

Application No: 17/0339N

Location: Land to the north of Little Heath Barns, Audlem Road, Audlem, Cheshire

Proposal: Erection of retirement living housing (category II type accommodation), communal facilities, landscaping and car parking

Applicant: McCarthy & Stone Retirement Lifestyles Ltd

Expiry Date: 05-Jul-2017

## **SUMMARY**

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However 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 that 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 consider 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 be that the proposal is technically contrary to Policy NE. 2. However the principle of residential development of the site has already been established as part of approved application 13/2224N. The proposal would also fail to provide the full commuted sum for affordable housing. However a viability report has been provided which has been independently assessed allowing the Council to negotiate a contribution which could be used on local housing schemes. Bearing in mind the special type of housing which McCarthy and Stone are providing and given the advantages of the scheme at going some way to meet the acknowledged national and local shortage of this type of housing this shortfall is not considered to be significant in the overall planning balance.

The development would provide benefits in terms of meeting an acknowledged national and local shortage of housing for the elderly and economic benefits through the usual economic benefits during construction and through the spending of future occupiers.

The development would have a neutral impact upon protected species/ecology, flooding, living conditions, landscape, trees, design and contaminated land.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-

benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

## **RECOMMENDATION**

**APPROVE subject to a S106 Agreement and conditions**

## **REFERRAL**

The application has been referred to Southern Planning Committee because it is a major development and a departure from the development plan as it is situated outside of the settlement zone line for Audlem.

## **PROPOSAL**

This is a full application for the erection of retirement living housing (category II type accommodation), communal facilities, landscaping and car parking.

The proposal includes a cluster of buildings in an L shaped design with car parking to the west and a landscaped garden to the east.

Vehicular access would be taken from an existing access point Audlem Road with a pedestrian access also taken off Audlem Road to the south-eastern boundary.

Existing hedging is being shown as retained on the eastern boundary.

## **SITE DESCRIPTION**

The proposed site is former agricultural land, situated on the northern edge of the village of Audlem. It forms part of a wider site to the north and west which has gained planning permission for the erection of 120 dwellings and construction works have now commenced.

A row of four recently constructed terraced properties at Little Heath Barns, are orientated side on to the site boundary. A combination of garden fences and mature vegetation form the boundary at the south of the site.

The wider site to the north and west is now under construction.

## **RELEVANT HISTORY**

13/2224N - Proposed residential development of up to 120 dwellings, highway works, public open space and associated works – Appeal against non-determination – Appeal Allowed 7th January 2015

13/3746N - Proposed residential development of up to 120 dwellings, highway works, public open space and associated works. (Resubmission) – Refused 6th March 2014

16/1131N - appearance, landscaping, layout and scale of outline permission for up to 120 dwellings (outline ref: 13/2224n) – approved 21st October 2016

16/5503N – Non material amendment to 16/1131N to move the affordable units – Planning permission required 13-Dec-2016

16/6085N – Variation of Condition 1 (approved plans) of 16/1131N appearance, landscaping, layout and scale of outline permission for up to 120 dwellings – approved 10-Mar-2017

16/6077D – Approval of conditions 2 (lighting), 3 (landscape), 4 (landscape), 5 (boundary treatment), 6 (materials), 7 (play equipment) & 8 (bins) on approval 16/1131N - appearance, landscaping, layout and scale of outline permission for up to 120 dwellings (outline ref: 13/2224N) – approved 06-Mar-2017

16/6152D – Discharge of Conditions 5 (contaminated land), 6 (drainage), 8 (arboriculture method statement) , 9 (habitat management), 10 (Environmental management plan), 11 (levels) & 12 (bus stop) on approved application 13/2224N - Residential development of up to 120 dwellings, highway works, public open space and associated works – approved 02-Mar-2017

17/0243D – Discharge of condition 13 (affordable housing) on application 13/2224N – approved 27-Mar-2017

Variation of the approved planning layout from ah066/01 rev 25 to ah066/01 rev 29 on existing permission 16/1131n; approval of reserved matters appearance, landscaping, layout and scale of outline permission for up to 120 dwellings (outline ref: 13/2224n) – Not determined at the time of writing the report

## **IMPACT ON THE APPROVED SCHEME**

The wider site has gained planning approval for the erection of 120 dwellings including 36 affordable units. This included 11 dwellings (3 of them affordable units) on the location of the current application site.

The current application seeks consent for the erection of 25 apartments in place of the approved 11 dwellings (including 3 affordable units). This would result in a net increase in the number of units proposed by 14.

The number of units would be reduced on the wider site by 11 (including 3 affordable units) resulting in a development of 109 dwellings which requires 33 affordable units, which still equates to 30% affordable housing and thus the approved scheme would remain policy compliant, despite the loss of units.

However as the application has been submitted with its own site edged in red, including just the area to be developed, the application needs to be assessed independently on its own individual merits.

## **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
- 56-68. Requiring good design

## **Development Plan**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policy NE.2, as open countryside.

The relevant Saved Policies are:

- NE.2 (Open countryside)
- NE.5 (Nature Conservation and Habitats)
- NE.8 (Sites of Local Importance for Nature Conservation)
- NE.9: (Protected Species)
- NE.20 (Flood Prevention)
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.5 (Infrastructure)
- BE.6 (Development on Potentially Contaminated Land)
- RES.5 (Housing in the Open Countryside)
- RES.7 (Affordable Housing)
- RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
- TRAN.9 (Parking Standards)

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:

- PG2 – Settlement Hierarchy
- PG5 - Open Countryside
- PG6 – Spatial Distribution of Development
- SC4 – Residential Mix
- SC5 – Affordable Homes
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- SE3 – Biodiversity and Geodiversity
- SE5 – Trees, Hedgerows and Woodland
- SE 1 - Design
- SE 2 - Efficient Use of Land
- SE 4 - The Landscape
- SE 5 - Trees, Hedgerows and Woodland
- SE 3 - Biodiversity and Geodiversity
- SE 13 - Flood Risk and Water Management
- SE 6 – Green Infrastructure
- IN1 – Infrastructure
- IN2 – Developer Contributions

## **Audlem Neighbourhood Plan (ANP)**

The Audlem Neighbourhood plan was made on 12th April 2016 and the following policies are relevant to this application;

H1 – Number of New Homes  
H2 – Redevelopment of Infill Land and Brownfield Land  
H3 – Scale of New Development  
H4 – Size of Homes  
H5 – Type of Homes  
H6 – Affordable Housing  
H7 – Tenancy Mix  
D1 – Character and Quality  
D2 – Size and Space  
D3 – Position and Topography  
D7 – Efficiency and Sustainability  
D8 – Retaining Green Space and Encouraging Nature Conservation  
D9 – Planting  
D10 – Drainage  
D11 – Residential Parking  
D12 – Road Widths  
D13 – Safe Access  
D14 – Storage Space

### **Other Material Considerations**

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

## **CONSULTATIONS**

**CEC Highways:** No objection

**CEC Flood Risk Manager:** No objection subject to condition requiring a drainage strategy

**CEC Environmental Health:** No objection subject to conditions/informatives regarding lighting, travel pack, electric vehicle charging points, working hours and contaminated land

**CEC Housing:** Objection as the proposal would require x8 affordable units or a contribution of £665,900 towards local housing schemes

**CEC ANSA:** No objection subject to contribution of £9,000 for green gym facilities

**CEC Public Rights of Way (PROW):** No objection subject to advisory notes to the applicant

**NHS England:** No response received at the time of writing the report

**United Utilities:** No objection subject to foul and surface water drainage and drainage strategy

## **VIEWS OF AUDLEM PARISH COUNCIL**

Objection on the following grounds:

### Affordable housing policies in the Local Plan

The proposal would result in a loss of 3 affordable units from the approved scheme at the site thus would be contrary to relevant affordable housing policies

### Errors and omissions in the documentation submitted by the Applicant

Page 7 of supporting statement Location - The photograph narrative says the site is opposite 74 & 76 Heathfield Road. It is actually opposite an open field and not part of the built up area.

Page 8 of supporting statement Local character - There is no 'Little Heath Farm shop or other local independent businesses' along Audlem Road to the south of the proposed site. The area is residential until the village centre is reached. The Little Heath Farm Shop is again - erroneously – as shown on the map on Page 9.

On Page 13 of supporting statement all of the identified buildings are wrongly named, giving a totally incorrect impression of, for example, the distance from the site to Audlem Medical Practice which is said to be 0.3 miles away “just a 15-minute walk”.

Page 4 transport statement disagree with the statement “there is no obvious lack of “much needed family housing”

Page 4 of the transport statement disagree that the site is “in a central location”

### Sustainability/location

Question the accuracy of the sustainability of the site and the distances quoted to local services given that occupants would be slower and less mobile

### Contrary to policies in the ANP

Contrary to Policy H1 Number of New Homes as the proposal is in excess of those granted on 27<sup>th</sup> April 2015 and does not accord with other policies in the plan

Contrary to Policy H3 Scale of New Development as the proposal is greater than 10 dwellings and not commensurate with the village

Contrary to Policy H4 Size of homes as the supply of affordable housing was paramount to ensure that the village continues to retain and attract young families

Contrary Policy H6 Affordable Housing not providing 30% affordable and no viability put forward

Contrary Policy H7 Tenancy Mix as the proposal would result in the loss of affordable homes secured by previous permission and would not provide required tenancy split

Contrary Policy D1 Character and Quality as the proposal is urban in appearance and material do not match the area, does not retain views or provide required privacy distances

Contrary Policy D10 Drainage as the area is known for flooding and the drainage report was carried out at the wrong time of year

Contrary Policy D11 Residential parking as not enough parking is provided

Contrary Policy D13 Safe Access as residents would have to walk to Audlem and bus stops, reliance on cars would reduce sustainability of the village as users would shop elsewhere

Contrary Policy CW3 Infrastructure Support as the proposal would put pressure on the existing medical centre

Contrary Policy CI1 Infrastructure as the proposal would put pressure on existing medical facilities therefore a financial contribution is required

## **REPRESENTATIONS**

31 letters of objection received regarding the following:

- Insufficient parking for residents and visitors
- Contrary to the ANP and Local Plan
- No affordable housing poor design/not in-keeping with the village/visually dominant
- Too far from the village/not sustainable/not taking into account older people would take longer to reach local services
- Pavements inadequate/no safe pedestrian route to the village
- Impact on existing infrastructure such as medical centre
- Contrary to the appeal decision
- Traffic generation has been understated
- Will increase the number of dwellings to 135
- No need for this type of accommodation

10 letters of support received regarding the following:

- This type of accommodation is needed in the village
- High standard of living provided
- Generally good standard of finish

4 letters that are neutral offering no objection

## **APPRAISAL**

### **Principle of Development**

The site lies largely in the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

However it is worth pointing out that the principle of residential development of the site has already been established as part of approved application 13/2224N.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

### **Audlem Neighbourhood Plan**

Audlem Parish Council has submitted a comprehensive objection to the proposals.

Policy H1 relates to the number of new homes and advises that development in the settlement boundary in excess of those approved 27<sup>th</sup> April 2015 will be permitted where it accords with other policies within the ANP. The proposed development is sited within the settlement boundary therefore the development is acceptable in principle in terms of the ANP subject to meeting other policies which are assessed below.

Contrary to Policy H3 relates to the Scale of New Development and advises that proposals will normally be limited to 10 properties on a scale commensurate with the village. Exceptions include development significant benefit to the community such as social housing or village centre car parking. In this case whilst the proposal is over 10 properties it is considered an exception as it provides significant community benefit by providing much needed retirement housing to help fill a national shortage.

Contrary to Policy H4 Size of homes advises that development should favour smaller dwellings unless independent viability study or other considerations offer justification for a different mix. In this case the proposal provides 3x one bedroom and 22x two bedroom retirement living apartments. These are not considered to constitute large dwellings and thus comply with this policy.

Contrary Policy H6 Affordable Housing advises that proposal for net gain of 3 dwellings should provide minimum of 30% affordable housing unless a financial viability assessment or other material considerations demonstrate justification for a different percentage. Policy H7 Tenancy Mix also requires the affordable housing mix to be based on 35% intermediate housing. Based on the 25 units proposed, x 8 units would need to be affordable. However the application has been supported by a viability report which concluded that the scheme could not deliver the required contribution. This has been independently assessed which concluded that the scheme could provide a greater contribution but still

lower than that required to provide x8 units. However negotiations with the applicant have resulted in a contribution of £259k (250k for affordable housing and 9k for open space) which is considered a suitable compromise bearing in mind the specific nature of housing which McCarthy and Stone deliver. As a result the proposal provides an appropriate exception to this policy.

Contrary Policy D1 Character and Quality relates to the design of the proposal to reflect local context. The proposal has been subject to various discussions with the Councils Urban Design Officer at both pre-application stage and during the application itself which have resulted in the design/appearance of the scheme being altered in such a way that the scheme is now supported by the Urban Design officer. The build line of the proposal has been amended to ensure that it respects the build line of the development sites to the north to ensure a natural transition with this development and to prevent the building being overly prominent. The height has been amended to include a stepped design from both the north and south to ensure a continuation of ridge heights, whilst this increase to the middle section this is less prominent given the stepped approach. Materials could be secured by planning condition. As a result it is considered that the proposal would integrate well with the existing environment given the mix of modern and traditional property types.

Contrary Policy D10 Drainage requires parking areas to be permeable to allow water drainage. This can be secured by condition.

Contrary Policy D11 requires properties with 2 bedrooms or more to provide at least 2 parking spaces. The Head of Strategic Infrastructure has assessed the development and as satisfied that the parking provision is acceptable and complies with Cheshire East requirements.

Contrary Policy D13 Safe Access requires developments to be safe for pedestrians and cyclists from the site to village centres, schools and recreational areas. The Head of Strategic Infrastructure has assessed the development and as satisfied that the proposal would provide safe and suitable access.

Contrary Policy CW3 Infrastructure Support requires proposals for more than 6 houses to include an infrastructure evaluation to quantify the likely impact on the community infrastructure and if impacts are identified the proposal shall make improvements are offer a financial contribution towards such improvements. The proposal would not require any contribution towards education given the market the proposal is aimed at. Contributions relating to affordable housing and open space are required and can be secured by Section 106 agreement. In terms of the impact on the existing medical centre, the NHS choices website advises that the closest medical centre is in Audlem village located 0.4miles away and is current accepting patients.

Contrary Policy CI1 Infrastructure requires new development to address impacts and benefits it will have on community infrastructure. In this instance the proposal requires contributions towards housing and open space which can be secured by section 106 agreement.

## **Housing Land Supply**

On 20 June 2017 Inspector Stephen Pratt published his final report on the Cheshire East Local Plan Strategy, thus bringing the Plan's Examination to a close. He has concluded that with the recommended Main Modifications, the Cheshire East Local Plan Strategy meets the criteria for soundness in the National Planning Policy Framework, and is capable of adoption.

Accordingly a report is being prepared for the full meeting of the Council on 27 July recommending the adoption of the Plan. In the meantime paragraph 216 of the NPPF sets out the guidance on the weight that should be applied to emerging plans. The degree of weight depends on:

- The stage of the Plan (the more advanced the preparation, the greater the weight that may be given)
- The extent to which there are unresolved Objections
- The degree of consistency with the framework.

In the case of the Cheshire East Local Plan Strategy, the Plan is now on the cusp of adoption and so is clearly at a very advanced stage. With the publication of the Inspector's report there are no unresolved objections and the Inspector has confirmed that the policies of the plan are consistent with the Framework.

Accordingly, whilst ahead of adoption, the Local Plan Strategy cannot be afforded full weight as a development plan, as an emerging plan it must now carry very significant weight.

The Inspector's Report signals the Inspector's agreement to the plans and policies of the plan, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that are currently within the green belt will then be removed from that protective designation and will be available for development.

In the light of these new sources of housing supply, the Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

*"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"*

In the run up to adoption, no 5 year supply can be demonstrated and so the presumption in favour of sustainable development will continue to apply.

Given the solution to housing supply now at hand, correspondingly more weight can be attributed to the housing supply policies (as per the Richborough Supreme Court Judgement). In addition given the progression of emerging policies towards adoption very significant weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

Attention is also drawn to a recent appeal decision regarding a site in Cheshire East ref APP/R0660/W/16/3156959 where the inspector gave the following view on the status of the Councils emerging Local Plan prior to the recent report;

*"This plan is now at an advanced stage of preparation, with the consultation on the main modifications having started on 6 February 2017. It was indicated that apart from a minor modification to the wording of the supporting text, the Local Plan Inspector has not suggested any modifications to this policy. As such, it is proposed that it would be adopted in its current format. In the light of this, and in accordance with paragraph 216 of the National Planning Policy Framework (the Framework), I consider that substantial weight can be given to this policy"*

This conclusion was reached before the Inspector's Report was published, now his findings are known and adoption is imminent the weight accorded to the emerging plan will be further enhanced.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of less than 3,000 that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 10 dwellings or more or a combined housing floor space including garages larger than 1000sqm in size.

The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 25 apartment units therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 8 dwellings to be provided as affordable dwellings with the above 65/35 split.

In this instance no affordable units are to be provided on site. The Councils Interim Planning Statement: Affordable Housing requires affordable housing to be provided on-site, however there may be circumstances where on-site provision would not be practicable or desirable. In this instance, the applicant proposes a financial contribution instead of on-site provision. Given the limited number of units required and the special type of housing (retirement living) which McCarthy and Stone are providing, it is considered reasonable to accept a financial contribution in lieu of on site provision. To provide the required 8 units a contribution of £665,900 would be required.

A viability appraisal was submitted in support of the application and concluded that the development could provide a contribution of £61,485 which is a shortfall of the required contribution. This has been independently examined by White Young Green and who have concluded that the development could potentially provide a contribution of up to £556,699 whilst remaining viable. It is therefore worth noting that the scheme could not deliver the full contribution of £665,900 in any case.

After negotiation, the applicant has committed to provide £250,000 towards off-site affordable housing & 9k towards open space. This would help to deliver circa 4 units (2 x affordable rent and 2 x intermediate - 1 beds). Whilst this is a shortfall in the required contribution this figure is considered a suitable compromise which could be used on local affordable housing projects bearing in mind the special type of housing which McCarthy and Stone are providing and given the advantages of the scheme at going some way to meet the acknowledged national and local shortage of this type of housing. The affordable housing provision will be secured as part of a S106 Agreement.

Nevertheless this shortfall needs to be addressed in the overall planning balance.

### **Public Open Space**

There is an unquantified area of POS fronting Audlem Road however this seems more suited to a communal open space specifically for the residents rather than Public Open Space. The submitted site plan shows segregation of the retirement properties and "POS" from the wider development. ANSA have requested the redesign of the "POS" giving it a more open feel with an opportunity to combine the area with the wider development.

Amended plans have been received which now include a sitting out area in the landscaped garden for use by the residents of the proposed scheme and a direct pedestrian access from the gardens to Audlem Road. Whilst this will not be available for public use, it will provide a public interface between this proposal and the wider housing development. The applicant has also advised that given that security is one of the main reasons for the residents (who are on average 78 years old on entry to this form of accommodation) to move to this form of housing, it will not be possible to make this area available to the wider public. Given that the plans have been amended to allow users to connect the landscaped garden to Audlem Road this is considered a suitable compromise.

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. The proposal seeks to provide 25 apartments therefore the proposal requires 875sqm of public open space.

New housing developments with more than 20 dwellings (except sheltered housing) require 15sqm of shared recreational open space and 2 or more bed an addition 20sqm play space. Whilst the proposal seeks retirement homes and are aimed at older people, it is providing 2 bed roomed properties which require play space. This may not be "play space" as we think of swings, slide etc, however this could be a green gym, there are many items on the market for older people to keep active. Policy RT.3 allows for small developments to provide contributions towards equipment rather than on site provision therefore a contribution of £9,000 is required based on real costs which will be held for 10 years should the wider side come forward to be used specifically for green gym equipment.

The above contribution can be secured by section 106 agreement.

## **Education**

No contribution for education is required for a development bearing in mind the housing is aimed at older people seeking retirement living. It is however considered necessary to attach a condition to any planning approval restricting the occupancy.

## **Health**

Although no consultation response has been received from the NHS there is a medical centre in Audlem village within 0.4 miles of the site and according to the NHS choices website this practice is currently accepting patients indicating that they have capacity.

## **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.

In this instance no such assessment has been provided with the application. The site is located outside the Audlem settlement boundary and therefore could be argued to be locationally unsustainable. However outline consent has been allowed on appeal at the site to the north/west for the erection of 13/2224N where the inspector concluded *“The range of facilities and services in and around the village, along with ready access to public transport are factors which have influenced the classification of the village by the Council as being capable of supporting new residential development. Albeit that the appeal site lies on the edge of the settlement, it is within walking distance of many of these facilities. Therefore, in respect of location and a movement to a low carbon economy, the sustainability of the appeal site is positive”*

Given that the application site is directly across the road from the appeal site, it is considered reasonable to conclude that the application site is also locationally sustainable.

Nevertheless locational sustainability is not the determinative factor in its own right but does weigh again the proposal in the overall planning balance.

### **Need for older persons housing**

The Government’s formally adopted National Planning Practice Guidance (NPPG) states under Housing and Economic Development Needs Assessments paragraph 21:  
‘Housing for older people, advises as follows:

*“The need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households (Department for Communities and Local Government Household Projections 2013). The age profile of the population can be drawn from Census data. Projection of population and households by age group should also be used. Plan makers will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish”*

The majority of older people who are looking to move home in later life are downsizing from a larger family home. Hence the need to deliver a range of choice in terms of type and tenure that will enable them to make such a move. The proposed development will contribute to the provision of such a choice and therefore falls within the spectrum of accommodation cited in the NPPG and will meet a need for specialised accommodation for older people which weight in favour of the proposal.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

The main residential properties affected by this development are Little Heath Barns and plots 1, 11, 12 & 22 of the wider development site.

The proposal would introduce side facing windows at a distance of 14.6m to the side elevation of plot 1 which contains windows serving a first floor bathroom window. This complies with Council interface distances to prevent harm through overlooking/loss of privacy.

The proposal would introduce side facing windows at a distance of between 21.5-22.8m to the front elevations of plots 11 & 12 which contain windows serving primary/habitable rooms. This complies with Council interface distances to prevent harm through overlooking/loss of privacy.

The proposal would introduce side facing windows at a distance of 11m to the side elevation of No11 Little Heath Barns which contains windows serving a first floor bedroom and ground floor kitchen. The kitchen window is not a habitable room and therefore can only be attributed limited protection and the bedroom is a secondary window with the main window being sited on the front elevation. Therefore this distance is considered acceptable subject to condition requiring the proposed first floor living room window on apartment 10 to be fitted with obscure glazing to prevent harm through overlooking/loss of privacy.

The proposal would introduce side facing windows at a distance of 9m to the side elevation of plot 23 which contains ground floor lounge windows. This is short of the recommended interface distance contained in the SPG therefore a condition will be attached to any planning approval requiring the first floor living room windows of apartment 16 to be fitted with obscure glazing to prevent harm through overlooking/loss of privacy.

Environmental Protection have raised no objections subject to condition regarding lighting, travel pack, electric vehicle charging points, working hours and contaminated land which can be attached to any decision notice.

### **Contaminated Land**

As the application is for new residential properties which are a sensitive end use and could be affected by any contamination present a contaminated land condition will be attached to the decision notice of any approval.

### **Public Rights of Way (PROW)**

The Councils Public Rights of Way Team have been consulted regarding the application and have not raised any objections. They have however offered advisory notes to the applicant which can be added to any decision notice as an informative.

### **Highways**

The proposal is for 25 apartments aimed at retirement living. The development will replace 10 houses approved under application 13/2224N and will be accessed from within the approved site layout.

The Councils Highways Department have been consulted who advises that the net impact of the proposal over the existing, in terms of pedestrian and vehicle movements, is considered to be minimal. The proposal would provide 25 car parking spaces. Car ownership data and data from comparable sites demonstrate that this will be enough to accommodate the parking demand of this proposal.

As a result the proposal will not result in any significant harm to the existing highway network.

### **Landscape**

This is an application for the erection of retirement living housing, communal, facilities, landscaping and car parking. The application site has been subject to an Appeal which has already established the principle of development on this site.

The application includes a Landscape Planning Layout Drawing. The Councils Landscape Architect has considered the proposal and concludes that the application site could accommodate the proposed additional development subject to condition requiring a landscaping scheme.

As a result it is considered that the proposal could be accommodated into the existing landscape without causing significant harm to its character/appearance.

## **Trees**

The principle of development on this site has been established with the extant permission associated with application 16/1131N. This prevails in respect of access into the site and the Audlem Road hedge (H1) which has been identified as being important under the Archaeological and Historical criteria criterion 5 of the 1997 Hedgerow Regulations.

The retirement living accommodation and the associated landscaping including car parking establishes no direct or indirect impact in relation to trees including those protected as part of the Cheshire East Borough Council (Audlem - Land west of Audlem Road) Tree Preservation Order 2015 with development occupying the open field aspect.

As a result it is not considered that the proposal would cause significant harm to the existing tree stock.

## **Design**

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

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

The area is characterised by a mixture of modern properties to the south of the site and more traditional property types to the east and further south to the village, all predominantly 2 storey in character and finished in red brick/render. The site has received planning permission for the erection of 120 houses, the design of which has also been deemed acceptable. The current proposal seeks to remove 11 of the approved dwellings and replace with a 25 unit apartment block but remaining 2 storey in height and finished in red brick.

As a result it is considered that the site could accommodate the proposed apartments given the mixed property styles and would therefore be viewed in context of this wider development rather than stand along built form.

The proposal has been subject to various discussions with the Councils Urban Design Officer at both pre-application stage and during the application itself. These discussions have resulted in the build line of the proposal being amended so that it respects the build line of the development approved to the

north to ensure a natural transition with this development and to prevent the building being overly prominent. Whilst it would be sited forward of the build line to Little Heath Barns a visual gap would remain between the properties to soften this impact. The height has also been amended to include a stepped design from both the north and south to ensure a continuation of ridge heights, whilst this increases to the middle section this is less prominent given the stepped approach. The Urban Design officer has suggested some minor changes to fenestration details and exact finish materials which can be secured by planning condition.

As a result it is considered that the proposal would integrate well with the existing environment given the mix of modern and traditional property types and would be viewed in the context of the development to the north and west of the site.

## **Ecology**

The application is supported by an ecological assessment. The site was last surveyed in April 2013. The Councils Ecologist has reviewed the report and has advised that whilst, this survey is now out of date, he considers the habitats on site, with the exception of the hedgerows, are of limited nature conservation value and have limited potential to support protected species/priority species, therefore no further ecological surveys are required.

No hedgerows appear to be lost as part of this application, but sections of hedgerow will be removed to facilitate site access points under the adjacent scheme. New hedgerow planting is proposed as part of the proposed development which should be secured by planning condition.

As a result the proposal will not result in any significant harm from an ecological perspective.

## **Flood Risk**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. The submitted Flood Risk assessment concludes that residential development would be considered sustainable in terms of flood risk.

United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions regarding foul and surface water and a drainage strategy. The Councils Flood Risk team have also raised no objection subject to condition requiring a drainage strategy.

Therefore it would appear that any flood risk/drainage issues, could be suitably addressed by planning conditions.

## **ECONOMIC SUSTAINABILITY**

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

## **CIL Regulations**

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

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

The proposal would result in a requirement for the provision of 8 affordable units. However after the submission and assessment of a viability report and further negotiation, the applicant has committed to provide £250,000 towards off-site affordable housing. This would help to deliver circa 4 units in the local area (2 x affordable rent and 2 x intermediate - 1 beds). This is considered to be necessary and fair and reasonable in relation to the development.

The proposal would result in a requirement for the provision of public open space which would be provided as a commuted sum of £9,000. This is considered to be necessary and fair and reasonable in relation to the development.

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

## **PLANNING BALANCE**

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However 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 that 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 consider 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 development would have a neutral impact upon protected species/ecology, flooding, living conditions, landscape, trees, design and contaminated land.

The development would provide benefits in terms of meeting an acknowledged national and local shortage of housing for the elderly and economic benefits through the usual economic benefits during construction and through the spending of future occupiers.

The adverse impacts of the development would be that the proposal is technically contrary to Policy NE. 2 and there would be a loss of open countryside, however the principle of residential development of the site has already been established as part of approved application 13/2224N. The proposal would also fail to provide the full commuted sum for affordable housing. However a viability report has been provided which has been independently assessed allowing the Council to negotiate a contribution which could be used on local housing schemes. Bearing in mind the special type of housing which McCarthy and Stone are providing and given the advantages of the scheme at going some way to meet the acknowledged national and local shortage of this type of housing this shortfall is not considered to be significant in the overall planning balance.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

## **RECOMMENDATION:**

**APPROVE** subject to a S106 Agreement with the following Heads of Terms:

### **Heads of terms**

- 1. Commuted sum of 250k towards affordable housing in the local area**
- 2. Commuted sum of 9k towards a “Green Gym” for use by the occupants of the proposed apartments**

**And the following conditions;**

- 1. Time limit – 3 years**
- 2. Development in accordance with the approved plans**
- 3. Materials – to be submitted and agreed**
- 4. Levels – to be submitted and agreed**
- 5. Foul and surface water drainage – to be submitted and agreed**
- 6. Drainage strategy – to be submitted and agreed**
- 7. Electric vehicle charging – to be submitted and agreed**
- 8. Travel information pack – to be submitted and agreed**
- 9. Contaminated land – to be submitted and agreed**
- 10. Lighting – to be submitted and agreed**
- 11. Landscaping scheme to be submitted and agreed**
- 12. Landscaping scheme to be implemented**
- 13. Replacement hedgerow planting – to be submitted and agreed**

### **Informative**

#### **1. PROW**

**In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

**Should the application be the subject of an appeal approval is given to enter into a S106 Agreement with the following Heads of Terms;**

- 1. Commuted sum of 250k towards affordable housing in the local area**
- 2. Commuted sum of 9k towards a “Green Gym” for use by the occupants of the proposed apartments**

