been raised from local residents and Alsager Town Council.

In response to the comments from Network Rail the applicant has stated as follows;

*'The residents typically occupying McCarthy & Stone developments are still active although some may be less active than others. They are also seeking to retain their independence. They are not normally so frail as to be wholly inactive.'*

*In line with the definition of this form of retirement housing for the elderly, the age of residents will normally be restricted such that they must be 60 years of age, or over, except that where a resident over the age of 60 has a partner of 55 years of age or over, this partner may also occupy an apartment. This is normally controlled by a planning condition or legal agreement, although it is also a standard clause in the resident's lease.'*

*The residents are capable of crossing roads safely and in this case those wishing to cross the railway line at the level crossing would be expected to be active enough to do so safely, particularly as they would need to be active enough to use the stiles either side of the footpath level crossing. The crossing is located on a straight length of track where there is good inter-visibility for the pedestrian to be able to judge when it is safe to use the crossing.'*

*I conclude therefore that there is no fair, reasonable, directly related or defensible requirement why any planning condition should be applied to the proposed Retirement Living development requiring the diversion of the public footpath or the closure of the footpath level crossing as a direct consequence of the proposed development'*

These comments are accepted and it is not considered reasonable to attach a condition to require the diversion of the PROW or the closure of the level crossing.

### Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

*"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."*

#### Connections

*Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?*

The existing boundaries to the east and south include a watercourse with mature tree cover to the northern, eastern and southern boundaries and a PROW to the western boundary. All of these features would be respected and would be retained as part of the proposed development which would sit comfortably within the centre of the site.

### Facilities and services

*Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?*

Alsager provides a range of services and facilities to meet the needs of local people including those living in nearby settlements. This issue was considered as part of the previous approved development on this site.

### Public transport

*Does the scheme have good access to public transport to help reduce car dependency?*

This issue was considered as part of the previous approval on the site and the site is in close proximity to the PROW network, bus routes and Alsager Train Station.

### Meeting local housing requirements

*Does the development have a mix of housing types and tenures that suit local requirements?*

The proposed development would accommodate 43 retirement living apartments (11 x one bed units and 32 x two bed units). Given the scale of the development the housing mix is considered to be acceptable.

### Character

*Does the scheme create a place with a locally inspired or otherwise distinctive character?*

The Cheshire East Design Guide identifies that Alsager is located within the Silk, Cotton & Market Towns character area and this includes the following design cues;

- All archetypes are represented within the character area
- Georgian town houses sit on outer fringes of settlement centres
- Residential properties step and flow with the gently rolling topography
- Town centres are surrounded by a fine grain of lanes with residential properties immediately adjacent to or located upon the main streets
- Streets and lanes are well overlooked and enclosed
- Garden Suburb style housing areas have matured into pleasant neighbourhoods
- Less terraced housing found in smaller settlements
- Storey heights vary from one to three storeys typically and the massing varies greatly depending on historical period, status of building and topography
- Features include single and full height bay windows, ridge detailing and prominent chimney stacks. Higher status properties set back behind small front gardens
- Brick and whitewashed brick dominates, with localised areas of stone closer to the Gritstone Edge character area
- Landmark and header buildings found within and around the settlements
- Landscape setting, views and footpaths out to countryside important in all settlements.

The proposed development would be three-stories in height and from the front elevation facing Cedar Avenue the scale has been reduced with two-storey elements flanking the three-storey element at the centre. The dwellings within the vicinity of the site are a mix of bungalows and two-storey development (with taller period properties within the nearby Conservation Area). It should also be noted that there are some three-storey buildings in close proximity to the site (Alsager Medical Centre and Homeshire House apartments off Sandbach Road South). On this basis the provision of three-storey development is considered to be acceptable on this site.

The surrounding dwellings have largely pitched roofs but there are some properties with hipped roofs located along Station Road. As a general rule it appears that the existing dwellings along Station Road appear more decorative than those along Cedar Avenue which are of a simpler design. The dwellings in the locality of the site include a number of design features such as projecting gables (with timber infill details), bay windows (single and two-storey), window header and sill details (stone, brick, arched and flat-stopped), brick banding (blue brick and decorative brick), ridge tile detailing, gable finials and chimneys. The materials in the locality are largely red brick with slate and tiled roofs.

The proposed development would include projecting gables with finials (some with render/timber infill and some with brick/timber infill), the 4 dormers would be positioned to the front elevation would be of a small scale and would sit comfortably within the roof slope and there would also be sandstone window heads and cills to the windows on the site. It is considered that the design approach taken respects the local character of this part of Alsager.

### Working with the site and its context

*Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?*

The features on site are the trees and hedgerows which are considered in other sections of this report. The majority of the trees would be retained to the boundaries of the site (apart from those removed to facilitate the access). The watercourse would be retained to the boundaries on the site.

### Creating well defined streets and spaces

*Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?*

The proposed development has active frontages to Cedar Avenue to the front and the PROW to the west of the site. It is considered that this test has been met.

### Car parking

*Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?*

The proposed car-parking would be located to the western boundary of the site and although it would be visible from the PROW and POS it is considered that this is the most appropriate location to serve the development.

### Public and private spaces

*Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?*

The proposed development would sit comfortably within the plot and would include large private gardens for the future occupants.

### External storage and amenity space

*Is there adequate external storage space for bins and recycling as well as vehicles and cycles?*

The submitted plan shows that all units on the proposed development would provide an internal refuse and scooter store to serve the proposed development.

### Design Conclusion

On the basis of the above assessment it is considered that the proposed development represents an acceptable design solution.

## Ecology

### Grassland Habitat

Based upon the figures provided by the applicants ecologist for this and a previous application for this site, there would be a loss of 0.15ha of moderately species rich neutral grassland habitat associated with the proposed development. This grassland habitat meets the criteria for selection as a Local Wild Life Site and the loss of this would result in a significant loss of biodiversity.

For the previous application on this site the applicant proposed the payment of a commuted sum as a means of compensating for the loss of biodiversity associated with the proposed development. In order to calculate an appropriate level of commuted sum the extent of grassland habitat lost was entered into the Environment Bank's Biodiversity Impact Calculator. This spreadsheet uses the Biodiversity Metric developed by Defra.

The loss of 0.15ha of habitat (entered as being of medium distinctiveness and in Good condition, reflecting the lack of bare ground and non-native invasive species) was entered. This shows a loss of biodiversity of 1.8 units. The average cost of a biodiversity unit 'traded' during the UK Biodiversity offsetting pilot was £3850. It is therefore suggested that a commuted sum of £6930.00 be sought.

The commuted sum would likely to be used to fund the creation/enhancement of grassland habitats at Borrow Pit Meadows in Alsager.

### Schedule 9 Species: Himalayan Balsam

The applicant should be aware that Himalayan Balsam is present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause this species to grow in the wild.

Disturbance of soil on the site may result in increased growth of this species on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with Himalayan Balsam must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste.

### Enhancement for wildlife

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development. The submitted *Phase 1 Habitat Survey report* makes recommendations including the incorporation of features suitable for roosting bats and nesting birds. The applicant should submit updated plans showing the incorporation of features into the scheme detailed in sections 8.5 and 8.5 of the *Phase 1 Habitat Survey report*.

### Mature trees

Based on the submitted layout plan it appears that the existing mature trees on site are to be retained as part of the development (apart from those approved for removal to provide the access as part of application 16/1352C). If any trees are proposed for felling or pruning, they should be subject to a Bat Roost Potential (BRP) survey.

### Wildlife sensitive lighting

Prior to the commencement of development details of the proposed lighting scheme should be submitted to and approved in writing by the Local Planning Authority. The scheme should include dark areas and avoid light spill upon bat roost features, boundary hedgerows and trees.

## Breeding Birds

Conditions will be imposed to safeguard breeding birds from this development.

## **Flood Risk and Drainage**

In support of this application a Flood Risk Assessment has been submitted in support of the application. The watercourse which runs along the southern boundary of the site is classed as a main river and the site includes areas which are identified as being with Flood Zones 2 and 3 with the majority of the site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps.

All of the built form of the development would be located within Flood Zone 1. The CEC Flood Risk Manager, the Environment Agency and United Utilities have been consulted on this application and have raised no objection to the development on flood risk or drainage grounds. Therefore the development is considered to be acceptable in terms of its flood risk and drainage impact.

## **Levels**

As part of the submitted FRA it is identified that the finished floor levels of the development should be set at 91.3m AOD. This submitted section drawings show that the development would comply with this requirement and would not have a detrimental impact in terms of residential amenity or design.

## **Economic Benefits**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Alsager including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

## **Impact on Radway Green**

The Health and Safety Executive have been consulted in relation to this application and have confirmed that the site does not fall within the explosive consultation zone. On this basis the HSE have stated that they do not intend to comment on this application.

## **Viability**

The applicant has submitted a Viability Report produced by Alder King (AK) in support of this application and the Council has instructed Gerald Eve (GE) to undertake a Due Diligence Assessment of the Financial Viability Appraisal.

In this case the Council require the following contributions;

- A financial payment in lieu of 30% affordable housing provision
- Biodiversity off-setting contribution £6,930
- NHS contribution £27,936

In terms of ensuring viability and deliverability the NPPF (paragraph 173) states that;

*'Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other*

*requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable'*

The Planning Practice Guidance (PPG) says that decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development.

In this case AK provide a benchmark site value for the site of £790,000 this is in comparison to GE who have adjusted the finance rates, and developers profit with a reduced rate for the affordable housing element which gives a land value of £708,000. The land acquisition costs provided by AK are acceptable according to GE.

The revenue assumptions in terms of the sales values has had regard to two other schemes in the locality at Sandbach and Wolstanton. GE are in agreement that the revenue (sales values) from this site are reasonable at £10.62m. GE have raised concerns about the inclusion of revenue from ground rent as the Government has announced that it will introduce legislation so that ground rents on newly established houses and flats is set at a peppercorn value. Should the ground rent be removed it would have an adverse effect on the financial viability of the scheme.

The main difference between AK and GE relates to the build costs of the proposed development. In this case AK have used Building Cost Information Service (BCIS) to assess the building costs for the scheme which provides a build cost of £1,430 per sqm based on supporting housing for three storeys and above in Cheshire. GE state that RICS Guidance Note 94 encourages a reasonable, transparent and fair approach and as there is an identified developer in place it is considered that a cost plan for the proposed development should be provided in the form of the actual development costs.

BCIS is a database which provides cost and price information for construction industry in the UK. In this case BCIS does not have a submarket for Alsager but the site is located between the submarkets of Crewe and Nantwich, Congleton and Stoke-on-Trent. GE have adjusted the construction costs to £1,329 per sq.m to reflect the local area (£1,329 per sq.m is the same as Crewe and Nantwich, Congleton and Stoke-on-Trent with Cheshire as a whole having a construction cost of £1,359 per sq.m). In this case GE considers that it is reasonable to allow for an increase in the build cost to allow for the surrounding landscape and car parking provisions (£1,329 per sq.m plus an additional 10% = £1,461 per sq.m which is slightly below the AK build cost of £1,468.50 per sq.m).

For Members information it should be noted that in the recent McCarthy and Stone appeal decision at Audlem Road, Audlem the Inspector concluded that appellants figures were reasonable and at a higher cost than considered for this site (£1,621 per sq.m).

In terms of contingency AK has applied a 5% contingency which is at the higher end and GE have advised that this should be adjusted to 2.5%.

There is agreement between the parties in terms of the professional fees (8% of construction costs) but the marketing fees are considered to be high (AK have allowed marketing and disposal costs at 5.5% compared to GE who have applied 3.5%). The additional costs and finance costs were considered to be reasonable whilst the developers return for risk and profit at 20% of the Gross Development Value is also considered to be acceptable.

Based on the above GE consider that the development is capable of generating a surplus of between £23,000 to £220,500 with the lower figure resulting from the ground rental income being removed. GE have concluded that *'Having adjusted the financial assumptions in line with our own views, and having regard to the likely position of Ground Rents going forward, we are of the view that the Scheme may be capable of generating a surplus of up to £23,000 towards Section 106 contributions whilst remaining financially viable'*.

### **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As discussed above there have been requests for a contribution of in lieu of 30% affordable housing provision, a biodiversity off-setting contribution £6,930 and an NHS contribution £27,936. It is clear that these sums cannot be provided following the completion of a viability report from the applicants which has been appraised by the Councils own viability consultant. It is for the decision maker to decide where the sum is spent. In this case the officer considers that the sum should be allocated towards the NHS as this development would have an impact which needs mitigating and this sum (whilst not the full amount requested) would go some way to mitigate that impact.

The development would result in increased demand for NHS provision in Alsager where there is limited spare capacity. In order to increase capacity of the medical centre which would support the proposed development, a contribution towards health care provision is required. This is considered to be necessary and fair and reasonable in relation to the development.

On this basis the S106, recommendation is compliant with the CIL Regulations 2010.

### CONCLUSION

The site is within the Open Countryside where under Policy PS8 there is a presumption against new residential development. In this case the site has planning permission for a residential development and as a result the principle of development is considered to be acceptable.

The development is considered to be located in a sustainable location. The proposal is of an acceptable design and would not have a significantly harmful impact upon residential amenity/noise/air quality and contaminated land.

Subject to conditions it is considered that the impact of the development upon trees, ecology and the wider landscape would be acceptable.

The development would not have a severe impact upon the local highways network and the parking provision on the proposed site would be acceptable. The proposed development would not affect the PROW network within the vicinity of the site.

The development would not impact upon the watercourses to the boundaries of the site and the development would be located within flood zone 1. The development is considered to be acceptable in terms of its flood risk/drainage implications.

In this case there have been requests for contributions towards affordable housing, health and biodiversity offsetting. In this case the developer has raised viability issues which have been independently assessed by the Councils own viability consultant. On this basis it is considered that the development could provide a contribution of £23,000 to mitigate the impact upon Alsager Medical Centre.

In this case it is acknowledged that due to the viability of the scheme it is not possible to mitigate the entire NHS impact, the affordable housing impact or the impact upon biodiversity. However the NPPF advises that development '*should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened*' and the benefits of this type of specialist



accommodation (both in terms of meeting a particular need and freeing up other housing stock in the Borough), are factors that outweigh the lack of offsite contributions, particularly as we have a robustly tested viability position.

### **RECOMMENDATIONS**

**APPROVE** subject to the completion of a S106 Agreement to secure the following:

**1. Healthcare of £23,000 for Alsager Primary Care Centre (sum to be paid prior to the commencement of development)**

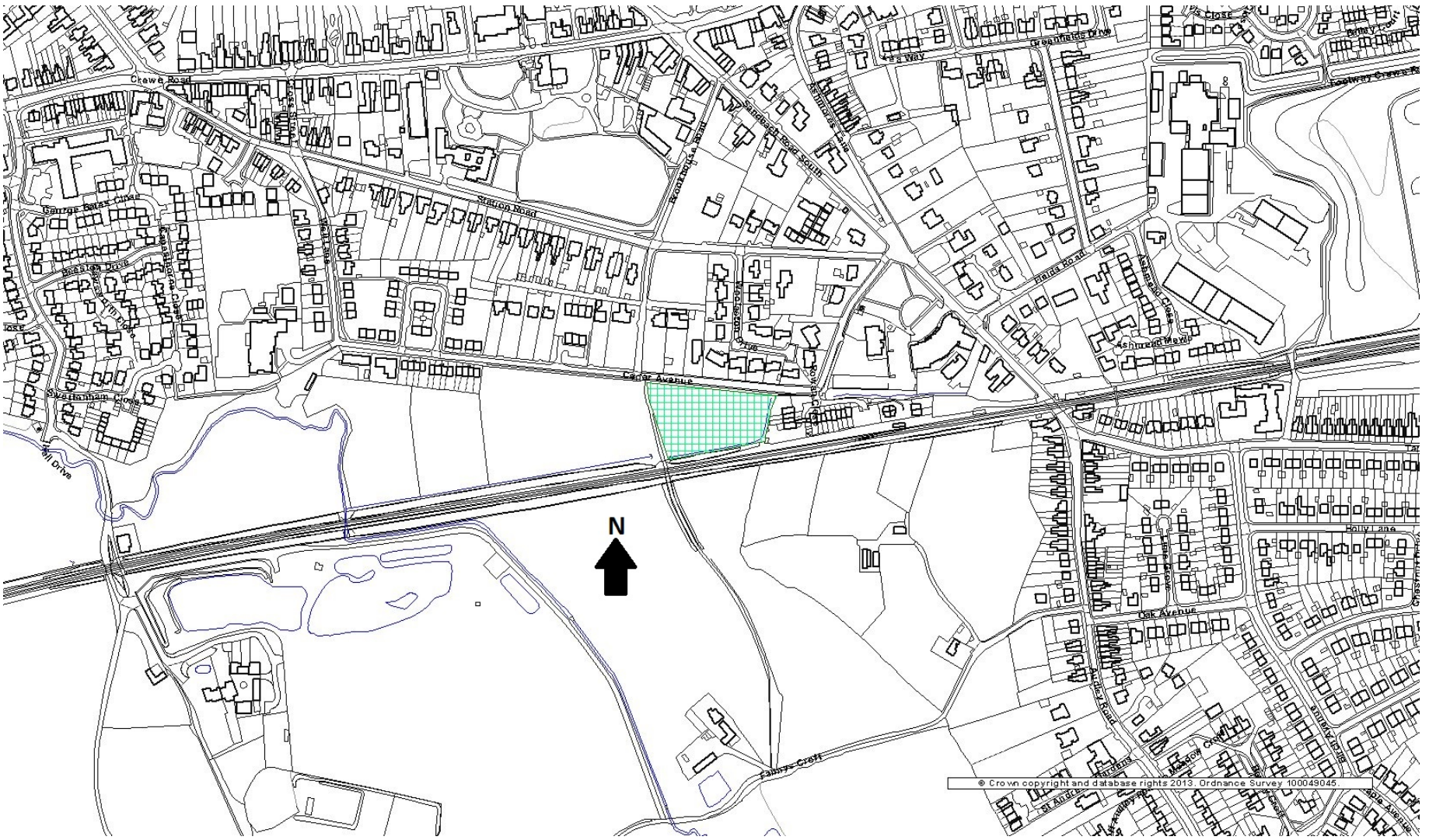
**And the following conditions:**

- 1. Standard Time**
- 2. Plans**
- 3. Tree Protection**
- 4. Tree Pruning/Felling Specification**
- 5. Service/Drainage Layout to be submitted**
- 6. Engineer no dig construction of pedestrian footpath to the south of the site**
- 7. Prior to the use of any facing or roofing materials details shall be submitted and approved**
- 8. Notwithstanding the approved plans boundary treatment details shall be submitted and approved**
- 9. Submission, approval and implementation of a Construction Management Plan**
- 10. Implementation of the noise mitigation measures**
- 11. Piling works**
- 12. Levels to be submitted and approved**
- 13. Provision of Electric Vehicle infrastructure**
- 14. Contaminated land – submission of a phase 2 report**
- 15. Contaminated land – submission of a verification report**
- 16. Contaminated land – works to stop if any unexpected contamination is discovered on site**
- Compliance with the submitted FRA**
- 17. Breeding birds – mitigation measures**
- 18. Breeding Birds – timing of works**
- 19. Submission of external lighting details**
- 20. Site to be drained on a separate system with only foul drainage connected into the public foul sewerage system.**
- 21. Submission of a scheme for the removal of Himalayan Balsam on the application site**
- 22. Notwithstanding approved plans details of the hard and soft landscaping and car parking layout to be submitted and approved**
- 23. Implementation of the landscaping scheme**
- 24. The car-parking layout approved as part of condition 22 shall be implemented prior to first occupation**

**In order to give proper effect to the Board`s/Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice**

**Should this application be the subject of an appeal, authority is approved to enter into a S106 Agreement to secure the following:**

**1. Healthcare of £23,000 for Alsager Primary Care Centre (sum to be paid prior to the commencement of development)**



Application No: 18/0356C

Location: CHERRY LANE FARM, CHERRY LANE, RODE HEATH, CHESHIRE, ST7 3QX

Proposal: Demolition of existing commercial buildings and construction of 14 no. residential dwellings with access, car parking and other associated works

Applicant: ., Cherry Lane Farm Limited

Expiry Date: 01-Jun-2018

## SUMMARY

The proposed development seeks the erection of 14 dwellings in the Green Belt on a brownfield site. Within such locations, both local and national planning policy state that planning permission shall be supported in principle where the proposal would involve the partial or complete redevelopment of previously developed sites provided they would not have a greater impact upon openness.

The application proposal seeks to utilise the volume of the existing buildings on site and group the proposed development predominantly where the existing built form currently lies. As the volume of the built form and the general spread and sprawl of development on the site is deemed not to have a greater impact upon openness than the existing and the proposals would therefore represent appropriate development within the Green Belt and the principle of development is accepted. There would also be little concern in relation to encroachment.

The proposal is deemed to be of a respectful design that would not create any significant concerns with regards to; amenity, landscape, trees, nature conservation, flooding and drainage, open space, education, affordable housing or subsidence, subject to conditions and financial contributions.

An objection has been raised by the Council's Head of Strategic Infrastructure as it is deemed that the site is too remote to accommodate the number of dwellings proposed from a locational sustainability perspective. In response, the site has been granted permission for 6 dwellings just over 3 years ago and this matter was not considered to be an issue. In addition, the government places great emphasis on the re-use of brownfield sites subject to the proposal not having a greater impact upon the openness of the Green Belt than the existing built form. This has been determined to be the case in this instance, adhering with the principle of the development. It has also been identified by the Council's Open Space Officer that there are Public Rights of Way's nearby which could be utilised to access the closest facilities. There is also another extant approval for dwellings nearby on Cherry Lane (17/2062C) and although fewer dwellings were approved on this other site, the Council once again still accepted this development for housing in this location.

For a combination of the above reasons, and because the site would provide financial contributions towards Open Space provision to upgrade and maintain the closest facility in Rode Heath, a primary and secondary school contribution to offset any education impact, and an affordable housing contribution which the Council can utilise, it is considered that on balance, the benefits of the scheme outweigh this dis-benefit highlighted by the HSI.

As such, the application is recommended for approval.

### **RECOMMENDATION**

**APPROVE subject to a S106 Agreement to secure financial contributions towards Open Space, Education and Affordable Housing (Figure TBC) and conditions.**

### **REASON FOR REFERRAL**

This application has been called in to Southern Planning Committee by Councillor Wardlaw for the following reasons;

- Highways; Traffic generation, safety issues, vehicular access
- Potential intrusion into open countryside and green belt
- Potential ground contamination due to septic tank drainage
- Nature Conservation
- Loss of important trees
- Scale and density of development

### **DESCRIPTION OF SITE AND CONTEXT**

This application relates to a site formerly occupied by an existing business which supplies hay and fertilizer. On the site are a number of former agricultural buildings. It has been confirmed in a previous appeal decision that the use of the site is B8, Storage and Distribution and is therefore considered to be Previously Development Land / Brownfield.

The site is located on the northern side of Cherry Lane in Church Lawton, which lies within the South Cheshire Green Belt as designated in the adopted Congleton Borough Local Plan First Review.

### **DETAILS OF PROPOSAL**

Full planning permission is sought for the erection of 14 dwellings.

### **RELEVANT HISTORY**

**16/5023D** - Discharge of conditions 3, 4, 5, 6, 7, 9 & 14 on approved application 13/4765C - Demolition of existing barn and construction of six new residential dwellings – Approved 15<sup>th</sup> December 2016

**13/4765C** - Demolition of existing barn and construction of six new residential dwellings – Approved 6<sup>th</sup> January 2014

**13/0535C** - Demolition of existing barn and construction of four new residential dwellings – Approved 7<sup>th</sup> May 2013

**10/2414C** - New Agricultural Dwelling – Refused 3<sup>rd</sup> September 2010

**06/1416/FUL** - Additional storage of one passenger carrying vehicle for non-commercial purposes on behalf of Sandbach rugby club – Approved 3<sup>rd</sup> April 2007

**24855/3** - Dutch Barn For The Storage Of Hay And Straw – Approved 1<sup>st</sup> December 1992

**23871/3** - Change of Use From Broiler Houses To Depot For Storage Of Hay, Straw And Fertiliser And Operating Base For Same – Refused 2<sup>nd</sup> January 1992

**8025/3** - Use of Poultry Sheds As Caravan Store – Approved 14<sup>th</sup> November 1978

**3042/3** - Siting of Residential Caravan – Refused 24<sup>th</sup> March 1976

**4070/3** - Use of Poultry Sheds As Caravan Store – Refused 16<sup>th</sup> November 1976

**2298/3** – Caravan – Refused 19<sup>th</sup> November 1975

**0872/3** - Overhead Electric Lines – Approved 3<sup>rd</sup> October 1974

### **ADOPTED PLANNING POLICIES**

The relevant aspects of the Cheshire East Council Development Plan subject to this application are; the Cheshire East Local Plan Strategy and the Congleton Borough Local Plan First Review 2005. The relevant policies within these include;

#### *Cheshire East Local Plan Strategy (CELPS)*

PG1 - Overall Development Strategy, Policy PG2 - Settlement Hierarchy, PG3 – Green Belt Land, PG6 – Open Countryside, PG7 – Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SE1 - Design, SE2 - Efficient Use of Land, SE3 - Biodiversity and Geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 – Green Infrastructure, SE9 - Energy Efficient Development, SE12 Pollution, Land Contamination and Land Instability, SE13 – Flood Risk Management, SC4 – Residential Mix, SC6 – Rural Exceptions Housing for Local Needs, IN1 - Infrastructure, IN2 - Developer Contributions, CO1 – Sustainable Travel and Transport and EG3 – Existing and Allocated Employment Sites

#### *Congleton Borough Local Plan First Review 2005;*

PS7 - Green Belt, PS8 – Open Countryside, GR6 - Amenity and Health, GR9 and GR10 - Accessibility, Servicing and Parking Provision, GR20 – Public Utilities, NR2 - Statutory Sites and NR3 - Habitats

SPG2 Provision of Private Open Space in New Residential Developments  
SPD14 Trees and Development

### **Other Material planning policy considerations**

*National Planning Policy Framework (NPPF)*

14 – Sustainable development, 17 – Core planning principles, 47-50 - Wide choice of quality homes / affordable housing, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 79-92 – Protecting Green Belt, 111 – Previously Developed Land

### **CONSULTATIONS (External to Planning)**

**Head of Strategic Infrastructure (HSI)** – Object to the proposal

**Environmental Protection (Cheshire East Council)** - No objections, subject to a number of conditions including; the prior submission/approval of a piling method statement, the prior submission/approval of a residents travel information pack, the provision of electric vehicle charging infrastructure, the prior submission/approval of a dust mitigation scheme, the prior submission/approval of details that all properties will include gas boilers that do not exceed certain nitrox oxide emissions, the prior submission/approval of a phase II contaminated land report, the submission of a contaminated land verification report, the prior submission/approval of a soil verification report and that works should stop if contamination is identified. In addition, informatives are proposed suggesting hours of construction and further information with regards to contaminated land

**Flood Risk Manager (Cheshire East Council)** – No objections, subject to a condition that the development shall proceed in accordance with the submitted drainage documentation

**Cheshire Brine Subsidence Board** – Suggest that the foundations of the buildings incorporate reinforced concrete raft, that soakaways are avoided and that flexibility be incorporated into the structure using movement joints

**Education** - No objections, subject to the provision of £65,224 to offset the impact of the development upon local school provision (£32,539 primary and £32,685 secondary)

**United Utilities** – No objections, subject to the following conditions; that the proposals proceed in accordance with the submitted drainage layout and the prior submission/approval of a sustainable drainage management and maintenance plan.

**Environment Agency** - No objections, subject to a condition that works should stop if contamination is identified. An informative is also proposed regarding contaminated land and refer to certain documents and a website

**NHS** - No comments received

**Strategic Housing Manager** – No objections, subject to the appropriate contribution towards off-site affordable housing being agreed

**ANSA Greenspace** - No objections, subject to the provision of £6,786.8 to carry out improvements to accessibility to the Heath Avenue play facility and provide an extra item of gym equipment within that site

**Church Lawton Parish Council** – Object to the proposal for the following reasons;

- Highway / Pedestrian safety – Inadequate parking provision, no pedestrian pavement/unsustainable location, increased traffic volume, visibility splays/loss of vegetation
- Flooding and Drainage – Lack of consideration

Concerns have also been raised with regards to the impact of the proposals upon a neighbouring business. However, it is not clear what these specific concerns are.

### REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. To date, letters of representation have been received from 10 neighbouring properties (09/04/2018). The main issues raised include;

- Principle - impact upon the Green Belt, proposal now outside of the footprint of the original barns (compared to the approved scheme)
- Design – high density of development, provision and inclusion of garage blocks, height of dwellings,
- Locational sustainability – distance of site from schools, doctors, shops – reliance of future occupiers upon the car, no nearby bus service
- Highway safety – narrow main road, existing infrastructure is not suitable, poor visibility, increased traffic/congestion, no pavements, intensity of traffic movements compared to existing/previous use
- Amenity – Proximity of proposed dwellings to existing cattery/kennels, light pollution
- Ecology – Impact upon habitats, bats, owls, rare woodpeckers, badgers, toads, foxes, butterflies and fish
- Flooding and drainage – septic tank/soakaway impact upon local brook which is an erosive watercourse
- Inaccuracies within the application

Other matters have been raised which are not material planning considerations such as the impact of the proposal upon the viability of a nearby business

### OFFICER APPRAISAL

#### Principle of development

Policy PG3 of the Cheshire East Local Plan Strategy (CELPS) seeks to control new development within the Green Belt and does not support the construction of new buildings within it, unless it is for one of the purposes set out in the policy.

These purposes include; buildings for agriculture or forestry, appropriate facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; extensions or alterations to buildings provided that it does not result in a disproportionate additions over and above the size of the original dwelling; replacement buildings provided that the replacement is within the same use and not materially larger; limited infilling in villages, and limited affordable housing; limited infilling or the partial or complete redevelopment of previously developed sites provided they would not have a greater impact upon openness; mineral extraction, engineering operations, local transport infrastructure, the re-use of buildings provided that are permanent and substantial and development brought forward under a Community Right to Build Order.

The only category within which the application may be realistically considered is *'the partial or complete redevelopment of previously developed sites provided they would not have a greater impact upon openness'*.

Within the submitted documentation, the following information has been provided;

- The site comprises of 0.72 hectares of previously developed land (brownfield)
- On site are 2 substantial commercial buildings and 2 smaller buildings that were formerly agricultural use
- The buildings have been used for B8 storage and distribution in connection with the supply of hay and fertilizers to external businesses.
- B8 is the lawful use of the site confirmed under – APP/R0660/A/11/2143151 (10/2414C)

For the above reasons, it is accepted that the site comprises of previously development land. As such, the principal acceptability of the proposal is whether the scheme *'...would not have greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'* (Policy PG3 of the CELPS).

This policy aligns with The Framework.

Within the submitted documentation, the following information has been provided;

	<b>Existing Buildings Total</b>	<b>Proposed Buildings Total</b>	<b>Reduction</b>
<b>Footprint m2</b>	1,587.29	1,399.47	-187.82
<b>Floor Area m2</b>	N/a	1,969.17	N/a
<b>Volume m3</b>	7,188.66	7,146.58	-42.08
<b>Ridge height range</b>	2.61-8.36	4.71-7.9	N/a
<b>Eaves height range</b>	2.56-5.89	5.13-8.83	N/a

Based on these figures, the proposed development provides and overall reduction in footprint, volume and height compared to the existing buildings.



Furthermore, the application advises that the layout provides a visual improvement to the appearance of the openness of the Green Belt, as the scale and massing of the existing building and in particular the two bigger existing buildings currently dominate the site as a large visual mass. The applicant advises that the proposal would have a lower scale, more permeable development which retains and enhances the green frontage of the site and retains the existing views through the open countryside.

In response;

Accepting the above figures, based on both the footprint and the volume of the proposals would be less than the existing development, on face value it may be considered that the development would not have a greater impact upon openness than the existing development. However, it is considered that openness is more than just figures.

The proposed layout proposes the erection of 14 dwellings in a cul-de-sac style layout with a central road extending south to north through the centre of the site. 7 of the 14 dwellings (Plots 1-7) would be constructed along the western boundary on the location of an existing, single-storey building. 3 of the 14 would be constructed on the footprint of an existing two-storey light-weight agricultural barn along the eastern boundary. Of the remaining 4 units, a pair of semi-detached units would be sited along the front of the site to act as an entrance feature and 2 detached units would be provided to the rear of the site, partially on the footprint of 2 smaller rural buildings. 2 sets of garage blocks are also proposed on the eastern boundary.

As such, the bulk of the built form proposed (at least 10 of the 14 sought) would be located on land where built form is currently present and 2 of the remaining 4 would be partially located on/close proximity of 2 smaller units to the rear. As such, only the pair of semi-detached units on the front and 2 garage blocks along the eastern boundary would introduce built form where there is only presently hard standing.

As such, the volume of the built form and the general spread and sprawl of development on the site is deemed not to have a greater impact upon openness than the existing and the proposals would therefore represent appropriate development within the Green Belt.

### Other Harm to Green Belt

The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The Framework advises at Paragraph 79 that their openness and their permanence are essential characteristics of Green Belts.

Due to the overall site being deemed as 'previously developed land' and the relatively contained spread and sprawl of the proposals, and due to the single-storey nature of the development to the rear, retaining a degree of openness, it is not considered that the development would lead to an unacceptable loss of openness or encroachment into the Green Belt.

### **Other Matters**

#### Design

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

The layout plan proposes the erection of 14 dwellings comprising of a mix of 6 detached units (Plots 1-3, 8-9 and 12) and 3 pairs of semi-detached units (Plots 4&5, 10&11 and 13&14).

This development would be constructed in a cul-de-sac arrangement. It is proposed the site be accessed from the central location at the south of the site onto Cherry Lane and a new access road would extend northwards, through the site to a cul-de-sac / turning head to the northern most point. The proposed dwellings would be arranged to predominantly front onto the road apart from the 3 properties on the site frontage that would either face the Cherry Lane frontage or be double-fronted to have a mock-frontage facing cherry lane.

Along this section of Cherry Lane, development either comprises of either farmsteads or rural business developments all generally arranged in groupings of built form in relatively informal arrangements.

The proposed layout has incorporated aspects of this informal feel with set-back aspects, court-yard style arrangements and areas left free from built form (north-east). As such, the layout is considered to be appropriate.

With regards to form, the scheme comprises of a mixture of detached and semi-detached units. There is little residential development within the immediate vicinity of the site. The predominant development form appears to be that of commercial shed-style structures which are either rectangular or 'L-shaped'. As such, no particular objection to the form is raised given the lack of prevailing character in the immediate vicinity.

In relation to scale, 7 house-types are proposed. For the benefit of clarity, these have been labelled classes A-F. These comprise of;

- Class A – Plots 1 and 12 – 4-bed, two-storey detached unit
- Class B – Plots 2 and 3 – 3-bed, two-storey detached unit with cat-slide roof
- Class C – Plots 4 and 5 – 3-bed, two-storey, semi-detached units
- Class D – Plots 6 & 7 and 10&11 – 4-bed, two-storey, semi-detached unit
- Class E – Plot 8 – 3-bed, single-storey, semi-detached unit
- Class F – Plot 9 – 4-bed, single-storey, semi-detached unit
- Class G – Plots 13 and 14 – 4-bed, two-storey, semi-detached unit

According to the submitted information, the house types range in height between 4.7 and 7.9 metres. None of these heights exceed the overall height of development currently on site. Furthermore, this mix of heights is more reflective of the mix of heights on site and adds a degree of interest and informality.

With regards to appearance, it is noted that a simple vernacular has been proposed which is welcomed in this rural location, as is the mix in house types and scale and the courtyard style arrangement to the rear. Subject to the materials being condition for prior approval to ensure the use of traditional materials characteristic of the area, the appearances of the proposals are deemed to be acceptable.

Given that the existing volume on site has been fully utilised, in the event of approval, any further development on the site should be controlled by the LPA to ensure that it does not have an impact upon both the Green Belt and the design of the scheme. As such, it is recommended that Permitted Development Rights be removed.

Subject to this and a materials condition, it is considered that the proposal would respect the local rural character and adhere to Policy SE1 of the CELPS, the Cheshire East Design Guide SPD and the NPPF.

### Access / Highway safety

The site is accessed from Cherry Lane which is a narrow rural lane without footways, the nearest settlement being Rode Heath that has local facilities and also the nearest school Rode Heath primary.

The primary highway concern raised by the Council's Head of Strategic Infrastructure (HSI) is the accessibility of the site and the need to provide safe and suitable access for all users.

The HSI advises that there are no pedestrian footway's to the site along Cherry Lane that connects with Knutsford Road and as such, all pedestrian movements to the site would be on the carriageway which is a narrow rural lane that has no street lighting. In addition, the HSI advises that accessibility to local facilities and public transport services well exceeds the recommended walking distances and is considered poor.

The HSI advises that it is recognised that this site has an extant consent for residential development, although this was limited to 6 units and this is now an application for 14 units which is a sizeable increase and which are all family sized dwellings. The HSI advises that developments of this size should have facilities to allow safe pedestrian access and not be solely a car borne development.

As a result of the above reasons, the HSI objects to the proposed development as it does not promote sustainable development and does not provide a safe and suitable access for pedestrians.

As such, the application is deemed to be contrary to Policies GR9 and GR10 of the CBLP and Policy CO1 of the CELPS.

### Amenity

Policy GR6 (Amenity and Health) of the CBLP, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest neighbouring residential properties to the application site would be over 60 metres from the application site. Given this large distance, it is not considered that the proposal would create any neighbouring issues with regards to; privacy, light or noise.

Having regard to the future occupiers of the proposals themselves, the residential amenity space minimum standard stated within SPGN2 is 65 square metres. The space provided for the proposed new dwellings would adhere to this standard.

In relation to separation distances, the spaces between the proposed dwellings all adhere or acceptably closely adhere to the recommended minimum standards.

The Council's Environmental Health team have advised that they have no objections to the proposed development subject to a conditions including; the prior submission/approval of a piling method statement, the prior submission/approval of a residents travel information pack, the provision of electric vehicle charging infrastructure, the prior submission/approval of a dust mitigation scheme, the prior submission/approval of details that all properties will include gas boilers that do not exceed certain nitrox oxide emissions, the prior submission/approval of a phase II contaminated land report, the submission of a contaminated land verification report, the prior submission/approval of a soil verification report and that works should stop if contamination is identified. In addition, informatives are proposed suggesting hours of construction and further information with regards to contaminated land

Subject to this condition and informatives, it is considered that the development would adhere to Policy GR6 of the CBLP.

### Landscape

The application site is located to the south of Rode heath. To the immediate north of the site is an area of woodland and further to the north the Trent and Mersey Canal, which is also a conservation area; Footpath 25 Church Lawton is located approximately 90 metres to the west and follows a route from Cherry Lane towards the Trent and Mersey Canal to the north.

The Council's Landscape Officer originally had concerns that the proposal would have a detrimental impact upon the wider landscape. However, following the offer of the applicant to retain vegetation outside of the site, but within the ownership of the applicant, in particular G6 to the north and G3 to the east, this is sufficient to address the Officer's concerns. As such, the application is deemed to adhere with Policy SE4 of the CELPS.

### Trees

There are trees present on and adjacent to the site. The application is supported by an Arboricultural Impact assessment (AIA) and an Arboricultural Method Statement (AMS). The AIA indicates that two individual trees (grade U), two tree groups (1 U grade, 1 B) and a hedge (grade C) would have to be removed to accommodate the development.

Whilst losses would occur, the development would retain the majority of the tree cover around the periphery of the site.

Although not identified in the AIA, there may be some minor encroachment into potential tree rooting areas by hard surfacing and garages in relation to trees to the east of the site. Following

discussion with the arboricultural consultant, the Council's Forestry Officer is advised this was not judged to be a significant issue.

The Council's Forestry Officer has advised that subject to conditions including; the prior submission/approval of an auditable program of arboricultural supervision linked to key work stages of the development and that no development or other operations shall take place other than in accordance with the tree protection measures and methodology in the Arboricultural Method Statement, no tree issues are raised and the proposal would adhere with Policy SE5 of the CELPS.

### Nature Conservation

The application is supported by an Ecological Survey. This has been reviewed by the Council's Nature Conservation Officer, who raises no objections, subject to the inclusion of a nesting bird's condition, the submission of an updated owl survey within 2 months of commencement of development, the prior submission/approval of a strategy to incorporate features to enhance the biodiversity value of the proposed development. An informative regarding Himalayan Balsam is also proposed.

Subject to the above conditions, it is considered that the proposal adheres with Policy SE3 of the CELPS and Policy NR2 of the CBLP.

### Flooding and Drainage

The application site does not fall within a Flood Risk Zone 2 or 3 and is not of a scale that triggers the requirement of a Flood Risk Assessment (FRA) to accompany the application.

The Council's Flood Risk Manager has reviewed the submission and advised that he has no objections, subject to a condition that the development shall proceed in accordance with the submitted drainage documentation.

United Utilities have reviewed the submission and raise no objections, subject to the following conditions; that the proposals proceed in accordance with the submitted drainage layout and the prior submission/approval of a sustainable drainage management and maintenance plan.

Subject to the above recommended conditions, the application is considered to adhere with Policy GR20 of the CBLP and Policy SE13 of the CELPS.

### Open Space

This application would require 840sqm of Public Open Space (POS) on site. However, due to the relative small scale of the site, none is being provided.

The Council's Open Space Officer has advised that the site at Heath Avenue play area within the village of Rode Heath can accommodate the increased capacity arising from the development.

The Council's Open Space Officer has advised that this development sits on a country lane without a footpath at present however there is a public right of way FP25 off road connection

with the main village 100m away from development and FP53 a little further that takes you along the canal to the village. The Officer advises that the main A533 running through the centre of the village is straight and not overly busy so do not consider this a major barrier to access Heath Avenue play facility.

Although the CELPS is adopted, the legacy local plans still have some relevance. The former Congleton Borough Council Supplementary Planning Guidance (SPG1) states –

### ***Developments of 7-19 Family Dwellings***

*The Borough Council recognises that in smaller developments it will not always be practical or desirable to provide public open space within the development site. Where less than 20 dwellings are proposed, the Borough Council will therefore normally expect a financial contribution in lieu of the actual provision of Public Open Space on site.*

The Council's Open Space Officer has advised that to increase the capacity at Heath Avenue play facility, the Council will require the follow contributions:

- £6,786.80 to carry out improvements to accessibility and provide an extra item of gym equipment within the site
- £19,587.25 towards the maintenance those improvements over 25 years in line with the SPG1.

Subject to the receipt of the above contribution, the proposal is not deemed to create any open space concerns. The applicant has agreed to this contribution.

### Affordable Housing

The proposed development triggers the requirement to provide 30% affordable housing in line with local planning policy. In this case, the requirement is a scheme in the countryside over 11 dwellings.

14 dwellings are proposed therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 4 dwellings to be provided as affordable dwellings.

The development is in between Alsager and Rode Heath. This development will, if given planning permission, service both Alsager and Alsager Rural Sub Areas. In the SHMA 2013 and as such, both figures are combined.

The SHMA shows a net requirement for 79 affordable units per annum for the period 2013/14 2017/18 in the Sub Areas of Alsager and Alsager Rural combined. Broken down this is a requirement for 8x 1bedroom, 38x 2 bedroom, 23x 3 bedroom and 8x 4 + bedroom general needs units.

The SHMA also shows a need for 19x 1 bedroom Older Persons dwellings. These can be via Bungalows, Flats, Cottage Style Flats or Lifetime Standard dwellings.

The SHMA shows an over supply of 2 bedroom Older Person's dwellings (-7).

The current number of those on the Cheshire Homechoice waiting list with Church Lawton and Rode Heath as their first choice is 21. This can be broken down to 6x 1 bedroom, 9x 2 bedroom, 3x 3 bedroom and 3x 4 bedroom dwellings.

The Council's Strategic Housing Manager has advised that based on the above, 2 units should be provided as Affordable rent and 2 units as Intermediate tenure.

As a rule, the Council would prefer to see this affordable housing provided on-site. However, there may be physical or other circumstances where an on-site provision would not be practical or desirable. This case has been put forward by the applicant based on the fact that no Registered Provider could be identified who would be willing to consider taking on any of the dwellings subject to this application. The Council's Strategic Housing Manager has accepted this fact.

The applicant is calculating the required financial contribution based on the Cheshire East Council formula and this will then be reviewed by the Council's Strategic Highways Manager before a figure is agreed. The specific figure will be provided to committee members as part of a written update prior to the planning committee.

As such, subject to a financial contribution to allow for offsite affordable housing provision in line to Cheshire East Council policy, no objections are raised.

### Education

The CELPS is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

The Council's Education Officer has advised that this development of 14 dwellings is expected to generate:

3 primary children (14 x 0.19)

2 secondary children (14 x 0.15)

0 Special Educational Needs (SEN) children (14 x 0.51 x 0.023%)

The Council's Education Officer has advised that the development is expected to impact on both primary school and secondary places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of school places still remains.

The Service (Education) has recently begun the process of strategically creating additional primary and secondary school capacity in the Alsager area due to a basic need of primary places demographically and from additional approved housing and allocated strategic sites in the locality as identified in the CELPS. At present, The Service is in the process of expanding Cranberry Primary Academy by 105 primary school places, however, the area will need a further school expansion of 105 primary school places throughout the entirety of the CELPS.

The Service is currently in the process of expanding Alsager Secondary school by an additional 150 secondary school places.

On this basis, Education require a full primary and secondary school claim and the requests will support the projects identified above.

The proposal is not expected to impact on SEN Education provision.

To alleviate forecast pressures, the following contributions would be required:

$3 \times £11,919 \times 0.91 = £32,539.00$  (primary)  
 $2 \times £17,959 \times 0.91 = £32,685.00$  (secondary)  
 $0 \times £50,000 \times 0.91 = £0$  (SEN)

Total education contribution: £65,224

Subject to the receipt of the above financial contribution, the proposal would not have a detrimental impact upon local education provision as a direct cause from the development. The applicant has agreed to this contribution.

### Cheshire Brine Board

The Cheshire Brine Board have reviewed the application and are of the opinion that the site is within an area that has previously been affected by brine subsidence and future residual movements cannot be completely discounted.

As such, the Board Suggest that the foundations of the buildings incorporate reinforced concrete raft, that soakaways are avoided and that flexibility be incorporated into the structure using movement joints.

Following receipt of these comments, the applicant has liaised directly with the Brine Board. As a result of these discussions, it is on record that the applicant intends to use raft foundations as suggested and the Board welcome this provision which will be finalised at Building Regulations stage.

With regards to soakaways (which the applicant intends to use), although the use of these has been discouraged, the Brine Board have clarified that this is only an advisory and not a strict requirement and have stated that there is no other option, they would not object to this.

As such no objections are raised from the Cheshire Brine Board to the proposals.

### CIL Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

(a) necessary to make the development acceptable in planning terms;



- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The requirement for the provision of a financial contribution to upgrade and maintain the closest Public Open Space is necessary, fair and reasonable, as the proposed development will provide up to 14 dwellings and the contribution would account for the likely increased capacity requirements of this closest facility.

The education contribution is necessary having regard to the oversubscription of both local primary and secondary schools and the demand that this proposal would add.

As the affordable housing contribution is deemed necessary to account for the need for affordable housing in the area and because no Registered Provider could be identified who would be willing to consider taking on any of the dwellings subject to this application.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

### **CONCLUSION / PLANNING BALANCE**

The proposed development seeks the erection of 14 dwellings in the Green Belt on a brownfield site. Within such locations, both local and national planning policy state that planning permission shall be supported in principle where the proposal would involve the partial or complete redevelopment of previously developed sites provided they would not have a greater impact upon openness.

The application proposal seeks to utilise the volume of the existing buildings on site and group the proposed development predominantly where the existing built form currently lies. As the volume of the built form and the general spread and sprawl of development on the site is deemed not to have a greater impact upon openness than the existing and the proposals would therefore represent appropriate development within the Green Belt and the principle of development is accepted. There would also be little concern in relation to encroachment.

The proposal is deemed to be of a respectful design that would not create any significant concerns with regards to; amenity, landscape, trees, nature conservation, flooding and drainage, open space, education, affordable housing or subsidence, subject to conditions and financial contributions.

An objection has been raised by the Council's Head of Strategic Infrastructure as it is deemed that the site is too remote to accommodate the number of dwellings proposed from a locational sustainability perspective. In response, the site has been granted permission for 6 dwellings just over 3 years ago and this matter was not considered to be an issue. In addition, the government places great emphasis on the re-use of brownfield sites subject to the proposal not having a greater impact upon the openness of the Green Belt than the existing built form. This has been determined to be the case in this instance, adhering with the principle of the development. It has also been identified by the Council's Open Space Officer that there are Public Rights of Way's nearby which could be utilised to access the closest facilities. There is also another extant approval for dwellings nearby on Cherry Lane (17/2062C) and although fewer dwellings were

approved on this other site, the Council once again still accepted this development for housing in this location.

Additionally locational matters are but one element of an assessment of sustainability and environmental, social and economic when these 3 arms have to be looked at in conjunction with one another

For a combination of the above reasons, and because the site would provide financial contributions towards Open Space provision to upgrade and maintain the closest facility in Rode Heath, a primary and secondary school contribution to offset any education impact, and an affordable housing contribution which the Council can utilise, it is considered that on balance, the benefits of the scheme outweigh this dis-benefit highlighted by the HSI.

As such, the application is recommended for approval.

### **RECOMMENDATIONS**

**APPROVE subject to a S106 Agreement to secure**

- 1. A financial contribution of £6,786.80 to carry out improvements to accessibility and provide an extra item of gym equipment at the Heath Avenue Play facility**
- 2. A financial contribution of £19,587.25 towards the maintenance those play facility improvements over 25 years**
- 3. A financial contribution of £65,224 towards both primary (£32,539) and secondary school (£32,685) provision at the closest schools in the Alsager area in need of expansion**
- 4. A financial contribution of TBC towards providing off-site affordable housing provision**

**And the following conditions;**

- 1. Time (3 years)**
- 2. Plans**
- 3. Prior submission/approval of materials**
- 4. Removal of PD Rights – Classes A-E Part 1 and Class A Part 2**
- 5. Prior submission/approval of a piling method statement**
- 6. Prior submission/approval of a residents travel information pack**
- 7. Provision of electric vehicle charging infrastructure**
- 8. Prior submission/approval of a dust mitigation scheme**
- 9. Prior submission/approval of details that all properties will include gas boilers that do not exceed certain nitrox oxide emission standards**
- 10. Prior submission/approval of a phase II contaminated land report**
- 11. Submission of a contaminated land verification report**
- 12. Prior submission/approval of a soil verification report**
- 13. Works should stop if contamination is identified**
- 14. Vegetation identified as G6 and G3 on plan CLF/AIS/01 shall be retained in perpetuity**
- 15. Prior submission/approval of a landscaping scheme**
- 16. Landscape – Implementation**

17. Prior submission/approval of boundary treatment plans
18. Prior submission/approval of an auditable program of arboricultural supervision linked to key work stages of the development
19. No development or other operations shall take place other than in accordance with the tree protection measures and methodology in the Arboricultural Method Statement (other than those required by condition 14)
20. Prior submission/approval of existing, proposed and slab levels
21. Prior submission/approval of a nesting bird's survey (if necessary)
22. Prior submission/approval of an updated owl survey within 2 months of commencement of development
23. Prior submission/approval of a strategy to incorporate features to enhance the biodiversity value of the development
24. Implementation of submitted drainage details
25. Prior submission/approval of a sustainable drainage management and maintenance plan

In order to give proper effect to the Southern Planning Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.



Application No: 17/2061M

Location: ROSEGARTH, 51, ADLINGTON ROAD, WILMSLOW, CHESHIRE, SK9 2BJ

Proposal: Demolition of existing buildings and erection of 7 new dwellings.

Applicant: Mr & Mrs Wilman

Expiry Date: 13-Jun-2017

### **SUMMARY**

The principle of the development can be accepted subject to there being no significant adverse impacts arising from it.

It would make a small contribution to the stock of housing and its construction and occupation would result in social and economic benefits.

The proposal ensures an appropriate level of development which is located within a sustainable urban location. The proposal would also not significantly or detrimentally impact the amenities of neighbouring occupiers.

However the loss of the protected Oak tree which is required in order to provide a safe access to the site would be unacceptable and contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan. Significant weight is attached to this loss and would override any benefits of the proposal.

With this in mind the application is recommended for refusal.

**RECOMMENDATION: Refuse**

### **REASON FOR REPORT**

The application is presented to Southern Planning Committee due to a potential issue of pre-determination with the previous resolution and as such a fresh consideration of the application is required.

### **DESCRIPTION OF SITE AND CONTEXT**

The site is in an area of 0.428ha which lies on the north side of Adlington Road (A5102) to the west of Wilmslow Town Centre, in unallocated land in policy terms. It is currently occupied by

a single large detached dwellinghouse, Rosegarth, and its residential curtilage. There is mature landscaping to the boundaries and trees subject to a blanket TPO across the whole site.

### DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the existing dwelling and outbuilding and the erection of 7no. new dwellings.

### RELEVANT HISTORY

16/5382M Demolition of the existing property and the erection of 9 new residential dwellings.

Withdrawn 22 December 2016

11/0419M New Garden Store/Plant Room and Amendments to Design of Entrance Gate Walls

Approved with conditions 15 June 2011

10/4938M Non-Material Amendment - Change in the design of the rear bay window to from curved to rectangular

Approved, 13 January 2011

10/4717M Application for a Non-Material Amendment – 08/2190P

29 December 2010

10/3767M Non-Material Amendment to Applications 10/0324M – Amendment to existing consent 08/2190P – Additional dormer window to south elevation

Approved 01 November 2010

10/3105M Non-Material Amendment Ref: 10/0324M – New conservatory – change in external appearance

Approved 07 September 2010

08/0750P Two storey side extension and erection of front wall and gates, Approved with conditions, 21 May 2008

08/2190P Two storey side & single storey rear extensions, front porch & balcony, Approved with conditions, 19 January 2009

### POLICIES

#### **Cheshire East Local Plan Strategy – adopted 27<sup>th</sup> July 2017**

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

SE1 Design  
SE2 Efficient Use of Land  
SE3 Biodiversity and Geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE8 Renewable and Low Carbon Energy  
SE12 Pollution, Land Contamination and Land Instability

### Appendix C – Parking Standards

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

### **Saved Macclesfield Borough Local Plan Policies**

NE11 (Nature conservation interests)  
DC3 (Amenities of residential property)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Tree protection)  
DC35 (Materials and Finishes)  
DC36 (Road layouts and circulation)  
DC37 (Landscaping in housing developments)  
DC38 (Space, light and Privacy)  
DC41 (Infilling housing or redevelopment)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)  
Wilmslow Neighbourhood Plan

The Wilmslow Neighbourhood Plan has not reached Regulation 14 (the pre-submission consultation) stage to date. An emerging policies report went out to consultation in July – September 2017.

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are Chapters 1, 4, 5, 6, 7, and 10.

### **CONSULTATIONS (External to Planning)**

**Highways:** no objections, subject to conditions

**Environmental Health:** no objections subject to conditions

**United Utilities:** no objections

## **VIEWS OF THE PARISH / TOWN COUNCIL**

### **Wilmslow Town Council:**

*“Recommend refusal on the grounds of this being overdevelopment of the site and out-of-character with the area and streetscene. The Planning Committee also expressed concerns regarding traffic movements to and from the site on this dangerous corner...”*

## **OTHER REPRESENTATIONS**

Representations from 11no. different properties and Jones Homes have been received. A summary of the relevant points can be viewed below:

- Out of character with the road – overdevelopment.
- Highway safety issues due to location on a bend. Also increase in traffic.
- Design of houses not in keeping with the area
- Additional pressure on schools, medical and other local services from the development.
- Too dense.
- Impact on the residential amenity of the surrounding properties.
- Not a sustainable location

## **OFFICER APPRAISAL**

### **Key Issues**

- Impact on the character of the area,
- Impact on trees,
- Impact on the amenity of neighbouring properties,
- Highway safety implications

### **Principle of Development**

The Cheshire East Local Plan has now been adopted and so forms the Development Plan for the Borough. In the new Local Plan the site has been removed from the safeguarded land and Green Belt allocations and so the proposed use would be suitable in principle.

The principle of the development can therefore be accepted subject to there being no significant adverse impacts arising from it.

### **Design and Impact on Character of the Area**

The comments from the previous application and pre-application have been taken on board by the applicant.

As viewed within the streetscene it is considered that the pre-existing area is characterised by individual dwellings of varying sizes set amongst mature plots where it is evident that there is



no prevailing architectural style. This will be diluted somehow by the recently approved development currently under construction adjacent to the site. While this development is fairly dense it was agreed that the houses that were to front onto Adlington Road would be less dense and individually designed in order to complement the pre-existing character along Adlington Road.

The development would consist of a small cul-de-sac accessed from Adlington Road. The proposed properties facing onto Adlington Road contain a dual aspect so that a frontage is also provided onto Adlington Road.

The street scene provided shows the large amount of space between the two dwellings facing onto Adlington Road with the mature retained trees further reducing the prominence of the houses. These properties are individually designed and help to complement the character of the surrounding area.

Whilst there would be dwellings visible from Adlington Road to the rear of the site within the proposed cul-de-sac they would be significantly set back and would not be prominent. When considering this alongside the adjacent development under construction the density of this rear section would be similar to the density of the whole of the adjacent site. Whilst it is noted that the density of the dwellings fronting onto Adlington Road are less in the adjacent development it would be impossible to disguise the fact that there is a dense development to the rear of these dwellings and it is considered that the proposed development would not detract from the character of the area.

The proposed building line facing onto Adlington Road is in line with the approved development and the overall design is in keeping with the design of the new development under construction.

Overall, the proposal is considered to comply with policies SE1 and SD2 of the CELPS and the requirements of chapter 7 of the NPPF.

### **Amenity**

Local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearly residential properties through a loss of light, overbearing effect or loss of sunlight/daylight. In respect to the spacing standards, these are set out in the guidance contained within policy DC38 and the Cheshire East Design Guide.

The objections have been carefully considered. Although a lot of the adjacent properties have yet to be built the impact on them must be fully considered. To the west, plots 1 and 2 have been designed so that the amount of habitable windows facing onto plot 188 is minimised. Between the rear elevation of plot 2 and the side elevation of plot 188 on the adjacent land there is a distance of approx. 22m. When considering the surrounding development this distance is considered to be acceptable.

Plot 3 would be offset from the rear elevation of plot 182 on the adjoining site. The distance between the two properties would be approx. 19m, which is considered to be sufficient with the off-set relationship of the two properties.

There is a distance of approximately 23m between the rear elevations of plots 4 and 5 with the rear elevation of plot 181 on the adjacent site. When considering that the rear elevation of plot 181 is not parallel to the rear elevations of plots 4 and 5 this distance is considered to be acceptable.

The distance between the rear elevations of plots 6 and 7 to the side elevation of plot 189 on the adjacent site is approximately 27m which is sufficient.

It has been noted that due to the proposed buildings consisting of two and a half storeys a higher distance should be maintained between dwellings. While there is a further storey within the loft space the properties have been designed so that none of the windows to the loft storeys overlook adjacent properties.

In addition to the above, the site has existing mature trees and vegetation which would help retain privacy between the proposed dwelling and neighbouring properties and help filter visibility of the development as viewed from these occupiers.

The proposal is therefore considered to meet the stipulations of policies DC3, DC38, DC41 of the MBLP, and the Cheshire East Design Guide.

### **Highways**

The original application included the proposed visibility splay to the east of the site obstructed by a protected mature Oak tree. Objections were raised to the impact of this on the safety of the new access from the Council's Strategic Infrastructure Manager. It is noted that the access is an existing access serving the existing dwellinghouse. However the intensification of this access caused by the increase from 1no. to 7no. dwelling raises concerns in terms of the safety of the access.

Following discussions amended plans were received at the beginning of this year with the removal of the protected Oak with mitigation planting further into the site, away from the visibility splay. Subject to the condition that all vegetation within the visibility splay in this direction is removed and this is maintained the objection from the Council's Strategic Infrastructure Manager is overcome.

### **Arboriculture and Forestry**

For the proposed access and visibility splay to be considered acceptable by the Council's Strategic Infrastructure Manager the proposal would require the loss of a protected Oak tree, which the applicant has graded as a Low (C) category tree. The Council's Forestry Officer disputes this categorisation. The loss of the tree would be in direct conflict with policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan.

A landscape layout (Barnes Walker Drawing M2708.02i) and Tree Removal and Mitigation Strategy has been submitted in support of the proposal. The mitigation proposed for the loss of the TPO Oak comprises of 6 No advanced Nursery Stock size Oak (*Quercus robur*) and 3 No Broadleaved Cockspur Thorn (*Crataegus prunifolia*). The proposed trees at advanced Nursery Stock will be 25-30cm girth (5-6 metres in height). The applicant states that the trees will provide an overall enhancement in landscape terms and whilst the proposed trees are of

advanced Nursery Stock size, the trees would take some considerable time to reach the size and age of the protected Oak tree and therefore any overall enhancement would not be met in the short to medium term

For the reasons stated, The Council's Forestry Officer is unable to support the application as proposed.

### **Nature Conservation**

No objections are raised regarding the impact of the proposed development on the nature conservation of the site.

### **Housing Land Supply**

For the purpose of determining current planning applications it is the Council's position that there is a five year supply of deliverable housing land.

### **Economic Sustainability**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing to a small extent as well as to some extent bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses. However, it is only for seven dwellings and therefore the impact is limited.

### **CONCLUSION**

The principle of the development can be accepted subject to there being no significant adverse impacts arising from it. It would make a small contribution to the stock of housing and its construction and occupation would result in social and economic benefits.

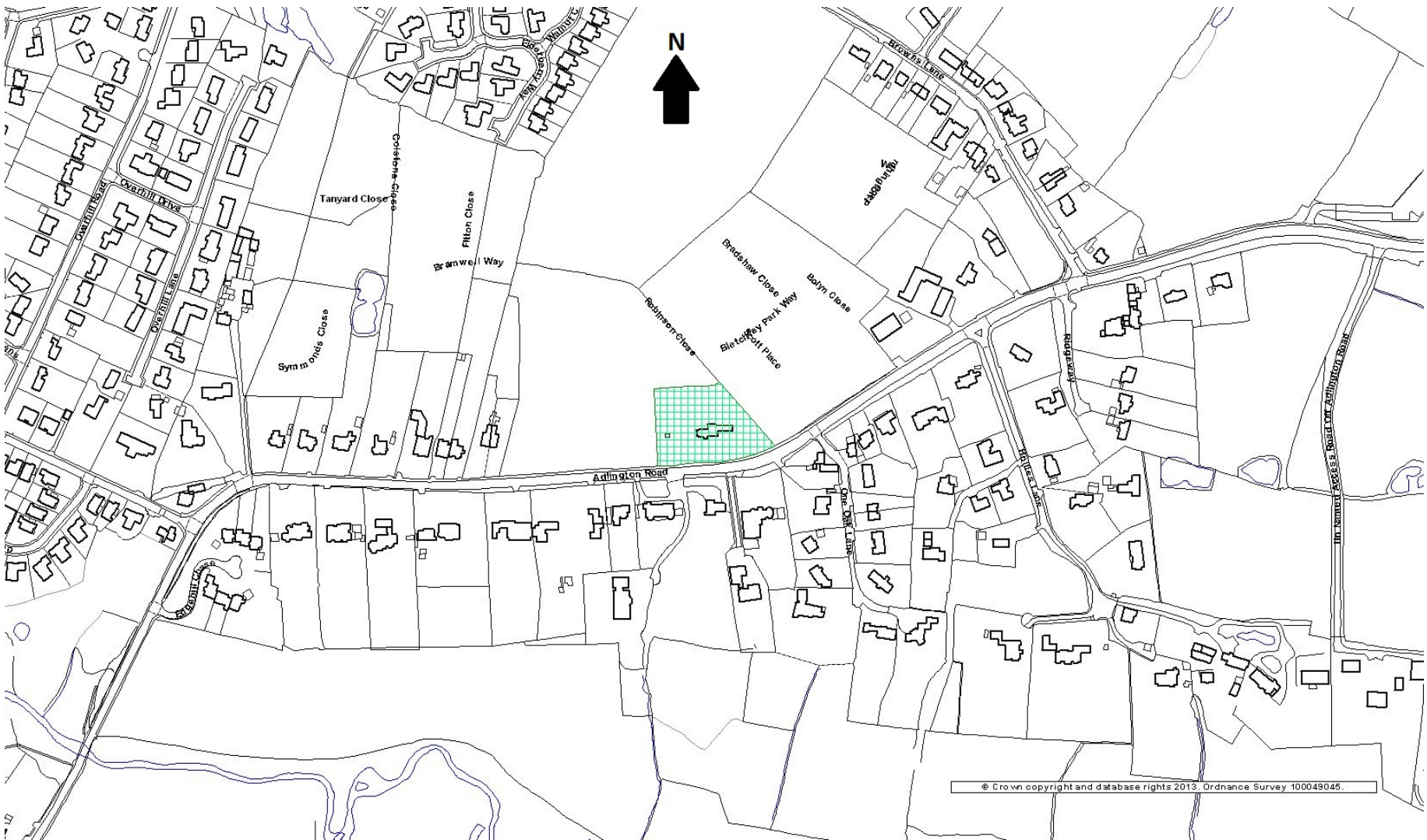
The proposal ensures an appropriate level of development which is located within a sustainable urban location. The proposal would also not significantly or detrimentally impact the amenities of neighbouring occupiers.

However the loss of the protected Oak tree which is required in order to provide a safe access to the site would be unacceptable and contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan. Significant weight is attached to this loss and would override any benefits of the proposal.

**With this in mind the application is recommended for refusal for the following reason:**

- 1. The proposed access would result in the direct loss of an existing tree which is the subject of the Macclesfield Borough Council (Wilmslow Park No. 2 Wilmslow) Tree Preservation Order 1974. The loss of this tree is considered unacceptable because of the impact upon the general amenity and character of the area in which the application site is located and would be contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan.**

*In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice*



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