

STRATEGIC PLANNING BOARD – 4th December 2013

UPDATE TO AGENDA

APPLICATION No.

13/4462N – Re submission of 13/3058N for residential development of 40 houses (Outline)

LOCATION

Land to Rear of, 11, Eastern Road, Willaston, CW5 7HT

UPDATE PREPARED

2nd December 2013

APPLICANT'S SUPPORTING INFORMATION

Since completion of the Committee Report, a number of additional consultation responses have been received.

OTHER REPRESENTATIONS:

30 neighbouring letters of objection have now been received. The main areas of objection relate to;

- Site lies within the Green Gap
- Highway safety – Traffic volume, parking, pedestrian safety, knock-on impact at level crossing, width of road
- Local schools already oversubscribed
- Pressure of local doctors & hospital
- Drainage
- Flooding
- Loss of wildlife / habitat
- Design – Amount of development
- Amenity – Noise, privacy, air pollution
- Local services not within safe walking distance - Secondary schools & medical centre
- Lack of infrastructure e.g. footpaths
- Inaccuracies within submitted plans
- Habitat survey too old

VIEWS OF THE PARISH COUNCIL:

Willaston Parish Council - Object to the proposal on the following grounds:

- Site lies within the Green Gap – Contrary to the Local Plan policies
- Not a sustainable site

- Contrary to Willaston SPD
- Highway safety – Traffic, parking, safety, width
- Local Primary school oversubscribed
- Drainage
- Flooding
- Secondary schools not within safe walking distance
- Closest medical centre not within safe walking distance
- Lack of local infrastructure
- Noise and vibration concerns

OFFICER REPORT

Open Space

The indicative layout plan shows that a degree of Public Open Space (POS) is proposed within the development itself.

This plan shows that this land would be positioned to the north of the site and forms the boundary with the railway line. It would be triangular in shape.

Policy RT3 of the Local Plan requires new housing development with more than 20 dwellings to provide a minimum of 15 square metres of shared recreational open space per dwelling. Furthermore, it is advised that, where the development includes family dwellings, an additional 20 square metres of shared children's play space per family dwelling will be required.

It is advised within paragraph 4.43 of the submitted Planning Statement that the indicative layout plan shows approximately 1,600 square metres of shared recreational space/play space. It is advised that *'It is therefore contended that the proposed development complies with the requirements of this policy.'*

The Council's Greenspaces team have advised that *'The existing play area (Parish owned) is 240 metres from the site, and is in a good condition. However, I am aware that local youngsters have approached the Parish Council requesting a skate park on the site of the existing play area, and the PC are happy for this to happen. If we can get the developer to pay for such a facility....it would deliver what local youngsters want.'*

Although the applicant sought to include all of the required space on site (POS land and Children's play space), the Council's Greenspaces team would prefer a contribution to the nearby skate park or other children's play facility on the Parish Council owned open space on Wybunbury Road, Willaston.

As such, it is agreed that the applicant will provide the relevant POS on site, which would equate to 40 units x 15 square metres = 600 square metres and provide a contribution towards a children's play space off-site.

As such, subject to the management of the proposed POS being secured via a Section 106 Agreement and the provision of a commuted sum towards offsite

children's play space, it is considered that the proposal would adhere with Policy RT3 of the Local Plan.

Infrastructure

Concern has been raised about the potential impact upon health infrastructure.

The case officer has obtained information from the NHS choices website which confirms that the 5 practices within 2 miles of the site are all accepting new patients. As such, this is not considered to be a significant concern in this instance.

Levy (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.

In addition to the commuted sums agreed to be paid towards off-site habitat creation, primary school education and highways improvements, the applicant has now also agreed to pay a sum (figure to be agreed) towards providing a skate park or other children's play facility on the Parish Council owned open space on Wybunbury Road, Willaston and the maintenance of the Public Open Space land on-site.

The S106 recommendations are compliant with the CIL Regulations 2010.

Other Procedural / Administrative Matters

Please disregard the Landscape section on page 60 of the Agenda which runs through to the beginning of page 63.

This section of the report was moved to page 55 and amended. The section on page 60 should have been deleted.

The consultation period for this application expires at 12pm of December 4th 2013.

As such, it is recommended that the recommendation of the application be changed to read that in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Conclusions

The additional consultation responses received raise issues that have already been addressed in the committee report.

Given that the Council cannot demonstrate a 5 year supply of housing land and there is some uncertainty about the weight that can be applied to the Green Gap policy, it is considered that Policy NE.4 would not sustain a reason for refusal at present, unless there is a 'significant and demonstrable' harmful impact on the landscape that outweighs the benefits of the proposal in terms of increasing housing land supply and affordable housing.

Due to the overriding requirement for housing in Cheshire East at this current moment in time, it is considered that the impact upon the landscape of the area is not significant enough to warrant refusal of this application.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact subject to the relevant conditions and a contribution to local highway improvements.

In terms of Ecology, it is not considered that the development would have a significant impact upon ecology or protected species, subject to the necessary contribution to off-set the impact.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide an adequate contribution in lieu of open space on-site and the provision of a commuted sum for children's play space off-site, the necessary affordable housing requirements and monies towards the future provision of primary school education.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. It therefore complies with the relevant local plan policy requirements for residential environments.

Whilst the site does not meet all the minimum distances to local facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

The planning balance clearly weighs in favour of the proposal and the development is considered to be sustainable. As such, the development is recommended for approval.

However, notwithstanding the above, due to the time of day the item is due to be considered by committee (Morning) compared to the closure time of the consultation period (12pm), it is advised that the recommendation should be changed. It is advised that this should be changed to be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board in order to consider any additional consultations received.

RECOMMENDATION

The application be approved but DELEGATED to the Planning and Place Shaping Manager to determine the application in consultation with the Chairman of the Strategic Planning Board in order to consider any additional consultations received within the consultation period which closes on December 4th 2013.

APPROVE subject to completion of Section 106 legal agreement to secure the following:-

1. A commuted payment of £17,795 towards off-site habitat creation/enhancement.
2. A commuted payment of £86,770 towards primary school education
3. A commuted payment of £67,000 towards the IDP Scheme of Improvement for the Peacock Roundabout
4. 30% Affordable Housing provision – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include: The numbers, type, tenure and location on the site of the affordable housing provision; The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing; The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved; The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
5. Public Open Space to be maintained by a private management company for the residents in perpetuity.
6. A commuted payment of a sum to be determined should be made towards providing a skate park or other children's play facility on the Parish Council owned open space on Wybunbury Road, Willaston

And the following conditions:

1. Time Limit (Outline)
2. Submission of reserved matters
3. Reserved Matters application made within 3 years
4. Approved plans
5. Prior submission of facing and roofing material details
6. Prior to first development the developer will provide a detailed suite of design plans for the development highway proposals which will inform the S38 agreement.
7. Prior submission of a construction phase Environmental Management Plan (to include mitigation measures with regards to noise, waste and dust)
8. Hours of operation

9. The prior submission of a noise mitigation scheme
10. The prior submission of lighting details
11. Hours of piling
12. Prior submission of piling method statement
13. Prior submission of drainage details
14. Prior submission of a scheme to manage the risk of flooding from overland flow of surface water.
15. Prior submission of a traffic management plan for construction works
16. Prior submission of an Arboricultural Impact Assessment with fully updated Tree Survey, Tree Constraints and Tree Protection Plan
17. Trees which support roosting bats to be retained
18. Breeding birds
19. Prior submission of boundary treatment details

Informatives:

1. Standard – Lawyers charter
2. Prior to first development the developer will provide a detailed suite of design plans for the development highway proposals which will inform the S38 agreement.
3. Contaminated land
4. United Utilities
5. Landscaping scheme to include suitable replacement hedgerows
6. Reserved matters to include levels details
7. Affordable housing to be pepper-potted throughout the site

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.