

Application No: 16/4736C

Location: Land to the West of, Close Lane, Alsager

Proposal: Full planning application for the proposal of 26 dwellings (Phase 2) a mixed residential scheme to provide affordable and open market dwellings on land to the west of Close Lane, Alsager

Applicant: Mr Ben Sutton, Stewart Milne Homes

Expiry Date: 06-Jan-2017

### **SUMMARY:**

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside as designated in the Local Plan. However, the principle of development of this site for residential purposes has already been accepted as part of the outline approval on this site granted on appeal under application 13/1305N. That approval concerned a mixed residential development of 76 family dwellings and 56 units for the over 55's.

This proposal is a full application which seeks to utilise the area of the site remaining to be developed for the over 55's units as approved by 13/1305n for a total of 26 units comprising 6 no bungalows ( 4 x one and 2x two bed) for the use of the over 55's and 20 family units (2, 4 and 5 bedroomed units) in total.

Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of some housing, namely 20 family dwelling (18 of which are for market sale) and 6 proposed bungalows as opposed to the 56 no units specifically required by condition for the over 55's under the terms of 13/1305N, and some economic benefits through the provision of employment during the construction phase, economic activity from people in the new homes and economic benefits for local businesses in the locality.

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 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 make a free-standing assessment as to 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).

The adverse impacts of the development would therefore be the impact of this proposal to the housing mix as approved on appeal for this site and the contribution to the creation of a sustainable community by virtue of an appropriate mix of different dwellings to cater for all sections of the community. In this respect, whilst this is a single full application, the whole site needs to be considered cumulatively.

Having regard to the above benefits of the scheme including the contribution to housing land supply of 26 units (as opposed to 56 units) for the occupation of the over 55's within the Inspector's previous decision to outline application 13/1305N it is considered that the adverse impacts to the residential mix and the impacts upon older persons accommodation in the locality in approving this development would significantly and demonstrably outweigh the benefits.

Whilst this application is a full application, capable of being implemented independently, that implementation can not occur without condition 27 attached to appeal 13/1305N being varied to allow the non-provision of the 56 no units for the over 55's (15/5654N currently under appeal).

However, regardless of this fact, this proposal results in a significant reduction in overall housing numbers, from 56 units as originally approved under 13/1305n to 26 as now proposed under this full application. The contribution this site would therefore make to housing land supply is significantly reduced.

No ecological information has been submitted in support of the application so insufficient information is available to assess the environmental impact in ecological terms.

The proposed affordable units are focussed in one small area of the site, which in turn is also close to an area of significant concentration of the affordable units within the Phase 1 development. This lack of pepper-potting is socially unsustainable.

Accordingly the proposal does not comprise a sustainable development.

**RECOMMENDATION:** Refuse

## **PROPOSAL:**

Full planning application for the proposal of 26 dwellings (phase 2) a mixed residential scheme to provide 6 affordable bungalows and 20 family sized dwellings.

The mix of units comprise 4 x1 bed bungalow, 2 x 2 bed bungalows, 5 x 2 bed semi detached, 7 x 3 bed detached, 3 x 4 bed detached and 4 x 5 bed detached . With the exception of the 6 no bungalows, there are 18 two storey detached dwellings and 2 two and a half storey semi detached.

The proposal is of the same design principles as the existing Stewart Milne development adjoining.

## **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.

The sections of the site to which this application specifically refers are the two portions which are left for the over 55 units as previously required by 13/1305N.

## **RELEVANT HISTORY:**

On the site itself –

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. This scheme indicated 76 family sized dwellings and 56 units for the over 55's

14/5114C - 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 - Resolved to be approved Subject to Deed of Variation to S106 Agreement

16/2532N - Variation of condition 19 (renewable energy) on application 13/1305N – Resolved to be approved Subject to Deed of Variation to S106 Agreement

15/5654n Variation of Condition 27 (over 55's) on application 13/1305N – refused 8 August 2016 – Currently under appeal

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 – Withdrawn by the Applicant 20<sup>th</sup> September 2016

On land immediately adjacent –

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

16/4729n - Reserved Matters Application (of 15/3651n) for the erection of 40 dwellings comprising of 2, 3, 4 and 5 bedroom homes, open space and associated works – to be determined

16/4792N - Outline planning application for residential development and access, all other matters reserved – to be determined

## **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** - Objection on grounds of unsustainable location, cumulative highways impact and highway safety concerns, intrusion into open countryside

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

**Strategic Housing Manager** - Objection considers the proposal, in conjunction with the siting of the affordable units approved under 14/5114C to be inadequately pepper-potted. Also consider there to be inadequate information with regard to the proposed mix of the proposed units

**Education Services** - An extra 18 family dwellings (above the 76 units allowed under 13/1305N) would be expected to create an additional 3 primary children and 3 secondary aged children which will impact on education provision in Alsager.

Primary = 3 x £11,919 x 0.91 = **£32,539**

Secondary = 3 x £17,959 x 0.91 = **£49,028**

No objection subject to the required mitigation

**Head of Strategic Infrastructure** - Objection on grounds of inadequate pepper-potting of affordable units and the impact of the siting of the affordable units in conjunction with the siting of the affordable units previously approved creating a concentration of affordable units within close proximity.

**Environmental Protection** – No objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission of an Environmental Management Plan; the provision of electric vehicle infrastructure; the prior submission of a dust mitigation scheme; the prior submission of a Phase 1 contaminated land report; the prior submission of verification of any soils or soil forming material being brought onto site. In addition, informatives relating to hours of construction and contaminated land are also sought.

**United Utilities** – No objections, subject to a number of conditions including; that all foul and surface water shall be drained on separate systems; the prior submission of a surface water drainage scheme and the prior submission of a sustainable drainage management and maintenance plan

**ANSA Greenspace** – No comments received

## **OTHER REPRESENTATIONS**

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

- Alsager schools are full.
- Impact upon health and school infrastructure
- Public Transport is full
- Loss of agricultural land
- Part of Close Lane has no footpath. This is hazardous to pedestrians, especially those in wheelchairs or pushing a child's buggy. No more building should be allowed in this area until the footpath along Close Lane is complete.
- The proposal will increase the volume of traffic on Close Lane/ Dunnocksfold Lane which are already congested at peak times
- The present SuDs system is unsafe. It is not enclosed and children can easily access this. Should not be built in area of flooding
- Ribbon development that pays no regard to the development of Alsager
- Will result in movement from Stoke on Trent which is an area of regeneration
- Watercourse to the west should be adequately fenced to prevent
- A greenbelt development which is not needed
- Resident within phase 1 objects on grounds of feeling cramped by the density of development and loss of privacy

## **APPRAISAL:**

### **Principle of Development**

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

The development of the larger site has already commenced and the reserved matters development for 74 dwellings approved under 15/5114C (phase 1) is well under way. The area of development within phase 1 covers approximately 80%-85% of the overall site. Phase 1 contains 74 family housing units (of the 76) allowed by outline permission 13/1305N.

It therefore follows that, unless the over 55's accommodation is provided by the Applicant as part of Phase 1 of the estate, which is possible, 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.

Members will recall recently refusing an application for the variation of condition 27 on 13/1305N to allow for the provision of layout that is similar to this layout when they considered application 15/5654N. This refusal is currently at appeal with an Informal Hearing to be held in due course.

Members previously determined that the scheme was socially unsustainable in that it failed to provide for the mix of units required to create a sustainable community. Members were particularly concerned about the reduction in the numbers of over 55's units.

### **Housing Land Supply**

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

### **Location of the site**

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities 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 accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – would be provided on site
- Children's Play Space (500m) – within phase 1 on site
- Bus Stop (500m) – approx. 300m
- Public House (1000m) – approx. 1000m
- Public Right of Way (500m) – located within, north and south of the site
- Primary School (1000m) – 760m
- Public Park/Village Green (1000m) – approx. 1000m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 1750m
- Outdoor Sports Facility (500m) – 1680m
- Convenience Store (500m) – 1000m
- Pharmacy (1000m) – 2000m
- Secondary School (1000m) – 1680m

- Medical Centre (1000m) - 2680m
- Child Care Facility (nursery or crèche) (1000m) - 1850m
- Community Centre/Meeting Place (1000m) – approx. 2500m
- Post box (500m) – 950m
- Post Office (1000m) – 2550m
- Railway Station (2000m) – 2750m

The site fails against 11 criteria in the North West Sustainability Checklist. However, these facilities are located towards and within the town centre, to which Alsager is identified as a key service centre in the emerging Core Strategy where development can be expected on the periphery. Development on the edge of a town will always be further from facilities in town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur.

Nevertheless, this is not untypical for suburban dwellings and the proposal would also comprise part of the site of the approved residential development allowed on appeal under outline application 13/1305N. This proposal, if approved, would result in the non provision of 50 of the 56 no units provided for the over 55s

In his decision, the Inspector accepted in paragraph 104 that given the sites proximity to local services and facilities, along with the proposed footpath link along Close Lane and the inclusion of a financial contribution towards the provision of a new local bus service to serve Close Lane for 5 years resulted in a sustainable location.

There was no dispute between both parties during the appeal process that the site was sustainable in locational terms subject to the bus service, accessible to the site via the footpath link (both yet to be provided) being provided. A Variation of Condition 14 (footpath link) has been resolved to be approved subject to the provision of the footpath within 2 months of the date of the permission, however, the S106 Deed of Variation is yet to be signed.

In respect of the Appeal under 13/1305N, the provision of a pavement link to the existing bus stop on Close Lane (condition 14) and the significant financial contribution to the bus service provision along Close Lane (£250,000 in total over 5 years) serving that bus stop was accepted. It was considered, at that time, that the older persons within the approved 56 proposed over 55's units, would be more likely to avail themselves of the bus service (off peak hours provision).

On that basis, it was considered that the site was going to be accessible to the newly provided bus route, subsequently this then would result in greater locational accessibility and on that basis it was agreed that the appeal scheme would be locationally sustainable, notwithstanding the relative isolation of this site.

The reduction in the numbers of over 55 units from 56 to the 6 now proposed significantly reduces the potential viability of the day time bus service and therefore the locational sustainability of the site, given the reduction in potential users and the impact that this would likely have upon older residents who are more likely to be the main users of the non peak hours bus service that the S106 seeks to deliver. This is considered to detrimentally affect the social and environmental sustainability of this proposal



However, this proposal still needs to be assessed within the 3 strands of sustainable development, to reach a conclusion about whether this scheme comprises a sustainable form of development.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

The Environmental Health Officer has requested conditions in relation to the submission of an Environmental Management Plan, Piling Method Statement, Dust Suppression Statement

### **Air Quality**

Given the relatively small scale nature of the scheme, an Air Quality Assessment would not be required to accompany the application.

However, it is considered appropriate to secure the necessary infrastructure to allow home charging of electric vehicles given the use of Modern Ultra Low Emission Vehicle technology is expected to rise.

This could be secured by condition.

### **Highways**

#### Access

Access into the site would be via the approved access point for the development on the adjacent site, to which the internal road network of the approved development site would lead into the application site.

CEC have assessed the cumulative impact of the residential development schemes on the road network in Alsager. In regard to this particular application, it has been assessed with all likely current developments coming forward and the impact is considered to be minimal at the junctions that will be directly affected. It is therefore considered that although the proposal would add further traffic to the highway network, the Highway Authority do not consider that a refusal would be justified on the basis of this impact.

As part of the assessment of the appeal proposal for the mixed over 55's and 76 no family units allowed on this site (as part of the larger approval under 13/1305N) a pavement to the bus stop and a new bus service for 5 years was put forward by that Applicant and accepted by Strategic Highways on the basis that the bus would be a sustainability benefit for older users of the 56 units approved on appeal at outline stage. The Head of Strategic Infrastructure's original objection to the lack of locational sustainability of this site was withdrawn as a result of the £250,000 bus service contribution and the footpath linking the site to the bus stop on Close Lane.

The proposed change in housing numbers in this particular application will only have a very minor impact with respect to traffic generation as although open market family homes generate more movements, car ownership for over 55 still remains similar to the traffic generation of smaller houses. As such, the net increase in traffic movements as a result of this proposal is not one that can be considered material enough to warrant refusal.

The proposed changes now applied for 20 family homes and 6 older persons bungalows, whilst not materially affecting traffic movement, are considered to be likely to have a detrimental effect on the future viability of the bus service and on this basis it is likely that journeys to and from the site would be car based. This is significantly less than the benefits of the appeal scheme previously approved in environmental and social terms.

## **Character and Appearance**

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

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

In this case the proposed house types with the exception of the bungalows, are similar house types to those already developed by this house builder as part of phase 1 development of this approved housing site (14/5114C refers). Two of the units are 2.5 storey semi detached houses which are of similar scale and in keeping with the existing development. There are also within the heart of the development. It is considered that the design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

## **Trees/Hedgerows**

The Tree Officer advises that the tree report submitted dates from 2013 and is therefore out of date. However, given the inner site location of this proposal he raises no concern.

The retained tree aspect of the layout can be protected in accordance with current best practice, but protective fencing details will be required, again this could be addressed by condition.

## **Landscape**

The submitted Landscape Visual Impact Assessment identifies both the national and regional landscape character of the application site; this site is located within the Lower Farms and Woods Landscape Type 10, and further, in the Barthomley Character Area (LFW7).

This development is dominated by the housing environment previously granted, Accordingly, it is not considered that the proposal would result in any significant adverse effects in landscape terms.

## **Ecology**

No ecological information has been submitted. With respect to specific species, the Councils Ecologist advises as follows;

### Reptiles

Grass snakes are known to be present in this locality. Whilst the grassland habitats on site do not appear optimal for this species, the ditches are likely to provide some opportunities for this species.

The Councils Ecologist advises that the proposed development could pose the risk of killing or injuring reptiles during the construction phase. The ecologist therefore recommends that a reptile mitigation strategy be submitted in support of the application.

### Water Vole

The original Phase One habitat survey identified one watercourse on site as offering potential habitat for water voles. The ecologist therefore recommends that a water vole survey be undertaken and submitted in support of this application.

### Water courses

A condition is required to ensure the provision of an undeveloped buffer adjacent to the on site water courses.

However, such surveys can only now be taken from April 2017. On this basis, the proposal is insufficiently detailed and there is no hope of receiving such information in a timely manner. This is a reason to refuse this application

### **Flood Risk**

United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to the imposition of planning conditions requiring schemes for the disposal of foul and surface water and that the proposal shall be carried out in accordance with the recommendations set out in the submitted Flood Risk Assessment. The Flood Risk Officer has not commented on this particular application, however, no objection was raised to the previous application for the same site and similar development. An update will be provided in this regard

### **Loss of Agricultural Land**

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the Ministry of Agriculture Fisheries and Food classification) will not be permitted unless:

- the need for the development is supported in the local plan;
- it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

The approved development was classified as Grade 2 agricultural land. The Appeal Inspector, in his opinion, concluded in paragraph 99 of the appeal decision, that given the sites relatively small size, its irregular shape, field boundaries, ownership and location on the urban fringe evidenced by its current use for horse grazing, the land to which the application site related was of limited agricultural value.

He further considered that given the above,

*“...along with the extent of best and most versatile land surrounding Alsager and the promotion of development sites in the emerging Local Plan which include agricultural land within this category, it is*

*apparent that some areas of agricultural land would have to be developed if the Council's housing targets are to be met."*

He concluded therefore that the loss of the best and most versatile agricultural land afforded limited weight in this case.

Therefore, in taking into account the Inspectors previous decision as well as planning history of the site whereby permission is already granted for the residential use, it is considered that the loss of agricultural land in this instance would be of very limited weight in the overall planning balance.

### **Environmental Conclusion**

The proposal would result in the loss of a parcel of land allocated as Open Countryside and would cause harm to the rural character and appearance of the site and surrounding area. The proposal would also result in the loss of 'Good Quality Agricultural Land', however, given the fall back position of houses already being approved on this site and the on going residential development surrounding this site, the harm is considered limited.

However, insufficient information has been submitted with regard to the water vole and reptiles. It is also considered that the loss of the older persons units from 56 from the approved layout on 13/1305n to the 6 bungalows proposed by this application, will detrimentally effect demand for a bus service which was to be funded for a 5 year period for the use of residents of the site, which in turn would also benefit the adjacent community in terms of accessibility to public transport choices.

On this basis, it can not be concluded that the proposal is environmentally sustainable.

Other environmental considerations such as; landscape, highway safety, flooding and drainage are considered to be acceptable or neutral subject to conditions / mitigation.

### **Economic Role**

It is accepted that the construction of a housing development would bring the usual economic benefit to the closest facilities in Alsager for the duration of the construction of the site, 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 residents in 26 units spending money in the area and using local services.

In these terms, however, the approved development of this site (13/1305N) allowed for 56 units to be developed on this site for the over 55's. This proposal is for 26 units, of which 6 are for the over 55's (1 and 2 bedroomed); the remainder are four x 2 bedroomed (2 affordable), four x 3 bedroomed and nine x 4 and 5 bedroom units.

It should be noted, given the reduction in numbers of units overall that there would be less economic activity from future residents as a direct consequence of the reduction in housing numbers as now proposed. The contribution to economic sustainability is therefore reduced and members are entitled to apply whatever weight they consider appropriate to this change in assessing this scheme's contribution to sustainable development in the round.

On balance, it is considered that, whilst 26 units will contribute significantly less than 56 units previously approved to economic sustainability, the proposed development would still provide some economic benefits, predominantly during the construction phase, but be less economically sustainable during the post construction phase, as the scheme determined by the Appeal Inspector (13/1305N) by virtue of the reduction in overall numbers of units now proposed (from 56 residential units down to 26).

## **Social Role**

The proposed development would provide open market and social housing which in itself, would be a social benefit however, that benefit is significantly reduced by virtue of the reduction in numbers now proposed if this were granted permission and then superseded the requirements of condition. The value is therefore reduced from the scheme granted on appeal. Previously, based on this phase of the site's development, 17 units were required to be affordable units. This application results in a reduced number of 6 affordable units. Whilst that is 30% in accordance with policy, it is 9 less that were approved on appeal by an Inspector. Accordingly, 9 units will have to be provided from elsewhere in Alsager

## **Affordable Housing**

The site falls within the Alsager sub-area for the purposes of the Strategic Housing Market (SHMA) Update 2013.

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy Submission Version outline that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all sites of 15 dwellings or more or than 0.4 hectare in size.

This is a proposed development of 26 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 8 dwellings to be provided as affordable dwellings. 5 units should be provided as Affordable rent and 3 units as Intermediate tenure.

Whilst this application proposes a policy compliant amount of affordable housing it is deeply regrettable that this site will only provide 8 affordable dwellings considering it should have provided 17 affordable older persons dwellings following the applicants' previous successful appeal on the site – a reduction of 9 affordable dwellings for older people on this site.

To put this into context the SHMA 2013 evidenced a requirement for 54 new affordable units per annum in the Alsager area. There is a need for 38 x 2 bedroom, 15 x 3 bedroom, 2 x 4 bedroom and 2 x 4 bedroom dwellings for General Needs and 5 x 1 bedroom dwellings for older persons per year.

This application, including 6 affordable dwellings specifically for older people, will satisfy just over one year of the requirement for this type of accommodation. However the previous application, won on appeal, would have satisfied demand for this type of accommodation for more than three years.

As evidenced by the Council's Vulnerable and Older People's Strategy 2014 there is a recognised need for older persons accommodation across Cheshire East.

The Housing Manager advises that the reduction in the number of affordable older persons dwellings proposed here would result in a shortfall that would need to be addressed elsewhere on other sites in Alsager.

There are 249 applicants on the Cheshire Homechoice waiting list who have selected Alsager as their first choice for rehousing. They require 95 x 1 bedroom, 91 x 2 bedroom, 49 x 3 bedroom and 14 x 4 bedroom dwellings.

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 proposed layout concentrates the affordable bungalows to the southern boundary of the southern development zone proposed. When this application is looked at in conjunction with the wider Close Lane site approved under 14/5114C it is clear that the affordable dwellings are not sufficiently pepper potted throughout the development, with the vast majority located in one corner of the site. This is contrary to the Interim Planning Statement on Affordable Housing. Additionally, this results in a socially unsustainable form of development.

## **Public Open Space**

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site.

It is considered that the POS and LEAP already provided on the site as part of the outline scheme will be sufficient to cater for the demand as a result of this proposal

## **Education Impacts**

A S106 Agreement is already attached to Outline permission (13/1305N) which provides a contribution based on 76 dwellings and 56 no units for the over 55's in the sum of £151,848. As the over 55's accommodation has no impact upon education provision the 74 no dwelling approved under the reserved matters leaves a credit 2 dwellings on future applications, of which this is one)

Based on the below information for the new application of 20 dwellings the financial contribution will not change once the 2 credited dwellings have been factored in.

Primary =  $3 \times £11,919 \times 0.91 = £32,539$  contribution

Secondary =  $3 \times £17,959 \times 0.91 = £49,028$  contribution

Subject to the provision of this mitigation, the education impact of the proposed will be neutral.

## **Housing Mix**

This scheme seeks to provide 26 dwellings (4 x 1 beds and 2 x 2 bed bungalows – all affordable for the over 55), 5 x 2 bed units (2 of which are affordable), 7 x 3 beds and 8 x four and five bedroom family dwellings for market sale. This proposed mix has greater variety than recent applications,

however there still remains a loss of a significant number of units for which there is a known need (both in terms of affordable provision and in terms of market units).

The Applicant's justification for this development proposal is that no market or social providers of the over 55's accommodation required by appeal 13/1305N are interested in this site. Indeed, McCarthy and Stone have previously advised that they are not interested in this site due to its unsustainable location.

The reserved matters for phase 1 scheme permitted 52 no. market housing and 22 no. affordable housing comprising two storey 18 no. 2 bed (all affordable), 17 no. 3 bed (four of which are affordable) and 39 no. 4 bed dwellings all for market sale.

Accordingly, if permission were granted for this proposal there would be a significant reduction on the amount of over 55's accommodation in the area, in an area where there is a known need for such accommodation and the housing mix on the site as would have a greater number of 4+ bedroomed units. This is considered to result in an unsustainable form of development that fails to deliver a housing scheme which meets all needs within the community, contrary to emerging policy SC4 of the Local Plan Strategy

### **S106 Matters**

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 current proposals will have an effect upon the education provision locally, where local schools are forecasting they are at or over capacity. Likewise the proposal will generate a policy requirement of affordable housing.

### **PLANNING BALANCE:**

Whilst outline permission has been granted for residential development, the part of the site to which this proposal relates has not been developed.

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 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 make a free-standing assessment as to 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 bring positive planning benefits such as; the provision of a market dwellings, the provision of on-site affordable housing (although limited weight is afforded to this as opposed to the lawful fall back position established by appeal 13/1305n) and a minor boost to the local economy, particularly during the construction phase.

Balanced against these benefits must be the adverse impacts, which in this case relate to the impact the development would have upon the social mix of housing that the proposal would result in, with the overall reduction in numbers of over 55 units from 56 as originally approved to 6 as now proposed and the lack of pepper-potting of the affordable units, particularly in conjunction with the already approved and implemented Phase 1 development at the site and the lack of ecological information concerning water voles and reptiles.

In this instance, it is considered that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development in social terms. In the circumstances of this application, the material considerations considered above do not justify making a decision other than in accordance with the development plan and the NPPF.

## **RECOMMENDATION:**

### **REFUSE FOR THE FOLLOWING REASONS:**

**1 The proposal will, by superseding the development required by Appeal 13/1305n, by virtue of the loss of dwellings for the over 55's, from the 56 units within a mixed residential scheme granted permission under 13/1305n to 6 units now proposed would comprise an unsustainable form of development, contrary to policy SC4 of the Cheshire East Local Plan Strategy Proposed changes (consultation draft) March 2016 and policies contained within the NPPF. Furthermore the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposal to housing land supply. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development.**

**2 The proposed siting and distribution of the affordable units, clustered to the southern portion of the site, together with their close proximity to the affordable units within the Phase 1 (as approved by 14/5114C) development at the site results in a lack of pepper-potting throughout the development site, which is contrary to Policy SC5 of the Cheshire East Local Plan Strategy Proposed changes (consultation draft) March 2016, the Interim Planning Statement on Affordable Housing and policies contained within the NPPF.**

**3. Insufficient information has been provided concerning water voles and reptiles on the site to enable the Local Planning Authority to assess the implications of the development for these species. The proposal is therefore contrary to Policy NE9 of the Crewe and Nantwich Adopted Replacement Local Plan 2011**

**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 in a 65:35 split plots 10, 11, 12, 13, 14 & 15 (1 & 2 bed bungalows) are to be provide as affordable rent units and plots 18 and 19 as intermediate units**
- **Education contribution - £32,539 primary contribution and £49,028 secondary contribution**

