

Application No: 23/4788C
Application Type: Full Planning
Location: Land Off, Close Lane, Alsager,
Proposal: Erection of 42 no. dwellings, including access from Close Lane, construction of roads and footways, landscaping, public open space, drainage, and other associated works, resubmission following refusal of application ref: 21/6113C
Applicant: Mr Andy Garnett, Breck Homes Ltd
Expiry Date: 23-October 2024

Summary

The proposal would result in the creation of 42 net additional affordable dwellings which would go some way to help the Council achieve its 5-year housing land supply target and affordable housing need. It will also have indirect economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

The site also lies within a locationally sustainable location within the settlement boundary for Alsager and the principle of residential development on the site is acceptable. The development complies with Policies SD1, SD2, PG2 of the CELPS and PG9 of the SADPD.

The benefits of the development attract substantial weight.

The site layout is acceptable and would not harm residential amenity and complies with Policy HOU12 of the CELPS.

The development is considered to be acceptable in terms of its impact upon the highway network. The development complies with C01, C04 of the CELPS, INF3 SADPD.

The impact upon trees is acceptable subject to the imposition of planning conditions. The development complies with Policy SE5 of the CELPS, ENV6 of the SADPD.

An acceptable design solution has been provided, and this would comply with Policy SE1, SD1 and SD2 of the CELPS, GEN1 of the SADPD, the CEC Design Guide and the NPPF.

The proposal subject to confirmation regarding BNG, would not result in any significant ecological impacts and complies with Policy SE3 of the CELPS, ENV1, ENV2 of the SADPD.

The proposal subject to final comments from the LLFA, would not result in any significant flood risk/drainage issues and complies with Policy SE13 of the CELPS & ENV 16 of the SADPD.

The proposal would not result in any significant landscape harm and complies with the relevant policies.

The proposal would provide contributions towards education, outdoor sport and the NHS. This would mitigate the impact of the development

Since the previous application which was dismissed at appeal there has been a reduction of density of the site and the increase in the size of the POS. It is considered that the previous refusal reason relating to lack of garden areas and POS has been overcome. The proposal is considered to comply with Policies HOU12 and HOU13 of the SADPD.

The benefits of this application are considered to substantially outweigh the disbenefits and there are no material considerations in this case that indicate that planning permission should be refused.

Summary recommendation

Approve subject to a Section 106 Agreement and the following conditions

1. DESCRIPTION OF SITE AND CONTEXT

1.1. The application site measures 1.523 hectares and comprises part of the garden area serving No.68 Close Lane and the open field to the rear and further land to the south behind 60-68 Close Lane. The area consists of predominantly residential properties to the north and east, with this side of the road being a row of ribbon development. The application site is located within the settlement boundary and open countryside is located to the west.

1.2. Persimmon Homes have constructed a new housing development to the south off Crewe Road and to the west of White Moss Quarry which has been allocated for circa 350 houses under Policy LPS 20 of the Cheshire East Local Plan.

1.3. There is no significant variation in land levels on this site and there are existing overhead cables crossing the site.

1.4. The existing access taken off Close Lane between Nos.68 and 70 Close Lane. Access by foot is taken by a Public Right of Way (Alsager FP41) to the south of No. 60 Close Lane.

1.5. The site itself consists of two fields with hedgerows and hedgerow trees, divided by a central post and wire fence. There are trees on the site covered by a Tree Preservation Order (north-west boundary).

2. DESCRIPTION OF PROPSAL

2.1. This is a full planning application for the erection of 42 dwellings, including access from Close Lane, construction of roads and footways, landscaping, public open space, drainage, and other associated works (resubmission following refusal of application ref: 21/6113C)

3. RELEVANT PLANNING HISTORY

3.1. Parcel of land to the rear of No.68 Close Lane

21/1161N – Reserved Matters approval for appearance, landscaping and scale and the discharge of associated planning and S106 conditions pursuant to outline planning permission ref: 16/2993N - Proposed outline residential development of 16 no. dwellings with access and layout applied for – approved 03-Aug-2021

19/4451N – Variation of affordable housing and education contributions on S106 agreement – withdrawn 03-Mar-2021

18/1725C – Proposed residential development of 16 no. dwellings with access and layout applied for, as a re-submission of application 16/2993N – refused 11-Apr-2019

16/2993N – Proposed outline residential development of 16 no. dwellings with access and layout applied for – approved 19-Mar-2018

7/08028 – 5 detached houses with garages – refused 31-Mar-1981 for the following reasons:

1) The site is not allocated for any development of the approved development plan which means that it is the local authorities intention that the existing use of land shall remain for the most part undisturbed

2) The local authorities policy has been to allow limited infilling of the various gaps in the otherwise built up frontage on the western side of Close Lane but the present proposal consisting of residential development in depth behind the frontage properties, does not constitute infilling and a such would be poorly related to the existing pattern of development along Close Lane

3) The local planning authority are not satisfied on the evidence available to them that adequate foul and surface water drainage of the site can be achieved having regarding to the shallow depth of the available sewer in Close Lane and to the fact that soakaways are not considered to be satisfactory means of surface water disposal in this area

4) There is insufficient frontage available to the county highway which to form access with visibility splays and necessary standards

Wider parcel of the site

21/6113C – Erection of 55 no. dwellings, including access from Close Lane, construction of roads and footways, landscaping, public open space, drainage, and other associated works – dismissed at appeal 30th June 2023.

Reasons for Refusal as follows:

1. The proposed development does not provide the required level of on site Public Open Space to create a sustainable development. The proposed development is contrary to Policy SE6 of the Cheshire East Local Plan Strategy.

2. The proposed development includes a number of 2.5 storey units and this creates an urban feel to an edge of settlement site. Furthermore, the development appears cramped and some of the proposed dwellings have insufficient private amenity space. The proposed development is contrary to Policies SE1, SD1 and SD2 of the Cheshire East Local Plan Strategy, GEN1 of the Site Allocations and Development Plan Document and the NPPF.

Dismissed at appeal on the basis of insufficient open spaces/garden sizes. Design reason was not upheld.

4. NATIONAL PLANNING POLICY

4.1. The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has since been through several revisions. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration which should be taken into account for the purposes of decision making.

5. DEVELOPMENT PLAN POLICY

5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Cheshire East Local Plan Strategy (2010 – 2030) was adopted in July 2017. The Site Allocations and Development Policies Documents was adopted in December 2022. The policies of the Development Plan relevant to this application are set out below, including relevant Neighbourhood Plan policies where applicable to the application site.

5.2. Relevant policies of the Cheshire East Local Plan Strategy (CELPS) and Cheshire East Site Allocations and Development Plan Policies Document (SADPD)

Cheshire East Local Plan Strategy (CELPS);

MP1 – Presumption in Favour of Sustainable Development

PG1 – Overall Development Strategy

SD1 – Sustainable Development in Cheshire East

SD2 – Sustainable Development Principles

SE1 – Design

SE2 – Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 – The Landscape

SE5 – Trees, Hedgerows and Woodland

SE6 – Green Infrastructure

SE9 – Energy Efficient Development,

SE12 – Pollution, Land Contamination and Land Instability

SE13 – Flood Risk and Water Management

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG7 – Spatial Distribution

IN2 – Developer Contributions

CO1 – Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

IN1 – Infrastructure

IN2 – Developer Contributions

EG1 – Economic Prosperity

EG3 – Existing and Allocated Employment Sites

SC1 – Leisure and Recreation

SC4 – Residential Mix

SC5 – Affordable Homes

SC2 – Indoor and Outdoor Sports Facilities

Site Allocations and Development Policies Document (SADPD)

PG8 Development at Local Service Centres

PG9 Settlement Boundaries

GEN 1 Design Principles

ENV 1 Ecological Network

ENV 2 Ecological Implementation

ENV 3 Landscape Character

ENV5 Landscaping

ENV6 Trees, Hedgerows and Woodlands

ENV 7 Climate change

ENV 15 – New Development and Existing Uses

ENV16 Surface Water Management and Flood Risk
HOU1 Housing Mix
HOU 2 Specialist housing provision
HOU 8 Space, accessibility and wheelchair housing standards
HOU10 Backland Development
HOU12 Amenity
HOU13 Residential Standards
HOU14 Housing Densities
HOU16 Small and Medium Sites
INF3 Highways Safety and Access
INF 9 Utilities
EMP2 Employment Allocations
INF3 Highways Safety and Access
INF 9 Utilities
REC 2 Indoor sport and recreation implementation
REC 3 Open space implementation
REC 5 Community facilities

5.3. Neighbourhood Plan

Alsager Neighbourhood Plan (ANP) 15 April 2020

H1 Type and mix of new housing
H2 Climate change and housing
H3 Infrastructure and sustainable housing development
H4 Size, scale and density of new housing developments
H5 Affordable housing
H6 Housing design
NBE1 Open space and recreation
NBE2 Landscape quality, countryside and open views
NBE3 Alsagers wildlife corridor
NBE4 Woodlands, trees and hedgerows
NBE5 Wildlife and housing
TTS2 Congestion and highway safety
TTS3 Parking and electric charging points
TTS6 Infrastructure
TTS9 Drainage – Sustainable Urban Drainage Systems (SUDS) design and management
TTS10 Surface water

Haslington Neighbourhood Plan (HNP)

The Haslington Neighbourhood Plan has only reached Regulation 7 stage and therefore cannot be attributed any weight at this stage

6. Relevant supplementary planning documents or guidance

6.1. Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application:

- SPG Provision of Private Open Space in New Residential Developments
- Biodiversity Net Gain SPD
- Environmental Protection SPD
- SPD Cheshire East Council Design Guide

7. CONSULTATIONS (External to Planning)

7.1. **CEC Head of Strategic Infrastructure** (Highways) – No objection

CEC Housing – No objection given 100% affordable provision

CEC Flood Risk – Request for further information so awaiting response

CEC Environmental Protection – No objection subject to conditions/informatives regarding working hours for construction sites, piling, floor floating and contaminated land

CEC Education – No objection subject to contribution of £137,310.00 for Secondary education and £74,920.00 towards SEN.

CEC Public Right Of Way (PROW) – No objection subject to condition requiring scheme of management for the PROW

Public Open Space – No objection subject to financial contribution for outdoor sport at a rate of £1,564.54 per family dwelling or £782.27 per bed space in apartments to a maximum of £1,1564.54 per apartment

United Utilities – No objections subject to conditions requiring foul and surface water drainage strategy

Natural England – No objection

NHS – No objection subject to contribution of £52,016 towards additional demand at Cedars Medical Centre

Alsager Parish Council – Objection on the following grounds:

- The site is not in the Cheshire East Council Local Plan
- There is already over 5 years identified land supply for housing until 2030
- The application does not conform to policies H1, H4 and TTS10 of the Alsager Neighbourhood Plan
- The density of the proposal is unacceptable
- Access to the site from Close Lane is on a blind bend
- Density contrary to Policy TTS9
- Lack of infrastructure to support the development
- Contrary to the NPPF for development in open countryside and not sustainable development

Haslington Parish Council – No comments received at the time of writing the report

8. REPRESENTATIONS

8.1. Representations have been received from approximately 68 addresses, on the following grounds:

Principle

- Overdevelopment in Alsager
- Site is not in the Local Plan as an area for development
- The Council has a five-year supply of housing
- The site is in the open countryside
- Previous applications have been refused for the site

- Alsager is at its limit in terms of development
- S.106 contributions required including education, traffic calming measures and health
- There are brownfield sites in the surrounding area
- White Moss Quarry remains an allocation in the Local Plan but previous permissions are now extant
- Development is contrary to PG2 (settlement hierarchy), PG6 (open countryside), SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), IN1 (Infrastructure)
- Site has built form to only one side
- Site does not confirm to policies H1 of Alsager Neighbourhood Plan regarding type and mix of new housing
- Site does not confirm to policy H4 of Alsager Neighbourhood Plan regarding the size, scale and density of new housing developments
- Site does not confirm to policy TTS10 of Alsager Neighbourhood Plan
- Policy PG7 (spatial distribution of development) has target for Alsager which has been achieved.

Highways

- Close Lane is not suitable nor wide enough.
- Close Lane is a busy lane, narrow in parts, with no lane markings and a 'rat run'.
- Highway safety concerns regarding access on a 'blind bend'.
- Traffic congestion impacts on the surrounding road network including Close Lane, Dunnocksfold Road and wider Alsager. The addition of a further 61 dwellings with associated traffic movements (minimum of 120 cars) will worsen the situation.
- Impact on surrounding junctions including B5077.
- Speed limit (30 mph notice) should be considered alongside traffic calming methods.
- Dangerous for pedestrians crossing near to the proposed entrance. Footpath only on one side and considered narrow and dangerous.
- Close Lane popular with walkers and dog walkers, accessing the countryside through rights of way.
- No long-term plan to preserve, protect and upgrade PROW to south of development.
- Alsager has seen a reduction in rail services.
- Public transport is not available late at night for shift workers etc.
- The public footpath runs from Close Lane to Butterson Lane (not Crewe Road as in documentation). The path to the Quarry is impassable at times due to overgrowth, including seeding in of Himalayan Balsam. Maintenance of an accessible footpath by the site during and after construction will be needed.
- Concern regarding access from emergency vehicles and Council bin operatives.
- Volume of lorry movements will increase due to warehouses under construction on Crewe Road.
- Concern over HGV movements in proximity to the entrance.
- The site edges onto an existing PROW. The current proposal means that part of this PROW would effectively become an alley way with 6-foot fences blocking it in. This would be detrimental to the existing hedgerow and the wildlife that inhabits it. It's a potential spot to attract antisocial behaviour, litter and vermin.

Infrastructure

- Pressure on infrastructure including schools, doctors, dentists etc.
- Pressure on local school places including Alsager High School.
- Pressure on broadband, electrical grid, gas and water facilities infrastructure.
- Public services and facilities planned for White Moss do not exist and plans are extant.

Ecology

- Loss of wildlife / flora and fauna.
- Impact on birds including protected birds.
- Protected species are present on site.
- Loss of trees and habitat.
- Minimal landscaping hardly replaces the loss of countryside and reduced ecology.
- Greenfield site.
- Proposals should ensure maintenance of current boundary hedgerow

Green Space / Agricultural Land

- Loss of green space / open countryside.
- Walking areas have been lost.
- Impacts on agricultural land.
- Little amount of open space for children to play / meeting in the proposed development and local surroundings.
- Cranberry Moss has suffered a noticeable increase in path erosion, litter and damage to trees. Further building will only worsen the environmental negatives this area has endured.

Affordable housing

- Affordable housing already available on other new build estates.
- Number of affordable homes is capped to 10 in the open countryside.
- Application appears unviable.
- Affordable housing should be pepper-potted through new developments. All affordable homes in one location are against principles of inclusion.

Amenity

- Construction impacts.
- Amenity and crime concerns.
- Site backs onto an active aggregate recycling centre (White Moss Quarry).
- Privacy concerns – overlooking / overshadowing of adjacent properties.
- Noise, light and odour pollution concerns.
- Loss of outlook from neighbouring properties.
- Air quality - no monitoring of air particles has been taken from near the Quarry
- The site falls within the blast zone of BAE, a regulated explosive site that produces ammunition.

Flooding and Drainage

- Flooding and drainage concerns.
- Flood risk report incorrectly terms a drain as redundant. Updates required to the land drainage Plan.
- The building of new homes, service roads, and driveways will reduce natural soak away. The removal of trees between the two sites will stop take up of surface water. As saplings will be planted, the amount of water take up will be minimal.
- The flood risk map (Figure 4) outlines an area of surface water omits a couple of ponds.
- Drainage of the site will be needed including management of surface water from the homes and roads, whilst avoiding flooding to the adjacent gardens. The finished level of the site (gardens, footpaths and roads) cannot be raised otherwise off-site flooding will occur to gardens of several adjacent properties
- The sewerage system in Close Lane is an old, combined Waste and Surface Water system. Further alteration may be needed to cope with 61 homes.

Landscape / Character

- Object to landscape impacts.
- Landscaping provision in the application is poor.
- Application detracts from the character and quality of the area.
- Impact on character and appearance of open countryside.

Design

- Object to density of scheme in a semi-rural area – houses crowded into 1.5ha site.
- Inadequate space for families. Plans show properties with tiny gardens and minimal new green space.
- Many of the houses afford little space and do not allow for future adaptation.
- No precedent for three storey properties in this area.
- The application is wrong in its assessment of how the proposal site integrates in the local area.
- Layout does not improve the character and quality of the area.
- Site is not sympathetic to local character.
- Power lines run across the site.
- Design is out of character with the locality.

Climate Change

- Policy SD1 'Sustainable Development in Cheshire East' requires Cheshire East to use appropriate technologies to reduce carbon emissions. The plans omit details of solar panels, electric charging points or water butts to reduce on-site surface water (by storing water from the roof).

Process

- Should consider Alsager Neighbourhood Plan
- Dispute over boundary line of development including the planning application

Other

- Already refused at appeal

9. OFFICER APPRAISAL

Principle of the development

9.1. The previously refused application for the site (21/6113C) was refused prior to the adoption SADPD when the site was located within the Open Countryside. The SADPD now includes the site within the settlement boundary and taking it out of the open countryside.

9.2. Therefore, site is located within the Settlement Boundary for Alsager, as such Policy PG9 of the SADPD identifies that within the Settlement Boundary proposals 'will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan'.

9.3. The principle of development within the settlement boundary is accepted provided that it accords with CELPS Policies SD1, SD2 and SE1 and SADPD Policies GEN1. These policies seek to ensure, amongst other things, that proposals are not detrimental to neighbouring residential amenity and are appropriate in design and highway terms.

9.4. As such the principle of the development is acceptable.

Housing Land Supply

9.5. The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

9.6. As the plan is more than five years old, deliverable housing land supply is measured using the local housing need figure (plus 5% buffer), which is currently 2,603 dwellings per year rather than the LPS figure of 1,800 dwellings per year.

9.7. The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These include:

- Where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with appropriate buffer) or:
- Where the Housing Delivery Test Measurement indicates that the delivery of housing was substantially below (less than 75% of) the housing required over the previous three years.

9.8. In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2024) was published in April 2025. The published report identifies a deliverable five-year housing land supply of 10,011 dwellings which equates to a 3.8 year supply measured against the five year local housing need figure of 13,015 dwellings.

9.9. The 2023 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 12 December 2024 and this confirms a Housing Delivery Test Result of 262%. Housing delivery over the past three years (7,392 dwellings) has exceeded the number of homes required (2,820). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

9.10. In the context of five-year housing land supply, relevant policies concerning the supply of housing should be considered out-of-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is engaged.

Affordable Housing

9.11. Policy SC 5 (Affordable Homes) in the Cheshire East Local Plan Strategy (CELPS) sets out the thresholds for affordable housing in the borough. In residential developments, affordable housing will be provided as follows: -

- i. In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable;
- ii. In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sqm) in Local Service Centres and all other locations at least 30% of all units are to be affordable;
- iii. In future, where Cheshire East Council evidence, such as housing needs studies or housing market assessments, indicate a change in the borough's housing need the above thresholds and percentage requirements may be varied

9.12. Policy H5 of the ANP mirrors the approach taken in Policy SC5.

9.13. Therefore, as the proposed development is for 42 dwellings in a key service centre, in order to meet the Council's policy on Affordable housing there is a requirement that 30% of the total on-site units are affordable, which equates to 13 (12.6) affordable dwellings. The HSPD also states that the tenure mix split the Council requires is 65% affordable (or social) rented housing and 35% intermediate affordable housing. This means that 27 affordable (or social) rented and 15 intermediate affordable tenure properties should be provided on this site.

9.14. Policy SC5, paragraph 12.44 of the CELPS shows there is the objectively assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period (2010 to 2030), which equates to an average of 355 dwellings per year across the borough. This figure should be taken as a minimum.

9.15. Information taken from the Cheshire Homechoice waiting list register which is the Choice based lettings system used to allocate affordable (or social) rented housing across Cheshire East, currently shows that 445 applicants have indicated that Alsager is their preferred area for affordable (or social) rented housing. These applicants require: 245 x 1 bed, 126 x 2 bed, 58 x 3 bed and 16 x 4 or more bedrooms.

9.16. The presented plans and documents show that the development would offer a good choice of 1, 2, 3 and 4 bedroom properties on the site.

9.17. The applicant, a Registered provider of Affordable housing (The Guinness Partnership Ltd), is proposing that all 42 (100% of the dwellings) be social rented dwellings. As there is a high proven need for affordable/social rented housing in Alsager, as shown in the Cheshire Homechoice data above, and there will be four much needed 4-bedroom social rented properties on the site, on this occasion 100% social rented housing is acceptable to Strategic Housing, as it best meets local needs.

9.18. The proposed development would help the identified need for social rented dwellings in Alsager, and as such the Councils Housing Officer raises no objection, subject to 100% social rented housing being provided, as specified in the Affordable Housing Statement submitted with the planning application.

9.19. Therefore, the proposal complies with Policy SC5 of the CELPS and H5 of the ANP and the affordable housing provision can be secured by way of Section 106 Agreement.

Education

9.20. The development of 42 family (2 bedroom plus) dwellings or more would require a contribution towards education.

9.21. Children's Services exclude one-bedroom dwellings when assessing developments for a S106 contribution. There are 4 one-bedroom dwellings in this development so the remaining 38 are being assessed.

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

9.23. The development of 38 dwellings is expected to generate:
10 - Primary children (38 x 0.29) - excludes 1 SEN child, to avoid double counting
5 - Secondary children (38 x 0.14)

1 - SEN children (38 x 0.60 x 0.047%)

9.24. The development is expected to impact on primary and secondary school places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary and secondary schools in the area because of agreed financial contributions. The Service acknowledges that this is an existing concern, however the 5 secondary aged children expected from the Land off Close Lane, Alsager application will exacerbate the shortfall.

9.25. Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 1 child expected from the Land off Close Lane, Alsager application will exacerbate the shortfall.

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

5 x £27,462.00 = £137,310.00 (Secondary)
1 x £74,920.00 = £74,920.00 (SEN)

Total education contribution: £212,230.00

9.27. The above contribution can be secured way by of Section 106 Agreement.

Health

9.28. The NHS have been consulted who advise that the proposal will impact directly on provision at Alsager Health Centre and Cedars Medical Centre and therefore request a contribution of £52,016 towards additional demand as a result of this proposal. This is based on the formal as noted below:

<u>£713.00 per 1 bed unit</u>
<u>£1,019.00 per 2 bed unit</u>
<u>£1,426.50 per 3 bed unit</u>
<u>£1,783.00 per 4 bed unit</u>
<u>£2,445.50 per 5 bed unit</u>

4x 1 beds (4x £2,852)
15x 2 beds (15 x £15,285)
20 x 3 beds (20 x £28,530)
3x 4 beds (3 x £5,349)
Total £52,016

9.29. This would be spent one of the options below:

- Conversion of first floor waiting room into clinical rooms
- Conversion of ground floor waiting room space (proportion) into additional clinical space
- Merge of administrative services and reconfiguration of existing areas into clinical rooms
- Expand into current vacant top floor – this is costly and this allocation would be pooled alongside other S106 to deliver the scheme

9.30. The contribution of £52,016 can be secured by way of Section 106 Agreement.

Open Space

9.31. This development requires a minimum of 40m² per family unit each of children's play & Amenity Green Space (AGS), 5m² for allotments and 20m² for green infrastructure connectivity.

9.32. This revised layout reduces the previously refused application of 55 dwellings (21/6113C) to 42 units.

9.33. Unlike the refused application the applicant has included a community orchard at the entrance of the site and a larger sized LEAP play facility to the rear with adjacent informal amenity space with a social square.

9.34. The community orchard initially indicated a trip rail boundary which would have restricted access therefore this element has been removed. Whilst the trip rail is still around the 'square', this can be removed as part of the landscaping condition.

9.35. A landscaped focal square is located shortly into the inlet road which could accommodate seating and artwork. This area has increased in size which is welcomed.

9.36. The main open space/LEAP is in the south of the development adjacent to PROW. Changes have been made to the dwellings to ensure increased natural surveillance by residents, but the area will also enjoy natural passing surveillance from the PROW with the inclusion of an accessible path. A link has been added at the rear of the POS should White Moss Quarry come forward. Again, this will further increase the safety by passers-by.

9.37. The open space has improved from previous applications and every effort has been made to accommodate the LEAP along with the larger POS. In terms of land typologies of Table 13.1 (Amenity, Play, GI Connectivity and Food growth), they differ slightly but in terms of overall quantity Policy SE6 is satisfied. Some of the functionality is limited due to the linear nature and the intrusion of a turning head, pumping station and substation. Although planting is shown between the substation and pumping station the Councils Open Space officer requests further planting to help create a visual barrier, reduce potential noise and improve the overall aesthetics of the area between the LEAP and pumping station. Trees have been proposed however evergreen hedging is preferred and can be secured by condition.

9.38. In terms of outdoor sports facilities, the proposal will increase demand on existing facilities and as such a financial contribution towards off site provision will be required. The financial contribution is required at a rate of £1,564.54 per family dwelling or £782.27 per bed space in apartments to a maximum of £1,1564.54 per apartment. The funds would be required prior or commencement of development and would be used in line with the Council's adopted Playing Pitch Strategy and Outdoor Sports Strategy.

9.39. Overall, with the inclusion of community orchard, focal square, improved play facility and surrounding amenity space for informal recreation the Councils Open Space Officer considers this application greatly improved and therefore raises no objection subject to the below conditions:

- Design, layout, landscaping and finished levels of the LEAP with buffer zone demonstration along with planting /screening measures for the pumping station (evergreen hedging preferred over trees). Also to remove trip rail around the 'square'
- Details of the directional signage and soft landscaping plans for the PROW and linear POS
- Details of the orchard including species, numbers and underplanting
- Design and details of focal square
- Management and maintenance Plan

9.40. The current proposal now provides the required level of public open space on site and thus overcomes part of the previous refusal reason.

9.41. The requirement for a contribution for outdoors sport would need to be secured by way of Section 106 Agreement.

Housing Mix

9.42. Policy SC4 advises that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

9.43. Policy HOU1 In line with LPS Policy SC 4 'Residential mix', housing developments should deliver a range and mix of house types, sizes and tenures, which are spread throughout the site and that reflect and respond to identified housing needs and demand. In particular it suggests a recommended mix as below as a starting point:

	Market housing	Intermediate housing	Affordable housing for rent
1 bedroom	5%	14%	26%
2 bedroom	23%	53%	42%
3 bedroom	53%	28%	20%
4 bedroom	15%	4%	10%
5+ bedroom	3%	1%	3%

9.44. Policy H1 of the ANP advises new homes on developments of 10 or more should comprise a mix of house types, with one third being detached two and three storey properties, the remainder being flats, bungalows, terraced and semi-detached properties unless other material considerations support a robust justification for a different mix. This mix of house types must support a sustainable neighbourhood and meet the needs of a diverse range of household types and incomes and foster community cohesion.

9.45. The proposal consists of a mix of detached, semi-detached and town house properties. The bedroom mix is noted below:

4x 1 beds (10%)

15x 2 beds (35%)

20 x 3 beds (48%)

3x 4 beds (7%)

9.46. Whilst not strictly in compliance with Policy SC4 of the CELPS or H1 of the ANP as it only seeks to provide 1 detached property, it does provide a reasonable mix of bedroom numbers from 1 to 4 beds with the majority being 2/3 bedroom properties, so is not dominated by larger properties and would provide a reasonable mix of houses for use by all and 100% affordable housing.

Space Standards

9.47. In terms of dwelling sizes, it is noted that HOU8 of the SADPD requires that new housing developments comply with the Nationally Described Space Standards (NDSS).

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	

9.48. Policy HOU8 also requires for major developments that at least:

- a. 30% of dwellings in housing developments should comply with requirement M4 (2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings; and
- b. at least 6% of dwellings in housing developments should comply with requirement M4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.

9.49. As noted in the table below each plot would comply with the NDSS standard. In addition 4 plots would provide M4(3) wheelchair assessable dwellings and 11 plots would provide M4(2) adaptable dwellings in compliance with Policy HOU8.

Housetype		m ²	Ft ²	Total No.	Total m ²	Total Ft ²
1B2P Maisonette GF	M4(3)	64	689	4	256	2756
2B3P Maisonette FF		71	764	4	284	3057
2B3P House Type	M4(2)	70	753	9	630	6781
2B4P Aspect House Type	(NDSS)	80	861	2	160	1722
3B4P House Type	(NDSS)	84	904	18	1512	16275
3b6P Corner Turner HT	M4(2)	103	1109	2	206	2217
4b5P House Type	(NDSS)	114	1227	3	342	3681
TOTAL				42	3390	36490

9.50. Therefore, the proposal complies with Policy HOU8 of the SADPD.

Location of the Site

9.51. Both policies SD1 and SD2 of the CELPS refer to supporting development in sustainable locations. Within the justification text of Policy SD2 is a sustainable development location checklist.

9.52. In this instance the design and access statement has done an appraisal of the location in terms of sustainability. This concludes that a range of local facilities including shops and bus stops are located 0.3 miles from the site with further facilities such as schools located between 0.4-0.9 miles away. There is also a bus stop approx. 400m away to the south off Crewe Road with regular services to Hanley and Crewe.

9.53. The site was also found to be locationally sustainable for the approved housing development for 16 units (appears to now be expired). It was also found to be locationally

sustainable for the appeal scheme. Given that this relates to the same site this conclusion remains relevant here. As a result it is considered that the site would be locationally sustainable.

9.54. The site was also deemed to locationally sustainable through approval of the surrounding developments and as such it would be difficult to argue that the site in close proximity to these other consents is not sustainable.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

9.55. With regards to neighbouring amenity, Policy HOU12 advises development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

9.56. Policy HOU13 sets standards for spacing between windows of 18m between front elevations, 21m between rear elevations or 14m between habitable to non-habitable rooms. For differences in land levels, it suggests an additional 2.5m for levels exceed 2m.

9.57. The main residential properties affected by this development are Nos.58-70 Close Lane and properties 57-59 Close Lane.

No.70 Close Lane

9.58. The nearest plots (plots 1 and 2 off the site entrance) would be sited between 4.2 and 8.3m to the from the shared boundary and 20m to the rear elevation of No.70 at the closest point.

9.59. For standard rear to rear relationship Policy HOU13 requires an interface of 21m. However, the orientation of plots 1 sits angled away from the rear elevation of No.70, therefore it is not considered that being 1m shy of the interface would pose any significant harm by reason of overlooking/loss or privacy. The only side facing window proposed on the side elevation of Plot 1 is a 1st floor bathroom window, therefore, to prevent loss of privacy condition can be imposed requiring it to be fitted with obscure glazing.

9.60. The proposal would have some impact on the rear garden area of No.70 given that no development currently exists on this part of the site. It is however considered that the impact would be limited by the 4.2m siting from the shared boundary and the angled orientation. No.70 also has a substantial rear garden area therefore any overshadowing/oppressive impact will be limited to the end section of garden area immediately adjacent to the boundary.

9.61. Some windows are proposed to the rear elevation of plot 1 which would have potential to result in some overlooking of the rear garden area of No.70, however this level of overlooking is inevitable in residential areas and would also not result in any direct overlooking given the siting away from the boundary.

Nos.62-68 Close Lane

9.62. The closest plots would achieve at least 24m interface to rear facing windows. This complies with the interface as required by Policy HOU13 to prevent significant harm through overlooking/loss of privacy. The plots would also be sited sufficient distance away from boundaries to result in harm through overlooking of garden areas or result in harm through overbearing/overshadowing.

No.60 Close Lane

9.63. Plot 16 would achieve an interface of 28m to rear facing windows. This complies with the interface as required by Policy HOU13 to prevent significant harm through overlooking/loss of privacy. The plot would be sited between 2.9-2.1m to the shared boundary with No.60, which may have some impact to the section of garden immediately adjacent to the shared boundary of No.60. However, this is not an uncommon layout for modern housing estates and any overshadowing would be limited to just a small section adjacent to the shared boundary and thus would not be significant enough to form a refusal in its own right.

No.58 Close Lane

9.64. Plots 18-16 would achieve an interface of 33m to rear facing windows. This complies with the interface as required by Policy HOU13 to prevent significant harm through overlooking/loss of privacy. The plots would be sited 11m away from the shared boundary to prevent any significant harm through overbearing/overshadowing or overlooking of the rear garden area of No.58.

Future amenity

9.65. Policy HOU13 does not set an expected size of garden area but advises proposals for dwellings houses shall include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development.

9.66. One of the reasons for refusal for the appeal scheme was due to inadequate size of garden areas for certain plots with some plots only having 35sqm which was considered an unsuitable/usable size of garden area. The scheme relied on use of the wider open space however this was also substandard in quantitative terms.

9.67. The majority of plots proposed for the current proposal would have garden area of at least 56sqm. This is considered to provide sufficient standard of private amenity space which would allow outdoor activities such as clothes drying and seating areas with larger bedroom plots having the larger garden areas.

9.68. Plots 20-27 are 1-bedroom maisonettes. These do not have any private garden areas, but they do have a shared clothes drying area.

9.69. It is noted that the appeal scheme was refused due to the cumulative impact of the lack of sufficient size of gardens area and POS along with cramped design. The size garden sizes was deemed to put the POS under even more pressure from future occupiers of the standard plots. For the appeal scheme the inspector concluded "...the resulting lack of adequately sized gardens would reduce living conditions for future occupiers and put greater pressure on the under provision of on-site children's play space and amenity green space. The smaller gardens would also reduce the space between buildings and create a more cramped form of development...".

9.70. In this instance the number of dwellings has been reduced from the 55 proposed at the appeal scheme, to 42 dwellings now proposed. This results in a less dense form of development than the appeal scheme. Also, unlike the appeal scheme, the policy required amount of POS is being provided on site. As a result, the proposal is considered to be more spacious than the appeal scheme.

9.71. Therefore, despite the lack of garden area for the maisonettes, these plots are located immediately opposite to the on-site POS, which is of sufficient size to compensate for use by future occupants of the maisonettes for their outdoor space. The plots will also have use of the communal drying area for clothes drying.

9.72. As a result, given the reduction of density of the site and the increase in the size of the POS, it is considered that the previous refusal reason relating to lack of garden areas and POS has been overcome. The proposal is considered to comply with Policies HOU12 and HOU13 of the SADPD.

Air Quality

9.73. Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

9.74. The impact upon air quality could be mitigated with the imposition of a condition to require the provision of low emission boilers.

Contaminated Land

9.75. 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.

Highways

Background

9.76. A smaller residential scheme for 16 dwellings has planning approval on this site with access included, a larger scheme consisting of 55 dwellings was refused planning permission and a subsequent appeal was dismissed by the planning inspectorate but not on the grounds of highway safety.

Access

9.77. The access design remains the same as considered in the refused application which will have a 5.5m wide carriageway and 2.0m wide footways on either side of the road. The application provides a safe and suitable access.

Internal Layout Design

9.78. The submitted internal layout is similar to the previous application layout, there is a main spine road with a number of private parking courts taken off it. The level of parking is consistent with CEC parking standards requirements as set out in the local plan.

9.79. The previously submitted application considered that traffic impact on the local road network and concluded that the development would not result in a severe impact and as such did not warrant refusal. As the house types in this application are smaller, the traffic impact is

reduced, and car ownership levels are lower for the one and two bed accommodation and do not produce as many trips on the highway network.

Summary

9.80. This revised application has 13 less dwellings than previously submitted, and the type of housing proposed in this application tends to be for smaller dwellings and as a result the highway impact is reduced.

9.81. There were no highway objections to the previous larger scheme and given this proposal is reduced in scale there are no reasons to change the recommendation and raise objections to the application. Therefore, no objection is raised by the Councils Highways Officer.

9.82. The proposal is not therefore considered to result in any severe highway impacts complies with Policies SD1 & CO2 of the CELPS, INF3 of the SADPD and TTS2, & TTS3 of the ANP.

Trees

9.83. Policy SE5 advises that proposals should look to retain existing trees/hedgerows that provide a significant contribution to the area and where lost replacements shall be provided. Policy ENV6 advises that development proposals should seek to retain and protect trees, woodlands and hedgerows.

9.84. The clearance of quite a significant amount of tree cover was previously conceded to accommodate development of the area with approved outline application (16/2993N & then again with 21/1161N). Losses include a closely spaced group of Pine and Norway spruce central to the site (33T, 32 & 31G, 30T, B and C Category trees, and an A/B category area of trees designated as 29W as surveyed within this application). No additional tree losses have been proposed with this application therefore in line with the previous permissions this is not contested.

9.85. Achieving acceptable separation distances with all retained trees has been a priority and efforts have been made to ensure that the layout for which approval is sought respects the previously approved distances with protected trees and new rear elevations and retains trees and vegetation along the southwest boundary.

9.86. With regards to mitigatory tree planting, the proposal does not appear to provide space or opportunities for the expected levels of replacement tree planting in accordance with Policy SE5. However, replacement planting can be secured by condition within the landscaping plan.

9.87. There are concerns regarding the amount of pruning proposed within the AIA and on the Tree Protection Plan regarding the mature protected tree line of Oak. A site visit has confirmed that the trees have been unmanaged to date, and that they have established as expected for undisturbed field boundary Oak with most having an existing low ground clearance over the site of less than a metre.

9.88. The proposed pruning specification proposes crown raising to 3 metres. Given the extent of branch removal required to accommodate these clearances, in association with the change of use of the site, the lateral reduction proposed (between 3 and 4 metres) presents concerns in terms of the amount of live foliage which would be removed in one operation.

9.89. Consequently, it is considered that the pruning specification should be reduced to accord with best practice. A revised pruning specification should state that crown raising will not necessitate the removal of any branches more than 200mm diameter, and that the lateral reduction will not exceed 2 metres over the site. Any further works required to maintain separation between the trees and the developed properties can then be dealt with through the tree work application process once the properties are occupied.

9.90. It is also noted that retained tree 40T and Alder, will be impacted by the development with new hard standing indicated in the RPA. It's unclear whether this is to comprise of adopted surface, or what the justification is for not advocating the use of engineer designed solutions. The AMS and TP should be updated to amend/minimise impacts in the RPA of this retained tree.

9.91. No detailed levels information has been provided, and this should be included on the Tree Protection plan to take account of the change of use of the site in relation to the RPAs of affected trees

9.92. An updated Engineering Appraisal showing drainage routes across the site does not seem to have been submitted to reflect the proposed site plan but given that the position of services substation and water treatments areas are located close to retained trees, this detail needs to be considered within any AMS and Tree Protection Plan which would be appropriate to condition.

9.93. While the principle of development is accepted. The above referenced issues would need to be addressed but could be dealt with by condition.

9.94. Therefore, the Council Forestry Officer there concludes that she is satisfied with the principle of the development and considers this to be a more acceptable relationship in line with the approved scheme and therefore raise no objection subject to conditions to deal with the issues noted above (tree protection measures/construction methods and updated arboricultural impact assessment).

9.95. Therefore, it is not considered to be significantly harmful to the character/appearance of the area and the proposal complies with Policy SE5 of the CELPS and ENV 6 of the SADPD & NBE4 of the ANP.

Landscape

9.96. Policy SE4 advises that all development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.

9.97. The site does not form part of any landscape designation.

9.98. The Councils Landscape Officer has reviewed the landscaping documents and confirms that she is in broad agreement with the findings of the submitted Landscape and Visual Appraisal and finds the layout is acceptable in landscape terms, subject to details being approved.

9.99. The site is also sited within the settlement boundary with development to the north, east and south so would be seen in the context of existing built form rather than stand-alone development. The Councils Landscape Architect does however request conditions requiring a hard and soft landscaping scheme to be provided and implemented.

9.100. Therefore the proposal would not result in any significant landscaping impacts and complies with Policies SE4 of the CELPS, ENV5 of the SADPD and NBE2 of the ANP.

Design

9.101. Policy SE1 advises that development proposals should make a positive contribution to their surroundings in terms of the creating a sense of place, managing design quality, sustainable urban, architectural and landscape design, live and workability and designing in safety. The Cheshire East Design Guide Volumes 1 and 2 give more specific design guidance.

Natural connections

9.102. The proposal provides a new vehicular and pedestrian access off Close Lane to the northeast and utilises the existing PROW for further pedestrian access to the southeast.

9.103. The proposal has been revised to reduce the inward-looking character in the southern part of the site via relocation of the POS. The development still backs onto existing boundary trees/hedging on the northwestern boundary however this was not contested for the previous scheme on site.

9.104. There is no futureproofing identified for pedestrian connection from the site to the adjacent White Moss site other than via the PROW but again this was not contested for the previous scheme on site.

9.105. The proposal scores an amber rating.

Walking cycling and public transport

9.106. The streets within the scheme have been revised to be less engineered and therefore more conducive for walking and cycling and future occupants could utilise both access points.

9.107. The proposal scores an amber rating.

Facilities and services (Green)

9.108. The proposal has good access to facilities and services locally within walking distance and there is a bus top approx. 400m away to the south off Crewe Road with regular services to Hanley and Crewe.

9.109. The proposal scores green in this regard.

Homes for everyone (Green)

9.110. The proposal provides a good mix of property sizes between 1 and 4 beds and is not dominated by larger properties. All properties are also designed to meet NDSS and policy requirements in terms of accessibility. The proposal scores green rating.

Making the most of what's there (Green)

9.111. The relocation of the main POS has improved the environment of the southern section of the PROW. The changes have opened up the southern part of the site. Some properties will back onto the tree belt on the northwestern boundary however this was not objected to in the previous application. Vegetation along the western boundary is proposed to be retained and

forms the edge to the POS and the development so retains the existing green buffer. The proposal scores a green rating.

Memorable character (Amber)

9.112. The layout provides a defined gateway and the relocation of the POS to the southern part of the site the square provides focal points/green features. The square could potentially be further improved by enlarging the space eastward to the frontage of plots 37/8 and omitting that short section of street. There is a variation of house-types adjoining the site with a mixture of bungalows, dormer bungalows and 2 storey properties. The southern boundary adjoins the recently constructed housing site. The dwellings in the area predominantly detached and semi-detached, with a mix of hipped and pitched roofs, the material palette also includes a mix of red brick and render and includes a mix of grey and red tiled roofs. The age of the surrounding dwellings is mixed but is largely post-war in age.

9.113. The dwellings in the locality of the site include a number of design features such as projecting gables, bay windows (single storey), porch detailing, window header and sill details, brick banding, ridge tile detailing, and chimneys.

9.114. The proposed dwellings would all be two stories in height with a gabled roof design which would add some interest.

9.115. The remaining part of the site includes largely brick units (although render is introduced at some focal points). Many of the design cues within this location are incorporated into the development with features such as projecting gables, window header and sill details, chimneys, and porch detailing (although all appear to be open porches/canopies).

9.116. Details of external materials have been indicated on the plans and appear to provide an acceptable and consistent appearance, the final details can be secured by planning condition.

9.117. Plots 1 and 2 are important gateway properties but this is not maximised in the design. The frontage parking also weakens this slightly. Overall street design has improved but is still a little too formal in places. The proposal scores an amber rating.

Well defined streets and spaces

9.118. There is a consistent building line for most of the site. The focal square disrupts this to a degree but is now better enclosed than previously proposed and is less car dominated.

9.119. The proposed dwellings would be sited to ensure that they overlook the proposed highway network. The development would use corner-turning units on the corner plots.

9.120. The main POS is overlooked and plot 27 has an active frontage overlooking the space to create passive surveillance of the play area/POS.

9.121. There is wider frontage on the southeastern side of the street but little on the northwestern side, limiting the potential for trees/other landscaping (where they would be more beneficial in terms of providing shade).

9.122. There are areas where there is insufficient space to clearly define plot frontages and areas where there is potentially excessive frontage space and presently a lack of clarity between public and private, due to there not being an updated landscape scheme. This could be resolved as part of the landscaping scheme by condition.

9.123. Internally within the site the proposed development would include a mix of carparking solutions. The car-parking to the front of the proposed dwellings would be part side and part frontage. Some parking would also be provided within small parking courtyards

9.124. The proposal scores amber score.

Easy to find your way around (Green)

9.125. The revised scheme reinforces the inherent legibility due to the small scale of the development. There has also been some attempt to announce key plots. The proposal scores a green rating.

Healthy streets (Amber)

9.126. It is considered that the proposed highways design is appropriate and avoids large straight stretches which would encourage speeding. The surfacing materials would be controlled via the imposition of a planning condition. However, some improvement some sections of street still feel like they have been designed around vehicular rather than a social function.

9.127. In the absence of landscape information, sufficient street greening/trees has not been demonstrated, especially on the northwestern side of the primary street. The proposal scores an amber rating.

Cycle and car parking (Amber)

9.128. The reliance on parking courts has been reduced, with a higher proportion of on plot parking. However, the parking court behind plots 20-27 is devoid of landscaping but would have limited visibility from the street-scene.

9.129. The submitted plan shows that all units on the proposed development would have private amenity space with rear access. A condition will be imposed to secure cycle storage details for the proposed apartments. The proposal scores amber.

Green and blue infrastructure (Amber)

9.130. The approach to open space is more positive as a consequence of its relocation to the southern part of the site. Orchard planting has been included at the site entrance. There is scope to further extend productive planting within the site with a bit of creativity, but no updated landscape scheme has been submitted. This can be secured by condition. The proposal also seeks to retain existing boundary planting/tree belts.

9.131. The pumping station at it stands will detract from the quality of the POS due to its location. Further landscaping of this element to provide a buffer could be secured by condition as could the landscape management. The proposal scores an amber rating.

Back of pavement front of home (Amber)

9.132. As noted above there is no landscape information other than the indicative hedging/tree planting to front gardens for some plots on the site layout. This can be secured by condition. Bin storage information is identified on the layout. The proposal scores an amber rating.

Summary/conclusion

9.133. In summary, the scheme has progressively improved through the course of the application. There are no red ratings within the assessment and several considerations are green. However, there are still several that are amber but where further information, e.g. re: provision of external storage, or slight amendment (particularly to landscaping) would lead to green being awarded.

9.134. The provision of certain information (e.g. more detailed landscape information) will likely have improved the outcome of the assessment. Given that these relate to minor matters the details of which could be secured by condition. With these changes incorporated the proposal would result in a satisfactory level of design.

9.135. As such, subject to conditions, the proposal is considered to comply with Policies SD1, SD2 and SE1 of the CELPS, GEN1 of the SADPD, H4 & H6 of the ANP & the Cheshire East Urban Design Guide.

Ecology

Statutory Designated Sites

9.136. The application site falls within Natural England's SSSI Impact Risk Zones and is located in close proximity to Oakhanger Moss SSSI which forms part of the Midland Meres and Mosses Phase 2 Ramsar. A Habitat Regulations Assessment is required to inform the determination of the application.

9.137. A Scoping Assessment (Assessment of likely significant effects) has been undertaken, and a copy was attached with my previous comments. The assessment concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required.

9.138. Natural England have also been consulted and raise no objection.

Non-statutory sites

9.139. The application site is located in close proximity to White Moss Local Wildlife Site. The Council's Ecologist advises that the proposed development is unlikely to result in a significant adverse impact upon the Local Wildlife Site.

Great Crested Newts

9.140. A number of ponds are present within 250m of the application site. No evidence of Great Crested Newts was recorded during previous surveys of these ponds. The Council's Ecologist therefore advises that this species is not reasonably likely to be present or affected by the proposed development.

Grass Snakes

9.141. This species is known to be present in the broad locality of the application site. The habitats present on site are of limited value for this species. The Council's Ecologist therefore advises that reptiles are not reasonably likely to be significantly affected by the proposed development.

Other Protected Species

9.142. An updated survey and mitigation strategy has been submitted. Active setts were recorded a short distance from the application site. In order to minimise the risk of an offence occurring the submitted report recommends (amongst other measures) that a 20m exclusion area be marked out around the setts with Heras fencing during the construction phase and that an ecologist supervises any works within the buffer. The Councils Ecologist advises that this approach is acceptable but requires a condition requiring the development to proceed in accordance with the submitted Badger Survey.

Bats

9.143. A number of trees are proposed for removal as part of the proposed development. An updated assessment of the trees to be removed has been submitted. No trees to be removed are reasonable likely to support roosting bats. The Councils Ecologist therefore advises that the proposed development is unlikely to result in a direct impact upon bats.

Lighting

9.144. To avoid any adverse impacts on bats resulting from any lighting associated with the development the Councils Ecologist recommends that a detailed lighting scheme is submitted in support of the application. If not this can be secured by condition.

Hedgehogs

9.145. This priority species may be present on the application site on a transitory basis. If planning consent is granted the incorporation of features to facilitate the movement of this species can be incorporated into the scheme through the ecological enhancement features condition.

Nesting Birds

9.146. If planning consent was granted standard conditions to safeguard nesting birds would be required.

Biodiversity Net Gain

9.147. Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. In order to assess the overall loss/gains of biodiversity an assessment has been undertaken in accordance with the Defra Biodiversity 'Metric' version 3.1.

9.148. The assessment shows that the proposed development would result in the loss of 6.09 biodiversity units (-56.75%) for area-based habitats and a net gain of 53.71% in respect of hedgerows. Additional offsite habitat creation proposals will be required to achieve a net gain as required by Local Plan Policy.

9.149. This can be secured by the BNG condition requiring 10% net gain provision.

Ecological Enhancement features

9.150. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

9.151. A bat and bird box plan has been submitted but this includes insufficient boxes to comply with the CEC design Guide. If planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy

9.152. Therefore, the proposal excluding the yet to be considered Biodiversity Net Gain Assessment, complies with Policy SE3 of the CELPS, ENV1, ENV2 of the SADPD & NBE5 of the ANP.

Flood Risk

9.153. The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps, but the site area is over 1 hectare so requires a Flood Risk Assessment.

9.154. This has been provided and advises that the risk if flooding from all sources is considered to be very low, therefore no site-specific mitigation measures are considered necessary.

9.155. Surface water run off will be discharged to a ditch in the southern extent of the site. Drainage should be made at the 1 in 1-year greenfield run off rate of 5.3 l/s.

9.156. It is proposed to divert the existing 150mm public sewer which crosses the site. Attenuation storage will be provided to accommodate the 1 in 100 year plus 40% climate change event. Foul flows will be discharged to the public foul sewer in Close Lane via a pumped solution.

9.157. United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions requiring a foul and surface water drainage strategy.

9.158. Councils Flood Risk Team have also been consulted who have raised a holding objection as it has not been made clear where surface water will drain. Further information has been requested from the applicant and will be provided in the update report.

9.159. Therefore, subject to final comments of the Councils Flood Risk Team, it would appear that any flood risk/drainage issues, could be suitably addressed by planning conditions and as such the proposal complies with Policy SE13 of the CELPS & ENV 16 of the SADPD AND TTS9 & TTS10 of the ANP.

Land Levels

9.160. Given the nature of the site to existing properties and the variation in levels a condition will be attached to ensure that details of the proposed levels are provided.

Public Right of Way (PROW)

9.161. Public Footpath Alsager No. 41 (formerly known as Public Footpath Haslington No. 49 – name change due to parish boundary changes) will be affected by the proposed development. The development would have a direct and significant effect on the Public Right of Way.

9.162. Initially the Councils PROW Officer objected pending further information to consider the impact of the proposal on the PROW. Further information was provided and therefore she now raises no objection subject to condition requiring a Public Rights of Way scheme of management to be provided prior to commencement of development.

Powerlines/safety

9.163. Overhead power lines cross the site. These are to be diverted underground and would be dealt with under legislation outside of planning.

9.164. Cadent Gas have also been consulted who have offered advisory notes to the applicant.

9.165. Climate Change/Renewable Energy

9.166. Policy ENV7 of the SADPD requires that all 'major' residential development schemes should provide for at least 10% of their energy needs from renewable or low carbon energy generation on site unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable. This could be controlled via the imposition of a planning condition.

Economic Benefits

9.167. With regard to the economic role of sustainable development, the proposed development will help to provide new housing with indirect economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

10. CIL COMPLIANCE

10.1. In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is 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;
- a) Directly related to the development; and
- c) Fair and reasonably related in scale and kind to the development.

10.2. It is considered that the contributions required as part of the application are justified and meet the Council's requirement for policy compliance. As set out above, all elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

10.3. On this basis the scheme is compliant with the CIL Regulations 2010

11. PLANNING BALANCE/CONCLUSION

11.1. The proposal would result in the creation of 42 net additional affordable dwellings which would go some way to help the Council achieve its 5-year housing land supply target and affordable housing targets. It will also have indirect economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

11.2. The site also lies within a locationally sustainable location within the settlement boundary for Alsager and the principle of residential development on the site is acceptable. The development complies with Policies SD1, SD2, PG2 of the CELPS and PG9 of the SADPD.

11.3. The benefits of the development attract substantial weight.

11.4. The site layout is acceptable and would not harm residential amenity and complies with Policy HOU12 of the CELPS.

11.5. The development is considered to be acceptable in terms of its impact upon the highway network. The development complies with C01, C04 of the CELPS, INF3 SADPD.

11.6. The impact upon trees is acceptable subject to the imposition of planning conditions. The development complies with Policy SE5 of the CELPS, ENV6 of the SADPD.

11.7. An acceptable design solution has been provided, and this would comply with Policy SE1, SD1 and SD2 of the CELPS, GEN1 of the SADPD, the CEC Design Guide and the NPPF.

11.8. The proposal subject to confirmation regarding BNG, would not result in any significant ecological impacts and complies with Policy SE3 of the CELPS, ENV1, ENV2 of the SADPD.

11.9. The proposal subject to final comments from the LLFA, would not result in any significant flood risk/drainage issues and complies with Policy SE13 of the CELPS & ENV 16 of the SADPD.

11.10. The proposal would not result in any significant landscape harm and complies with the relevant policies.

11.11. The proposal would provide contributions towards education, outdoor sport and the NHS. This would mitigate the impact of the development

11.12. Since the previous application which was dismissed at appeal there has been a reduction of density of the site and the increase in the size of the POS. It is considered that the previous refusal reason relating to lack of garden areas and POS has been overcome. The proposal is considered to comply with Policies HOU12 and HOU13 of the SADPD.

11.13. The benefits of this application are considered to substantially outweigh the disbenefits and there are no material considerations in this case that indicate that planning permission should be refused.

12. RECOMMENDATION

13.1 APPROVE subject to the completion of a S106 Agreement with the following Heads of Terms

S106	Amount	Triggers
NHS	£52,016 towards improved health infrastructure facilities at Alsager Health Centre and Cedars Medical Centre	To be paid prior to the occupation of the 21st dwelling
Outdoor sport	Outdoor sport contribution is £1,564.54 per family dwelling or	To be paid prior to the occupation of the 21 st

	£782.27 per bed space in apartments (to a maximum of £1,564.54 per apartment).	dwelling
Amenity Green Space and Play Provision	On site provision of Open Space and a LEAP. Scheme of Management to be submitted and approved	To be provided prior to the first occupation of the 15th dwelling To be provided on the site before first occupation
Education	£137,310.00 (Secondary) £74,920.00 (SEN) Total education contribution: £212,230	Secondary to be provided prior to first occupation SEN to be paid prior to the first occupation of the 15 th dwelling
Affordable Housing	100% (42) on site provision social rented tenure	In accordance with phasing plan to be submitted and approved

and the following conditions:

- 1) **3 year time limit**
- 2) **Development in accordance with the approved plans**
- 3) **Details of proposed materials**
- 4) **Contaminated land – risk assessment**
- 5) **Contaminated land – verification report**
- 6) **Contaminated land – no exportation of soils**
- 7) **Contaminated land – unexpected contamination**
- 8) **Contaminated land – risk assessment**
- 9) **Obscure glazing to 1st floor bathroom window of plot 1**
- 10) **Scheme of management for the PROW**
- 11) **Foul and surface water drainage strategy**
- 12) **The consented development to proceed in accordance with the submitted Badger Survey**
- 13) **Bat sensitive lighting**
- 14) **Nesting birds survey**
- 15) **Ecological enhancement measures**
- 16) **Biodiversity Net Gain provision**
- 17) **Tree protection measures and arboricultural method statement to be provided**

- 18) Hard and soft landscaping scheme to be provided (shall include greater frontage planting and further planting as a buffer between pumping station and POS)
- 19) Implementation of landscaping scheme
- 20) At least 30% of dwellings to be comply with requirement M4 (2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings
- 21) At least 6% of dwellings in housing developments should comply with requirement M4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.
- 22) Design/layout of the LEAP and revised buffer planting for the pumping station to include evergreen hedge and remove trip rail around the 'square'
- 23) Details of the directional signage and soft landscaping plans for the PRow and linear POS
- 24) Details of the orchard including species, numbers and underplanting
- 25) Design and details of focal square
- 26) Management and maintenance Plan for POS/landscaping
- 27) 10% of energy needs to be from renewable or low carbon energy
- 28) Cycle storage location and detail
- 29) Street surfacing to be submitted and approved

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

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

S106	Amount	Triggers
NHS	£52,016 towards improved health infrastructure facilities at Alsager Health Centre and Cedars Medical Centre	To be paid prior to the occupation of the 21st dwelling
Outdoor sport	Outdoor sport contribution is £1,564.54 per family dwelling or £782.27 per bed space in apartments (to a maximum of £1,564.54 per apartment).	To be paid prior to the occupation of the 21 st dwelling
Amenity Green Space and Play Provision	On site provision of Open Space and a LEAP.	To be provided prior to the first occupation of the 15th dwelling

	Scheme of Management to be submitted and approved	To be provided on the site before first occupation
Education	<p>£137,310.00 (Secondary) £74,920.00 (SEN)</p> <p>Total education contribution: £212,230</p>	<p>Secondary to be provided prior to first occupation</p> <p>SEN to be paid prior to the first occupation of the 15th dwelling</p>
Affordable Housing	100% (42) on site provision social rented tenure	In accordance with phasing plan to be submitted and approved

