

Application No: 15/5654N

Location: LAND TO THE WEST OF CLOSE LANE, ALSAGER

Proposal: Variation of Condition 27 on application 13/1305N - Outline planning application for a mixed residential scheme to provide affordable, open market, and over 55's sheltered accommodation, open space (76 family dwellings comprising one to four bedrooms and 56 dwellings for the over 55's comprising 1 and 2 bedrooms) - all matters reserved

Applicant: Miss Holly Stiles, Stewart Milne Homes

Expiry Date: 14-Mar-2015

#### **SUMMARY:**

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

The variation of condition 27 is considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations as part of the original application.

An appropriate quality of design can be achieved at reserved matters stage, as can the amenity of neighbours and the locality be safeguarded.

**RECOMMENDATION: Approve subject to updated Heads Of Terms attached to the Unilateral Undertaking attached to 13/1305N with an additional education contribution of £32,539 in respect of primary education and £49,028 in respect of secondary education**

#### **PROPOSAL:**

Planning permission has been granted on appeal for a 'mixed residential scheme to provide affordable, open market and over 55s sheltered accommodation, open space and new access'. The development has commenced and a small number of dwellings are occupied.

Condition 27 of the Appeal Decision Letter states:

***'56 of the dwellings hereby permitted shall not be occupied except by a person or persons over the age of 55 years.'***

This application seeks to vary the wording to :

***'6 of the dwellings hereby permitted shall not be occupied except by a person or persons over the age of 55 years.'***

## **SITE DESCRIPTION:**

The application site is located to the west of Alsager, adjoining the existing settlement boundary of Alsager. The site however is located in the Haslington ward and is covered by the Crewe and Nantwich Borough Local Plan, the boundary of Alsager being Close Lane. However, it is considered that the site is most closely related to the Alsager settlement and that possible residents of the site would utilise services and facilities within the Alsager area. The eastern side of Close Lane features mixed 1960's onwards bungalow and housing development of Alsager.

The first phase of a housing development comprising 74 units is currently being built by the Applicant, Stewart Milne Homes. Land to the immediate west of the site at Yew Tree Farm and has recently been granted outline permission at appeal. The indicative plans show a residential layout of circa 40 units.

## **RELEVANT HISTORY:**

13/1305N – Outline planning application for a mixed residential scheme to provide affordable, open market and over 55s sheltered accommodation, open space and new access off Close Lane. Approved on appeal 29<sup>th</sup> July 2014 Subject to S106

15/5114C - Reserved Matters (of 13/1305N) for 74 dwellings and associated works granted with conditions 09-Jul-2015

16/3310N – Variation of condition 14 (footpath link) on application 13/1305N – to be determined

16/2532N - Variation of condition 19 (renewable energy) on application 13/1305N – to be determined

16/2740N – Full planning application for the proposal of 21 dwellings (phase 2) a mixed residential scheme to provide affordable and open market dwellings on land to the west of Close Lane Alsager – to be determined

15/3651N – land at Yew Tree Farm, west of Close Lane – Outline application for the residential development and access, all other matters reserved – Appeal granted 8-Jun-2016

## **NATIONAL & LOCAL POLICY**

### **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

### **Borough of Crewe & Nantwich Local Plan 2011**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which identifies that the site is within the Open Countryside.

The relevant Saved Policies are:

NE.2 (Open countryside)  
NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
NE.20 (Flood Prevention)  
NE.21 (Land Fill Sites)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
RES.5 (Housing in the Open Countryside)  
RT.6 (Recreational Uses on the Open Countryside)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

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

Policy MP1 – Presumption in Favour of Sustainable Development  
Policy PG 2 – Settlement Hierarchy  
Policy PG 5 - Open Countryside  
Policy SD 1 - Sustainable Development in Cheshire East  
Policy SD 2 - Sustainable Development Principles  
Policy IN 2 – Developer Contributions  
Policy SC4 – Residential Mix  
Policy SC5 – Affordable Homes  
Policy SE 1 – Design  
Policy SE2 – Efficient Use of Land  
Policy SE3 – Biodiversity and Geodiversity  
Policy SE4 – The Landscape  
Policy SE5 – Trees, Hedgerows and Woodland  
Policy CO4 – Travel Plans and Travel Assessments

### **CONSULTATIONS:**

**Alsager Town Council:** No comment to make.

**Haslington Parish Council:** No comments received.

**Strategic Housing Manager:** No objection to the variation of condition provided that 30% of the units within the revised layout are affordable.

**Adult Services:** No reply

**Education Services:** An extra 20 family dwellings would be expected to create an additional 4 primary children and 3 secondary aged children which will impact on education provision in Alsager.

Education mitigation was required as part of the UU attached to permission 13/1305N as a result of 74 family dwellings approved as part of that scheme.

The primary schools within 2 miles and the secondary schools within 3 miles have been considered for capacity. The primary schools are showing that there are forecast to be 32 unfilled places by 2016 and a shortfall of 16 places by 2017. The secondary school is showing 13 unfilled places by 2020 and then a shortfall of 18 places by 2021.

The service will require the following to be added onto the agreed sum from permission 13/1305N as a result of this variation which provides for an additional 18 dwellings suitable for families (2 already calculated at outline stage and not utilised as part of the reserved matters).

The education service will require the following to be added onto the agreed sum from permission 13/1305N as a result of this variation.

Primary =  $3 \times £11,919 \times 0.91 = \text{£}32,539$  added to the agreed contribution

Secondary =  $3 \times £17,959 \times 0.91 = \text{£}49,028$  for the 3 extra pupils created by the variation to be added to the existing contribution.

Provided this mitigation is provided there is no objection to the application.

**Tree Officer:** Proposal has no impact upon trees

**Strategic Highways Manager:** No objection

## **OTHER REPRESENTATIONS**

13 Letters of objection from local addresses have been received on the basis of the following issues -

- No need for more houses in Alsager
- Inspector required the 56 units for the over 55's – Inspector should therefore consider this proposal
- Over 55's element of the overall proposals were part of the sustainability credentials of the scheme at the appeal that and it should remain
- Given population change, more need for older persons accommodation
- The road network can not cope with the additional traffic as a result of the new houses in Alsager
- Drainage problems as a result of the development presently on going
- The site has already been judged unsuitable for over 55's housing by several management groups. It is too far from the amenities needed by this age group. I feel that the inclusion of these properties is a sop to the planners to make the granting of planning permission for the other dwellings easier.

## APPRAISAL:

### Principle of Development

The principle of residential development has already been accepted following the approval of the outline application 13/1305C.

This application is to consider the variation of planning condition 27 attached to the outline consent.

It is necessary that planning conditions satisfy six tests as identified at paragraph 206 of the NPPF which states that conditions should only be imposed where they are:

1. Necessary;
2. Relevant to planning and;
3. To the development to be permitted;
4. Enforceable;
5. Precise and;
6. Reasonable in all other respects.

The Planning Practice Guidance also states that in determining this application the local planning authority must only consider the disputed conditions that are subject of the application – it is not an opportunity for the complete re-consideration of the original application. PPG advises that conditions must serve all 6 clauses and that ‘It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls’

Condition 27 of the Appeal Decision Letter states:

***‘56 of the dwellings hereby permitted shall not be occupied except by a person or persons over the age of 55 years.’***

This application was originally submitted seeking the removal of the condition entirely but has since been amended to address Officer concerns concerning the affordable provision for the over 55’s and now seeks to vary the wording to :

***‘6 of the dwellings hereby permitted shall not be occupied except by a person or persons over the age of 55 years.’***

The development of the site has already commenced and the reserved matters development for 74 dwellings approved under 15/5114C (phase 1) is well under way. Conditions pertaining to the development have been discharged. The area of development within phase 1 covers approximately 80%- 85% of the overall site. Phase 1 contains the 74 family housing units allowed by 13/1305N.

It therefore follows that the remainder of the development site will need to provide the land area for the 56 no units for the over 55’s to comply with condition 27 attached to 13/1305N. This is not achievable whilst also delivering a quality scheme that would respect the

character, heights and density of existing development of this area.

Information submitted in support of the application demonstrates that neither market or social providers have any interest in developing the over 55's provision at this site. McCarthy and Stone confirmed that they considered the site to be too far away from the town centre. Gladman, Sunrise Senior Living, Churchill Retirement and Pegasus have all confirmed the site is too small and they are not interested in pursuing its development.

The lack of interest of registered social providers or market providers in what remains of this site to be development following the implementation of the family dwellings permitted as phase 1 (15/5541N) is supported by the research undertaken by the Strategic Housing Manager, who was also unable to find any social providers of sheltered accommodation who were interested in this site.

Notwithstanding these issues, during the course of this application, to address the objections of the Strategic Housing Manager to the lack of older persons provision as originally submitted, an indicative layout has been submitted which provides for 6 one and 2 bedroomed bungalows for the over 55's and 2 x two bedroomed dwellings for affordable housing purposes and the remainder of the site to be used for 20 dwellings. This would result in a development of 26 units overall, 6 of which would be bungalows and for the use of the over 55's.

The 6 no affordable bungalows are considered to be deliverable and a registered social landlord has confirmed that they will take the bungalows. The indicative layout put forward comprises 26 units in a mix of sizes which has a range of both market and affordable 2 bedroomed units, a housing variable that is under-represented on this site.

Whilst this is considerably less than the 56 no units exclusively for the over 55's across the whole site put forward in outline terms at the appeal, the Inspector did not weigh the provision of over 55's units heavily in favour of that scheme.

The Inspector considered that the Council could not demonstrate a 5 year supply of housing and overall the provision of both family and over 55's housing, together with the mitigation provided comprised a sustainable development and the benefits of the proposal to the housing land supply outweighed the harm of the development in terms of loss of open countryside, landscape harm and the loss of agricultural land. It should also be remembered that this scheme as revised provides for a mix of housing sizes and types and that the Council can not demonstrate a 5 year housing land supply. This scheme will contribute to that supply.

On balance, given the lack of any developer demand for market units for the over 55's, the limited amount of land remaining to be developed on site, which when taken with the support of the Strategic Housing Manager for the 6 no bungalows for affordable purposes that will cater for a local known need, when taken together with the fact that the Council can not demonstrate a 5 year housing land supply, it is considered that the proposal is acceptable.

#### **S106 AGREEMENT:**

The original permission comprises a S106 Agreement. As part of 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 approved outline application was considered to comply with the CIL Regulations and a S106 Deed of Variation will be required to secure the same Heads of Terms as previously approved. However, the changes in the housing provision sought as a result of the current proposals will have an effect upon the education provision, where local schools are forecasting they are at or over capacity. Likewise the existing S106 refers to 56 units being allocated to the over 55's which will need to be varied.

### **PLANNING BALANCE:**

The principle of development of housing on this site has already been accepted as part of the outline planning permission on this site. The development has proceeded and the majority of the site has been allocated for family type residential development

To maintain the condition as originally stated to require 56 units within the undeveloped part of the development site would not satisfy the reasonableness test with National Policy Guidance. The provision of 6 bungalows which a Registered Social Landlord has confirmed they will accept is considered to maintain the social sustainability of this site. The applicant has satisfactorily demonstrated that Older Persons Housing Providers are not interested in this site for development.

The variation of the condition is therefore considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations as part of the original application.

### **RECOMMENDATION:**

**APPROVE** subject to a Deed of Variation to the Unilateral Undertaking attached to 13/1305N to provide for the following (detailed below)

- **30% of the dwellings to be affordable.**
- **6 x bungalows for over 55's - 4 x 1 bed; 2 x 2 bed (65:35 split affordable rent: intermediate)**
- **Commuted sum of £ 43,385 in lieu of primary education**
- **Commuted sum of £ 49,028 in lieu of secondary education**

**and the following conditions**

- 1. Standard Outline - updated**
- 2. Submission of reserved matters – all except access**
- 3. Water discharge details**
- 4. SUDS**
- 5. Buffer to water course**

- 6 Details of overland flow
7. Culvert details
8. Separate site drainage
9. Environmental Management Plan
10. Phase II Contamination report
11. Reserved matters to include scheme of noise mitigation for M6
12. Flood Attenuation
13. PROW route through site to form part of RM's
14. Footpath link to Close Lane
- 15 Nesting Birds Survey
16. Bird Features
17. Reptile mitigation
18. Travel Plan
19. 10% renewables
20. Boundary treatments
21. Landscaping implementation
22. Reserved matters to include Arboricultural Impact Assessment
23. Arboricultural method statement
24. No dig construction for the access path
25. Parking details for dwellings
26. Bin storage details for each dwelling
27. 6 dwellings to be for the use of the over 55's as detailed on plan

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

Should this application be the subject of an appeal, authority is approved to enter into a S106 Agreement to secure the following Heads of Terms;

- 30% of the dwellings to be affordable.
- 6 x bungalows for over 55's 4 x 1 bed; 2 x 2 bed (65:35 split affordable rent: intermediate)
- Commuted sum of £ 32539 in lieu of primary education
- Commuted sum of £ 49,028 in lieu of secondary education

