

Application No: 14/5548C

Location: LAND OFF, DUNNOCKSFOLD ROAD, ALSAGER, CHESHIRE

Proposal: Erection of up to 89 dwellings and formation of access point

Applicant: P.E JONES (CONTRSCTORS) LTD

Expiry Date: 02-Mar-2015

## **CONCLUSION:**

The principle of development has already been accepted as part of the outline approvals on this site.

### Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon infrastructure would be neutral as the only impact would be upon education and this would be mitigated through the provision of a contribution secured as part of the outline application.

In terms of the POS provision and the proposed NEAP this is considered to be acceptable.

### Environmental Sustainability

Details of the proposed landscaping would be dealt with as part of a future reserved matters application.

With regard to ecological impacts, the impact is considered to be neutral as mitigation would be secured.

The drainage/flood risk implications for this proposed development are considered to be acceptable.

Although there are some tree conflicts on this site, the trees in question are not subject to TPO protection. It is considered that subject to the imposition of planning conditions that the development is acceptable in terms of its impact upon trees on this site.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted.

### Economic Sustainability

The internal design of the highway layout/parking provision will be subject to an update report.

The development of the site would provide a number of economic benefits in the residential use of the site.

It is considered that the planning balance weighs in favour of this development.

**SUMMARY RECOMMENDATION:**

**APPROVE** subject to conditions

**REASON FOR DEFERRAL:**

This application was deferred from the Southern Planning Committee meeting on 8<sup>th</sup> July 2015 for the following reason:

*That the application be DEFERRED for revisions to the affordable housing layout with a greater level of pepper-potting and amendments to front garden provision on the site.*

Amended plans have now been received to address the issues raised within the deferral. This has resulted in the loss of 1 unit on the site (down from 90 to 89 units). The amended plans are subject to a 2 week consultation period which expires on 4<sup>TH</sup> August 2015.

**PROPOSAL:**

This is a reserved matters application for 89 dwellings. The issues which are to be determined at this stage relate to the appearance, layout and scale of the development. Landscaping would be dealt with as part of a separate reserved matters application.

The access would be via a single priority junction off Dunnocksfold Road. The access was approved as part of the outline application.

The development would consist of 1 to 5 bedroom units including some apartments. All units would be 2 stories in height.

**SITE DESCRIPTION:**

This reserved matters application follows the approval of application 12/4146C which was allowed at appeal.

The site of the proposed development extends to 3.12 ha and is located to the north west of Alsager. The site is within open countryside. To the south and west is residential development. To the north is agricultural land. The former sports grounds of the MMU campus is located to the east of the site. A public footpath (Alsager No 3) runs to the north and east of the site.

The land is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site.

## **RELEVANT HISTORY:**

13/4627C - Outline Application for the Erection of up to 95 Dwellings and formation of access point into site to serve the development – Withdrawn 18<sup>th</sup> January 2015

12/4146C - Outline Application for the Erection of up to 95 Dwellings and formation of access point into site to serve the development – Refused 22<sup>nd</sup> May 2013. Appeal Lodged. Appeal Allowed 14<sup>th</sup> July 2014

## **POLICIES**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **Development Plan:**

The Development Plan for this area is the Congleton Borough Council First Review 2005, which allocates part of the site within the settlement boundary and part of the site within the open countryside.

The relevant Saved Policies are:

PS8 Open Countryside

GR21 Flood Prevention

NR4 Non-statutory sites

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR9 Accessibility, servicing and provision of parking

GR14 Cycling Measures

GR15 Pedestrian Measures

GR16 Footpaths Bridleway and Cycleway Networks

GR17 Car parking

GR18 Traffic Generation

NR1 Trees and Woodland

NR3 Habitats

NR5 Habitats

H2 Provision of New Housing Development

H6 Residential Development in the Open countryside

H13 affordable Housing and low cost housing

E10 Re-use and redevelopment of existing employment sites

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

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

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

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

### **Other Considerations:**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing

### **CONSULTATIONS:**

**CEC Flood Risk Manager:** No objection.

**Environment Agency:** Refer to standing advice.

**Natural England:** No objection.

**CEC Strategic Housing Manager:** Following the deferral of this application and the submission of the amended plan the Strategic Housing Manager has stated as follows:

The amended location of the affordable units is acceptable and the pepper-potting is sufficient from Strategic Housing view.

**CEC PROW:** No objection. The developer is required to provide a specification of the PROW. An informative should be attached to the decision notice.

**CEC Strategic Highways Manager:** No objection.

**CEC Countryside Access:** The PROW appears on the ground as a well-used footpath with a rural feel and forms part of a circular route that local residents will have devised and value as a facility. The development should therefore retain this link and ambience, for example by the accommodation of the footpath within a wide green corridor with natural surveillance from the fronts of houses. The width of this corridor would be required to be a minimum of 3 metres.

It is requested that the current stiles on the public footpath at each side of the site are removed or replaced with two-way gates to British Standards, depending on adjacent landowner stock management requirements.

In addition, logged under the Rights of Way Improvement Plan is a request from members of the public that this footpath be upgraded to a bridleway so that cyclists and horse riders can use it in addition to pedestrians.

Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists.

**CEC Environmental Health:** Conditions suggested in relation to piling works, construction method statement, construction management plan, travel plan, electric vehicle charging, dust control and contaminated land.

**ANSA Open Space:** There is no information regarding the proposed play area i.e. a description of the type of equipment to be provided and the number of pieces of equipment, safety surfacing, fencing and street furniture.

Also management and maintenance regimes should be provided for both the Amenity Greenspace and Children's Play area

## **VIEWS OF THE PARISH/TOWN COUNCIL:**

**Alsager Town Council:** Makes the following comments:

- That, written confirmation be sought from the Planning Authority that the access point to the proposed development as defined on the latest amended plan is as per the access point as defined in the appeal decision.
- That, the density of the proposed development remains too high.
- That, the proposed layout still lacks suitable landscaping to the Dunnocksfold Road frontage in reducing the developments impact on the street scene.
- That, the affordable housing allocation within the site lacks appropriate pepper potting.

## **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

Letters of objection has been received from 14 households raising the following points:

### Principal of development

- Greenfield sites should not be built on when there is brownfield land available
- Loss of agricultural land
- The development is contrary to the Cheshire East Local Plan
- No further housing development is needed
- Approving the application would jeopardise the development of the MMU site
- Alsager is not a sustainable location
- Intrusion into the open countryside
- Impact upon the semi-rural character of the area
- The development does not comply with the North-West Sustainability checklist
- The development is contrary to the NPPF
- Alsager has had more than its fair share of housing development
- Obstruction of the PROW which crosses the site
- The outline application was only approved due to the lack of a 5 year housing land supply

### Highways

- Increased highways congestion
- Dunnocksfold Road is too narrow to serve this development
- Traffic problems at peak hours
- Speeding vehicles along Dunnocksfold Road
- Dunnocksfold Road is used as a rat run
- Pedestrian/cyclist safety
- Lack of traffic surveys in Alsager
- Poor visibility at the access point
- The access point is not the same as that which was approved at the appeal
- The access is located on a blind bend
- Cumulative highways impact

### Infrastructure

- Local infrastructure cannot cope
- Local schools are full
- Local doctors do not have capacity

### Amenity Issues

- Noise and dust pollution during the construction phase
- Loss of outlook
- Loss of privacy

### Design issues

- The development is not in keeping with the locality
- The development should include provision for disabled residents
- Loss of hedgerow
- The development appear too dense
- The development does not provide housing to serve the elderly

## **APPRAISAL**

The principle of residential development has already been accepted following the approval of the outline application 12/4146C.

This application relates to the approval of the appearance, layout and scale of the development. Landscaping would be dealt with as part of a separate application.

### **Affordable Housing**

The s106 agreement attached to the outline application details that an Affordable Housing Scheme should be submitted which includes an affordable housing provision of 30% which will comprise 65% affordable/social rented and 35% as intermediate tenure.

The agreement requires the Affordable Housing Scheme to be submitted as part of the reserved matters application. The applicant has submitted an accommodation schedule for the affordable housing on the submitted plans. The affordable housing mix comprises 4 x 1 bed apartments, 20 x 2 bed houses and 2 x 3 bed houses. This gives a total of 26 affordable units of which 17 would be rented and 9 would be intermediate tenure.

The house types and details are acceptable and the units are tenure blind. The number of affordable units and tenure split is correct.

The SHMA identified a net requirement for 54 affordable homes per annum for Alsager. This equates to a requirement for 38 x 2 bed, 15 x 3 bed and 2 x 4+ bed older persons accommodation. Information taken from Cheshire Homechoice and discussions with colleagues in Housing Allocations Team shows there is a high demand for 1 bed units (94 x 1 bed units).

The applicant has submitted an Affordable Housing Scheme which provides further detail in respect of the Affordable Housing. This has been considered by the Strategic Housing Manager has raised no objection to this development.

Following the deferral of the application an amended plan to show a greater level of pepper potting on this site has been received. This now moves a block of the affordable housing towards the south-east corner of the site and significantly reduces the density towards the western portion of the site. This has also resulted in a less car-dominated appearance to parts of the site with a greater front garden provision to the affordable units. Whilst supporting photographs have also been provided of affordable housing provided by the applicant within the northern part of the Borough.

This plan is considered by the Councils Strategic Housing Manager who has raised no objection in terms of the degree of pepper potting on this site.

### **Highways Implications**

The access to this development and the wider traffic impact were approved as part of the outline application.

As part of this application a number of local residents and the Town Council have raised concerns that the access proposed as part of this reserved matters application is not in the same location as that approved as part of the outline application. However the case officer has checked the plans

for the outline application and this reserved matters application and the access is located at the same point.

Some objections have also raised concern that there are 2 vehicular access points proposed as part of this application. This is not correct and the proposed plans only show 1 vehicular access point.

In terms of the internal highways design and parking provision on this site the Head of Strategic Infrastructure has now considered this application and raised no objection to the development and as such the development is considered to be acceptable in relation to this issue.

## **Amenity**

In this case the Congleton Borough SPG Note 2 requires the following separation distances:

21.3 metres between principal elevations

13.8 metres between a non-principal and principal elevations

In this case the separation distances proposed to the adjacent dwellings all exceed those set out within the SPG. The separation distances between principal elevations of the dwellings along the Dunnockfold Road frontage ranges between 27 metres and 35 metres. The separation distance between non-principal and principal elevations is 24 metres. As such it is not considered that the proposed development would have a detrimental impact upon adjacent residential amenity through loss of light, privacy or overbearing impact.

To the west of the site is a detached dwelling known as Sunnyside Farm. The proposed dwelling at Plot 1 would have its rear elevation facing a non-principle side elevation at Sunnyside Farm. In this case the development would have a separation distance of 17.3 metres which meets the guidance within the Councils SPG.

## **Light pollution**

The concerns raised regarding light pollution have been noted and a condition could be attached to ensure that external lighting details are submitted to the Council for approval.

## **Disturbance during the construction phase of the development**

Conditions in relation to piling work and dust control will be attached to any approval. A condition in relation to the submission of a construction method statement is attached to the outline approval.

## **Trees and Hedgerows**

### **Trees**

The submission provides an updated arboricultural report, details of tree constraints, and proposed tree protection measures. This shows that all boundary trees would be retained as part of this development.



Although the layout has been amended, on plots 29 and 65 the social relationship between dwellings and retained trees is not ideal with limited separation and encroachment into root protection areas for construction works. However the planning conditions attached to the outline consent would secure the retention and protection of the trees as part of this development.

### Hedgerows

The boundary hedgerows would be retained as part of the proposed development apart from at the point of access. Compensatory planting should be provided to compensate for any losses and this will be considered as part of the reserved matters application for the landscaping of the site.

### **Landscape**

The impact of residential development upon the open countryside and landscape was considered as part of the outline application where the Inspector found that the planning benefits outweighed the harm caused by this development and that the development constituted sustainable development.

The detailed landscape design is a reserved matter and will be determined at a later date.

### **Design**

The application is a Reserved Matters application with details of scale, layout and appearance to be determined at this stage. Landscaping would be reserved for determination as part of a future application.

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

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

The positive and externally orientated perimeter blocks are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The density of 28 dwellings per hectare is appropriate due to the urban fringe location of the site.

The height of the proposed development would be two-storey which is consistent with the surrounding dwellings in this part of Alsager.

The layout plan includes centrally located open space and play area. The residential properties would be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are obscured from view.

The existing hedge lines and tree would be retained as the basis for the landscape infrastructure and the detailed landscaping of the site would be determined at a later date.

In terms of the detailed design the proposed dwellings include canopies, bay windows, sill and lintel details. The design of the proposed dwellings and their scale is considered to be acceptable and would not detract from this part of Alsager.

## **Ecology**

### **Bats**

The mature trees on site are shown as being retained as part of the proposed development and as such it is not considered that this development would have a detrimental impact upon bats.

### **Other Protected Species**

An updated survey has been undertaken and submitted for other protected species. A number of setts are present around the site boundaries. The precise impacts on this protected species and the exact specification for the level of mitigation required would depend upon the detailed design produced as part of the landscape proposals at a future reserved matters stage. However it is likely that some of the existing sett entrances would require closure under the terms of a Natural England license to allow the development to proceed lawfully. Other setts entrances could be retained and works could be undertaken in such a manner as to minimise impacts. Based upon the submitted survey and outline mitigation strategy submitted the Council's Ecologist is satisfied that the potential impacts of the development on badgers could be dealt with appropriately.

If planning consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated survey and mitigation strategy. The submitted strategy should include proposals for the provision of badger buffers zones and corridors around the site boundary.

## **Public Open Space**

The site layout shows that an area of POS would be provided centrally within the site. The Open Space Officer stated at the outline stage that if the development was approved there would be a deficiency in the quantity of provision and the requirement for the site is 2,280sq.m. This area is provided within the application site.

In terms of children's play space, the Public Open Space Officer has requested the provision of a 5 piece LEAP. This would be provided centrally and details will be provided as part of the future reserved matters application for landscaping of the site.

The open space and LEAP on site would be managed by a management company and this is secured as part of a S106 Agreement.

## **Education**

This issue was dealt with as part of the outline application where a contribution of £173,540 was secured as part of the S106 Agreement.

## **PROW**

A public footpath (Alsager No 3) runs to the north and east of the site. This PROW would be retained through the site and as such there is no objection in relation to the impact of the PROW. It should also be noted that the S106 Agreement includes a contribution to replace stiles on the PROW.

## **Flood Risk and Drainage**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location.

The Councils Flood Risk Manager has considered this application and has raised no objection to this development.

It should also be noted that conditions to secure a scheme for surface water run-off and a scheme to manage the risk of flooding from overland flow were attached to the outline permission.

## **PLANNING BALANCE**

The principle of development has already been accepted as part of the outline approvals on this site.

### Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon infrastructure would be neutral as the only impact would be upon education and this would be mitigated through the provision of a contribution secured as part of the outline application.

In terms of the POS provision and the proposed NEAP this is considered to be acceptable.

### Environmental Sustainability

Details of the proposed landscaping would be dealt with as part of a future reserved matters application.

With regard to ecological impacts, the impact is considered to be neutral as mitigation would be secured.

The drainage/flood risk implications for this proposed development are considered to be acceptable.

Although there are some tree conflicts on this site, the trees in question are not subject to TPO protection. It is considered that subject to the imposition of planning conditions that the development is acceptable in terms of its impact upon trees on this site.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted.

### Economic Sustainability

The internal design of the highway layout/parking provision will be subject to an update report.

The development of the site would provide a number of economic benefits in the residential use of the site.

It is considered that the planning balance weighs in favour of this development.

### **RECOMMENDATION:**

**APPROVE** subject to the following conditions

1. **Approved Plans**
2. **Materials to be submitted and approved**
3. **The future reserved matters application to include an updated Badger Survey**
4. **Implementation of the tree and hedge protection measures as proposed**
5. **Submission of contact details for the appointed supervising arboricultural consultant and key site personnel.**
6. **Adherence to the submitted Arboricultural method statement**
7. **Service routes to be submitted and agreed in writing**
8. **Bin and cycle storage details for the apartments**
9. **Dust control measures**
10. **Restriction to the hours of piling works**

### **Informative:**

1. **PROW advice note**

**In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her 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.**

