

Application No: 16/1352C

Location: LAND AT CEDAR AVENUE, ALSAGER

Proposal: Outline applicaion for residential redevelopment of up to 14 dwellings with associated infrastructure.

Applicant: Country & Coastal Developments Ltd

Expiry Date: 20-Jun-2016

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market and affordable dwellings in a sustainable location and the knock-on minor local economic benefits such a development would bring, particularly during construction.

Balanced against these benefits must be the dis-benefits, which in this case would be environmental matters predominantly comprising of the loss of Open Countryside.

All other issues are considered to be able to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a neutral impact.

In this instance, it is considered that the benefits of the scheme would outweigh the disadvantages.

Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE Subject to a S106 Agreement and conditions

PROPOSAL

This application seeks outline planning permission to erect up to 14 dwellings. The access also forms part of this application.

Approval of layout, scale, appearance and landscaping, are not sought at this stage and as reserved for subsequent approval.

As such, this application shall consider the principle of the development and access arrangements only.

SITE DESCRIPTION

The site relates to a parcel of green field located between the southern side of Cedar Avenue, Alsager, within the Open Countryside.

The application site extends to approximately 0.61 hectares and is largely rectangular in shape and relatively flat. However, the land does drop-off towards the watercourse at the rear (south) of the site.

The site is bound by Cedar Avenue to the north, beyond which is residential development, to the east is residential development comprising of 4 dwellings which back onto the site from Rowan Close, to the south is the railway line and to the east is a Public Right of Way which extends along the boundary of the site, beyond which is playing fields.

RELEVANT HISTORY

None

LOCAL & NATIONAL POLICY

Congleton Borough Local Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside

The relevant Saved Policies are;

PS8 – Open Countryside, GR1 – New Development, GR2 – Design, GR6 - Amenity and Health, GR9 - Highways & Parking, GR20 – Public Utilities, GR22 – Open Space Provision,

NR2 - Statutory Sites, NR3 – Habitats, NR1 - Trees and Woodlands, H1 & H2 - Provision of New Housing Development and H6 - Residential development in the Open Countryside and the Green Belt

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

Policy SD1 Sustainable Development in Cheshire East, Policy SD2 Sustainable Development Principles, Policy SE1 Design, Policy SE2 Efficient Use of Land, Policy SE3 Biodiversity and Geodiversity, Policy SE4 The Landscape, Policy SE5 Trees, Hedgerows and Woodland, Policy SE9 Energy Efficient Development, Policy SE12 Pollution, Land Contamination and Land Instability, Policy IN1 Infrastructure, Policy IN2 Developer Contributions, Policy PG1 Overall Development Strategy, Policy PG2 Settlement Hierarchy, Policy PG5 Open Countryside and Policy SC4 Residential Mix

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, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to a condition that the visibility splays shown on the submitted plans should be cleared of any obstructions before commencement of development.

Environmental Protection – No objections, subject to a number of conditions including; the prior submission/approval of a Construction Phase Environmental Management Plan; the provision of electric vehicle infrastructure; the prior submission/approval of a Phase 2 Contaminated Land Report; the prior submission/approval of soil verification report and that works should stop if contamination identified. In addition, informatives in relation to hours of construction and contaminated land are also sought

Strategic Housing (Cheshire East Council) – No objections, subject to the provision of 30% on-site affordable housing, tenure split to be agreed at Reserved Matters stage

Environment Agency – No objections now a 5 metre-wide unobstructed strip of land is retained between the brook and the access gate of Cedar Avenue

United Utilities – No objections, subject to the following conditions; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan

Health and Safety Executive – No objections

ANSA Open Space – No objections, subject to the provision of £5,803.62 to maintain the proposed on-site Amenity Green Space (AGS). With regards to Children and Young Persons Provision (CYPP), the development will generate a need for a new LEAP play facility. However, there is the opportunity to improve an existing facility on the nearby Milton Park. This would result in a financial requirement of £3,076.75 for capital enhancements and £10,029.60 for ongoing maintenance of the enhancements.

Children's Service's - No objections, subject to a financial contribution towards education provision of £65,224.25 (£32,538.87 – Primary education and £32,685.38 – Secondary education)

Flood Risk Manager – No objections, subject to a condition that a surface water drainage scheme be submitted to the LPA for prior approval

Public Rights of Way - No objections, but the applicant should be reminded of their responsibilities

Network Rail - No objections, subject to a number of conditions including; the prior submission/approval of both surface and foul water drainage being directed away from the railway; the prior submission/approval of a Risk Assessment and Method Statements (RAMS) for all works to be undertaken within 10 metres of the operational railway; prior approval/agreement of noise and vibration mitigation for future residents; No trees to be planted next to the boundary with the Network Rail land and the operational railway

Newcastle-under-Lyme Borough Council – No objections

Alsager Town Council – Object to the proposal for the following reasons;

- Lack of information with regards to Badgers and potential flooding
- Flood risk
- Impact upon the Green Belt
- Risk of development upon adjacent public playing fields

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and an advert placed in the local newspaper. To date, approximately 18 letters of representation have been received. The main objections raised include;

- Principle of housing development in Alsager
- Loss of Countryside
- Highway safety – pressure on existing road infrastructure; poor visibility; Congestion, parking, speeding, suitability of access road, pedestrian safety
- Ecology – Loss of wildlife/habitat, impact upon badgers, birds and foxes, bats
- Impact upon trees / loss of trees

- Amenity – Impact of noise upon future residents by railway, noise pollution, visual intrusion, loss of privacy,
- Drainage / water pollution
- Impact upon Public Right of Way
- Impact upon public facilities / infrastructure – Schools, highway network, medical facilities
- Sustainability of location
- Flooding

APPRAISAL

The key issues are:

- The principle of the development
- The sustainability of the proposal, including its; Environmental, Economic and Social role
- Planning balance

Principle of Development

The site is designated as being within the Open Countryside where Policy PS8 (Open Countryside) of the Congleton Borough Local Plan states that development will only be permitted if it falls within one of a number of categories.

As the proposed development is for the erection of 14 new dwellings in the Open Countryside, it is subsequently subject to Policy H6 of the Congleton Local Plan and Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Policies H6 and PG5 advise that residential development within the Open Countryside will not be permitted unless it falls within a number of categories.

The proposed development does also not fall within any of the categories listed within Policies PS8 and H6 relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection. These are considered below.

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need. However, at the current time, the Council cannot demonstrate a 5 year supply of housing.

Sustainability

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"

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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;

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

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

The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection. These are considered below.

Environmental role

Locational Sustainability

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”

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The applicant has not completed this assessment, but has completed a locational sustainability assessment as part of their Planning Statement. This advises that the

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

- Amenity open space (500m) – 50m
- Children's Play space (500m) – 240m
- Public house (1000m) - 570m
- Pharmacy (1000m) – 320m
- Supermarket (1000m) – 570m
- Railway station (2000m) – 470m
- Any transport node – 643m
- Primary School (1000m) – 370m
- Outdoor Sports Facility – (1000m) – 60m
- Bus stop (500m) – 400m
- Public right of way (500m) – 0m
- Post Box (500m) – 290m
- Local meeting place (1000m) – 570m
- Child care facility (1000m) – 620m
- Bank or Cash Machine (1000m) – 420m
- Convenience Store (500m) – 420m
- Medical Centre (1000m) – 320m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 470m

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

- Post Office (500m) – 570m

The following amenities/facilities fail the standard:

- Secondary School (1000m) – 1400m

In summary, the site complies with the majority of the standards advised by the NWDA toolkit. Furthermore, the site lies within a walkable distance to the local bus stop and train station. As such, the application site is considered to be locationally sustainable.

Landscape Impact

The application site covers an area of 0.611 hectares, and is located to the south of Cedar Avenue on the southern edge of Alsager. The area to the immediate north and east of the site is residential, to the south is the Crewe – Stoke-on-Trent railway, the boundary fence of which forms the southern boundary of the site and to the west are playing fields. To the north of the northern boundary is a line of mature trees, there are a number of trees located within the site boundary as well as a large area of scrub along the southern part of the application site and a pocket of scrub to the north west part of the site, the remainder of the site is

grassland, with a small brook along the southern and eastern boundaries. Footpath 12 Alsager runs along the western boundary.

There are no landscape designations on the application site and the submitted Landscape and Visual Impact Appraisal (LVIA) correctly identifies the baseline landscape character, and that it is located within the boundary of Character Type 10: Lower Farms and woods, specifically in the LFW 7: Barthomley Character Area. The area immediately to the north lies within the urban character area of Alsager.

The appraisal indicates that the broader landscape will remain unaffected but that the sensitivity of the application site landscape is medium, that the magnitude of effect will be high and that the significance of effect on the site will be moderate- major and that mitigation measures mean that this will reduce to minor adverse. The visual appraisal indicates that there will be adverse effects on Footpath 12 Alsager, adjacent to the western boundary of the application site, noting that this may reduce to a minor effect over time. It also identifies a moderately adverse visual effect on Cedar Avenue, reducing to a minor effect over time.

The Council's Principal Landscape Officer advises that he broadly agrees with the predicted initial landscape and visual impacts as assessed. He advises that any reduction will inevitably depend on the final layout and mitigation. While the Landscape Officer feels that some of the potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals, he does not feel that the reduction would be as significant as the appraisal indicates.

However, no principal objections on landscape grounds are raised.

Trees and Hedgerows

The application is supported by a Tree Survey Report (Rev B). The reports indicate that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The reports have been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

Access into the proposed development site off Cedar Avenue requires the removal of four mature Lime trees. The applicants supporting Arboricultural detail categorise both the trees as A2. BS5837:2012 identifies these trees as being of high quality, with an estimated life expectancy of at least 40 years, of particular visual importance as Arboricultural and/or landscape feature. Both trees form part of a closely spaced linear group of fourteen mature Limes which are currently a visually prominent and significant feature as part of the Cedar Avenue street scene. This visual prominence contributes considerably to the well treed nature of the area, characterised by the mature treescape of Cedar Avenue and its surroundings.

The remaining two Limes (T16 & T17) identified for removal to facilitate access are located within the north-west corner of the site, and in close proximity to both T14 and T15. Both trees have been categorised as B value, moderate quality specimens, with an estimated life expectancy of at least 20 years. This down grading of category is accepted by virtue of their

positions to the rear of the high value street trees, and the slightly suppressed form of T16. Both trees still contribute to the amenity of the area and the sylvan setting of the site.

The loss of all four trees which are visible from the immediate public vantage points associated with Cedar Avenue including the adjacent recreational ground, two public footpaths Alsager FP10 & 12, will have a moderately high impact on the amenity of the immediate area, this is supported by the applicants own supporting Arboricultural information.

However, following negotiation between the Council's Principal Tree Officer and the applicant, a revised indicative layout has been provided.

In response to this revision, the Council's Tree Officer has advised that; *'The loss of the two road frontage 'A' category Lime trees and two internal 'B' category Lime trees for the proposed access at the western end of the site will result in an initial net loss in amenity terms with a moderate adverse impact at the western end of Cedar Avenue, however the improved layout design in terms of the relationship/social proximity of plots to the avenue Limes on Cedar Avenue as a whole and provision for mitigation in the form of replacement planting as shown on drawing 5037.04 now provides for a more acceptable compromise.'*

The submitted plan shows that the mitigation will be through the provision of four small leaved Lime trees at the entrance to the site. The replacement trees would have a girth of 20-25cm and a minimum height of 450cm.

The supporting arboricultural information also identifies the removal and loss of two further individual trees (T22 & T24) and two groups (G18 & G19). Both T22 and T24 are dead, the group of Alders identified as G19 are all small inconsequential specimens (Cat C), which are considered to contribute minimally to the amenity of the immediate area and the wider landscape. The Council's Tree Officer has advised that the removal of both trees and those associated with G19 would not be contested.

The group of five Pines identified as G18 are located close to the eastern boundary of the site, and the rear gardens of the properties 1-4 Rowan Close. The Council's Tree Officer has advised that these are an attractive feature within the site, with their evergreen crowns affording welcome 'greenery' throughout the winter period, adding character and diversity to the surrounding landscape. The Pines collectively as a group have been identified as moderate value specimens, (Category B). Given the contribution and added value they afford the site, they are considered worthy of retention. It is recommended that this be conditioned.

As such, subject to conditions, no objections are raised.

Safety Hazard Area (SHA)

The application site falls within an Explosive Safeguarding Zone.

The Health and Safety Executive (HSE) has subsequently been consulted and conclude that they have no objections to the development and therefore do not consider that the development poses any risk to the future occupiers of the proposed development.

Ecology

The application is supported by an extended phase one habitat survey and further supplementary ecological information. The Council's Nature Conservation Officer (NCO) advises that this has been undertaken by a suitably experienced ecological consultant.

Grassland Habitats

Based upon the figures provided by the applicants ecologist there would be a loss of 0.15ha of moderately species rich neutral grassland habitat associated with the proposed development. This grassland habitat meets the criteria for selection as a Local Wildlife Site and the loss of this would result in a significant loss of biodiversity.

To compensate for this loss the applicant is proposing to create 0.07ha of grassland habitat within the buffer adjacent to the stream. This part of the site however already supports scrub and tall ruderal habitats and the Council's NCO is not convinced that such a narrow band of vegetation could be managed appropriately in the long term to deliver a habitat of higher value than that already present.

The applicant has also proposed the payment of a commuted sum as a means of compensating for the loss of biodiversity associated with the proposed development. In order to calculate an appropriate level of commuted sum, the Council's NCO has entered the extent of grassland habitat lost into the Environment Bank's Biodiversity Impact Calculator. This spreadsheet uses the Biodiversity Metric developed by Defra.

The NCO has entered the loss of 0.15ha of habitat which was entered as being of medium distinctiveness and in Good condition (good condition reflects the lack of bare ground, non-native invasive species). This shows a loss of biodiversity of 1.8 units.

The average cost of a biodiversity unit 'traded' during the UK Biodiversity offsetting pilot was £3,850. The Council's NCO therefore suggests that a commuted sum of £6,930.00 be sought.

The Council's NCO has recommended that if planning consent is granted planning obligation should be attached requiring the payment of this amount at commencement of development. The commuted sum would likely to be used to fund the creation/enhancement of grassland habitats at Borrow Pit Meadows in Alsager.

Reptiles

Grass snakes are known to occur around Alsager and the Council's NCO has advised that the habitats on site appear potential suitable for reptiles. A reptile survey was undertaken on site, However this survey was constrained due to the survey mats being interfered with during the course of the survey. The applicant's consultant however made a number of visits to the site and no reptiles were observed.

The Council's NCO advises that there remains a risk that the proposed development may have an adverse impact upon reptiles. The applicant's consultant has suggested that this impact be addressed through the implantation of a method statement of 'Reasonable Avoidance

measures'. The Council's NCO advises that considering the negative survey results this approach is acceptable.

If outline planning permission is granted, the Council's NCO recommends that a condition be attached requiring any future reserved matters application be supported by a reptile mitigation method statement.

Trees with bat roost potential

Mature alders adjacent to the stream have been identified as having potential to support roosting bats. Based on the submitted layout plan, the Council's NCO has advised that it appears feasible that these trees could be retained.

'Other Protected Species'

A number of potential 'Other Protected Species' setts were recorded during the submitted survey and 'Other Protected Species' were previously active on the application site. The latest surveys have however found no further evidence of 'Other Protected Species' activity.

The NCO advises that if outline consent is granted a condition should be attached requiring any future reserved matters application to be supported an updated 'Other Protected Species' survey.

Wildlife corridor

The submitted habitat survey recommends the provision of a wildlife corridor along the northern bank of the stream. A corridor of 5-8m would normally be expected in order to safeguard river corridor habitats. A 5m buffer has been proposed on the revised indicative layout plan.

If planning consent is granted, the Council's Nature Conservation Officer has advised that the following conditions /agreements should be attached:

- Reserved matters application to be supported by reptile mitigation method statement
- Updated badger survey.
- Legal agreement to secure commuted sum.
- Incorporation of wildlife of 5-8m adjacent to the watercourse.

As such, it is considered that subject to the above, the proposed development would adhere with Policies NR2 and NR3 of the Local Plan and Policy SE3 of the Emerging Local Plan Strategy.

Flood Risk and Drainage

The watercourse to the south and east of the site is classed as a main river and a small strip of land to the eastern portion of the site is classed as Flood Zone 3. The application is supported by a Flood Risk Assessment and a Sustainability Drainage Assessment.

In this case none of the proposed built development would be located within Flood Zone 3.

This has been reviewed by the Environment Agency, the Council's Flood Risk Manager and United Utilities.

The Environment Agency have advised that they have no objections now a 5 metre-wide unobstructed strip of land has been shown as being retained between the brook and the access gate of Cedar Avenue.

The Council's Flood Risk Manager has reviewed this and advised that they have no objections, subject to the prior submission/approval of a surface water disposal scheme.

With regards to drainage, United Utilities have advised that they have no objections, subject to the following conditions; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan.

Design

The indicative layout shows the provision of up to 14 new dwellings within the site and indicates that 9 would be 2-storey detached dwellings comprising of 6 different house types. In addition, a 2-storey apartment block comprising of 4 flats is proposed.

It proposes that the site be accessed via a new access point onto Cedar Avenue in the north-western corner. An internal access road would then extend south into the site into 2 cul-de-sacs, one to the east and one to the southwest.

A pair of detached dwellings are proposed directly opposing the entrance to the site, fronting north, as would 5 other detached units. The remaining units would be to the south of the site towards the ends of the 2 proposed cul-de-sacs.

It is considered that the overall layout of the development would not appear incongruous when you consider the layout of the immediate surrounding area does comprise of cul-de-sac developments (e.g. Woolaston Drive and Rowan Close).

The Council's Urban Design Officer has been informally consulted and raises no objections in principle. However, he did offer suggestions on how the layout could be improved should a similar scheme be submitted at reserved matters stage including;

- An extension of the shared surfacing closer to the access points.
- The provision of a stronger entrance feature
- A re-design of the cul-de-sacs to incorporate a greater degree of soft landscaping
- Careful consideration of boundary treatment around buffer zone

With regards to the residential mix proposed, it is advised in the submitted Design and Access Statement that the scheme would comprise of;

- X8 4-bed detached units
- X2 5-bed detached units
- X4 1-bed detached units

Policy SC4 of the emerging Local Plan Strategy refers to residential mix. This policy states that;

‘New residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of a mixed, balanced and inclusive communities...’

It is considered that this is consistent with Paragraph 50 of the NPPF which states that planning should;

‘To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities...’

As such, the reserved matters application should demonstrate a more appropriate mix.

It is considered the indicative design of the development for the purposes of the outline application is considered to comply Policy GR2 the Local Plan.

Access

The access has been amended from what is shown on plan ‘2111-110-D’. The updated access, with a width of 4.8m and 6m radii, is shown on plan ‘SCP/15198/F01 A’ of Appendix 4 of the SCP Technical Note. The Council’s Head of Strategic Infrastructure (HSI) has advised that this amended access is to standard and swept paths of refuse vehicles confirmed that vehicles can comfortably enter and exit the site.

Traffic speed surveys on Cedar Avenue have been carried out and have shown the 85th percentile speed to be slightly less than 20mph, thereby requiring visibility splays of 20m in either direction for drivers exiting the site. These visibility splays have been shown on a plan to be obstructed by trees, but are only achievable by the removal of these trees.

The Council’s HSI has advised that there have been no recorded traffic accidents on this stretch of Cedar Avenue over the last 5 years indicating no existing safety issues.

As a result of the above reasons, the HSI raises no objections on highway safety grounds subject to a condition that the visibility splays shown on plan ‘SCP/15198/F01 A’ should be cleared of any obstructions before commencement of development.

Environmental Conclusion

The proposed development would result in the loss of a parcel of Open Countryside, which in itself would be an environmental dis-benefit.

Furthermore, the development would result in the loss of 2 trees of high amenity value and grassland habitat. However, acceptable mitigation for these impacts has been proposed.

There would be no issues created in relation to; landscape, the Safety Hazard Area, flood risk and drainage, design and highway safety, subject to conditions.

However, due to the loss of Open Countryside, trees and grassland, it is considered that the proposal would be environmentally unsustainable.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest facilities in Alsager for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable. However, these benefits would predominantly be realised during the construction phase of development.

Social Role

The proposed development would provide open market housing which in itself, would be a social benefit.

Affordable Housing

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 14 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 4 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Alsager for the Next 5 Years is for 38x 2 bedroom, 15x 3 bedroom and 2x 4 bedroom dwellings. Also, it advises the need for 5x 1 bedroom dwellings for Older Persons per year. The majority of the demand on Cheshire Homechoice is for 89x 1 bedroom, 80x 2 bedroom, 47x 3 bedroom and 16x 4 bedroom dwellings therefore the Council's Housing Officer has advised that 1, 2, and 3 bedroom units with provision for Older Persons on this site would be acceptable. It is advised that 3 units should be provided as Affordable rent and 1 unit as Intermediate tenure.

The Council's Housing Officer has advised that the Tenure split will have to be confirmed at reserved matters. However, as the application meets the policy for providing 4 affordable dwellings. No objections are raised.

The Affordable Housing 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 and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

The affordable housing should meet the Government's Nationally Described Space Standards which were published in April this year.

The affordable housing should be secured by way of a S106 agreement, which: -

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- Includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- Includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

Public Open Space (POS)

As the application proposal is for 14 dwellings, it triggers a POS requirement. The trigger for this requirement is 7 units as detailed within the *Revised Supplementary Planning Guidance Note 1: Provision of Public Open Space in New Residential Developments 2003*.

Amenity Green Space (AGS)

Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 14 new homes will generate a need for 336sqm of new AGS. The revised indicative site layout plan now includes areas of Public open space. The amount of Amenity Greenspace the developer is proposing to provide is 491sqm.

The financial requirements sought from the Developer to maintain 491sqm would be £5,803.62

Children's and Young Persons Provision (CYPP)

The developer is not providing on site CYPP due to the size of development. Having calculated the existing amount of accessible Children and Young Persons Provision within 800m of the site and the existing number of houses which use it, 14 new homes will generate a need for a new LEAP play facility. However, an opportunity exists for improvements to an existing facility within the vicinity of the development at nearby Milton Park.

Financial contributions sought from the Developer are calculated as:

Capital Enhancements	£3,076.75
For ongoing maintenance of the enhancements	£10,029.6

The above would be secured via a S106 Agreement.

Education

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

To date already approved development in Alsager is expected to create an increase of 259 additional primary aged children and 195 additional secondary aged children. Of these approved developments, developer contributions have been sought to mitigate the impact on education infrastructure in accordance with the CIL Regulations. To date this equates to 191 primary children and 22 secondary children.

Not including the current planning application registered at Land at Cedar Avenue, Alsager (16/1352C), there are 5 further registered and undetermined planning applications in Alsager generating an additional 240 primary children and 183 secondary children.

The development of 14 dwellings is expected to generate:

3 primary children (14 x 0.19)

2 secondary children (14 x 0.15)

0 SEN children (14 x 0.51 x 0.023%)

The Council's Children's Services Officer has advised that the proposed development is expected to impact on both primary school and secondary places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of school places still remains.

The development is not forecast to impact SEN provision.

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

3 x £11,919 x 0.91 = £32,538.87 (primary)

2 x £17,959 x 0.91 = £32,685.38 (secondary)

0 x £50,000 x 0.91 = £0 (SEN)

Total education contribution: £65,224.25

The applicant has agreed to this provision.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest neighbouring properties to the application site would be the occupiers of; the properties on the northern side of Cedar Avenue to the north of the site and the occupiers of 1-4 Rowan Close to the east.

As layout is not sought for approval, consideration as to whether the application site could accommodate 14 dwellings without creating any significant amenity concerns.

The revised indicative layout plan indicates that the closest proposed properties to the dwellings north of Cedar Avenue and the closest dwellings on Rowan Close are all over the minimum recommended separation distance of 21.3 metres as stated within SPG2. As such, this overcomes any significant neighbouring amenity concerns in relation to loss of privacy, light or visual intrusion.

With regards to the future occupiers of the proposed dwellings, it is considered that there is space within the site for sufficient private amenity space to be accommodated for each of the proposed dwellings (including the occupiers of the proposed flats), and sufficient separation distances can be achieved between the dwellings.

The Council's Environmental Protection Team have reviewed the submission and advised that they have no objections, subject to a number of conditions including; the prior approval of a detailed acoustic report, prior submission/approval of a Construction Phase Environmental Management Plan; the provision of electric vehicle infrastructure; the prior submission/approval of a Phase 2 Contaminated Land Report; the prior submission/approval of soil verification report and that works should stop if contamination identified. In addition, informatives in relation to hours of construction and contaminated land are also sought.

As such, subject to the above suggested conditions, from the Council's Environmental Protection Officer, the proposal is considered to adhere to Policy GR6 of the Local Plan.

Public Rights of Way (PROW)

The application site lies adjacent to public footpath Alsager 12 as recorded on the Definitive Map.

The Council's PROW Officer has advised that the development is unlikely to affect the public right of way, although the PROW Unit would expect the planning department to add an advice note to any planning consent to ensure that developers are aware of their legal obligations.

Network Rail

The application proposal lies adjacent to the railway line to the south of the site.

Network Rail have been consulted on the proposal and subsequently advised that they have no objections subject to a number of conditions including; the prior submission/approval of both surface and foul water drainage being directed away from the railway; the prior submission/approval of a Risk Assessment and Method Statements (RAMS) for all works to be undertaken within 10 metres of the operational railway; prior approval/agreement of noise and vibration mitigation for future residents; No trees to be planted next to the boundary with the Network Rail land and the operational railway.

Social Conclusion

As a result of the provision of market and affordable housing, it is considered that the proposed development would be socially sustainable.

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 development would result in a loss of rich grassland habitat. In order to offset this loss, a commuted sum of £6930 is sought to fund the creation/enhancement of grassland habitats at Borrow Pit Meadows in Alsager. This is considered to be necessary, fair and reasonable in relation to the development.

The development would result in a deficiency in the quantity of provision of public open space within the area. In order to offset this loss, a contribution towards off site enhancement and maintenance of Children's and Young Persons Provision (CYPP) is required and the provision of on-site Amenity Green Space should be secured, with a commuted sum for maintenance. This is considered to be necessary, fair and reasonable in relation to the development.

The education contribution is necessary having regard to the oversubscription of both local primary and secondary schools and the demand that this proposal would add.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market and affordable dwellings in a sustainable location and the knock-on minor local economic benefits such a development would bring, particularly during construction.

Balanced against these benefits must be the dis-benefits, which in this case would be environmental matters predominantly comprising of the loss of Open Countryside.

All other issues are considered to be able to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a neutral impact.

In this instance, is considered that the benefits of the scheme would outweigh the dis-benefits.

Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE Subject to a S106 Agreement to secure;

1. Open Space provision comprising of;

- **On-site Amenity Green Space (AGS) of at least 336sqm**
- **£5,803.62 for maintenance of AGS (based on provision of 491sqm as indicated on the indicative layout plan)**
- **Off site contribution of £3,076.75 for Capital Enhancements to Milton Park and £10,029.60 for on-going maintenance**

2. 30% on-site affordable housing provision to include;

- **A requirement for the applicant/developer to transfer any rented affordable units to a Registered Provider**
- **A requirement to provide details of when the affordable housing is required**
- **Provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Council’s allocations policy.**
- **The requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.**

3. Education contribution of £65,224.25 comprising of;

- **£32,538.87 (primary)**
- **£32,685.38 (secondary)**

4. Grassland habitat contribution of £6,930

And conditions;

- 1. Time – 3 years or within 2 of last Reserved Matter approval**
- 2. Reserved Matters within 3 years**
- 3. Layout, Scale, Appearance and Landscaping Matters to be submitted and approved**
- 4. Plans**
- 5. Reserved Matters to be supported by an Arboricultural Impact Assessment in accordance with current best practice BS5837:2012; the assessment should also include a Tree Protection Plan, and associated detail**
- 6. No development shall be erected any closer to the trees on the northern boundary than indicated on the submitted indicative layout plan numbered 110 Rev H**
- 7. Replacement Tree Planting – Implementation**
- 8. Reserved matters application to be supported by reptile mitigation method statement**
- 9. Reserved matters application to be supported by an updated other protected species survey**
- 10. Reserved Matters to incorporate a wildlife buffer of 5-8m adjacent to the watercourse**
- 11. Prior submission/approval of a surface water disposal/drainage scheme**
- 12. Foul and surface water be drained on separate systems**
- 13. Prior submission/approval of a sustainable drainage management and maintenance plan**
- 14. Visibility splays shown on plan 'SCP/15198/F01 A' should be cleared of any obstructions before commencement of development**
- 15. Prior submission/approval of a Construction Phase Environmental Management Plan**
- 16. Provision of electric vehicle infrastructure**
- 17. Prior submission/approval of a Phase 2 Contaminated Land Report**
- 18. Prior submission/approval of soil verification report**
- 19. Works should stop if contamination identified**
- 20. Prior submission/approval of scheme to demonstrate that both surface and foul water drainage being directed away from the railway**
- 21. Prior approval of detailed acoustic report with respect to noise and vibration from the railway located to the south of the site**

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Planning Manager (Regulation), in consultation with the 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 the application be subject to an appeal approval is given to enter into a S106 Agreement to secure the following Heads Of Terms;

- 1. Open Space provision comprising of;**

- On-site Amenity Green Space (AGS) of at least 336sqm
- £5,803.62 for maintenance of AGS (based on provision of 491sqm as indicated on the indicative layout plan)
- Off site contribution of £3,076.75 for Capital Enhancements to Milton Park and £10,029.60 for on-going maintenance

2. 30% on-site affordable housing provision to include;

- A requirement for the applicant/developer to transfer any rented affordable units to a Registered Provider
- A requirement to provide details of when the affordable housing is required
- Provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Council's allocations policy.
- The requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

3. Education contribution of £65,224.25 comprising of;

- £32,538.87 (primary)
- £32,685.38 (secondary)

4. Grassland habitat contribution of £6,930

