

Application No: 16/2740N

Location: Land Off, CLOSE LANE, ALSAGER

Proposal: Full Planning Application for the proposal of 21 dwellings (Phase 2), a mixed residential scheme to provide affordable and open market dwellings on land to the west of Close Lane, Alsager.

Applicant: Ben Sutton, Stewart Milne Homes

Expiry Date: 04-Oct-2016

### **SUMMARY:**

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside as designated in the Local Plan. However, the principle of development of this site for residential purposes has already been accepted as part of the outline approval on this site granted on appeal under application 13/1305N. That approval concerned a mixed residential development of 76 family dwellings and 56 units for the over 55's.

This proposal is a full application which seeks to utilise the area of the site remaining to be developed for the over 55's units as approved by 13/1305n for 6 no bungalows ( 4 x one and 2x two bed) and 15 family sized (4 and 5 bedroomed units) in total.

Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of some housing, namely 15 four and five bedroomed units for market sale and 6 units as opposed to the 56 no units specifically required by condition for the over 55's under the terms of 13/1305N, and some economic benefits through the provision of employment during the construction phase, new homes and economic benefits for local businesses in the locality.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of

deliverable housing sites and where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

The adverse impacts of the development would therefore be the impact of this proposal to the housing mix and the contribution to the creation of a sustainable community by virtue of an appropriate mix of different dwellings to cater for all sections of the community. In this respect, whilst this is a single full application, the whole site needs to be considered cumulatively.

Having regard to the above benefits of the scheme including the contribution to housing land supply of 21 units (as opposed to 56 units for the occupation of the over 55's within the Inspector's previous decision to outline application 13/1305N it is considered that the adverse impacts to the residential mix in approving this development would significantly and demonstrably outweigh the benefits.

In any event, this proposal results in a significant reduction in overall housing numbers, from 56 units as originally approved to 21 as now proposed. The contribution this site would therefore make to housing land supply is significantly reduced.

Accordingly the proposal does not comprise a sustainable development.

**RECOMMENDATION:** Refuse

## **PROPOSAL:**

Full planning application for the proposal of 21 dwellings (phase 2) a mixed residential scheme to provide 6 affordable bungalows and 15 open market dwellings.

The mix of units comprise 4 x1 bed bungalow, 2 x 2 bed bungalows, 7 x 4 bed roomed units and 8 x 5 bed roomed units. With the exception of the 6 no bungalows, there are 13 two storey detached dwellings and 2 two and a half storey semi detached

## **SITE DESCRIPTION:**

The application site is located to the west of Alsager, adjoining the existing settlement boundary of Alsager. The site however is located in the Haslington ward and is covered by the Crewe and Nantwich Borough Local Plan, the boundary of Alsager being Close Lane. However, it is considered that the site is most closely related to the Alsager settlement and that possible residents of the site would utilise services and facilities within the Alsager area.

The eastern side of Close Lane features mixed 1960's onwards bungalow and housing development of Alsager.

The first phase of a housing development comprising 74 units is currently being built by the Applicant, Stewart Milne Homes. Land to the immediate west of the site at Yew Tree Farm and has recently been granted outline permission at appeal. The indicative plans show a residential layout of circa 40 units.

The sections of the site to which this application specifically refers are the two portions remaining from the implemented scheme of 15/5114C which are left for the over 55 units as previously required by 13/1305N.

## **RELEVANT HISTORY:**

13/1305N – Outline planning application for a mixed residential scheme to provide affordable, open market and over 55s sheltered accommodation, open space and new access off Close Lane. Approved on appeal 29<sup>th</sup> July 2014 Subject to S106. This scheme indicated 76 family sized dwellings and 56 units for the over 55's

14/5114C - Reserved Matters (of 13/1305N) for 74 dwellings and associated works granted with conditions 09-Jul-2015

16/3310N – Variation of condition 14 (footpath link) on application 13/1305N – to be determined

16/2532N - Variation of condition 19 (renewable energy) on application 13/1305N – to be determined

15/3651N – land at Yew Tree Farm, west of Close Lane – Outline application for the residential development and access, all other matters reserved – Appeal granted 8-Jun-2016

15/5654n Variation of Condition 27 (over 55's) on application 13/1305N – refused 8 August 2016

## **NATIONAL & LOCAL POLICY**

### **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

### **Borough of Crewe & Nantwich Local Plan 2011**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which identifies that the site is within the Open Countryside.

The relevant Saved Policies are:

NE.2 (Open countryside)  
NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
NE.20 (Flood Prevention)  
NE.21 (Land Fill Sites)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
RES.5 (Housing in the Open Countryside)  
RT.6 (Recreational Uses on the Open Countryside)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

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

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy

Policy MP1 – Presumption in Favour of Sustainable Development  
Policy PG 2 – Settlement Hierarchy  
Policy PG 5 - Open Countryside  
Policy SD 1 - Sustainable Development in Cheshire East  
Policy SD 2 - Sustainable Development Principles  
Policy IN 2 – Developer Contributions  
Policy SC4 – Residential Mix  
Policy SC5 – Affordable Homes  
Policy SE 1 – Design  
Policy SE2 – Efficient Use of Land  
Policy SE3 – Biodiversity and Geodiversity  
Policy SE4 – The Landscape  
Policy SE5 – Trees, Hedgerows and Woodland  
Policy CO4 – Travel Plans and Travel Assessments

### **CONSULTATIONS:**

**Alsager Town Council:** No objection and welcomes this kind of affordable housing.

**Haslington Parish Council:** No comments received.

**Strategic Housing Manager:** No objection provided that 30% of the units are affordable in a 65:35 split.

**Education Services:** To be reported

**Tree Officer:** No Objection subject to condition  
**Strategic Highways Manager:** No objections

**Environmental Protection** – No objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission of an Environmental Management Plan; the provision of electric vehicle infrastructure; the prior submission of a dust mitigation scheme; the prior submission of a Phase 1 contaminated land report; the prior submission of verification of any soils or soil forming material being brought onto site. In addition, informatives relating to hours of construction and contaminated land are also sought.

**United Utilities** – No objections, subject to a number of conditions including; that all foul and surface water shall be drained on separate systems; the prior submission of a surface water drainage scheme and the prior submission of a sustainable drainage management and maintenance plan

**ANSA Greenspace** – To be reported

## **OTHER REPRESENTATIONS**

11 Letters of objection and general observations have been received from local addresses have been received on the basis of the following issues -

- The developer needs to take a responsible attitude towards noise, pollution and inconvenience to existing homeowners abutting the development
- Existing development practises by Stewart Milne are adversely effecting the quality of life of residents
- Part of Close Lane still has no footpath. This is hazardous to pedestrians, especially those in wheelchairs or pushing a child's buggy. No more building should be allowed in this area until the footpath along Close Lane is complete.
- The road is not sustainable for all the extra traffic that is going to be generated. further this developer has also bought a further parcel of land from an attached resident and therefore further vehicles, noise and disruption will be plaguing the residents of Close lane
- The proposal will increase the volume of traffic on Close Lane
- Drainage problems as a result of the development presently on going

## **APPRAISAL:**

### **Principle of Development**

The principle of residential development on this site has already been accepted following the approval of the outline application 13/1305C.

The development of the larger site has already commenced and the reserved matters development for 74 dwellings approved under 15/5114C (phase 1) is well under way. The area of development within phase 1 covers approximately 80%- 85% of the overall site. Phase 1 contains 74 family housing units (of the 76) allowed by outline permission

13/1305N.

It therefore follows that the remainder of the development site will need to provide the land area for the 56 no units for the over 55's to comply with condition 27 attached to 13/1305N. Members will recall recently refusing an application for the variation of condition 27 on 13/1305N to allow for the provision of layout that is similar to this layout when they considered application 15/5654n. Members determined that the scheme was socially unsustainable in that it failed to provide for the mix of units required to create a sustainable community.

### Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need. However, at the current time, the Council cannot demonstrate a 5 year supply of housing.

## Location of the site

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – would be provided on site
- Children’s Play Space (500m) – within phase 1 on site
- Bus Stop (500m) – approx. 300m
- Public House (1000m) – approx. 1000m
- Public Right of Way (500m) – located within, north and south of the site
- Primary School (1000m) – 760m
- Public Park/Village Green (1000m) – approx. 1000m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 1750m
- Outdoor Sports Facility (500m) – 1680m
- Convenience Store (500m) – 1000m
- Pharmacy (1000m) – 2000m
- Secondary School (1000m) – 1680m
- Medical Centre (1000m) - 2680m
- Child Care Facility (nursery or crèche) (1000m) - 1850m
- Community Centre/Meeting Place (1000m) – approx. 2500m
- Post box (500m) – 950m
- Post Office (1000m) – 2550m
- Railway Station (2000m) – 2750m

The site fails against 11 criteria in the North West Sustainability Checklist. However, these facilities are located towards and within the town centre, to which Alsager is identified as a key service centre in the emerging Core Strategy where development can be expected on the periphery. Development on the edge of a town will always be further from facilities in town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur.

Nevertheless, this is not untypical for suburban dwellings and the proposal would also comprise part of the site of the approved residential development allowed on appeal under outline application 13/1305N.

In his decision, the Inspector accepted in paragraph 104 that given the sites proximity to local services and facilities, along with the proposed footpath link along Close Lane and the inclusion of a financial contribution towards the provision of a new local bus service to serve Close Lane for 5 years resulted in a sustainable in locational terms.

There was no dispute between both parties during the appeal process that the site was sustainable locational terms.

In taking into account the appeal decision, of which this site is part, it is considered to be a locationally sustainable site.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

The Environmental Health Officer has requested conditions in relation to the submission of an Environmental Management Plan, Piling Method Statement, Dust Suppression Statement

### **Air Quality**

Given the relatively small scale nature of the scheme, an Air Quality Assessment would not be required to accompany the application.

However, it is considered appropriate to secure the necessary infrastructure to allow home charging of electric vehicles given the use of Modern Ultra Low Emission Vehicle technology is expected to rise.

This would be secured by condition.

### **Highways**

#### Access

Access into the site would be via the approved access point for the development on the adjacent site, to which the internal road network of the approved development site would lead into the application site.

CEC have assessed the cumulative impact of the residential development schemes on the road network in Alsager. In regard to this particular application, it has been assessed with all likely current developments coming forward and the impact is considered to be minimal at the junctions that will be directly affected. It is therefore considered that although the proposal would add further traffic to the highway network, the Highway Authority do not consider that a refusal would be justified on the basis of this impact.

### **Character and Appearance**

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.”*

In this case the proposed house types with the exception of the bungalows, are similar house types to those already developed by this house builder as part of phase 1 development of this approved housing site . Two of the units are 2.5 storey semi detached houses which are of similar scale and in keeping with the existing development. There are also within the heart of the development. It is considered that the design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

### **Trees/Hedgerows**

The Tree Officer advises that the tree report submitted dates from 2013 and is therefore out of date. However, given the inner site location of this proposal.

An acceptance of development within the defined areas was established from an Arboricultural perspective as part of previous submissions, with the single tree highlighted for removal accepted. The trees identified for retention were considered for formal protection as part of the amenity evaluation exercise which protected a number of trees associated with the wider site in 2013; none of those located within the sites edged red as part of this application were considered to be of sufficient value to be protected.

The access road which serves the plots 14 - 19 extends along the western boundary of the site and parallel to the off site woodland. Whilst the detail has not been provided its clear there will be an incursion within the Root Protection Area (RPA) but this can be accommodated under a no dig construction method statement which can be addressed by condition where the engineering operation falls outside the adopted area.

The retained tree aspect can be protected in accordance with current best practice, but protective fencing details will be required, again this can be addressed by condition.

### **Landscape**

The submitted Landscape Visual Impact Assessment identifies both the national and regional landscape character of the application site; this site is located within the Lower Farms and Woods Landscape Type 10, and further, in the Barthomley Character Area (LFW7).

This development is dominated by the housing environment previously granted , Accordingly, it is not considered that the proposal would result in any significant adverse effects in landscape terms.

### **Ecology**

In this case the Council's Ecologist has examined the application and has advised that the ecological information submitted dates from 2013 and as such is out of date. With respect to specific species, he advises

#### Reptiles

Grass snakes are known to be present in this locality. Whilst the grassland habitats on site do not appear optimal for this species, the ditches are likely to provide some opportunities for this species. I advise that the proposed development could pose the risk of killing or injuring reptiles during the construction phase. The ecologist therefore recommends that a reptile mitigation strategy be submitted in support of the application.

#### Water Vole

The original Phase One habitat survey identified one watercourse on site offering potential habitat for water voles. The ecologist therefore recommends that a water vole survey be undertaken and submitted in support of this application.

#### Water courses

If planning consent is granted I recommend that a condition be attached requiring the provision of an undeveloped buffer adjacent to the on site water courses.

### **Flood Risk**

The Council's Flood Risk Manager and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development subject to the imposition of planning conditions requiring schemes for the disposal of foul and surface water and that the proposal shall be carried out in accordance with the recommendations set out in the submitted Flood Risk Assessment.

As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

### **Loss of Agricultural Land**

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the Ministry of Agriculture Fisheries and Food classification) will not be permitted unless:

- the need for the development is supported in the local plan;
- it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

The approved development was classified as Grade 2 agricultural land. The Appeal Inspector, in his opinion, concluded in paragraph 99 of the appeal decision, that given the sites relatively small size, its irregular shape, field boundaries, ownership and location on the urban fringe

evidenced by its current use for horse grazing, the land to which the application site related was of limited agricultural value.

He further considered that given the above,

*“...along with the extent of best and most versatile land surrounding Alsager and the promotion of development sites in the emerging Local Plan which include agricultural land within this category, it is apparent that some areas of agricultural land would have to be developed if the Council’s housing targets are to be met.”*

He concluded therefore that the loss of the best and most versatile agricultural land afforded limited weight in this case.

Therefore, in taking into account the Inspectors previous decision as well as planning history of the site whereby permission is already granted for the residential use, it is considered that the loss of agricultural land in this instance would be of very limited weight in the overall planning balance.

### Environmental Conclusion

The proposal would result in the loss of a parcel of land allocated as Open Countryside and would cause harm to the rural character and appearance of the site and surrounding area. The proposal would also result in the loss of ‘Good Quality Agricultural Land’, however, given the fall back position of houses already being approved on this site and the on going residential development surrounding this site, the harm is considered limited. However, insufficient information has been submitted with regard to the water vole and reptiles. On this basis, it can not be concluded that the proposal is environmentally sustainable.

Other environmental considerations such as; landscape, highway safety, flooding and drainage are considered to be acceptable or neutral subject to conditions / mitigation.

### **Economic Role**

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest facilities in Alsager for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident’s in 21 units spending money in the area and using local services.

In these terms, however, the approved development of this site (13/1305N) allowed for 56 units to be developed on this site, for the over 55’s. This proposal is for 21 units, of which 6 are for the over 55’s ( 30% of total units) and 15 are 4 and 5 bedroom units.

It should be noted, given the reduction in numbers of units overall that there would be less economic activity from future residents as a direct consequence of the reduction in housing numbers as now proposed. The contribution to economic sustainability is therefore reduced

and members are entitled to apply significant weight to this change in assessing this scheme's contribution to sustainable development.

As such, it is considered that the proposed development would be economically sustainable, predominantly during the construction phase, but less economically sustainable, post construction, as the scheme determined by the Appeal Inspector (13/1305N) by virtue of the reduction in overall numbers of units now proposed (from 56 down to 21).

### **Social Role**

The proposed development would provide open market and social housing which in itself, would be a social benefit however, that benefit is significantly reduced by virtue of the reduction in numbers now proposed. The value is therefore reduced from the scheme granted on appeal.

### **Affordable Housing**

The site falls within the Alsager sub-area for the purposes of the Strategic Housing Market (SHMA) Update 2013.

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy Submission Version outline that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all sites of 15 dwellings or more or than 0.4 hectare in size.

The general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% affordable or social rented and 35% intermediate tenure. This would equate to a requirement of 12 affordable units in total on this site, split as 8 for social or affordable rent and 4 for intermediate tenure.

This is a proposed development of 21 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 6 dwellings to be provided as affordable dwellings. 4 units should be provided as Affordable rent and 2 units as Intermediate tenure.

Whilst this application proposes a policy compliant amount of affordable housing it is deeply regrettable that this site will only provide 6 affordable dwellings considering the site should have provided 17 affordable older persons dwellings following the previous successful appeal on the site – a reduction of 9 affordable dwellings for older people on this site.

To put this into context the SHMA 2013 evidenced a requirement for 54 new affordable units per annum in the Alsager area. There is a need for 38 x 2 bedroom, 15 x 3 bedroom, 2 x 4 bedroom and 2 x 4 bedroom dwellings for General Needs and 5 x 1 bedroom dwellings for older persons per year.

This application, including 6 affordable dwellings specifically for older people, will satisfy just over one year of the requirement for this type of accommodation. However the previous

application, won on appeal, would have satisfied demand for this type of accommodation for more than three years.

As evidenced by the Council's Vulnerable and Older People's Strategy 2014 there is a recognised need for older persons accommodation across Cheshire East.

Therefore I would like to express my concerns about the reduction in the number of affordable older persons dwellings and reaffirm that the resulting shortfall would need to be addressed elsewhere on other sites in Alsager.

There are 249 applicants on the Cheshire Homechoice waiting list who have selected Alsager as their first choice for rehousing. They require 95 x 1 bedroom, 91 x 2 bedroom, 49 x 3 bedroom and 14 x 4 bedroom dwellings.

The Affordable Housing 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 and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

### **Public Open Space**

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site.

It is considered that the POS and LEAP already provided on the site as part of the outline scheme will be sufficient to cater for the demand as a result of this proposal

**CEC Education** – No reply to date. The provision of an additional 15 family sized dwellings will likely require mitigation. An update will be provided

### **Housing Mix**

This scheme seeks to provide 21 dwellings (4 x 1 be and 2 x 2 bed bungalows) and 15 four and five bedroom family dwellings for market sale

Previously on this site the phase 1 scheme permitted 52 no. market housing and 22 no. affordable housing comprising two storey 18 no. 2 bed (all affordable), 17 no. 3 bed (four of which are affordable) and 39 no. 4 bed dwellings all for market sale.

Accordingly, if permission were granted for this proposal there would be a significant reduction on the amount of over 55's accommodation in the area, in an area where there is a known need for such accommodation and the housing mix on the site as would have a greater number of 4+ bedroomed units. This is considered to result in a unsustainable form of development that fails to deliver a housing scheme which meets all needs within the community, contrary to emerging policy SC4 of the Local Plan Strategy and

### **S106 Matters**

As part of 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 current proposals will have an effect upon the education provision locally, where local schools are forecasting they are at or over capacity. Likewise the proposal will generate a policy requirement of affordable housing.

### **PLANNING BALANCE:**

Whilst outline permission has been granted for residential development, the site to which this proposal relates has not been developed.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would bring positive planning benefits such as; the provision of a market dwellings, the provision of on-site affordable housing (although limited weight is afforded to this) and a minor boost to the local economy, particularly during the construction phase.

Balanced against these benefits must be the adverse impacts, which in this case relate to the impact the development would have upon the social mix of housing that the proposal would result in, with the overall reduction in numbers of over 55 units from 56 as originally approved to 6 as now proposed.

In this instance, it is considered that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development in social terms. In the circumstances of this application, the material considerations considered above do not justify making a decision other than in accordance with the development plan.

### **RECOMMENDATION:**

### **REFUSE FOR THE FOLLOWING REASONS:**

**The proposal will, by virtue of the loss of dwellings for the over 55's, from the 56 units within a mixed residential scheme granted permission under 13/1305n to 6 units now proposed would comprise an unsustainable form of development without reasonable justification to the change in the housing mix, contrary to policy SC4 of the Cheshire East Local Plan Strategy Proposed changes (consultation draft) March 2016 and policies contained within the NPPF. Furthermore the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposal to housing land supply. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development.**

**Insufficient information has been provided concerning water voles and reptiles on the site to enable the Local Planning Authority to assess the implications of the development for these species. The proposal is therefore contrary to Policy NE9 of the Crewe and Nantwich Adopted Replacement Local Plan 2011**

**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 Principal Planning Manager (Regulation) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, 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 is approved to enter into a S106 Agreement to secure the following Heads of Terms;**

- 30% of the dwellings to be affordable in a 65:35 split**
- Education contribution to be confirmed**

