

Application No: 13/4081C

Location: Cardway Business Park, Linley Lane, Alsager, Stoke-on-Trent, ST7 2UX

Proposal: Outline planning application for residential development for up to 110 dwellings

Applicant: Mr J Redfern, Cardway Limited

Expiry Date: 22-Feb-2014

#### **SUMMARY RECOMMENDATION:**

APPROVE subject to conditions and the prior completion of a S106 Legal Agreement in respect of primary education, bus stop upgrade, highways improvements, 30% affordable housing in a 65:35 split, mitigation in lieu of loss of protected open land and contribution to open space maintenance and travel plan monitoring and residents management agreement for maintenance of incidental POS

#### **MAIN ISSUES:**

- Principle of Development
- Housing Need and contribution to supply
- Loss of Employment Land
- Loss of protected open land
- Affordable Housing
- Sustainability
- Design & Layout
- Landscape Impact
- Highways – access and safety
- Trees & Landscaping
- Amenity
- Ecology
- Education Impact
- Drainage and flooding
- Planning balance

#### **REASON FOR REPORT**

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

#### **DESCRIPTION AND SITE CONTEXT**

The application relates to 4.61 ha of land in mixed use situated to the west of Linley Lane (A5011). The site is located within the Alsager settlement Boundary.

To the front of the site lies a working industrial premises (6,782sqm) and associated hardstanding in majority use by Cardway Cartons for the manufacture of cardboard boxes. The rear portion of the site (Council owned) is part of wider open space and allotments. To the north of the site is the Crewe-Derby railway line. To the west of the open space within the site is further (Council owned) open space/ amenity land and allotments.

An existing modern office building is located outside the red-edge for this planning application. This building is therefore retained.

## **DETAILS OF PROPOSAL**

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

This application has been amended significantly with the overall numbers of residential units reducing from 140 as originally submitted to 105 now indicated on revised plans, and amounts of amenity open space on site increased.

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

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

Three phases of development are proposed. Phase 1 comprises 20% of the site in the middle of the site, currently unused area in the ownership of Cardway, phase 2 comprises the Council owned land in use as open amenity grassland with the remainder of the site (circa 80% of the site) and in use by Cardway Cartons presently proposed as the last phase. This will allow the current commercial occupier of the site time to find the alternative premises to suit their future needs.

## **RELEVANT HISTORY**

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

## **POLICIES**

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

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

### **Policies in the Local Plan**

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

### **National Policy**

National Planning Policy Framework

### **Other Material Policy Considerations**

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

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

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

North West Sustainability Checklist

Submission Version Core Strategy

SPD 4 Sustainable Development

## Alsager Town Centre Strategy SPD

### **Cheshire East Local Plan Strategy – Submission Version**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> February 2014, the Council resolved to approve the Cheshire East Local Plan Strategy – Submission Version for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

### **Cheshire East Local Plan Strategy – Submission Version**

PG2 – Settlement Hierarchy  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 - Design  
SE2 - Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 - The Landscape  
SE5 – Trees, Hedgrows and Woodland  
SE9 – Energy Efficient Development  
SE13 – Flood Risk and Water Management  
CS12 - Twyford and Cardway Alsager  
IN1 - Infrastructure  
IN2 – Developer Contributions

### **CONSULTATIONS (External to Planning)**

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

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

**Environment Agency (EA):** No objection in principle to the proposed development subject to conditions concerning surface water run off, overland flow.

**United Utilities (UU):** No reply

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

**Education:** 105 dwellings would generate 19 primary and 14 secondary

An assessment has been made into the primary schools within 2 miles and secondary schools within in 3 miles for capacities, numbers on roll and forecasts taking into account approved sites where necessary.

Based on this the sum of **£206,080** (19 x 11919 x 0.91) is required towards primary education and no requirement towards secondary education

**Network Rail:** The following conditions are suggested:

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

## **VIEWS OF THE TOWN COUNCIL**

**Alsager Town Council:** Objection on the grounds that the Town Strategy allocates this site for 50 dwellings and 2 ha of employment land and that the site should retain a level of employment and open space. Alsager is unsustainable as a key service centre as it does not meet Cheshire East criteria for the amount of jobs available. Therefore the site must remain, in part, an employment site. Also raise objection to any additional access point onto the site other than the existing access on Linley Lane

## **OTHER REPRESENTATIONS**

**Kidsgrove Town Council** – No objection in principal but raise concern about impact of additional traffic on the A34 at Talke

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

Objections have been received from 25 local addresses on the following grounds -

**Principal of development**

- The site is not identified for an exclusively housing based development in the Alsager Town Strategy
- There is no need for more housing in Alsager
- With the Sainsburys development going ahead with planning permission for 335 in the pipeline do we need to build any more homes at this end of town
- There is a lack of employment in Alsager
- Existing employment should be retained
- Not needed or wanted by the community
- No benefit to the residents of Alsager
- Local infrastructure of services cannot cope with this additional development

**Highways**

- Increased traffic congestion
- Impact upon highway safety
- Future residents would be dependent on the car
- There is a lack of parking in Alsager Town Centre
- Pedestrian safety
- Poor public transport
- Access from Linley Lane is unsafe and in a dip in the road. The other site access off Linley road is almost as bad

**Green Issues**

- Increased flood risk
- Increased water run-off
- Increased flooding during extreme weather events

**Infrastructure**

- The infrastructure in Alsager cant cope
- Increased pressure on local schools
- The sewage system is overstretched

**Amenity Issues**

- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Loss of privacy and light from dwellings being built on land that is currently open

**Other Matters**

- There are so many inconsistencies between the various newly submitted documents that I have serious concerns that they even know where they are building
- Loss views of open land
- Impact upon property values

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

## **APPLICANT'S SUPPORTING INFORMATION**

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

All documents are available to view on the web site. In précis, the Applicant considers the site to be sustainable development, coming in 3 phases, with the removal of the existing factory in the last phase which will allow the existing commercial occupier to relocate elsewhere in the Borough to suit the growing expansion needs of the business. The Applicant considers that the Council does not have a 5 year housing supply and therefore the presumption in favour of the housing development outweighs the employment protection policy E10 and the 2009 appeal decision, as a material consideration.

## **OFFICER APPRAISAL**

### **Principle of Development**

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

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

**'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that**

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

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

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

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

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

Greater weight can be attached to this allocation because:

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

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

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

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

- a. Contributions to improvements to the town centre street scene.
- b. The existing open space on the Cardway site be retained (not built upon) and improved
- c. Retention of the woodland areas to the north and east of the site
- d. Further archaeology investigation on the site in relation to the heritage asset in the north east area of the site



- e. Contributions towards the delivery of improvements to B5077 Crewe Rd/B5078 Sandbach Road North Junction/Linley lane/Crewe Road junction improvements
- f. Contributions to education and health infrastructure
- g. The local plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes)

This site has also been included in the Council's evidence base (SHLAA 2013) as a site that would contribute towards that housing land supply. This site is recorded by the SHLAA as being achievable with 60 units being provided within years 1-5. This site is therefore making a significant contribution to the 5 year housing land supply position of the Council.

Whilst the emerging Local Plan has not yet competed the examination stage, housing land supply has been tested through various recent appeals and therefore has been examined in part albeit not through a Local Plan examination.

The contribution (or otherwise) of these appeal decisions to housing and supply is relevant, and is discussed below in the Housing Land Supply Section. However, as this site has been assessed as being deliverable within the 1<sup>st</sup> five years for the purposes of demonstrating the 5 years housing land supply within a policy framework developed post NPPF, it is considered that very considerable weight can be attached to the allocation.

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

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

### **Loss of employment use of the site**

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

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

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

Paragraph 22 advises that:

*‘Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that*

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

Paragraph 51 goes on:

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

Policy E10 of the Local Plan states :

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

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

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

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

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

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

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

Additionally, they also consider that if there is a 5 years supply as contended by the Council, that the allocation of this site as primarily a housing allocation within the Submission Version of the emerging Plan contributes to the continuing supply of housing as required by the NPPF which again outweighs the policy requirement of E10.

The current occupier of the site, Cardway Cartons Ltd (CCL) are a leasehold occupier having been in situ for many years. They hold a lease until 2016 according to information submitted as part of the 2009 appeal. They have considerably expanded their operations within the factory unit since 2009. In 2009, they occupied approximately 50% of the premises for the manufacture and storage of cardboard boxes, employing approximately 40/50 full and part time staff, who mainly come from the local area. In 2009, the premises were also occupied by other tenants on a short term basis who now appear to have moved out such as Dotshops although it would appear Greenworld as still located at the site.

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

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

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

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

### **Loss of Protected Open Space**

The Council owned open space to the rear is proposed to be redeveloped as part of the residential layout. This land comprises approx one third of the overall site area.

This would comprise the 2<sup>nd</sup> phase of development. As part of ongoing discussions the total of formal and incidental open space to be provided across the site measures 5800 square metres of which 4800 square metres is proposed in a centralised area of open space.

Policy RC2 of the Congleton Local Plan states that (inter alia) the loss of such areas will only be permitted where the proposal does not result in local deficiency the quantity range and accessibility of such open space, or alternatively the provision of an equivalent or improved and suitably located replacement facility is proposed within an acceptable to the Local Planning Authority. The Submission Version of the Cheshire East Local Plan, currently undergoing examination likewise requires the Council owned land to be no built upon and retained as part of redevelopment proposals.

The area is deficient in quantity in POS, however, the quality of the area in the opinion of the Greenspace Manager is deficient. A significant area of 4800 sq m in a centralised area has been negotiated which is in excess of the area required for POS in connection with a development of 105 dwellings.

Whilst this is not significantly more than would normally be required as a consequence of the housing development in terms of Open Space policy, it is considered that given the need to deliver a constant housing land supply, and the commuted sum mitigation to be utilised to improve Wayside in the locality is sufficient to justify a departure from policy in this case.

### **Housing Land Supply**

The NPPF states at paragraph 47 there is a requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government’s overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.”

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The Position Statement set out that the Borough's five year housing land requirement as 8,311. This is based on the former RSS housing target of 1150 homes pa – mindful that the latest ONS household projections currently stand at 1050 pa. This was also calculated using the ‘Sedgefield’ method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the ‘Sedgefield’ methodology and a 5% ‘buffer’ the Five Year Housing Land Supply Position Statement demonstrated that the Council has a 5.87 year housing land supply. If a 20% ‘buffer’ was applied, this reduced to 5.14 years supply.

Members will be aware that the Housing Supply Figure is the source of constant debate as different applicants seek to contend that the Council cannot demonstrate a five year supply. This has been the source of the many and on-going appeals as the Council's defends its position against unplanned development on sites within the open countryside.

Elworth Hall Farm, Sandbach (11 April 2014). It was determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be. 1150 dwellings pa was the agreed target figure. The Inspector accepted the use of windfalls but considered a 20% buffer should be employed

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during the last few months and more are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 6.11 year housing land supply with a 5% buffer or 5.35 year housing land supply with a 20% buffer.

Dunnocksfold Road, Alsager (14 July 2014). Inspector considered that the RSS figure was now historic and that the SHMA, SHLAA and populations forecasts were more recent along with the emerging Pre-Submission Core Strategy which proposes a target of 1350 dwellings pa. 1350 should therefore be the target (6750 as a 5 year supply figure). The Inspector also accepted the appellants backlog figure but agreed that a 5% (not 20%) buffer should be applied. However the use of windfalls was rejected. This gave a five year requirement of 10146 dwellings or 2029 pa. This results in a supply figure of 3.62 years. Even using the Council's assessed supply figure of 9897 this only provided 4.8 years of supply.

Members should note that this Inquiry also took place just a few days after the introduction of the position statement when there was little or no time to prepare the full evidence case.

Newcastle Road, Hough (14 July 2014). In the absence of evidence to the contrary the Inspector accepted the position statement and that the Council could demonstrate a five year supply - 5.95 years with 5% and 5.21 with a 20% buffer. It was also considered that the RSS figures of 1150 pa represented the most recent objectively assessed consideration of housing need.

There is hence little consistency over the treatment of key matters such as the Housing Requirement, the Buffer and use of windfalls.

This state of affairs has drawn the attention of the Planning Minister Nick Boles MP who has taken the unusual step of writing to the Inspector for the Gresty Oaks appeal (14 July 2014) highlighting that the Planning Inspectorate have come to differing conclusions on whether Cheshire East can identify a five year supply. While he acknowledges that decisions have been issued over a period of time and based upon evidence put forward by the various parties he asked that "especial attention" to the evidence on five supply is given in the subsequent report to the Secretary of State. It is therefore apparent that the Planning Minister does not consider the matter of housing land supply to be properly settled.

Taking account of the above views, the timing of appeals/decisions the Council remains of the view that it has and can demonstrate a five year supply based upon a target of 1150 dwellings per annum, which exceeds current household projections. The objective of the framework to significantly boost the supply of housing is currently being met.

### **Affordable Housing**

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

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

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

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

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

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

Furthermore the IPS states that:

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

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

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

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

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

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

### **Sustainability**

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

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

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

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

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

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new*



*ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

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

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

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

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

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

### **Environmental role**

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

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

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

### **Economic Role**

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

Paragraph 19 states that:

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

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

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

According to paragraphs 19 to 21:

"Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations."

The NPPF excludes residential development from the definition of economic development. However, in recent appeal decisions for large housing developments Inspectors have given weight to the role such developments will play in supporting the local economy, both through the construction phase of the development and in supporting local services and businesses once occupied.

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

## **Social Role**

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

It is considered that the development will play a positive social role in local area.

Overall, the proposal is considered to be sustainable in terms of the 3 strands of sustainability in the NPPF.

## **Education Infrastructure**

This proposal would 19 primary and 14 secondary pupils based on a layout of 105 units.

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

A financial contribution of £206,080 ( $19 \times 11919 \times 0.91$ ) is required.

## **Design & Layout**

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application a preliminary concept masterplan has been provided. This has been revised significantly during the application process involving a significant reduction in the numbers of units (from 140 to 105) and a significant increase in the amount of POS on the site

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

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

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

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

- A central green/open space
- A majority 2 storey development with 3 storey provided for place making purposes
- Buffer planting
- Three phase development with independent access points

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

## **Highways – Safety and Access**

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

The existing site currently comprises of a 6,782sqm industrial factory premises and areas of associated hardstanding and parking. Access to the site is via a simple priority controlled junction with Linley Lane on its eastern boundary.

The site currently has an access from the A5011 Linley Lane on its eastern frontage and an unused access from Talke Road/Linley Road on the southern frontage.

### ***Access Strategy.***

After some negotiation the access strategy for the site has been re-modelled to provide three points of access: one which will use the existing access point from Linley Lane with a revised geometry to suit the residential development. The second and third access will be taken from the Talke Road/Linley Road frontage where the site has the opportunity for two links.

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

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

The three points of access will achieve acceptable junction geometry even for Linley Lane where the existing access has some limitations to visibility however the junction operates safely with no accidents at the location which involve a vehicle emerging from the junction.

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

### ***Impact and Negotiated Highways Improvements***

The traffic generation from the existing use on the site was surveyed as part of the preparation work and the potential maximum traffic generation from the site under the current use has been calculated from the TRICS database. These figures are accepted by the S.H.M.

With the site being developed in three phases the traffic generation from the proposed residential use which will issue onto Linley Lane is only part of the overall traffic generation and when compared to the potential traffic generation from the existing use-class on the site will generate 16 more trips in the peak hour (56 proposed against 40 existing).

This means the proposed use will generate just one extra trip every four minutes on average in the peak hour and as a result of the junction improvements that have been negotiated by the Strategic Highways Manager (SHM ) as part of this proposal, the SHM accepts that this increase will not have a severe impact on the operation of the highway network.

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

### ***Highway Capacity.***

The industry recognised process for calculating priority junction capacity is the PICADY software programme. This programme has been employed to calculate junction capacity at the points of access into the site and also at the junctions of: Linley Road with Linley Lane and Talke Road with Sandbach Rd South and Audley Road.

The calculations show acceptable capacity at the time of full occupation of the site and in the future year analysis in accordance with the Guidance on Transport Assessment document (DfT).

Running carriageway capacity is also adequate to cater for the traffic generation from this site.

### ***Sustainability.***

Given the location of this site and the proximity to the town centre allied to the local bus/cycle/pedestrian link opportunities and the nearby railway station, this site is considered to be in a sustainable location.

### ***Accident Records.***

The accident search area for this development (provided to the applicant by CEC), showed that no accidents occurred at the proposed points of access on the Talke Road/Linley Road route and only two accidents occurred at the existing site access on Linley Lane in the last 5 years. These two accidents involved rear end shunts (failure to stop), this with vehicles waiting to turn into the site entrance.

The accident analysis has highlighted a cluster of accidents at the Linley Lane/Linley Road junction. In total 17 accidents occurred during the five year search period. Two of the accidents were classified as 'serious' and none of the accidents involved a vulnerable road user.

There will be some traffic generation from the development proposal towards and using the Linley Road/Lane junction however the impact on the junction and the related queue impact is low and will cause no capacity issues.

The Strategic Highways Manager accepts that the accident record analysis and notes that over 50% of the accidents have occurred outside peak hours and as can be seen only two accidents have occurred at the proposed points of access into the site.

### ***Phased development.***

The proposed redevelopment of the site comprises three phases. A summary of the phases is provided below:

***Phase 1 – 20% of Cardway site, approx up to 18 dwellings.***

This phase comprises of the development of the land to the immediate rear of the industrial unit providing approximately 18 dwellings. During this phase, the operations at the industrial unit will continue. This parcel of land will be served via an access onto Linley Road.

***Phase 2 – CEC land, approx up to 30 dwellings.***

This will include the development of the open amenity space to the east of the Cardway site. This section of land is owned by CEC and could accommodate approximately 30 dwellings. This parcel of land will be served via an access that links into the existing road that serves the garages to the rear of the adjacent properties off Talke Road. No vehicle link will be provided through this section of the site to other phases of the development, however all three phases will benefit from a pedestrian/ cycle link through the site.

***Phase 3 – 80% of Cardway site, approx up to 72 dwellings.***

This will include the redevelopment of the existing industrial unit on site providing approximately 72 dwellings. During this phase, the operations of the industrial unit will cease.

This parcel of land will be served via an access onto Linley Lane only and a pedestrian/cycle link will be provided between this and the next phase of the development. No vehicle through route will be provided through to the other phases of the site.

The location of these and the overall design of the layout will be decided at the detailed design stage.

It is intended that Phase 1 and 2 will come forward together initially with the units on Phase 3 only being developed once the existing industrial units on site have been relocated.

***Internal Layout.***

There is a master plan for the internal layout which after negotiation has resolved the three-way access strategy for the site and established the principles for a design approach via Manual for Streets.

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

The detailed design for the site will come forward with any detailed application which may be made.

***Local Improvements.***

To facilitate the effective use of local bus infrastructure and to contribute to sustainable forms of development there is a need to upgrade local bus shelter provision and the S.H.M. will require a contribution of £25,000 to upgrade two local bus stops to quality partnership specification. The nearest shelters to the site requiring this upgrade will be upgraded.

In addition there is a proposal to upgrade the junction of Linley Road with Linley Lane to signal junction control which needs incremental contribution towards its funding. The Authority has a detailed design for this road improvement and has already purchased the signal gear which is in stock however there are considerable civils and utility works to complete which require funding.

This development proposal does have a material impact on this junction both on the A5011 Linley Lane through flow and the Linley Road approach and whilst the junction analysis shows capacity sufficient for the generated traffic there is still an accident record at this junction which the Highway Authority would like to address through the signal provision.

Accordingly it is considered reasonable that this development contribute towards the signal scheme which will come forward as funding is accrued.

The Strategic Highways Manager considers that it is reasonable that the proposed development contribute a sum equivalent to approximately £1,000 per capita against development build out numbers which will be finalised at the detailed application stage should the development gain an outline permission.

In order that this contribution can be secured the Strategic Highways Manager recommends that given the proposal is for up to 105 residential units the contribution be set at £100,000 .

### **Public Open Space Provision - *Amenity Greenspace***

Following an assessment of the existing provision of Amenity Greenspace 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.

Consequently there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. The amount of Amenity Greenspace required in accordance with the interim Policy Note on Public Open Space Provision would be 4020m<sup>2</sup> of usable open space

Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

£29,799 for a period of 25 years calculated in accordance with Policy

### ***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 of 105 dwellings were to be granted planning permission there would be a surplus in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Whilst there is no requirement for new on site play space a deficit has been identified in the existing facilities accessible to the new development and in order to meet the needs of the new development, an opportunity has been identified for enhancing the quality of an existing facility at Wayside Linley.

There are several aspects of the existing site that are considered unsatisfactory and would benefit from upgrading by replacement and relocation within the existing site, as well as the introduction of DDA inclusive equipment which would improve the quality and accessibility of the facility and encourage greater use of the area.

Given that an opportunity has been identified for upgrading the capacity/quality of Children and Young Persons Provision, based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

£23,075.64 for enhancements to the play area (at Wayside Linley)  
£75,222 for the maintenance of the enhancements

## **Ecology**

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

### ***Badgers***

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

### ***Great Crested Newts***

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

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

### ***Botanical/habitat value***

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

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

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

It is recommended that the residual impacts of the development on biodiversity be off-set by means of a commuted sum that could utilised to fund offsite habitat creation/enhancement. This



mitigation could equally be utilised to enhance the Merelake Way footpath/ Green Corridor by Countryside Rangers in the locality to improve local facilities, given the loss of the ecological value is upon an area of Protected Open space.

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

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

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

### ***Bats***

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

### ***Reptiles***

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

### **AMENITY**

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

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

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

### **DRAINAGE AND FLOODING**

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

The majority of the existing site is covered by structures and hardstanding with the remainder being dense vegetation. The FRA submitted with the application has been forwarded to the Environment Agency who has raised no objection to the proposal subject to condition regarding

surface water run off. It is therefore considered that the development would not raise any significant flooding/drainage implications that would warrant the refusal of this application.

### **Community Infrastructure Levy (CIL) Regulations**

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

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

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

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

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

### **CONCLUSIONS AND THE PLANNING BALANCE**

This brownfield site located within the Settlement Zone Line for Alsager, comprises a sustainable form of development and significantly contributes to an adequate and continuing supply of market and affordable housing to meet the local need and the requirements to provide for the general housing supply as required by the NPPF, the brownfield nature of the site and the allocation of the site as being deliverable within the SHLAA and the housing allocation with the Allocation Version of the Local Plan.

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

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

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

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

The NPPF supports the loss of open space if the loss is replaced by equivalent or better provision in terms of quality and quantity in a suitable place. Whilst the amount lost is greater than that which replaces it, the quality of open space on site and locally can be significantly enhanced by the mitigation negotiated. This is considered to be acceptable in this case, given the significant contribution this site makes to the continuing housing land supply position.

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

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

The application is therefore recommended for approval, subject to a Section 106 Agreement and conditions.

#### **The Section 106 Legal Agreement to Secure:**

- **Affordable housing:**
  - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
  - A mix of 2 , 3 bedroom and other sized properties to be determined at reserved matters
  - units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
  - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
  - no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.
  - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
- Contribution of £206,080 ( $19 \times 11919 \times 0.91$ ) towards primary **education**. This contribution is based on 105 units and will phased on pro rata basis and be required to be paid on first occupation of each phase (pro rata) of the development of the site

- Commuted Sum for off-site enhancement works of £ 19,762.75 in lieu of the loss of protected open space – to be spent at Merelake Way footpath/ Green Corridor
- Contributions in lieu of on site children's play of £23,075.64 for enhancements to the play area (at Wayside Linley) and £75,222 for the maintenance of the enhancements
- Contributions of £29,799 as maintenance payment for on site POS (central area not incidental areas of open space)
- Bus Shelter Contribution of £25,000 to upgrade **two local bus stops** to quality partnership specification located within the vicinity of the development site
- **Off – site highway contribution** of £100,000
- **Travel Plan** monitoring payment of £5000 (£1000 per annum for 5 years)
- **Private residents management company to maintain all on-site incidental open space (not the central area of formal open space)**

And the following -

#### **Conditions;**

1. Standard Outline
2. Submission of Reserved Matters
3. Time limit for submission of reserved matters
4. Approved Plans
5. Electric vehicle infrastructure shall be provided on car parking spaces/ each dwelling
6. materials to be submitted
7. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
8. The developer shall agree with the LPA an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation. The plan shall be implemented and enforced throughout the construction phase.
9. Prior to the commencement of development an additional Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
10. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
11. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.
- 12 Noise mitigation to be submitted and implemented to achieve a good standard and the proposed mitigation for the gardens closest to potential noise sources will require the recommended design criteria of <55dB LAeq to be achieved.

13 No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.

14. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.

15. 105 units maximum

16. Any reserved matters application for housing to include detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats and breeding birds including swifts and house sparrows. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.

17. Works should commence outside the bird breeding season

18. No trees shall be removed without the prior approval of the LPA.

19. Landscaping Scheme including details of boundary treatments to be submitted

20. Submission of Statement Design (site wide) of part of 1<sup>st</sup> reserved matters principles to take into account, the Master Plan and the Parameters Plan and to include the principles for:

- determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs, chimneys, porches and fenestration;
- determining the hierarchy for roads and public spaces;
- determining the colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
- the design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, streets, parking areas, courtyards and other shared surfaces;
- the design and layout of street furniture and level of external illumination;
- the laying out of the green infrastructure including the access, location and general arrangements of the children's play areas, open space within the site
- sustainable design including the incorporation of decentralised and renewable or low carbon energy resources as an integral part of the development
- ensuring that there is appropriate access to buildings and public spaces for the disabled and physically impaired.
- scale parameters for 2.5/3 storey buildings on key parts of the site
- SUDS details to be submitted

All subsequent phases and reserved matters to comply with overall strategy unless otherwise agreed

21. Reserved Matters to include Arboricultural Implication Study (AIS) in accordance with para 5.4 of BS5837:2012 Trees in Relation to Design, Demolition and Construction -Recommendations , Constraints and Tree Protection Plan and Arboricultural Method Statement

22. Landscaping implementation

23. Umbrella Travel Plan to be submitted with 1<sup>st</sup> reserved matters and each Phase of development to include travel plan

24. scheme to manage the risk of flooding from overland flow

25 Existing and proposed levels to be submitted as part of each phase/ each reserved matters application whichever is sooner.

26. Reserved matters to include an area of useable public open space of a minimum of 4800 square metres in a central area of the site with access strategy from wider area

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

**Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Southern Planning Committee, to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement as above**

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

