

Application No: 16/0285C

Location: Land East Of, ELBOURNE DRIVE, SCHOLAR GREEN

Proposal: Outline application for residential development of the remaining land to the east of Elbourne Drive

Applicant: Ms A Powell

Expiry Date: 19-Apr-2016

### **SUMMARY:**

The site is within the Settlement Zone Line of Scholar Green, where there is a presumption in favour of sustainable development provided the proposal is appropriate in scale, character, appearance and scale and does not conflict with other plan policy.

The proposal would satisfy the economic and social sustainability roles by providing for much needed market and social housing within an existing settlement where there is existing infrastructure, amenities and where policy directs development.

The indicative site layout demonstrates satisfactorily that a housing layout can be accommodated in this site without being detrimental to the residential amenity of neighbours, by virtue of overshadowing, overlooking or loss of daylight, paying particular regard to the land level differences between the site and the neighbouring properties in Elbourne Drive

Subject to conditions there would be a neutral impact upon nature conservation, the setting of the Canal Conservation Area, drainage, trees and landscape, resident's amenity and design.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, the provision of affordable dwellings, the provision of on-site public open space, an education contribution and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

The dis-benefits of the scheme include the loss of areas of hedgerow and an open space which is not currently developed.

In this instance, it is considered that the dis-benefits of scheme do not significantly and demonstrably outweigh the benefits. As such, Para 14 of the NPPF is engaged and the application is recommended for approval.

## **RECOMMENDATION:**

**Approve subject to conditions and a s106 Agreement for 30% affordable housing, detailed management agreement for the future maintenance of all POS and incidental areas of open space a contribution to secondary education.**

## **PROPOSAL**

This is an outline proposal for residential development with means of access applied for at this stage. Indicatively 30 dwellings are shown on plan. This is a reduction in one unit from the scheme as originally indicated. It is proposed to access the majority of the development from Elbourne Drive and 3 of the residential units would be accessed from Little Moss Lane. A pedestrian access off Little Moss Lane has also been proposed.

## **SITE DESCRIPTION**

The site is an enclosed field which covers an area of approximately 1 hectare and is bound to the west by Elbourne Drive and Portland Drive, to the east lies the Macclesfield Canal which, in this location lies within a deep cutting with open countryside beyond. To the south and west the site is bounded by residential development.

The site is on a relevantly level land form, however it is elevated above (circa 4m) above the recently built housing in Elbourne Drive. The houses to Elbourne Drive which sited approx. 4m below the land level in the application site. The site is retained by significant gabion stone walling to the shared boundary with the site which retains the application site from slipping into rear gardens of those recently built dwellings on Elbourne Drive

The Macclesfield Canal lies in a deep cutting below the eastern boundary of the site. Boundary treatment is generally made up of hedging with sporadic trees, (part within and part adjacent to the site boundary) which form a prominent landscape feature to the Canal Conservation Area boundary of the site.

The site abuts the boundary of the Macclesfield Canal Conservation Area.

## **RELEVANT HISTORY**

The site itself has no relevant history, however, the existing residential development to Elbourne Drive is only recently completed

08/0712/FUL Demolition of dwelling & erection of new health care centre & residential development comprising 39no. open market units & 17no. affordable housing units with associated means of access, landscaping & alterations to Portland Drive, including parking bay & dedicated residents' car park (resubmission of 06/1146/FUL) - Amended Plans – Approved 07.10.2011 (Residential site adjoining proposed site)

## **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

56-68 Requiring good design

216 Implementation

### **Development Plan:**

The relevant Saved Policies are: -

PS5 Villages in Open Countryside and Inset in the Green Belt

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR6 Amenity and Health

GR9 Accessibility, servicing and provision of parking

GR14 Cycling Measures

GR15 Pedestrian Measures

GR17 Car parking

GR18 Traffic Generation

GR21 Flood Prevention

GR 22 Open Space Provision

BH9 Conservation Areas

NR1 Trees and Woodland

NR2 Statutory Sites (Wildlife and Nature Conservation)

NR3 Habitats

NR5 Habitats

H2 Provision of New Housing Development

H6 Residential Development in the Open countryside

H13 Affordable Housing and Low Cost Housing

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

### **Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft) March 2016 (CELP)**

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

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design

SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE7 Historic Environment  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
SC 4 Residential Mix  
SC 5 Affordable Homes  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy  
PG6 Spatial Distribution of Development  
EG1 Economic Prosperity

## **CONSULTATIONS:**

**Highways:** The Head of Strategic Infrastructure (HSI) is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the HSI has no objection to the planning application subject to conditions and an informative.

**Environmental Protection:** No objection subject to conditions and informatives relating to noise and disturbance, contaminated land and electric vehicle charging points.

**United Utilities:** No objection subject to conditions relating to foul and surface water drainage.

**Flood Risk Manager:** No objection subject to conditions.

**Canal and River Trust:** No objection subject to conditions.

**Education:** The development of 31 dwellings is expected to generate:

6 primary children (31 x 0.19)  
5 secondary children (31 x 0.15)  
0 SEN children (31 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 school places still remains.

The development is not forecast to impact primary school or SEN school provision.

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

$5 \times £17,959 \times 0.91 = £81,713.45$  (secondary)

Total education contribution: £81,713.45

**Odd Rode Parish Council:** No objection in principle but raise concern about the detailed layout, impact upon tree and the Canal Conservation Area and neighbour amenity. Wish to be involved in S106 negotiations with regard to open space and pre-application discussions

## **REPRESENTATIONS:**

Neighbour notification letters were sent to neighbouring properties and a site notice posted.

At the time of report writing a total of 36 objections from circa 30 addresses have been received which can be viewed in full on the Council website. The objections raise the following concerns:

- Highway safety
- Traffic congestion
- Car parking
- Impact on wildlife
- Lack of infrastructure – schools doctors etc
- Overlooking and loss of privacy
- Loss of daylight, do not accept Daylight Assessment
- 6ft fence and over grown hedge to Elbourne Boundary will effect light
- Overdevelopment
- Disruption during construction
- Impact upon Canal and conservation area
- Premature to emerging Local Plan Strategy
- Contrary to Neighbourhood Plan
- Disturbance during construction
- Land slip into the Canal
- Little Moss Lane can not cope with additional traffic

## **APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

### **Principle of Development**

The application site is located within the Scholar Green Settlement Boundary and is therefore subject to Policy PS5 (Villages) of the Local Plan. Within Policy PS5 it is advised that within settlement boundaries, there is a general presumption in favour of limited development as long as the use is appropriate to the character of its locality and other relevant Local Plan policies.

Policy H5 states that new dwellings in villages are considered to be acceptable where the following criteria is satisfied; the proposal is appropriate to the local character in terms of its; use, intensity, scale and appearance and adheres with all other relevant Local Plan policies, particularly Policies GR2 and GR3.

Policy H5 further states that in considering planning applications for housing in villages, regard should be given to; the availability of previously developed sites; the sustainability of the location, the impact upon local infrastructure and the physical and environmental constraints of the site, including stability and flood risk.

The application site is not a brownfield site. However, it does form a vacant area of scrubland within the Scholar Green Settlement Boundary. Furthermore, given the council's shortage in Housing Land Supply, it is considered that the site would be a suitable location for residential development (rather than in the Open Countryside or Green Belt), subject to its adherence with all other relevant policies.

As the site does fall within an existing settlement boundary, it has already been accepted in Policy PS5 that the village is a sustainable location for new development. However, it is accepted that the village offers limited public facilities and job opportunities although it is accessible to other areas via the bus service and is more accessible than open countryside.

The issue is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the presumption in favour of sustainable development.

## **LOCAL PLAN MAIN MODIFICATION / HOUSING LAND SUPPLY**

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *"no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions"*. This signals his agreement with central issues such as the 'Duty to Cooperate', the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council's approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*"seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations"*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be "appropriate, justified, effective, deliverable and soundly based." As a consequence there was no need to consider other possible development sites at this stage.

The Inspector's recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector's recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5

year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

## **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”*

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**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

**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; and

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

## **ENVIRONMENTAL SUSTAINABILITY ROLE**

### **TREES**

There are numerous trees which form the boundary of the site and the Canal Conservation Area, some within the site and others outside on the Canal bank.

During the course of the application various arboricultural and layout revisions have been provided. The submission now includes sufficient information to inform assessment of the

potential impact on trees and assessment of the capacity of the site to accommodate the number of dwellings proposed in relation to trees.

It must be remembered that this is an outline application which seeks an in principle assessment of the proposed use of the site for residential purposes. Whilst the full impacts on trees would only be realised at reserved matters stage, the indicative masterplan building footprints located outside tree crown spreads and root protection areas.

However, it is likely that buildings/gardens in some of the indicative positions would be dominated by trees and management of levels across the site will present a challenge if trees are to be retained successfully. These issues would need to be addressed in a reserved matters application as would potential social proximity issues for future residents of those potential units.

A reserved matters application would need to be supported by a comprehensive package of arboricultural information in accordance with BS 5837:2012 to include a tree survey no more than 12 months old, an arboricultural impact assessment relating to the final layout and an arboricultural method statement. Details of levels and services would also need to be provided.

## **Hedgerow**

A length of hedgerow within the site is identified for removal to accommodate the development. The information submitted indicates that when assessed under the criteria in the Hedgerow Regulations 1997, the hedgerows on the site do not qualify as ecologically important. Nevertheless, information from the Cheshire Archives and Local Studies indicates that there is evidence that the hedgerow may have formed an integral part of a field system pre-dating the Enclosure Acts; (a historic qualifying criteria).

Although the hedge to be removed is only part of a former longer length and the field pattern is now incomplete, following the guidance for the Regulations the hedge to be removed appears to meet the historic criteria in the Regulations. This is a material consideration to weigh in the planning balance.

## **Ecology**

### Grassland Habitats

The habitat survey was undertaken in January which is a very poor time of year to undertake botanical and habitat surveys. However the Councils Ecologist has visited the site and advises that, apart from the boundary features the habitats on site are of low nature conservation value.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Based upon the submitted layout plan the proposed development will result in the loss of section of hedgerow from the interior of the site. There are opportunities around the site to provide replacement hedgerows as compensation for those lost. However, the Councils Ecologist advises that the layout plan should aim to maximise the retention of the existing hedgerow vegetation and boundary trees. It must be ensured that any losses are adequately compensated for at the detailed Reserved Matters stage.



## Bats

A Sycamore tree, on the site eastern boundary, has a number of bat boxes attached. Based upon the submitted illustrative layout plan it appears feasible for this tree to be retained as part of the proposed development.

The Councils Ecologist advises that provided the boundary trees and hedgerows are retained (or replaced) the proposed development is unlikely to have a significant impact upon foraging or commuting bats.

## Other Protected Species

No conclusive evidence of other protected species was recorded on site during the submitted survey reports. Other Protected Species are however known to occur in this locality. As the status of other protected species on a site can change a condition should be attached requiring any future reserved matters application to be supported by an updated other protected species survey.

## Provision for Nesting Birds

A condition is requested to ensure appropriate safeguarding of birds in the nesting season.

## **Impact upon the Setting of the Canal Conservation Area**

The boundary of the site runs along the Canal Conservation Area boundary which also extends along part of the road to the south and encompasses the entire bridge structures. The bridge just to the north of the site is listed grade II and the bridge to the south, while not listed, is a non designated heritage asset by virtue of its date.

These two bridges are visible from each other and form an important association with significant views of the canal afforded from both. The listed bridge (Tram Bridge No 91) is the historical link from the hamlet to Scholar Green and its amenities. Between the site and the canal towpath is a bank of shrubs and mature trees. This bank drops several metres to the canal. The cutting creates a green peaceful character to the conservation area. To the North West end of the site this vegetation is less dense allowing views onto the site from the listed bridge and conservation area. To the south west end of the site there is an access gate and the vegetation also lessens allowing views onto the site from the road, conservation area and canal bridge. The character of the conservation area at this location is semi rural with pockets of development.

Levels are an important consideration on this site. The levels laid out on First Points survey 5736-02 show the following :

Bridge (South bridge No 92) 129m  
Bank top 133m  
Top of site at crest 136m  
Ridge recent houses 136-140m

Therefore the recent development housing development in Elbourne Drive/ Portland Drive is fully screened from the heritage assets by the bank and levels on the proposed site. The same cannot

be said for the proposed outline development. It will be visible from both ends of the site and seasonally on the rest of the site. This does not preclude development but it is important that the reserved matters address this issue, if this is approved.

The impact on the heritage asset also includes setting. In this case the setting includes views into, out of and across the conservation area and listed structures as well as the approaches to the bridges, especially bridge 91. The NPPF clearly states that setting is part of the significance of a heritage asset. Setting is not limited to views but also includes the surroundings in which the heritage asset is experienced. There is therefore an area of influence at either end of the site, and to a lesser extent along the conservation area boundary. There are already existing properties in the area on 3 sides of the site and the proposal will infill the land between those. Development along the canal in this location is low density properties, set in their own plots. There is already some concern in the conservation area appraisal regarding domestic paraphilia at this location. If approved this would be the only part of this section of the canal between Kidsgrove and Congleton which is bounded on both sides by residential development. Any proposed scheme needs to respect that semi rural setting to the heritage asset.

The Conservation Officer has agreed revisions upon the (indicative scheme) which involves the use of dormer bungalows at key points on the boundary with the Canal Conservation Area

Subject to ensuring that any proposal is in keeping with the character of the area and respects the significance and character of the heritage assets the principle of some development of the site is acceptable. The details will need to be carefully assessed at reserved matters stage to ensure that the setting of the Conservation Area is adequately maintained.

## **Design & Layout**

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.”*

This application is submitted in outline form and the supporting documentation submitted with the application does not provide any detailed information the parameters of development. Neither is there information on sustainable design. This is not surprising as this is an outline application, with a masterplan that seeks to establish only broad development and design principles. However, it is suggested that a sustainable design strategy/plan be required (by condition). This should set out the approach to delivering sustainable design objectives including:

- passive environmental opportunities,
- performance of fabric and reduction in carbon production and water consumption,
- the use of renewable/low carbon energy,
- the scheme's design response to climate change adaptation
- other soft environmental measures.

The proposals indicate a linear form of development sandwiched between the rear of properties which have recently been built on Elbourne Drive and the Macclesfield Canal. A possible layout of 30 units is shown, some of which are indicated to be bungalows although at this stage the mix/size of units is not known.

It is important to note that the indicative layout is just that; indicative; and there is no in principal acceptance of the site layout as submitted. It would be for the reserved matters to ensure the layout and density of development is appropriate and also complies with the Council's forthcoming design guide.

As is noted in other sections of this report, the elevated level of this site will need to be carefully factored into the overall assessment at reserved matters stage to ensure an urban design treatment that respects this sites constraints.

## **Highways**

The Head of Strategic Infrastructure (HSI) has reviewed the highways report submitted by the applicant in support of the development proposals and finds the following:

The HSI considers the site to be in a sustainable location and is well positioned to encourage travel by modes of transport other than the private car.

A development of 30 dwellings would be expected to generate less than one vehicle every 2 minutes during each of the peak hours and trip generation is therefore considered minor. Capacity assessments have confirmed the impact on the road network capacity will be minimal.

The HSI is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the HSI has no objection to the planning application.

## **Air Quality**

Whilst the scheme itself is of a relatively small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impacts of developments in the area. In particular, the impact of transport related emissions on Local Air Quality Management.

Modern Ultra Low Emission Vehicle Technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such, it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties. As such a condition should be imposed requiring electric vehicle charging points for each new dwelling.

## **Flood Risk**

The Flood Risk Manager has assessed the application and has no objection in principle on flood risk grounds, subject to conditions relating to a drainage strategy and surface water run-off.

## **Overall Environmental Sustainability Conclusion**

Subject to conditions and S106 mitigation the scheme would not create any significant issues in relation to; trees, highway safety and congestion, drainage or flooding and ecology, impact upon the setting of the Macclesfield Canal Conservation Area. On this basis the proposal is considered to be an environmentally sustainable form of development.

## **SOCIAL SUSTAINABILITY**

The site is located within the Scholar Green Settlement Zone Line with all the facilities and services that are available there – school, medical centre, pubs, shops, bus service, children's play facility. The development will help maintain population to maintain these existing services

### **Affordable Housing**

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or less that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 3 dwellings or more or larger than 0.2 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a **minimum of 30%**, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a indicative development of 30 dwellings. In order to meet the Council's Policy on Affordable Housing there is a requirement for 9 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in the Alsager Rural sub-area is for 1 bedroom dwellings. The majority of the demand on Cheshire Homechoice is split fairly equally between 1, 2, and 3 bedroom dwellings therefore some 1 bed units on this site would be acceptable. The SHMA also evidenced a clear need for 1 bedroom elder persons accommodation. Nine of the affordable units should be provided as Affordable rent and 3 unit as Intermediate tenure

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.

### **Children and Young Persons Provision**

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission in accordance with the submitted details there would be a surplus in the quantity of provision at the nearby Portland Drive play area has recently been enhanced.

Consequently there is no requirement for the provision of additional Children and Young Persons provision to meet the future needs arising from the development.

## **Amenity Greenspace**

There would be a deficit of this type of provision in the event that planning permission is granted.

Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 30 new homes will generate a need for @ 744 sq m of new amenity greenspace. The site layout plan would appear to include areas of Public open space but these are not identified as such. The Agent has confirmed that area indicated as open space on the site contain pedestrian linkages to Little Moss Lane to the south and the Canal bridge to the north of the site that these areas are intended to be Amenity open space. On this basis the areas of Amenity Open Space within the site far exceed the policy requirement.

A narrow buffer is indicated to the rear of properties adjoining Elbourne Drive. This area has potential to be a 'no mans land'. Accordingly, it is considered that the open and incidental spaces within the site should be managed via a residents management agreement as part of a S106 Agreement

Subject to this control, adequate amenity greenspace is provided.

## **Residential Amenity**

This is an indicative layout with a possible residential layout is submitted. No known positions are proposed for the siting of principal room windows. This is more appropriately assessed at reserved matters stage.

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21.3m between principal windows and 13.8m between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

The site is elevated above Elbourne drive, which sits circa 4m lower than the application site. Much objection has been raised from adjoining residents on grounds of overlooking/ loss of light by virtue of the indicative siting of the proposed (assumed to be 2 storey) dwellings.

The layout and design of the site are reserved matters. However, the indicative layout demonstrates that up to 30 dwellings could reasonably be accommodated on the site, whilst maintaining the minimum privacy distances required by the policy between existing the dwellings backing on to the site in Elbourne Drive and the proposed dwellings. The indicative proposal sites the proposed dwellings at 30 – 31 m away from the rear elevations of existing dwellings in Elbourne Drive. This exceeds the policy requirement by 10m and is considered to be more than sufficient to ameliorate the impact upon privacy/overlooking for those existing residents, having also taken into account the differences in land levels between the two sites.

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The indicative layout indicates that this can be achieved.

## **Loss of Light/Sun to existing dwellings in Elbourne Drive**

The houses in Elbourne Drive are set approximately 4m lower than the site. It appears that the site was formed from the spoil remaining from the housing development at Portland/Elbourne Drive. The proposed site is located to the east of the existing dwellings on Elbourne Drive. The joint boundary comprises a 4m tall gabion wall which forms the rear boundary of the houses in Elbourne Drive.

Numerous objections have been received from those residents on the basis of their perceived loss of daylight/sunlight to their rear.

A Daylight and Sunlight Assessment has therefore been provided in support of this application which has addressed the objections from adjoining residents in Elbourne Drive on grounds of loss of light and sunlight. The Assessment has been submitted at the request of Officers, given the objections from the adjoining residents.

It is considered that the Assessment has adequately demonstrated that the indicative siting of the proposed dwellings will not impinge the path of the sun at various times in the year enjoyed to the rear of the existing (east facing) dwellings in Elbourne Drive.

It should also be noted that given the due east facing nature of the houses on Elbourne Drive and the fact that they are enclosed by a 4m high stone gabion wall, the amount of direct sunlight and daylight to the rear of these houses will always be limited. In this regard some concern has been raised about the siting of the proposed rear boundary fence

Although the siting of the units is reserved, the indicative plan notes that gardens facing Elbourne Drive will have a 'minimum 20m deep rear garden'. This together with the existing depth of gardens in Elbourne Drive would satisfy the interface requirement of 21.3m for principal rooms backing on to another.

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise.

Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

The required separation distances would be achieved between the existing and proposed dwellings, meaning that there would be no significant adverse impact on privacy. This can be considered further when a detailed layout is provided.

It is therefore concluded that the proposed development could be accommodated in amenity terms and would comply with the requirements of Policy GR1 and GR6 of the Local Plan.

Not including the current planning application there are 8 further registered and undetermined planning applications in the catchment area generating an additional 140 primary children and 108 secondary children.

6 primary children (30 x 0.19)  
5 secondary children (30 x 0.15)  
0 SEN children (30 x 0.51 x 0.023%)

The development is not forecast to impact primary school or SEN school provision.

5 x £17,959 x 0.91 = £81,713.45 (secondary)  
Total education contribution: £81,713.45

	land East of Elbourne drive,	Number of Dwellings	31		
Planning App Number	16/0285C	Primary Yield	6		
Date Prepared		Secondary Yield	5		
		SEN Yield			
	PAN Sep 16	PAN Sep 17	NET CAP May-156	Any known change s	PUPIL FORECASTS based on October 2015 School Census
					2016 2017 2018 2019 2020 Comments
Primary Schools					
Rode Heath	30	30	210	210	209 208 208 206 208
Scholar Green	30	30	180	210	177 166 160 157 153
Woodcocks well	15	15	105	105	103 101 100 99 98
Developments with S106 funded and pupil yield included in the forecasts				0	
Developments pupil yield not included in the forecasts					0
Pupil Yield expected from this development					6
OVERALL TOTAL	75	75	495	525	495 475 468 462 465
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					30 50 57 63 60
PRIMARY CONCLUSION - NO CLAIM Sufficient surplus for forecastsing period					
	PAN Sep-16	PAN Sep-17	NET CAP May-16	NET CAP 2016	PUPIL FORECASTS based on October 2014 School Census
					2016 2017 2018 2019 2020 2021 2022
Secondary Schools					
Alsager	235	235	1,125	1,125	1,117 1,174 1,239 1,278 1,263 1,251 1,246
Congleton ( not in 3 miles but catchment)	200	200	900	900	946 1,025 1,066 1,076 1,099 1,100 1,108
					Please Note: All figures quoted exclude any allowance for 6th Form Pupils
Developments with S106 funded and pupil yield included in the forecasts				28	
Developments pupil yield not included in the forecasts					41
Pupil Yield expected from this development					5
OVERALL TOTAL	435	435	2,025	2,053	2,063 2,199 2,305 2,354 2,362 2,351 2,400
OVERALL SURPLUS PLACES PROJECTIONS					-10 -146 -252 -301 -309 -298 -347
SECONDARY CONCLUSION - 100% Claim. Forecasts already showing an immedaite shortfall so any children add to the shortfall.					
PRIMARY CONCLUSION - NO CLAIM Sufficient surplus for forecastsing period					
SECONDARY CONCLUSION - 100% Claim. Forecasts already showing an immedaite shortfall so any children add to the shortfall.					
SEN CONCLUSION					

## **Overall Social Sustainability Conclusion**

In terms of social sustainability, it is considered that negative impacts of the proposal can on the whole be mitigated by condition or by S106 contribution. It is considered that the social benefits of the scheme, through the provision of social and market housing in an existing settlement outweighs the harm in the planning balance. It is therefore concluded that the proposal would be socially sustainable.

## **ECONOMIC SUSTAINABILITY**

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

*‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’*

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Scholar Green, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

This proposal will contribute to the economic arm of sustainability by providing jobs in construction and the industry supply chain and providing housing for people who will contribute to the local economy.

## **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.

As explained within the main report, the provision of affordable housing is required to address a planning policy, the maintenance of the open space on site is directly necessary and attributable to the development contributions to education are directly related to the development and fairly and reasonably related in scale and kind to the development.

## **Conclusion – The Planning Balance**

The site is within the Settlement Zone Line of Scholar Green, where there is a presumption in favour of sustainable development unless the proposal does not comply with other planning policy which would outweigh that presumption .



The proposal would satisfy the economic and social sustainability roles by providing for much needed market and social housing within an existing settlement where there is existing infrastructure and amenities.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, ecology, drainage, landscape and design.

## **RECOMMENDATION**

**Approve subject to the conditions listed below and the completion of a s106 Agreement for a contribution of and the provision of**

- 30% affordable housing (9 of which 1 shall be a bungalow for the over 55's in a 65:35 split affordable rent: intermediate tenure);**
- Management Scheme for the maintenance of the on site POS and incidental areas of the site not within gardens**
- £81,713.45 secondary education contribution**

**And the following conditions;**

- 1. Commencement outline**
- 2. Submission of reserved matters**
- 3. Approved Plans**
- 4. Retention of trees identified for retention within the site**
- 5. Submission of tree protection measures**
- 6. Submission and approval of a Construction and environmental Management Plan including a construction compound within the site/dust mitigation etc**
- 7. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.**
- 8. Submission of a Phase II Contaminated Land Report**
- 9. Provision of electric vehicle charging points for each dwelling**
- 10. Submission of details of foul and surface water drainage**
- 11. Submission of a detailed drainage scheme**
- 12. sustainable drainage management and maintenance plan for the lifetime of the development**
- 13. Updated bat survey**
- 14. Land stability**
- 15. Reserved matters to include boundary treatments inc Canal boundary**
- 16. Lighting information adjoining canal**
- 17. Existing and proposed levels to form part of reserved matters**
- 18. Updated badger survey**
- 19. Bird nesting season**
- 20. Reserved matters to include existing and proposed levels/ including land adjacent**
- 21. Reserved matters to include arboricultural information in accordance with BS 5837:2012 to include a tree survey no more than 12 months old, an arboricultural impact assessment relating to the final layout and an arboricultural method statement**
- 22. Bat and bird boxes**

**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 Head of Planning (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 with the following Heads of Terms;**

- 30% affordable housing (9 of which 1 shall be a bungalow for the over 55's in a 65:35 split affordable rent: intermediate tenure);**
- Management Scheme for the maintenance of the on site POS and incidental areas of the site not within gardens**
- £81,713.45 secondary education contribution**

