

Application No: 14/2351C

Location: LAND OFF SANDBACH ROAD, CHURCH LAWTON, ST7 3RB

Proposal: Construction of 14no semi-detached houses.

Applicant: IPM Pensions Ltd

Expiry Date: 08-Aug-2014

SUMMARY RECOMMENDATION

APPROVE Subject to conditions

MAIN ISSUES:

- Principle of the development
- The impact of the design and layout
- The impact upon neighbouring amenity
- Highway safety
- Open space provision
- The impact upon protected trees
- The impact on protected species

REASON FOR REFERRAL

The application is referred to Cheshire East Southern Planning Committee as it involves residential development comprising of over 10 units.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises of a vacant grassed field on the north side of Sandbach Road and the western side of Chells Hill, Lawton Heath End, Alsager, within the Open Countryside. The site measures approximately 3545 square metres and is undeveloped.

DETAILS OF PROPOSAL

Revised plans have been submitted for the erection of 14 affordable semi-detached dwellings.

An amended layout scheme has been provided following concerns raised by the Council's Urban Design Officer, Tree Officer and Strategic Highways Manager.

RELEVANT HISTORY

11/1562C - Construction of 5no Detached Dwellings – Withdrawn 30th July 2011
32792/3 - Construction of 6no 2 bedroom affordable homes for shared ownership including new access road and demolition of existing sheds – Refused 12th March 2001
27119/1 - Proposed five new detached two storey houses – Refused 25th April 1995
26780/1 - Proposed 6 new detached two storey houses – Withdrawn 20th December 1994
17412/1 - Construction of approximately 6 dwellings – Refused 11th March 1986

POLICIES

Local Plan Policy

PS8 - Open Countryside
H6 – Residential Development in the Open Countryside and Green Belt
H14 - Affordable Housing
GR1 - New Development – General Criteria
GR2 - Design
GR6 - Amenity
GR9 - Accessibility, Servicing and Parking Provision
GR19 - Infrastructure
GR20 - Public Services
GR21 - Flooding
GR22 - Open Space Provision
NR1 - Trees and Woodlands
NR2 - Protected Species

National Policy

National Planning Policy Framework (NPPF)

Cheshire East Local Plan Strategy – Submission Version

PG5 – Open Countryside
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgrows and Woodland
SE14 - Jodrell Bank
IN1 - Infrastructure
IN2 – Developer Contributions

CONSULTATIONS (External to Planning)

Environmental Protection – No objections, subject to a number of conditions including; Prior submission of a piling method statement and hours of piling, the prior

submission of an environmental management plan, the prior submission of a dust mitigation scheme and a contaminated land condition. In addition, informatives regarding hours of construction and contaminated land are also sought.

Strategic Highways Manager – No objections, subject to a condition that prior to the first occupation of the site, the developer will complete a new junction and access road together with the frontage footpath and necessary visibility splay in accordance with the submitted plan.

In addition, an informative is sought that the developer should enter into a Section 38 Agreement under the Highways Act.

United Utilities – No objections, subject to a condition regarding the prior submission of a foul drainage scheme and a condition for the prior submission of a surface water drainage scheme. In addition, a number of informatives are proposed.

Environment Agency – No comment (27th May 2014)

Cheshire Brine Subsidence Board – No objections, subject to conditions relating to precautions against brine subsidence being included such as; raft foundations.

Housing (Cheshire East Council) - No objections, subject to the housing being delivered by a Registered Provider registered with the Homes and Communities Agency. This needs to be secured in the s106 agreement as well as restricting occupancy to those living locally or with a strong local connection. Furthermore a cascade mechanism needs to be in place for properties to be sold or let to people from neighbouring parishes or failing that from the Council's Housing Register.

Greenspaces (Cheshire East Council) - No objections, subject the provision of £3,547.50 towards the future maintenance of on-site Public Open Space and the provision of £8,995 towards the provision and maintenance of a LEAP including at least 5 items of play equipment for children's play space requirements

VIEWS OF THE PARISH COUNCIL:

Betchton Parish Council – No comments received at time of report

Church Lawton Parish Council – Object to the proposed development on the following grounds;

- Sustainability
- Impact upon Open Countryside
- Highway safety
- Design – loss of Cheshire railings

It is also requested that open space provisions be sought for a play ground off Heath Avenue and POS in Heath End.

OTHER REPRESENTATIONS:

Letters of objection have been received from 18 neighbouring dwellings. The main areas of objection relate to;

- Principle of development on site
- Loss of open countryside, green buffer
- Site contrary to SHLAA
- No need for housing in area
- Sustainability – insufficient public transport links, no nearby shops, schools or doctors
- Amenity – Loss of light/overshadowing, loss of privacy, noise during construction, lack of bin storage
- Design – too high density of dwellings, loss of Cheshire railings, dwellings do not reflect local design in terms of layout – gardens to front, does not reflect local form (bungalows and chalet style design)
- Ecology – impact upon species within pond to rear and on-site itself
- Highway safety – parking issues, safe access, poor visibility, pedestrian safety, speed limits regularly exceeded
- Flooding and drainage
- Re-positioning of electricity pylons
- Impact upon nearby equestrian centre
- Impact upon nearby power cables
- Pressures of further development on adjacent land

SUPPORTING INFORMATION:

Updated Highways Statement
Highways Letter
Ecological report
Badger Survey
Extended Phase 1 Habitat Survey
Planning Statement
Design and Access Statement
Consultation statement
Updated Sustainability Statement

OFFICER APPRAISAL

Principle of development

The site lies entirely within the Open Countryside so is therefore subject to Policy PS8 of the Local Plan. Policy PS8 advises that development in the Open Countryside is only acceptable in certain circumstances. One of these circumstances is *'new dwellings in accordance with policy H6'* another is *'affordable housing for local needs which comply with policy [H14](#);*

Policy H14 of the Local Plan advises that Local Planning Authorities will encourage affordable housing by granting planning permission for affordable housing in rural parishes which meet a local need. The policy advises that the proposal must; comprise of a site close to existing or proposed services and facilities; comprise of a small scheme, the scale and layout of which is

appropriate to the locality; consist entirely of affordable housing in perpetuity and is supported by a housing needs survey.

In response to this policy criteria;

Need

The Council's Housing Officer has advised that although the proposed site falls within the parish of Betchton, the site lies adjacent to the Church Lawton Parish and the need should be looked at for this area also.

The Strategic Housing Market Assessment Update 2013 (SHMA) shows that for the Alsager Rural sub-area (of which Church Lawton is a part) there is a requirement for 175 new affordable units between 2013/14 – 2017/18, this is made up of a net requirement for 35 new units per year. The unit types required are 14 x 1bed, 8 x 3bed, 6 x 4+bed and 14 x 1bed older persons units (there is an oversupply of 2+bed older persons units).

Betchton comes under the Sandbach Rural sub-area for the purposes of the SHMA. The SHMA shows that for Sandbach Rural there is a requirement for 75 new affordable units between 2013/14 – 2017/18, this is made up of a net requirement for 12 new units per year made up of 13 x 1bed, 2 x 2bed, 3 x 4bed and 2 x 1bed older persons units (there is an oversupply of 3-bed accommodation).

Betchton also had a Rural Housing Needs Survey carried out in 2012. 317 questionnaires were sent out to residents of the Betchton Parish, with 83 returned giving a return rate of 26%. The survey established that there are 5 hidden households, these are households that contain at least one adult who wishes to form a new household within Cheshire East in the next 5 years. There is also 1 household where at least one adult has left within the last five years due to a lack of affordable housing and would wish to return if affordable housing was available. The total number of hidden and returning households is 6.

In addition to the information taken from the SHMA and the Rural Housing Needs Survey, Cheshire Homechoice is used as the choice based lettings method of allocating social/affordable rented accommodation across Cheshire East. There are currently 21 applicants who require housing in Church Lawton and 2 applicants who require housing in Betchton. The applicants who require housing in Church Lawton require 13 x 1bed, 5 x 2bed and 3 x 3bed. The applicants who require housing in Betchton require 1 x 2bed and 1 x 3 bed.

The Housing Need information shows a need for Affordable Housing in the Church Lawton area plus need in Betchton and to date there has been no delivery of any of the Affordable Housing needed between 2013/14 – 2017/18 for these areas.

As such there is an identified need for affordable housing in the area.

Locational sustainability

To aid the assessment as to whether the application site is located within a sustainable location, there is a toolkit which was developed by the former North West Development Agency (NWDA). With respect to accessibility, the toolkit advises on the desired distances to

local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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

- Post box (500m) – 210m
- Outdoor Sports Facility (500m) – 110m
- Primary School (1000m) – 994m
- Secondary School (2000m) – 1100m
- Public House (1000m) – 270m
- Playground/Amenity Area (500m) – On site
- Amenity Open Space (500m) – On site
- Children’s Play Space (500m) – On site
- Bus Stop (500m) – 270m
- Public Right of Way (500m) – 170m
- Transport node (300m) – 270m

Where the proposal fails to meet the standards, the facilities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those facilities are:

- Leisure Facilities (1000m) – 1100m
- Public park or village green (100m) – 1300m
- Child Care Facility (nursery or crèche) (1000m) - 1490m
- Railway station (2000m where geographically possible) – 2200m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 1700m
- Medical Centre (1000m) – 2100m
- Post Office (1000m) – 1858m
- Pharmacy (1000m) – 1900m
- Convenience Store (500m) – 1700m
- Bank or Cash machine (1000m) – 1700m
- Local meeting place (1000m) – 1600m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Lawton Heath End, there are some amenities that are not within the ideal standards set within the toolkit. Nevertheless this is not untypical for suburban dwellings.

However, the majority of the services and amenities listed are accommodated within Alsager and are accessible to the proposed development via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

This view is considered to be consistent with two recent appeal decisions which were refused on sustainability grounds but allowed at appeal:

- At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29th August 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and nonmembers. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement'*.
- At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12th December 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds'*

Design – layout and scale

The proposed development comprises of 14, semi-detached, two-storey dwellings which would be constructed adjacent to each other fronting Sandbach Road and Chells Hill respectively.

The development site would be highly visible within the streetscene.

The layout and design of the proposal has been amended significantly since the submission of the original application following advice received from the Councils' Urban Design Officer, Tree Officer and Strategic Highways Manager.

The updated submitted layout shows that the dwellings would be arranged in a linear pattern which would follow the curvature of the highway apart from the dwellings to the south-east

which shall be staggered in order to more accurately respect the building line of the dwellings on Sandbach Road.

The dwellings would front onto and be inset from the highway between approximately 4 and 9 metres. Originally, between the proposed dwellings and the highway, the main gardens of the properties were proposed and it was proposed that the Cheshire Railings were to be removed.

The design has now been amended on the advice of the Council so the main gardens are to the rear of the properties and the Cheshire Railing retained.

Behind the proposed dwellings, the properties would benefit from rear gardens, then parking and a rear access road that would extend from a new access point on Chells Hill. A turning head and additional parking is also proposed behind the properties.

It is considered that the general layout of the proposed dwellings in a linear pattern and inset from the highway would reflect that of the adjacent properties.

With regards to scale, the proposed dwellings would have footprints between approximately 45 and 56 metres squared and heights of 7.7 metres.

The closest properties to the east of the site comprise of linked-detached bungalows. The properties on the opposite side of Sandbach Road comprise of detached 'chalet-style' properties which are 1 ½ - 2-storeys tall.

The closest property to the north would be No.1 Chells Hill, a detached, two-storey dwelling. Planning history searches show that the heights on the opposite side of Sandbach Road are approximately 6.5 metres tall.

The height of No.1 Chells Hill is approximately 8 metres tall.

As such, the height of the dwellings sought would not be considerably taller than the surrounding development. Furthermore, the closest of the dwellings proposed to the bungalow would include a hipped roof to reduce the visual impact between the heights of the two forms.

The footprints of the dwellings would also not be significantly out of character with the surrounding properties.

As such, it is considered that the layout of the proposal would reflect the local character with regards to the layout and scale.

Other matters

It is advised within the application that the proposal is for 100% affordable housing. The Council's Housing Officer has proposed that should the application be approved, all the affordable homes need to be delivered by a Registered Provider registered with the Homes and Communities Agency. This needs to be secured in the s106 agreement.

Although no housing needs survey was submitted by the applicant, the Council has identified a need.

Planning balance

It is considered that the need for affordable housing in the locality, in conjunction with the siting of the development, adjacent to the Lawton Heath End Infill Boundary Line and between built form, results in the development being deemed as acceptable in principle.

Affordable Housing

This has already been considered in the above assessment.

It has been concluded that the development meets the relevant affordable housing requirements, subject to a S106 agreement to secure the management and tenure split. As such, it is considered that the proposal adheres to Policy H14 of the Local Plan.

Design

The layout and scale and height of the proposal has already been considered in the above assessment. It was concluded that the layout was acceptable.

In terms of design features, materials and finishes, it is proposed that the dwellings would comprise of a mixture of exposed brickwork and render walls, a mixture of dual-pitched and hipped roofs, a mixture of gable-end and half-dormer window frontage features and canopies over the front doors.

It is advised within the submitted Design and Access Statement that the properties have *'...been designed as a cottage appearance to reflect the character of the local area. As the development will be highly visible from the streetscene, stone header detail is proposed similar to that found on adjacent existing semi-detached properties and designed to create a distinction between the design found on Chells Hill...'*

Within the submitted application form, basic details of the materials have been provided. It is advised that the walls would be constructed from brick, the roofs of concrete tiles, the windows of white uPVC and the doors of insulated composite GRP – colour to be agreed. Given the vague details provided and the highly visible location, should the application be approved, it is recommended that materials be conditioned for prior approval.

Subject to the above conditions, it is considered that the proposal would adhere to Policy GR2 of the Local Plan.

Amenity

The closest neighbouring properties to the application site are the occupiers of No.1 Chells Hill to the north, the occupiers of No.188 Sandbach Road to the east and the occupiers of the dwellings on the opposite side of Sandbach Road to the development proposal. Consideration of the amenities of the future occupiers of the dwellings sought themselves is also a material consideration.

The closest of the proposed dwellings to No.1 Chells Hill would lie parallel with this neighbouring property's side elevation and be sited approximately 17 metres away. Within the side elevation of No.1 Chells Hill there are 2 ground-floor windows and a first-floor window.

Both of the ground-floor windows act as secondary windows to a lounge. The first-floor window acts as a secondary window to a bedroom.

Within the relevant side elevation of the closest of the dwellings sought, a first-floor bathroom window is sought.

As none of the windows impacted serve as sole windows to principal habitable rooms, subject to the conditioning of the first-floor bathroom window to being obscurely glazed, it is not considered that the development would have a detrimental impact upon the occupiers of this neighbouring property in terms of loss of light, visual intrusion or loss of privacy.

Within the relevant side elevation of No.188 Sandbach Road, there are 2 ground-floor windows. These comprise of a secondary lounge window and what appears to be a principal bedroom window. This assumption is confirmed by this neighbour in their objection letter as they state that *'The property next to my bungalow and will also have views into my bedroom and lounge.'*

Within the relevant side elevation of the closest of the dwellings proposed, a first-floor bathroom window is proposed.

The separation distance between these two built forms would be approximately 3.2 metres.

Although concerns have been raised regarding loss of privacy, light and visual intrusion by the occupiers of No.188, the window most impacted is the secondary lounge window in the side elevation. The principal bedroom window in the side elevation is set further to the rear and would not directly onto the proposed development according to the submitted plans.

No.188 Sandbach Road benefits from a rear conservatory. Given that this is open on 3 sides and would lie approximately 8.5 metres away and be considerably offset from 'Dwelling 14' the closest neighbouring unit, it is not considered that the impact upon this room in terms of loss of privacy, light or visual intrusion would be significant.

As the proposed 'Dwelling 14' would be positioned further forward towards the highway than the building line of No.188 Sandbach Road, consideration of the impact of the proposed development would this neighbour's front elevation is also a consideration.

On the front elevation of No.188 Sandbach Road, the closest window impacted is a lounge window.

When applying the 45 degree guide from the centre of this neighbouring window towards the development, 'Dwelling 14' would not cut through this line. As such, it is considered that the occupiers of this neighbouring room would not be significantly detrimentally impacted by the proposal in terms of loss of light or visual intrusion.

As such, it is not considered that the occupiers of No.188 Sandbach Road would be significantly impacted by the development in terms of loss of light, visual intrusion or privacy, subject to the obscure glazing of the proposed first-floor bathroom window.

It should be noted that the projection of the proposed 'dwelling 14' has been reduced by 3 metres following negotiations with the applicant in order to help alleviate the impact of the development on No.188.

The properties on the opposite side of Sandbach Road would be over 23 metres away from the proposed development, a distance considered far enough so not to create unacceptable degrees of loss of privacy, light or visual intrusion.

In terms of the relationship between the proposed dwellings themselves, as these properties would lie adjacent to each other, subject to the conditioning of the obscure glazing of the bathroom windows proposed, it is not considered any amenity issues would be created.

With regards to private amenity space, paragraph 3.2 of this policy note recommends that each garden should be no less than 65 metres squared.

It is calculated that the gardens proposed would measure over 30 square metres.

Although this would be significantly below the recommended minimum standard, given that the applicant proposes an area of open space to the rear, it is considered that this provision offsets this to an acceptable standard.

The Council's Environmental Protection Team have considered the proposal from an environmental disturbance perspective. It has been concluded that they have no objections to the proposed development, subject to a number of conditions. These conditions include; the Prior submission of piling details and hours of piling, the prior submission of an environmental management plan, the prior submission of a dust mitigation scheme and a contaminated land condition. In addition, informatives regarding hours of construction and contaminated land are also sought.

Subject to the above conditions and the obscure glazing conditions, it is considered that the proposal would adhere with Policy GR6 of the Local Plan.

Highway safety

The Strategic Highways Manager has advised that the details provided on the submitted plan provides all of the required details and demonstrates that the proposal meets all of the required standards for; junction geometry and visibility, parking provision and adoptable layout.

As such, no objections are raised subject to a condition that prior to the first occupation of the site, the developer will complete a new junction and access road together with the frontage footpath and necessary visibility splay in accordance with the submitted plan.

In addition, an informative is sought that the developer should enter into a Section 38 Agreement under the Highways Act.

As a result, subject to the above, it is considered that the proposal would adhere with Policy GR9 of the Local Plan.

Drainage and Flooding

A number of neighbouring concerns have been raised about drainage.

United Utilities have been consulted on the application and have advised that they have no objections, subject to the addition of conditions. These conditions include the prior submission

of a plan to show foul drainage details and a condition for the prior submission of a plan to show surface water drainage details.
A number of informatives have also been proposed.

Subject to these conditions and informatives, it is not considered that the proposed development would have a detrimental impact upon drainage and would therefore adhere with Policy GR20 of the Local Plan.

The Environment Agency have raised no objections in relation to flooding matters.

Open Space

The Council's Greenspaces team have been consulted on the proposal. They have provided comments in relation to Public Open Space (amenity greenspace) and Children and Young Persons provision.

Amenity Greenspace

It has been advised that the site layout plan shows there would appear to be an area of Public Open Space to the East of the Development enclosed by the existing hedge to be retained and proposed new hedging.

In order to maintain this section of land, financial contributions sought from the Developer are: £3,547.50

Children and Young Persons provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development.

On site play provision in the form of a LEAP would be required. This should include at least 5 items incorporating DDA inclusive equipment, using play companies approved by the Council. The Council's Greenspace Officer has advised that *'...We would request that the final layout and choice of play equipment be agreed with Ansa Environmental Services, the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works. A buffer zone of a least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.'*

A financial contributions is sought from the Developer for the future maintenance of this equipment of £8,955.

Conclusion

As such, subject to a S106 agreement for the provision of a LEAP with at least 5 items of play equipment and a financial contribution of £12,502.50 for future maintenance, it is considered that the proposal would adhere with Policy GR22 of the Local Plan.

Landscape and Trees

Landscape

No details regarding the landscaping of the site have been provided. Concerns have been raised by the Council's Landscape Officer regarding the loss of the open space and levels. In response, the loss of an open space is a natural consequence of a rural exceptions site. It is recommended that subject to the addition of conditions to secure levels details and landscaping details, the proposal would adhere with Policy GR4 of the Local Plan.

Trees

There are no TPO trees on site. However, there are a few mature trees positioned on the rear boundary.

The applicant has proposed that these trees are retained and the development has been designed around these trees so that they are not affected by the development.

As a result, it is considered that the proposal would adhere to Policy NR1 of the Local Plan.

Ecology

The application is supported by a Great Crested Newt survey, an Extended Phase 1 Habitat Survey and a Badger Survey.

Grassland Habitats

The updated Habitat survey was undertaken in October, however the Council's Ecologist is satisfied in this instance that an adequate level of botanical survey data has been submitted for the Council to be satisfied that grassland habitats on site are unlikely to be of significant nature conservation value.

Great Crested Newts

Although the submitted ecological assessment was undertaken three years ago, the Council's Ecologist is satisfied, considering the location and types of ponds surrounding the application site, that great crested newts are unlikely to be present or affected by the proposed development.

Reptiles

The Council's Ecologist has advised that '*Grass snakes are known to occur in significant numbers to the south of the proposed development site. Whilst habitats on site are not particularly suitable for grass snakes there remains the possibility that this species may use the site on a transitory basis. I recommend that the applicant submits a brief method statement detailing how it would be ensured that the site is sensitively rendered unsuitable for reptiles prior to the commencement of works.*'

An update shall be presented to committee in the form of a written update on this matter.

Other Protected Species

The Council's Ecologist has advised that two minor setts have been recorded on site, however both were inactive at the time of the survey and there was no evidence of Other Protected Species activity on the site. The submitted report includes an outline mitigation method statement.

It is advised, based on the current status of Other Protected Species on the application site, that the proposed development is unlikely to have a significant impact upon Other Protected Species.

However, should the application be approved, it is recommended that a condition requiring the prior submission of an updated survey be included. If the further survey identifies any changes in the level of Other Protected Species activity on the site, the submitted report should include revised mitigation/compensation proposals.

Subject to the acceptability of the reptile method statement, it is considered that the proposal would adhere with Policy NR2 of the Local Plan, subject to the recommended conditions.

Other Matters

Should the application be approved, the Council's Ecologist has recommended that a condition to safeguard breeding birds and a condition to secure the provision of features for bat and bird boxes be included.

In addition, a commuted sum of £2000 to fund off-site barn owl works to compensate the loss of barn owl foraging habitat be secured.

Community Infrastructure Levy (CIL)

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

The development would result in the creation of Public Open Space and in order to maintain that space, and provide necessary children's play equipment, a financial contribution of £12,502.50 is required and is a LEAP.

This is considered to be necessary, fair and reasonable in relation to the development.

A £2000 sum for the provision of off-site barn owl works to compensate the loss of barn owl foraging habitat are sought.

This is considered to be necessary, fair and reasonable in relation to the development.

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

CONCLUSIONS

It is considered that the need for affordable housing in the locality, in conjunction with the siting of the development, adjacent to the Lawton Gate Infill Boundary Line and in-between built form, results in the development being deemed as acceptable in principle.

The revised proposal would be of an acceptable design which would not create any significant amenity concerns, subject to the addition of conditions in order to protect overlooking.

Subject to a condition, no highway safety issues would be created.

The development would not have a detrimental impact upon drainage subject to conditions and no flooding issues would occur.

Subject to the provision of a LEAP and a financial contribution towards the maintenance of the onsite open space provided, to be secured via a S106 Agreement, it is considered that the proposal would not create any new issues in relation to open space.

With regards to landscape and trees, subject to conditions to secure details regarding landscaping and levels, it is considered that the proposal would not create any significant concerns.

Subject to a number of conditions to secure the protection of protected species, it is not considered that the proposal would have an adverse impact upon protected species.

As a result of the above reasons, the application is recommended for approval.

RECOMMENDATIONS

APPROVE subject to S106 Agreement to secure;

- 1. LEAP (At least 5 items of play equipment)**
- 2. £12,502.50 for Open Space maintenance**
- 3. £2000 to fund offsite Barn Owl works**
- 4. A scheme for the provision of 100% affordable housing – 50% to be provided as social rent/affordable rent with 50% intermediate tenure. The scheme shall include:**
 - The numbers, type, tenure and location on the site of the affordable housing provision**
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

And conditions

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials – Prior submission**
- 4. Obscure Glazing (First-floor side windows)**
- 5. Piling method statement – Including piling hours**
- 6. Environmental Management Plan – Prior submission**
- 7. Dust mitigation scheme – Prior submission**
- 8. Contaminated Land**
- 9. New junction, access road and footpath to be completed prior to first occupation**
- 10. Levels to be submitted and approved**
- 11. Foul drainage scheme – Prior submission**
- 12. Surface water scheme – Prior submission**
- 13. Prior submission of updated Badger Survey**
- 14. Breeding birds – Timing of works**
- 15. Provision of Bat and Bird boxes – In accordance with submitted Extended Phase One habitat survey dated 20 November 2013**
- 16. Landscaping (Details)**
- 17. Landscaping (Implementation)**
- 18. Boundary Treatment to be submitted and approved**
- 19. Removal of PD – A-E**

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

(c) Crown copyright and database rights 2014. Ordnance Survey 100049045, 100049046.

