

Application No: 15/2101C

Location: Cardway Business Park, LINLEY LANE, ALSAGER, ST7 2UX

Proposal: Outline planning application for a phased development of up to 110 dwellings

Applicant: J. Redfern, Cardway Limited

Expiry Date: 05-Aug-2015

SUMMARY:

The proposed development is located within the settlement boundary where there is a general presumption in favour of development. However it would be contrary to Policy RC2 and E10 of the Congleton Borough Local Plan 2004.

However, there are material considerations in this case in that Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the site is proposed for allocation for housing development in the emerging local plan. In addition, the development would deliver a number of the objectives of the emerging Local Plan Policy CS12, by way of up to 105 houses and significant infrastructure improvements/contributions and reasonable amounts of over space within the layout.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing within an existing settlement where there is existing infrastructure and amenities. 30% affordable housing, contributions to education, highways contributions have been negotiated.

Overall, there is a loss in protected open space. However, significant areas of open space have been provided throughout the site, which include an ecological area which would assist in creating biodiversity.

In addition, the scheme would also provide a NEAP to comply with adopted standard for new residential developments. This is an enhancement in terms of the current facilities available to residents in the area.

With regard to the environmental role, an ecological mitigation payment has been negotiated. Conditions can be imposed to ensure that the development would have a neutral impact upon ecology, drainage, trees, residential amenity, noise, air quality and contaminated land. Landscaping could be secured at the reserved matters stage.

Subject to conditions and satisfactory completion of a S106 Agreement, the proposal is considered to be acceptable in terms of its impact upon highway safety, education, amenity, flood risk, drainage, landscape and ecology and accordingly it is recommended for approval.

REASON FOR REPORT

The application has been referred to Southern Planning Committee because it is a large scale major development of over 100 houses.

DESCRIPTION AND SITE CONTEXT

The application relates to circa 4.6 ha of land in mixed use situated to the west of Linley Lane (A5011). The site is located within the Alsager settlement Boundary.

To the front of the site lies a working industrial premises (6,782sqm) and associated hardstanding in majority use by Cardway Cartons for the manufacture of cardboard boxes (brownfield). The rear portion of the site (Council owned) is open space which is part of wider area of open space and allotments. To the north of the site is the Crewe-Derby railway line. An existing modern office building is located outside the red-edge for this planning application. This building is therefore retained.

DETAILS OF PROPOSAL

This application is a re-submission of 13/4081C which was refused permission by Southern Planning Committee on grounds of the loss of an area of protected open space in an area of deficiency. The proposal was considered contrary to Policy RC2 of the Congleton Borough Local Plan First Review 2005, Policy CS12 of the Cheshire East Local Plan Strategy Submission Version 2014 and Para 74 of the National Planning Policy Framework.

This is an outline proposal for a residential redevelopment of the site for **up to** 110 dwellings, with open space and access being applied for. All other matters are reserved for further assessment.

In the light of Committees previous concerns, the Applicant has increased the area of the site left as open space. The indicative proposals now show three areas of open space through the site as opposed to one previously refused.

The indicative plans demonstrate a linear residential layout of 105 units with accesses via Linley Lane and Linley Road, interspersed with a central area of open space and areas of incidental open space/landscaping.

Part of the site (circa one third of the application site) located to the rear of the Cardway complex comprises part of Council owned amenity Greenspace and is classed as Protected Open Space in the Congleton Local Plan.

Three phases of development are proposed. Phase 1 comprises circa 20% of the site in the middle of the site, currently unused area in the ownership of Cardway, phase 2 comprises the Council owned land in use as open amenity grassland (circa 30%) with the remainder of the site (circa 50% of the site) and in use by Cardway Cartons presently proposed as the last phase. This will allow the current commercial occupier of the site time to find the alternative premises to suit their future needs.

During the course of the application it became apparent that the Applicant had erroneously incorporated an access to the rear of dwellings on 133- 167 Talke Road within the red edge. This has been corrected and the Applicant has confirmed that the residents' rights of access will be maintained.

RELEVANT HISTORY

08/0731/OUT - Development of four 464sq m (B1, B2 and B8) units and up to 108 dwellings – appeal dismissed 3 December 2009

13/4081C - Outline planning application for residential development for up 110 dwellings – Refused 22 February 2014

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004).

Policies in the Local Plan

PS3	Settlement Hierarchy
PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
GR23	Provision of Services and Facilities
E10	Existing Employment Sites
RC2	Open Space
H1 & H2	Provision of New Housing Development
H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
NR1	Trees & Woodland
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

National Policy

National Planning Policy Framework

Other Material Policy Considerations

SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments
SPD4	Sustainable Development
SPD6	Affordable Housing and Mixed Communities

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

North West Sustainability Checklist

Submission Version Core Strategy

SPD 4 Sustainable Development

Alsager Town Centre Strategy SPD

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

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, Hedgrows and Woodland

SE9 – Energy Efficient Development

SE13 – Flood Risk and Water Management

CS12 - Twyford and Cardway Alsager

IN1 - Infrastructure

IN2 – Developer Contributions

CONSULTATIONS (External to Planning)

Head of Strategic Infrastructure: No objection subject to conditions concerning detailed design of interior estate road layout and a financial contribution of £100,000 via a S106 agreement as part of the funding of highways improvements in the vicinity of the site and £25000 for bus stop upgrades

Strategic Housing Manager: No objection to the application, subject to securing the 30% (in a 65% :35% affordable rent / intermediate split) affordable housing by way of a s106 Agreement.

Flood Risk Manager :No objection in principle to the proposed development subject to conditions concerning surface water run off, overland flow.

United Utilities (UU): No objection subject to conditions

Environmental Health: Conditions suggested in relation to hours of pile driving, noise mitigation, environmental management plan, pile foundations, travel plan, electrical vehicle infrastructure, dust control and contaminated land.

Education: A development of up to 110 dwellings (as described on the application form) would be expected to generate 21 primary places and 17 secondary places. The latest forecasts indicate that there will be no capacity across the local primary schools within 2 miles nor in the local secondary school within 3 miles to accommodate the pupils generated.

Based on this the sum of £227,772.09 (21 x 11919 x 0.91) is required towards primary education and £277,826 (17 x 17,959 x 0.91) towards secondary education

Network Rail: The following conditions are suggested:

- The submission of a risk assessment and method statement for vibro- compaction and piling to Network Rail
- Suitable Boundary treatment to the railway
- Surface water and foul drainage details to be agreed
- Full details of levels, ground works, earthworks and excavations near boundary with Network Rail Land

Environment Agency – No comment to make other than need to consult the Environment Agency

VIEWS OF THE TOWN COUNCIL

Alsager Town Council: Support the development of brownfield land but express concern about the design and layout and that the provision of open space is insufficient. Also raise concern about additional traffic and the provision on a further access on Linley Road

OTHER REPRESENTATIONS

Newcastle Under Lyme Borough Council : No objection, the site is allocated within the Local Plan Strategy and as such the cumulative impact of housing proposals upon regeneration within their area has been assessed previously as part of the Development Plan consultation

31 Objections have been received from local addresses on the following grounds to the original and later consultation -

Principle of development

- Loss of protected open space
- There is no need for more housing in Alsager
- Existing employment should be retained
- Local infrastructure of services cannot cope with this additional development

Highways

- Increased traffic congestion on local roads which are already congested
- Impact upon highway safety
- Future residents would be dependent on the car
- There is a lack of parking in Alsager Town Centre
- Pedestrian safety
- Poor public transport
- Access from Linley Lane is unsafe.
- Conflicts between pedestrians and road/shared surface unclear

Green Issues

- Increased flood risk
- Increased water run-off
- Increased flooding during extreme weather events
- Not enough green space
- Impact on wildlife

Infrastructure

- The infrastructure in Alsager cannot cope
- Increased pressure on local schools
- The sewage system is overstretched
- Impact on doctors/dentists/schools

Amenity Issues

- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Loss of privacy and light from dwellings being built on land that is currently open
- 2 phase of developments before the park is provided.
- A lack of open space compared to the number of houses

Other Matters

- There are so many inconsistencies between the various newly submitted documents
- Impact upon property values
- Red edge inaccuracy – red edge includes land over which adjoining properties 133-167 Talke Rd own/ have right of access over. Developer is building on land he does not own

The formal representations submitted are available to view in full on the case file and web site.

APPLICANT'S SUPPORTING INFORMATION

- Supporting Planning Statement
- Affordable Housing Statement
- Marketing report
- Highways Assessment and Travel Plan
- Protected Species Habitat Survey
- Tree Survey
- Design and Access Statement
- Arboricultural Implications Assessment
- Landscape Impact Assessment
- Contaminated Land Assessment
- Open Space assessment
- Botany report

All documents are available to view on the web site. In précis, the Applicant considers the proposal to be a sustainable development, coming in 3 phases, with the removal of the existing factory in the last phase which will allow the existing commercial occupier to relocate elsewhere in the Borough to suit the growing expansion needs of the business.

The Applicant also considers that the Council does not have a 5 year housing supply and therefore the presumption in favour of the housing development in the NPPF outweighs the employment protection policy E10 and the 2009 appeal decision, as a material consideration.

OFFICER APPRAISAL

Principle of Development

The site is located within the settlement boundary for Alsager, where there is general presumption in favour of development.

The majority of the site (circa 70%) is an existing employment site within the settlement zone line for Alsager. Policy E.10 of the Local Plan does not allow the re-development of employment sites unless it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefits in permitting alternative uses. It is considered that this policy is largely consistent with Policy EG3 (Existing and Allocated Employment Sites) as contained within the Local Plan Strategy Submission Version.

The NPPF gives less protection to employment protection as opposed to its primary requirement to significantly boost the supply of housing. With respect to employment sites the NPPF states that;

'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for land uses to support sustainable local communities'

Further, one of the Core Principles of the National Planning Policy Framework (NPPF) is that planning should:

'encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value'

It is recognised that the site is a mainly brownfield site within the Settlement Boundary, close to a range of local amenities and is considered to be in a sustainable location that would deliver housing to the supply chain and would keep housing supply coming forward as required by the NPPF.

It should also be noted that the entire site is also allocated within the Core Strategy Submission Version (Site CS12) of the Cheshire East Local Plan for the delivery of housing (with Tywforde on the other side of the railway line) which is a material consideration to which substantial weight can be attached in this case.

Greater weight can be attached to this allocation because:

- The emerging Local Plan has been formulated to comply with the NPPF and the Congleton Local Plan First Review was adopted prior to the NPPF;
- The Local Plan allocates sufficient land up to mid-2011 and not beyond;

and Policy CS12 within the emerging Local Plan states that the development of Twyforde and Cardway over the Core Strategy period will be achieved through 'the delivery of 550 new homes'; retention of office development (approx 3000 sq m); incorporation of green infrastructure, appropriate level of green and children's play space, potential to include appropriate retail provision to meet local needs (Sainsbury Supermarket granted permission on site of Twyforde) and an extra care development providing housing for the older population.

The proposals are in compliance with this as 'up to 110 units' (together with the 'up to 335 units' approved as part of the Twyforde redevelopment equates to 445 units .

In respect of compliance with the Site Specific Principles of Development within policy CS12 which are as follows:-

- a. Contributions to improvements to the town centre street scene.
- b. The existing open space on the Cardway site be retained (not built upon) and improved
- c. Retention of the woodland areas to the north and east of the site
- d. Further archaeology investigation on the site in relation to the heritage asset in the north east area of the site
- e. Contributions towards the delivery of improvements to B5077 Crewe Rd/B5078 Sandbach Road North Junction/Linley lane/Crewe Road junction improvements
- f. Contributions to education and health infrastructure
- g. The local plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes)

This site has also been included in the Council's evidence base (SHLAA 2013) as a site that would contribute towards that housing land supply. This site is recorded by the SHLAA as being achievable with 60 units being provided within years 1-5. This site is therefore making a significant contribution to the 5 year housing land supply position of the Council. As this site has been assessed as being deliverable within the 1st five years for the purposes of demonstrating the 5 years housing land supply within a policy framework developed post NPPF, it is considered that very considerable weight can be attached to the allocation.

There also would be a number of other benefits (e.g. the contribution to affordable housing) should the development proceed which would need to be assessed against the disadvantages of the proposal.

Whilst circa 70% of the site comprises the Cardway site, the remaining 30% comprises Council owned fields sandwiched between the Cardway site and Council owned allotments. The fields comprise part of an area of protected open space.

As part of this application, therefore, it will be necessary to consider whether the application meets the requirements of Policy E10 and RC2 of the Congleton Local Plan and if not, is that policy framework outweighed by other material considerations within the assessment of overall sustainability in this case.

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”

There are three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

Environmental role

Locational Sustainability

The site is mainly (70%) a brownfield site and its redevelopment would be more beneficial than the loss of countryside or agricultural land. The site is within walking distance to many day to day facilities and is a short bus journey from the town centre. This centre offers a wide range of essential facilities and means that occupiers of the development will have a choice of means of transport.

Paragraph 38 of the Framework states that for larger scale residential developments, policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site, thereby minimising the need to travel.

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This is repeated within the Submission Version of the Local Plan. This could be dealt with by condition in the interests of sustainable development.

The site is located within the settlement of Alsager and therefore is considered to have access to day to day requirements in keeping with the existing residential community adjacent.

Owing to its position on the main road into Alsager, the site is well served by Bus Service 20 (Hanley to Leighton Hospital serving Alsager) along the main road , which runs past the site

Service number 20 provides a reasonably frequent (20 mins) daytime service on the Hanley – Alsager – Crewe – Leighton Hospital route in each direction between 06:45 and 23:59 weekdays, 07:59 and 23:59 Saturdays and 08:51 and 22:51 Sundays, it is therefore considered that this site is sustainably located and is well served by a bus service to the centre of the village and beyond. No specific bus based measures have been proposed to support the site.

The rail station is located circa 1,000m from the centre of the site via an existing pedestrian footway.

No measures are proposed by the applicant to promote the use of public transport by residents of the proposed development although a condition regarding travel planning is suggested by the EHO (air quality).

Design And Layout

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application a preliminary concept

masterplan has been provided. The indicative layout shows a manual for streets led design of 3 zones each with its own area of open space and houses arranged around parking courts.

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.”

This density of circa 22.7 dwellings per hectare is considered to be appropriate on this site given the adjacent residential densities.

The key aspects of the preliminary concept masterplan are as follows:

- three areas of green/open space/ ecological zones
- A majority 2 storey development with 3 storey provided for place making purposes
- Buffer planting
- Three phase development with independent access points to each phase
- Pedestrian permeability through the site

The key aspects of the preliminary concept masterplan above are considered to be acceptable and, at the reduced density capped at a maximum of 105 units, the three areas of sizeable open space, it is considered that an acceptable design solution can be agreed at the reserved matters stage.

Ecology

In this case the Council's Ecologist has examined the application and made the following comments.

Badgers

Badgers are known to occur in this locality. A detailed survey has now been undertaken for this species which did not record any evidence of badger activity. Badgers do not present a constraint upon the proposed development.

Great Crested Newts

Protected amphibians are identified in section 3.2 of the submitted ecological report as being an issue which is relevant to this site. However, the remainder of the report makes no further reference to great crested newts or amphibians in general.

However, there are no known ponds present or adjacent to the site therefore this species is unlikely to be present or affected by the proposed development.

Botanical/habitat value

Much of the site is hard standing and is of minimal nature conservation value.

A further botanical survey has now been undertaken of the area to the west of the existing factory upon the Council owned (Protected Open Space). The grassland habitats support a number of characteristic grassland plant species, however the grassland are not of sufficient quality to meet the Local Wildlife Site selection criteria or the definition of grasslands considered to be UK Biodiversity Action plan priority habitat.

The grassland habitats and scrub areas however, as areas of open space, are likely to support a range of birds, invertebrate and small mammal species, consequently the loss of these habitats would still result in a loss of biodiversity.

It is recommended that the residual impacts of the development on biodiversity be off-set by means of a commuted sum that could be utilised to fund offsite habitat creation/enhancement. This mitigation could equally be utilised to enhance the Merelake Way footpath/ Green Corridor by Countryside Rangers in the locality to improve local facilities, given the loss of the ecological value is upon an area of Protected Open space.

The following method of calculating an appropriate commuted sum has been utilized. This is based on the Defra report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011':

The loss of habitat (Semi improved grassland and scrub) amounting to roughly 1.75ha.

· Cost of creation of Lowland Grassland 1.75ha x £11,293.00 (cost per ha) = £19,762.75
(Source UK BAP habitat creation/restoration costing + admin costs)

Bats

No evidence of roosting bats was recorded during the survey and the buildings on site appear to have limited potential to support this species. The Ecologist therefore advises that bats do not present a constraint upon the proposed development.

Reptiles

No evidence of reptile species has been recorded on site. The Ecologist therefore advises that based on the submitted survey information this species group is unlikely to be affected by the proposed development.

Highways

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

The existing site currently comprises of a 6,782sqm industrial factory premises and areas of associated hardstanding and parking. The site currently has an access point from the A5011 Linley Lane on its eastern frontage and an unused access from Talke Road/Linley Road on the southern frontage.

Three accesses are proposed. One will use the existing access point from Linley Lane with a revised geometry to suit the residential development. The second and third access will be taken from the Talke Road/Linley Road frontage where the site has the opportunity for two links.

All three points of access will serve different phases of the development and these phases will only be physically linked by pedestrian/cycle routes which will also provide for emergency access between phases. No normal daily vehicle flow will be available along these pedestrian/cycle links.

This approach to access strategy is crucial for the development of this site in order that through route traffic between Talke Road and Linley Lane is avoided. There are also advantages gained by splitting the traffic generation from the site which spreads traffic distribution more evenly across the network.

The three points of access will achieve acceptable junction geometry even for Linley Lane where the existing access has some limitations to visibility however the junction operates safely with no accidents at the location which involve a vehicle emerging from the junction. The three-way access strategy for the site and establishes the principles for a design approach via Manual for Streets.

Internal pedestrian and cycle links will aid the sustainability of the site and provide emergency links between phases which are otherwise separated for vehicular traffic.

The detailed design for the site will come forward with any detailed application which may be made. However, overarching principles for the creation of open space within the site will guide the way this site will need to be laid out in any future reserved matters.

The Strategic Highways Manager is of the opinion that the proposed junction revision will maximise visibility and the A5011 Linley Lane is likely to benefit from speed reduction in the future which will compound the betterment.

The remaining two phases of development will generate smaller volumes of traffic onto Talke Road/Linley Road and this will represent only a minor impact onto these local roads.

The Head of Strategic Infrastructure accepts that the increase in traffic will not have a severe impact on the operation of the highway network.

In short, the Head of Strategic Infrastructure raises no objection to this proposal but requires £100,000 for local junction improvements to address the capacity of the local highway network as a direct consequence of this development .

Drainage and flooding

The FRA identifies that the application site is wholly located within Flood Zone 1 as defined by the Environment Agency and as a result there is a low probability of flooding.

The majority of the existing site is covered by structures and hardstanding with the remainder being dense vegetation. The FRA submitted with the application has been considered by the Flood Risk manager who has raised no objection to the proposal subject to condition regarding surface water run off. It is therefore considered that the development would not raise any significant flooding/drainage implications that would warrant the refusal of this application.

Economic Role

Loss Of Employment Use

The proposed development would result in the loss of an employment site and policy E.10 applies. This policy states that proposals to redevelop existing employment sites will not be permitted unless it can be shown that the site is no longer suitable for employment uses or there would be substantial benefit in permitting alternative uses that would outweigh the loss of the employment site.

Paragraph 17 of the NPPF Core Planning Principles states that the planning system should:

‘Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;’

Paragraph 22 advises that:

‘Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.’

Paragraph 51 goes on:

‘Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.’

Policy E10 of the Local Plan states :

“Proposals for the change of use or redevelopment of an existing employment site or premises to non-employment uses will not be permitted unless it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.

In considering whether the site is no longer suitable for employment uses account will be taken of:

- 1. The location of the site or premises and the physical nature of any building*
- 2. The adequacy of supply of suitable employment sites and premises in the area*
- 3. Whether reasonable attempts have been made to let or sell the premises for employment uses*

In considering whether there would be a substantial planning benefit from an alternative use account will be taken of:

- a) Any benefits in terms of traffic generation, noise or disturbance to amenity*
- b) The impact the proposal would have on the environment and economy of the local area*
- c) The need for the proposal and its potential contribution to the local area*
- d) The requirements of other relevant policies of the local plan*

The Site was the subject of appeal in 2009, prior to the adoption of the NPPF. The Inspector on that occasion, in dismissing the appeal (on the Cardway part of the site), accepted that the proposal for housing on the site was a sustainable one and that there was a sufficient supply of employment sites and premises in the area and that the site remained suitable for employment use, but that reasonable attempts had not been made to let the premises to justify that the site was no longer suitable in Policy E10 terms.

In terms of this application, the Applicant has not sought to demonstrate that the Cardway premises have been marketed, rather the Applicant is of the view that the policy framework has shifted significantly since the introduction of the NPPF and that the Council can not demonstrate a 5 years supply of housing and therefore, they are of the view that, given the sustainable development credentials of the proposal as accepted by the Inspector, that the Plan is time served and that the presumption in favour of sustainable housing development outweighs all other material issues.

They also consider that the allocation of this site as primarily a housing allocation within the Submission Version of the emerging Plan contributes to the continuing supply of housing as required by the NPPF which again outweighs the policy requirement of E10.

The current occupier of the site, Cardway Cartons Ltd (CCL) are a leasehold occupier having been in situ for many years. They hold a lease until 2016 according to information submitted as part of the 2009 appeal. They have considerably expanded their operations within the factory unit since 2009. In 2009, they occupied approximately 50% of the premises for the manufacture and storage of cardboard boxes, employing approximately 40/50 full and part time staff, who mainly come from the local area. In 2009, the premises were also occupied by

other tenants on a short term basis who now appear to have moved out such as Dotshops although it would appear Greenworld as still located at the site.

It would appear that since the appeal, CCL have expanded their operations within the unit to a point where they occupy most of the factory building. However, this does not appear to have meant any increase in the numbers of people employed by the Company.

CCL have confirmed as part of this application that they are a growing business and will need to find larger premises in the next 5 years to meet their growth needs. There is no reason to doubt this, given that CCL appear to have expanded on site significantly in the last 5 years since the appeal, even during the recession.

In conclusion, it is clear that the policy test with E10 has not been properly satisfied. However, given the general thrust of the NPPF concerning the re-use of brownfield sites and the emerging policy framework which allocates this site for housing, the imperative need to keep a housing supply coming through for the purposes of the 5 year housing land supply, a policy framework that has evolved in the life of the NPPF , it is considered that the loss of the employment use of the site is acceptable.

In addition, some employment use will be retained by virtue of the retention of the office building (within the CS10 site allocation but not part of these proposals).

Committee will recall that they did not seek to refuse the previous application on grounds of loss of employment. There have been no change in circumstances since the last Committee determination in this regard.

Economic Benefit

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’

The current brownfield site has been considered appropriate to be released for housing development as part of the emerging Plan. The NPPF makes it clear that:

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

According to paragraphs 19 to 21:

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and

support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

There would be economic benefits arising from jobs in construction and additional trade for local shops, businesses and services arising from the residents of the new development.

The loss of the employment use on the site carries weight against the proposal. However, given the long term strategy for the site set out in the emerging Plan and that the development itself will play a positive economic role in the local area it is considered the proposal does not conflict with objectives for economic sustainability set out in national guidance.

Social Role

The final dimension to sustainable development is its social role. In this regard, the proposal will provide up to 105 new family homes, including 30% affordable homes and the market housing which will sustain existing community facilities in the locality, on site public open space and financial contributions towards ecological mitigation, education requirements and highways improvements.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

This is a material consideration against which significant weight should be attached.

Affordable Housing

The site falls within the Alsager sub area within the Strategic Housing Market Assessment Update 2013, which identified a need for 54 affordable homes per annum over the period 2013/14 – 2017/18. Broken down this requirement equates to 38x 2bd, 15x 3bd, 2x 4/5bd general needs units and 5x 1bd older persons accommodation.

In addition, information from Cheshire Homechoice, identified 225 live applicants who have selected one of the Alsager lettings areas as their first choice. These applicants require 94x 1bd, 78x 2bd, 40x 3bd and 7x 4bd units.

The IPS states that sites over 15 no. units will be required to deliver 30% of the units as affordable and that normally the Council would expect a tenure split to be 65% social or affordable rented and 35% intermediate tenure.

The application is for a phased development to deliver up to 140 units over three delivery phases. The IPS states that:

“In order to ensure the proper integration of affordable housing with open market housing, particularly on larger schemes, conditions and/or legal agreements attached to a planning permission will require that the delivery of affordable units will be phased to ensure that they are delivered periodically throughout the construction period. The actual percentage will be decided on a site by site basis but the norm will be that affordable units will be provided not later than the sale or let of 50 % of the open market homes. However, in schemes that provide for a phased delivery and a high degree of 'pepper potting' of affordable homes, the maximum proportion of open market homes that may be completed before the provision of all affordable units may be increased to 80%.”

No detail is given about how the affordable housing delivery will be phased within the scheme, however as a norm the Housing Manger would expect that within each phase the IPS requirements are met, including 30% of units to be affordable, the tenure split to be 65/35 rented and intermediate tenure, and the affordable units to be provided not later than the sale or let of 80% of the open market homes.

Furthermore the IPS states that:

“The extent to which a site can contribute towards achieving this mix will be dependent on the size of the site and other factors such as site characteristics, site suitability and economics of provision - on larger sites there will clearly be greater scope to provide a range of different house types and tenures.”

The applicant is offering 30% affordable housing contribution as outlined in the planning statement, at this stage little further information is given.

There is an identified need for a mix of properties and we would expect to see a mix of property types, size and tenure on a scheme such as this. The applicant is proposing a mix of 1, 2 and 3 bed house types which could be a mix of both house and apartments dependent on identified need. We would be happy to discuss this further with the applicant.

The affordable homes should be constructed in accordance with the Homes and Communities Agency Design and Quality Standards and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

The IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.

As this is an outline application with little definitive statement about the affordable provision it is the preference of the Affordable Housing Manager for the applicant to submit an affordable housing scheme as part of their reserved matters application detailing the type, tenure and size of the affordable units, a detailed plan outlining their location and a high degree of pepper-potting, as well as confirmation that the units will be constructed to achieve Level 3 Code for Sustainable Homes (2007), be tenure blind and provisions for the units to be affordable in perpetuity. It is also my preference that the developer undertakes to provide the affordable units through a Registered Provider of Affordable Housing.

Education

This proposal would generate 19 primary and 14 secondary pupils based on a indicative layout of 105 units (this has reduced down from the initial 110 units).

As part of this planning application the education officer considers that there is sufficient capacity in the local secondary schools to cater for those additional 14 pupils, however, that there is insufficient capacity within local primary schools to cater for the additional 19 pupils as a direct consequence of a development of 105 dwellings.

A financial contribution of £206,080 (19 x 11919 x 0.91) is required. Heads of terms for a S106 Legal Agreement are recommended.

Residential Amenity

It is generally considered that in New Residential Developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties. Where 3 storey development is proposed or there are significant levels difference, this interface should be increased proportionately. A minimum private amenity space of 65sq.m is usually considered to be appropriate for new family housing.

The layout and design of the site are reserved matters and it is considered that the dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It is also considered that the same standards can be achieved between proposed dwellings within the new estate and adequate amenity space could be provided for each new dwelling.

It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy GR1 of the Local Plan.

Loss Of Protected Open Space (the Council owned open space to the rear of the site)

Policy RC2 of the Congleton Local Plan states that (inter alia) the loss of such areas will only be permitted where the proposal does not result in local deficiency the quantity range and accessibility of such open space, or alternatively the provision of an equivalent or improved and suitably located replacement facility is proposed within an acceptable to the Local Planning Authority. The Submission Version of the Cheshire East Local Plan likewise requires the Council owned open space to the rear to be retained as open space as part of redevelopment proposals.

The Council owned open space to the rear is proposed to be redeveloped as part of the residential layout and not retained as open space. This land comprises approx. one third of the overall site area within this application. This is greenfield land and would comprise the 2nd phase of development.

The previously refused application comprised some 4800 square metres in a centralised formal area of open space. This was refused on grounds of the loss of protected open space.

The proposal now comprises the following -

- a park with children's play to the west of the site (phase 3): 2,000 m²
- a central park (indicating a NEAP) and ecological area (phase 1 and 2) 4,000m²
- a pocket park to the east of the site (phase 1) – 540 m²

Areas of useable public open space have therefore increased by 1740 sq metres.

Whilst it is recognised that the area is deficient in quantity in POS, however, the quality of the existing open space is in the opinion of the Greenspace Manager also of limited quality. A significant area of 6540 sq metres in the 3 phases has been negotiated which is in excess of the area required for POS in connection with a development of 105 dwellings (2,520m² would normally be required to comply with the adopted standard).

It should be noted that the proposed open space will be of significantly better quality (a NEAP, proposed ecological area and ecological mitigation payment) than the open fields to be developed.

Whilst the proposed open space (in quantity terms) is not a like for like replacement for the loss of the Council owned open space, it is not considered that the existing open space performs an important ecological function or is of great significance in terms of provision of

open space in the locality. There will remain allotments and a significant area of open space to the rear of the current open space.

A balance needs to be gauged in terms of the increased quality in the open space provision to be secured as part of this proposal as opposed to the current benefits of the protected open space within an existing area of open space.

Overall, the improved quantum of open space now proposed, together with the provision of the ecological area / off site ecological commuted sum is considered to be an important benefit of the scheme in qualitative terms.

Given the long term strategy for the site set out in the emerging Plan and the fact that the increased quantum of open space will play a positive environmental role in the local area it is considered the proposal does not conflict with objectives for environmental sustainability set out in national guidance.

It is also considered that given the need to deliver a constant housing land supply, the presumption in favour of sustainable development in the NPPF, the provision of the ecological area, a NEAP and other incidental areas of open space within the layout and the commuted sum mitigation to be utilised to improve Wayside in the locality is sufficient to outweigh the harm of the proposal in policy RC2 terms.

Public Open Space Provision for new residential development.

The amount of Amenity Greenspace required in accordance with the interim Policy Note on Public Open Space Provision would be 2,520m² of usable open space. Overall the current indicative layout shows 6540 sq m laid out as open space/childrens play space

Applying the standards and formulae in the 2008 Guidance the Council would need a commuted sum of £ 29,799 to maintain the Amenity Greenspace / areas identified as being formally maintained.

With reference to the Revised Play and Space Strategy two equipped play spaces have been identified providing for the needs of young children on the formal park in phase 1 and a NEAP in phase 3

The NEAP standard play facility is required having a minimum area of 1000 sq m. The NEAP (Neighborhood Equipped Area for Play) standard play area would be acceptable due to the size of the development and should be suitable for all ages.

The area should include at least 8 items/activities incorporating DDA inclusive equipment plus infrastructure and be in line with the standards set out by Fields In Trust Planning and Design for Outdoor Sport and Play

Full plans showing the design must be submitted prior to the play area being installed and this must be approved, in writing prior to the commencement of any works. A buffer zone of at least 30m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

Due to the complex management required for play facilities and in accordance with policy, the Council has the best competencies required to carry out effective maintenance to protect these community facilities. The new children's play facility should be secured for public use and transferred to the Council together with a 25 years commuted maintenance sum of £75,799

Community Infrastructure 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.

The requirement for long term management of on site Public Open Space and contribution in lieu of on site provision of Childrens play space is necessary, fair and reasonable, as the proposed development will provide 105 family sized dwellings of different sizes, the occupiers of which will be using these on site facilities on site and in the area generally . Likewise there is a impact upon local primary and secondary education infrastructure as a direct consequence of the development and in this regard the education mitigation payments are fair and reasonably related to the development

The financial contribution in lieu of loss of grassland habitat within the Protected Open Space is reasonable and related to the development and will compensate for the loss locally of open space in an area that is deficient.

The financial requirements to provide the bus stop upgrade and highways improvements locally are reasonably related to the proposal as the proposal will introduce more traffic and people into the area who would put greater demand upon public transport.

CONCLUSIONS AND THE PLANNING BALANCE

This brownfield/greenfield site located within the Settlement Zone Line for Alsager, and significantly contributes to an adequate and continuing supply of market and affordable housing to meet the local need and the requirements to provide for the general housing supply as required by the NPPF.

Significant weight must be attached to the provision of a continuing supply of new market and affordable dwellings and the allocation of the site within the Submission Version of the Local Plan as a housing site in conjunction with Tywforde.

The existing commercial occupier of the factory building has confirmed that they are outgrowing the site and will be looking to find other more suitable premises within a few years and whilst no direct marketing information has been provided in support of the application, the allocation of the site within the emerging Plan as a housing allocation and the reliance of the

site for the continuing delivery of a supply of housing, within settlement is considered to outweigh this lack of information in the planning balance in this case.

Likewise, whilst the area is deficient in open space negotiations have resulted in an increase in the amount of open space provided on site which compensates in part for the loss of the protected open space to the rear of the Cardway site. Conditions are proposed to ensure additional provision forms part of the reserved matters.

The NPPF supports the loss of open space if the loss is replaced by equivalent or better provision in terms of quality and quantity in a suitable place. Whilst the amount lost is greater than that which replaces it, the quality of the proposed open space on site and locally will be significantly enhanced over what is currently in situ by the mitigation and open space negotiated.

In highways terms, subject to appropriate mitigation in the form of local junction improvements the capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development.

There would be no adverse impact on trees. Subject to appropriate ecological mitigation and conditions, the applicants have demonstrated general compliance with national and local guidance in a range of areas.

In conclusion, the proposed development is located within the settlement boundary where there is a general presumption in favour of development. However, it would be contrary to Policy RC2 and E10 of the Congleton Borough Local Plan. Nevertheless there are material considerations in this case, in particular, those relating to the NPPF, the emerging local plan and a lack of 5 year housing land supply which outweigh the provisions of those policies and the development is considered overall to be sustainable. Accordingly it is recommended for approval, subject to a Section 106 Agreement and conditions.

RECOMMENDATION

APPROVE subject to 106 Legal Agreement to Secure:

- **Affordable housing:**
 - **30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)**
 - **A mix of 2 , 3 bedroom and other sized properties to be determined at reserved matters**
 - **units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.**
 - **constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).**
 - **no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased**

- to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.
 - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
- Contribution of £ 227,772.09 (21 x 11919 x 0.91) towards primary education. This contribution is based on 110 units and will phased on pro rata basis and be required to be paid on first occupation of each phase (pro rata) of the development of the site
- Contribution of £277,826 (17 x 17959 x 0.91) towards secondary education. This contribution is based on 110 units and will phased on pro rata basis and be required to be paid on first occupation of each phase (pro rata) of the development of the site
- Commuted Sum for off-site enhancement works of £ 19,762.75 in lieu of the loss of protected open space – to be spent at Merelake Way footpath/ Green Corridor
- Provision of on site NEAP (8 pieces of equipment) and a 25 years commuted maintenance sum of £75,799
- Contributions of £29,799 as maintenance payment for on site POS (not incidental areas of open space/ ecological area/buffer zones)
- Bus Shelter Contribution of £25,000 to upgrade two local bus stops to quality partnership specification located within the vicinity of the development site
- Off – site highway contribution of £100,000
- Travel Plan monitoring payment of £5000 (£1000 per annum for 5 years)
- Private residents management company to maintain all on-site incidental open space/buffer zones/ ecological area (not the 3 areas of formal open space/childrens play space)

And the following Conditions;

1. Standard Outline
2. Submission of Reserved Matters
3. Time limit for submission of reserved matters
4. Approved Plans – (parking layout/driveways and courts size/position/ use not approved on indicative masterplan
5. Electric vehicle infrastructure shall be provided on car parking spaces/ each dwelling
6. 6870 square metres of useable formal open space and childrens play space shall be provided within the site (not including noise buffer zones or incidental spaces/verges)
7. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
8. The developer shall agree with the LPA an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation. The plan shall be implemented and enforced throughout the construction phase.
9. Prior to the commencement of development an additional Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.

10. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
11. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.
12. Noise mitigation to be submitted and implemented to achieve a good standard and the proposed mitigation for the gardens closest to potential noise sources will require the recommended design criteria of <55dB LAeq to be achieved.
13. No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.
14. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.
15. 105 units maximum
16. Any reserved matters application for housing to include detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats and breeding birds including swifts and house sparrows. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
17. Works should commence outside the bird breeding season
18. No trees shall be removed without the prior approval of the LPA.
19. Landscaping Scheme including details of boundary treatments to be submitted
20. Submission of Statement Design (site wide) of part of 1st reserved matters principles to take into account, the Master Plan and the Parameters Plan and to include the principles for:
 - determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs, chimneys, porches and fenestration;
 - determining the hierarchy for roads and public spaces;
 - determining the colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
 - the design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, streets, parking areas, courtyards and other shared surfaces;
 - the design and layout of street furniture and level of external illumination;
 - the laying out of the green infrastructure including the access, location and general arrangements of the children's play areas, open space within the site

- sustainable design including the incorporation of decentralised and renewable or low carbon energy resources as an integral part of the development
 - ensuring that there is appropriate access to buildings and public spaces for the disabled and physically impaired.
 - scale parameters for 2.5 storey buildings (maximum) on key parts of the site
 - SUDS details to be submitted
 - All subsequent phases and reserved matters to comply with overall strategy unless otherwise agreed
21. Reserved Matters to include Arboricultural Implication Study (AIS) in accordance with para 5.4 of BS5837:2012 Trees in Relation to Design, Demolition and Construction -Recommendations , Constraints and Tree Protection Plan and Arboricultural Method Statement
 22. Landscaping implementation
 23. Umbrella Travel Plan to be submitted with 1st reserved matters and each Phase of development to include travel plan
 24. scheme to manage the risk of flooding from overland flow
 25. Existing and proposed levels to be submitted as part of each phase/ each reserved matters application whichever is sooner.
 26. Each phase to include an area of useable public open space as detailed on plan 14-028-P-001 Rev B with access strategy from wider area
 27. first reserved matters application to provide a detailed design/management regime for the Ecological Area

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or add additional conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Head of Planning (Regulation), in consultation with the Chair/ Vice Chair of the Southern Planning Committee is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, resolve 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 as above

