

Application No: 16/1746C

Location: Land at SUNNYSIDE FARM, DUNNOCKSFOLD ROAD, ALSAGER, ST7 2TW

Proposal: Residential development comprising the erection of 28 dwellings, together with replan of plots 4, 5 and 6 on planning consent 14/5548C, landscaping, access and associated works.

Applicant: Mr Tom Loomes, Jones Homes (North West) Limited

Expiry Date: 07-Jul-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, 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 and conditions

PROPOSAL

This application seeks full planning permission for the erection of 28 dwellings, together with a replan of plots 4, 5, and 6 on planning consent 14/5548C, reducing the adjacent scheme by one unit to enable internal access into the application site. The application includes access into the site and associated works.

SITE DESCRIPTION

The site relates to a parcel of greenfield land located adjacent to Sunnyside Farm, on the northern side of Dunnocksfold Road, Alsager, within the Open Countryside, but adjacent to the settlement zone line.

The application site extends to approximately 0.8 hectares and is largely rectangular in shape and relatively flat. The site sits adjacent to a recently permitted development for 95 dwellings. (12/4146C) (reduced to 89 at reserved matters stated 14/5548C), for which this application uses the same access off Dunnocksfold Road and includes the alterations of plots 4, 5 and 6 to allow access into the application site.

There is Public Right Of Way which runs along the west of the site.

RECENT RELEVANT HISTORY

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

14/5548C -Erection of up to 89 dwellings and formation of access point (reserved matters) – Approved with conditions 6th August 2015

16/2093C - Approval of reserved matters (landscaping) following outline approval 12/4146C – Approved with conditions 17th June 2016

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,
GR3 – Design,
GR4-5 Landscaping
GR6 - Amenity and Health,
GR9 - Highways & Parking,
GR20 – Public Utilities,
GR21 – Flood Prevention
GR22 – Open Space Provision,
NR1 - Trees and Woodlands,
NR2 - Statutory Sites,
NR3 – Habitats,
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 objection is raised with the informative that the applicant will be required to enter into a Section 38 Agreement regarding the construction and future adoption of the internal road layout.

Environmental Protection – No objections, subject to a number of conditions including; the prior submission/approval of an Environmental Management Plan; a travel information pack; the provision of electric vehicle infrastructure; the prior submission/approval of a Phase 1 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 contaminated land are also sought

Strategic Housing (Cheshire East Council) – No Objections subject to securing 5 Dwellings for affordable rent and 3 for intermediate tenure to be secured by S106 Agreement.

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

ANSA Open Space – Both amenity green space and Children & Young Persons are showing a deficit. Contributions towards the Hassall Rd play area within 800m of the development site to encompass DDA equipment will be required. With regards to the Amenity Green Space, there is a deficit therefore provision would ideally be provided on site. However if this is not possible enhancements could be made to Hassall Rd to increase the capacity by improving the access.

Contributions sought are:

AGS £4,754.70 (Enhancement)

AGS £10,642.50 (Maintenance)

CYPP £8,241.30 (Enhancement)

CYPP £26,865.00 (Maintenance)

Children's Service's - No objections, subject to a financial contribution towards education provision of £65,371 for 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

Alsager Town Council –This response from Alsager Town Council supersedes the response of “No Comment” as determined on its registered list up to week ending 22nd April 2016.

Alsager Town Council objects to this application on grounds of highway safety due to cumulative traffic impact on Dunnocksfold Road and Close Lane.

There is concern on grounds of sustainability of the lack of public transport to and from Sandbach and Leighton Hospital due to a restricted No 78 bus service.

1. Given the 'material harm' to the landscape and open countryside constituted by this development and its adjoining one, the design, lay-out and landscaping of this site should be of the highest quality and seek to mitigate that harm.
2. While it is clear that the hedgerows and trees are not deemed to be 'high value' in ecological terms, they are deemed to be important in landscape and historical terms. The Developer's claim that all hedgerows will be retained with the exception of the access point for the two sites onto Dunnocksfold Road should be a condition
3. There is legitimate concern about highways infrastructure and road safety to which this Application will add cumulatively. It is not satisfactory to have each Developer claiming that their particular site will have little or no impact. Permission should only be granted on condition of appropriate traffic calming measures to mitigate the danger on a long straight leading into a bad bend near the site.
4. There should be a condition that improvements should be made to the pedestrian footpath along the full length of Dunnocksfold Road in the interests of road safety especially for the large number of children and elderly people who use this road.

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 10 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, traffic calming required
- Impact upon hedge/trees important to retain
- Amenity – noise pollution, dust pollution during construction phase
- Drainage issues/ flooding
- Impact upon Public Right of Way
- Impact upon public facilities / infrastructure – Schools, highway network, medical facilities
- Sustainability of location
- Flooding
- Both this site and adjoining site should be reconsidered as a whole
- Previous residential developments have been refused on this site
- Design/layout not in keeping with the rural aspect of the area/lack of green space
- Lack of inclusive design within the development for elderly and disable future occupiers
- Lack of public response due to consultation fatigue
- If approved, conditions for landscaping, retain hedgerow, traffic calming measures, and a pedestrian footway should be sought

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 28 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 Design and Access Statement. This advises that the site is within 500m walk of play areas, bus stops and public rights of way; 1000m walk of schools, local shops, meeting places and areas of open space; and within 2000m walk of the centre of Alsager which includes shop and facilities including supermarkets, banks, churches, library, doctors, dentist, eating places, public open space and employment opportunities.

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

- Amenity open space (500m) – Neighbouring site will include on site provision
- Children’s Play space (500m) – Neighbouring site will include on site provision
- Secondary School (1000m) – 1000m
- Primary School (1000m) – 900m
- Outdoor Sports Facility – (1000m) – 500m
- Public right of way (500m) – adjacent to the site
- Convenience Store (500m) – 1300m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 870m
- Local meeting place (1000m) – 900m

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 (1000m) – 1800m
- Pharmacy (1000m) – 1460m
- Railway station (2000m) – 2300m
- Bus stop (500m) – 550m
- Public house (1000m) - 1500m
- Child care facility (1000m) – 1480m
- Supermarket (1000m) – 1700m
- Post Box (500m) – 662m
- Bank or Cash Machine (1000m) – 1500m

The following amenities/facilities fail the standard:

- Medical Centre (1000m) – 2100m

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Alsager, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned.

However, this is not untypical for suburban dwellings and will be the same distances for the residential development on the other side of Dunnockfold Road from the application site. However, all of the services and amenities listed are accommodated within Alsager and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

Landscape Impact

The main body of the site is agricultural land located in open countryside to the north of Dunnockfold Road. It is bounded by hedgerows with some hedgerow trees although there is a short length of fence forming part of the boundary to Sunnyside, a residential property, to the south east. There is residential property to the west, separated by a public footpath, and residential development to the south beyond Dunnockfold Road. Agricultural land to the north and east beyond Sunnyside has extant planning approval for residential development which is now under construction.

The application site is an attractive relatively level agricultural landscape, characterised by hedgerows and a number of mature hedgerow trees, but influenced by the surrounding residential developments. The Council's Landscape officer considers the site has the landscape capacity to accommodate residential development, providing that this is well planned and designed and takes due account of the existing landscape characteristics and features of the site.

The layout appears to make provision for the retention of existing trees and boundary hedges, apart from sections to provide the link to development to the west and a footpath link to the west.

The submission provides no landscape or boundary treatment details, however these can be conditioned for later approval.

Trees and Hedgerows

The main body of the site is agricultural land located in open countryside to the north of Dunnocksfold Road. It is bound by hedgerows with some hedgerow trees.

The application is supported by an arboricultural statement dated 24 March 2016 which includes a tree survey and identifies arboricultural constraints /impacts in relation to the development.

The report indicates that all the existing trees will be retained with a short section of boundary hedge removed to enable access to the site. It also identifies pruning of retained trees, potential shading, and encroachment of building works /hard surfacing into the root protection area of several trees.

The Council Arboricultural Officer has raised concerns regarding plots 9 and 16 which, will be dominated by trees. It is considered that the constraints posed by tree T4 on plot 16 are not shown accurately on the current site plan. The plan in the tree report clearly shows the dwelling encroaching into the tree RPA, and the Council's Arboricultural Officer notes that an amendment would also avoid the need for the driveway to plot 16 to be 'no dig'.

The Council's Arboricultural Officer also notes that in relation to the other areas of encroachment of hard surfacing into tree root protection areas, whilst not ideal, it is accepted that special no dig construction techniques could be required by condition.

In respect to plots 9 and 16 the applicant states that the current layout is supported by their arboriculturalist and therefore do not propose making any further modifications as adequate mitigation can be secured through condition. Therefore the harm to the existing trees on the site and the potential future occupiers of the plots must be considered as a negative issue within the planning balance.

Ecology

The application is supported by a 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.

Oakhanger Moss SSSI and Midland Meres and Mosses Phase 2 Ramsar

The proposed development is located within 1km of this designated site. The submitted ecological survey has raised the potential risk of increased recreational pressure resulting from the proposed development having an adverse impact on these designated sites. The NCO advises that there is no public access to Oakhanger Moss and consequently there are no likely significant effects associated with increased recreation pressures. The application site is located outside of Natural England's SSSI Impact Risk Zones for this scale of development.

The NCO therefore advises that the proposed development is unlikely to have a significant effect upon either the SSSI or Ramsar. No further action is therefore required under the Habitat Regulations or the Wildlife and Countryside Act in respect of this designated site.

Great Crested Newts

The NCO advises that this protected species is not reasonable likely to be present or affected by the proposed development.

Other Protected Species

The submitted other protected species survey was undertaken by a consultant who has completed similar surveys on adjacent plan and is familiar with the extent of protected species activity in this area. Other Protected species are known to be active on this site, but the only active habitat recorded is located upon adjacent land. This adjacent land is also subject to development proposals and a protected species mitigation scheme has been agreed in respect of that scheme.

The NCO advises that based upon the current level of protected species activity recorded on site the proposed development is unlikely to have a significant adverse impact upon this species.

Grassland Habitats

The habitat survey was undertaken in October and therefore was outside the optimal survey season for assessing grassland habitats. A number of plant species were recorded on site that are indicative of better quality grassland habitats. To allow an accurate assessment of the nature conservation value of the habitats on site to be completed the NCO has recommended that a further survey of the grassland habitats on site be undertaken and a report of the survey submitted to the LPA.

This survey should include a full botanical species list for the grassland habitats on site with abundance data for each species recorded provided on the DAFOR scale. To ensure any proposed development is truly sustainable in ecological terms an assessment undertaken in accordance with the Defra Offsetting 'metric' should be undertaken to ensuring there is no net loss of biodiversity from the site. This assessment should be informed by the results of the additional grassland habitat survey.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. In order to avoid any isolation of habitat for this species the NCO recommends that the applicant submits proposals for the incorporation of gaps for hedgehogs into any garden or boundary fencing proposed. The gaps to be 10cm by 15cm and located at least every 5m.

Lighting condition

If planning consent is granted the NCO recommends that a condition be attached requiring any lighting scheme for the site to be agreed with the LPA.

Brown Hare

This priority species has been recorded in close proximity to the application site. The habitats on site however are of limited value for this species. In order to minimise any potential impacts on this species it is recommended that in the event that planning permission is granted the following condition should be attached:

Prior to the commencement of development the grassland habitats on site are to be cut short so as to render them unsuitable for breeding hare.

Invasive non-native plant species

If planning permission is granted the NCO recommends that a condition be attached requiring the submission of a method statement for the eradication of Invasive non-native plant species prior to the commencement of development.

Reptiles

There are records for grass snake around Alsager. The application site however offers limited habitat for reptiles. The submitted ecological assessment recommends that the low risk of reptiles being harmed as a result of the development be mitigated through the implementation of a method statement of 'Reasonable Avoidance measures'. The NCO advises that this approach is acceptable. If planning permission is granted it is recommended that a condition be attached to secure mitigation.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a section of hedgerow to facilitate the site access. No detailed landscaping proposals have been submitted with the application. The NCO advises that the proposed plans should include proposals for the provision of suitable replacement hedgerow planting to compensate for this loss.

Bats

A number of trees on site have been identified with some potential to support roosting bats. Based upon the submitted layout plan it appears feasible for these trees to be retained as part of the proposed development and the submitted arboricultural statement indicates that this would be the case. The NCO therefore advises that roosting bats are unlikely to be affected by the proposed development.

As such, it is considered that subject to the above the majority of the proposal would adhere with Policies NR2 and NR3 of the Local Plan and Policy SE3 of the Emerging Local Plan Strategy, however as the Grassland survey is still outstanding and the committee will be updated on this matter.

Flood Risk and Drainage

The application site is located in flood zone 1. However there is a minimal amount of surface water risk to the west of the site boundary (topographic low spots) indicated by the Environmental Agency's (EA) mapping system.

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 proposed layout plan shows 28 new dwellings and the alteration of three dwellings to two dwellings which were previously approved as part of the adjoining development to allow for the internal access road to be constructed.

The general layout and density would appear to be in keeping with the adjoining development site and has a mix of 9 house types, all the properties are two storey, with a mix of terrace, semi's and detached dwellings. The housing mix includes 7 x two bedrooms, 8 x three bedrooms and 13 x four bedroom properties.

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...'

The properties are a mix of detached, semi-detached and mews terrace and are of a mixed design in keeping with the adjoining development site. The proposed house types include a varied palette of external materials and gable features, bay window and porch features which add some architectural interest to the proposed dwellings.

It is considered proposed layout and design of the dwellings is acceptable and in accordance with Policy GR2 the Local Plan.

Access

The proposal includes 2m footways and is a small extension of a site that has been approved, utilising an approved access; it is therefore considered sustainable with a safe and suitable access. There would also be a pedestrian link, linking the site with the PROW to the west.

Swept paths have shown that refuge vehicles can safely enter/exit the site, and the site also accords with CEC parking standards.

During the adjacent outline application the TA assessed the impact of 100 units. The reserved matters application was for 89 units and this application sees the removal of 1 unit to accommodate the access. Although this application is for 28 units, the net increase of what has been assessed and what has been approved is 16 units. 16 dwelling units would generate around 10 two-way vehicle trips during the peak hour. The highway impact of the proposal is therefore considered negligible.

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 potential impact on the RPA of 2 trees, and the loss of grassland habitat. Currently there insufficient information to assess if the loss of grassland habitat is accepted.

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

However, due to the loss of Open Countryside, potential impact on 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

This is a proposed development of 28 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for dwellings to be provided as affordable dwellings. Five units should be provided as Affordable rent and three units as Intermediate tenure. An objection was originally raised as the applicant proposed to provide 4 rented dwellings and 5

intermediate. Revised plans have since been submitted which show that the developer will deliver a policy compliant tenure split on the site (5 rented and 3 intermediate).

The SHMA 2013 shows that the demand in Alsager is for 38 x 2 bed, 15 x 3 bed, 2 x 4 bed and 5 x 1 bed older person dwellings to be built per annum. The demand on Cheshire Homechoice is for 89 x 1 bed, 80 x 2 bed, 47 x 3 bed and 16 x 4 bed. The applicant proposes a mixture of 2 and 3 bed dwellings on this site and does not provide any 1 bed dwellings - this was originally seen as a reason for objection due to the level of need for 1 bed dwelling. However as the applicant will be delivering 1 bed dwellings on an adjacent site, that is currently being developed, this should be taken into account and my objection on these grounds has been withdrawn.

The affordable housing will be secured as part of a S106 Agreement.

Public Open Space (POS)

As the application proposal is for 28 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)

The Council's Green Space Officer states that having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 28 new homes will generate a need for 900sqm of new AGS. The site layout plan provides no on site provision of Amenity Green Space. The Council's Green Space officer states that with regards to Amenity Green Space, there is a deficit therefore provision would ideally be provided on site however if this is not possible enhancements could be made to Hassall Rd to increase the capacity by improving the access.

AGS	£4,754.70	Enhancement
AGS	£10,642.50	Maintenance

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 there is currently a slight deficit in the area. With regards to the Amenity Green Space, there is a deficit therefore provision would ideally be provided on site however if this is not possible enhancements could be made to Hassall Rd to increase the capacity by improving the access.

Contributions sought are:

CYPP	£8,241.30	Enhancement
CYPP	£26,865.00	Maintenance

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.

Not including the current planning application registered on Sunnyside Farm (16/1746C), there are 9 further registered and undetermined planning applications in Alsager generating an additional 262 primary children and 201 secondary children.

The development of 28 dwellings is expected to generate:

5 primary children (28 x 0.19)
4 secondary children (28 x 0.15)
0 SEN children (28 x 0.51 x 0.023%)

The development is expected to impact on secondary school 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 schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains.

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

$4 \times £17,959 \times 0.91 = £65,371$ (secondary)
Total education contribution: £65,371

A secured contribution of £65,371 is therefore required to mitigate for the development.

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 are sited on the opposite side of Dunnocksfold Road, from the development site and comprise of both single and two storey detached dwellings with driveways set back from the road, with grass verges between. The tightest relationship is Plot 8 which is 21.8m away from the front elevation of the opposing neighbours at No.108 Dunnocksfold Road, however this is a principal elevation facing a flank elevation on the new property with a road between. There is also an existing dwelling named Sundale off Dunnocksfold Road which will have a distance of 16m between the front elevation of the existing dwelling and the side/flank elevation of the new dwelling on plot 16. This meets the standards set out in the SPG. There is also a large tree on the boundary which is to be maintained as part of the proposal.

All other separation distances outside of the site exceed this distance and therefore it is not considered that the proposed development will have any significantly increased impact on neighbouring amenity. As such, this overcomes any significant neighbouring amenity concerns in relation to loss of privacy, light or visual intrusion.

Some of the internal separation distances are below the guidance of 21.8m between principal elevations, these include the terrace properties which have an internal separation of 17m. Although

this is lower than the standard distance it is considered that as the front elevation ground floor windows are kitchens, and second floor bedrooms at first floor and the lounge areas and Master bedrooms are to the rear (the main habitable rooms), the future occupiers will not be adversely affected by this reduction in separation distance. There is also parking areas and a shared road surface between the properties which will help to create a natural mitigation area.

Furthermore, the majority of the dwellings within the layout are to be sited at off set angles and therefore there will be limited direct overlooking caused by the internal layout.

The Council's Environmental Protection Team have reviewed the submission and advised that they have no objections, subject to a number of conditions including; prior submission/approval of an Environmental Management Plan; prior occupation/approval of a Travel Information Pack, the provision of electric vehicle infrastructure; the prior submission/approval of a 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 3 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.

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 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 local 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;

• Contribution towards Amenity Green Space (AGS) to enhancement Hassall Road Play area access of £4,754.70, and £10,642.50 for maintenance

- **Contribution towards Children and Young Persons Play at Hassall Road to improve the DDA equipment of £8,241.30 and £26,865.00 for maintenance.**
- 2. 30% on-site affordable housing provision to include; 5 rented dwellings and 3 intermediate properties**
 - **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.**
- 3. Education contribution of £65,371 for secondary education**

And conditions;

- 1. Time**
- 2. Plans**
- 3. Materials to be submitted**
- 4. Landscaping**
- 5. Landscaping implementation**
- 6. Details of bin storage**
- 7. Boundary treatment**
- 8. Environmental Management Plan**
- 9. Travel Information Pack**
- 10. Electric Vehicle Infrastructure**
- 11. Phase 1 contaminated Land**
- 12. Soil Verification report**
- 13. Unexpected Contaminated Land**
- 14. Foul and Surface water drainage**
- 15. Surface water drainage scheme**
- 16. SUDs management and Maintenance plan**
- 17. Hedgehog mitigation**
- 18. Lighting Scheme**
- 19. Grassland Habitat (Hares)**
- 20. Method Statement for the eradication of invasive non-native plant species**
- 21. Development in accordance with Extended Phase One: Habitat survey**

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;

- Contribution towards Amenity Green Space (AGS) to enhancement Hassall Road Play area access of £4,754.70, and £10,642.50 for maintenance**
- Contribution towards Children and Young Persons Play at Hassall Road to improve the DDA equipment of £8,241.30 and £26,865.00 for maintenance.**

2. 30% on-site affordable housing provision to include; 5 rented dwellings and 3 intermediate properties

- 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.**

3. Education contribution of £65,371 for secondary education

