

Application No: 17/5537C

Location: Land At, CEDAR AVENUE, ALSAGER

Proposal: Erection of Retirement Living Accommodation (Category II type) together with communal facilities, landscaping and car parking.

Applicant: ., McCarthy & Stone Retirement Lifestyles Ltd

Expiry Date: 02-Jun-2018

## **SUMMARY**

The site is within the Open Countryside where under Policy PS8 there is a presumption against new residential development. In this case the site has planning permission for a residential development and as a result the principle of development is considered to be acceptable.

The development is considered to be located in a sustainable location. The proposal is of an acceptable design and would not have a significantly harmful impact upon residential amenity/noise/air quality and contaminated land.

Subject to conditions it is considered that the impact of the development upon trees, ecology and the wider landscape would be acceptable.

The development would not have a severe impact upon the local highways network and the parking provision on the proposed site would be acceptable. The proposed development would not affect the PROW network within the vicinity of the site.

The development would not impact upon the watercourses to the boundaries of the site and the development would be located within flood zone 1. The development is considered to be acceptable in terms of its flood risk/drainage implications.

In this case there have been requests for contributions towards affordable housing, health and biodiversity offsetting. In this case the developer has raised viability issues which have been independently assessed by the Council's own viability consultant. On this basis it is considered that the development could provide a contribution of £23,000 to mitigate the impact upon Alsager Medical Centre.

## **RECOMMENDATION**

**APPROVE subject to conditions and the completion of a S106 Agreement**

## **PROPOSAL**

This is a full planning application for the erection of a three-storey building which would accommodate 43 retirement living apartments (11 x one bed units and 32 x two bed units), a homeowners lounge, a house managers office, internal refuse storage, mobility scooter store with charging points and a guest suite.

A new vehicular access would be formed off Cedar Avenue to the north west corner of the site and the development would provide 38 car parking spaces.

## **SITE DESCRIPTION**

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

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

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

## **RELEVANT HISTORY**

16/1352C - Outline applicaion for residential redevelopment of up to 14 dwellings with associated infrastructure – Approved 6<sup>th</sup> January 2017

## **NATIONAL & LOCAL POLICY**

### **Cheshire East Local Plan Strategy**

PG2 – Settlement Hierarchy  
PG6 - Open Countryside  
PG7 – Spatial Distribution of Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
IN1 – Infrastructure  
IN2 – Developer Contributions  
SC1 – Leisure and Recreation  
SC3 – Health and Well-Being  
SC4 – Residential Mix  
SC5 – Affordable Homes  
CO1 - Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 3 - Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 6 – Green Infrastructure  
SE 8 – Renewable and Low Carbon Energy  
SE 9 – Energy Efficient Development  
SE12 – Pollution, Land Contamination and Land Instability  
SE 13 - Flood Risk and Water Management

## **Congleton Borough Local Plan Policy**

The relevant Saved Policies are:

PS4 – Towns  
PS8 – Open Countryside  
GR6 – Amenity and Health  
GR7 – Amenity and Health  
GR9 - Accessibility, servicing and provision of parking  
GR10 - Accessibility, servicing and provision of parking  
GR13 – Public Transport Measures  
GR14 - Cycling Measures  
GR15 - Pedestrian Measures  
GR16 - Footpaths Bridleway and Cycleway Networks  
GR17 - Car parking  
GR18 - Traffic Generation  
NR3 – Habitats  
NR4 - Non-statutory sites  
NR5 – Habitats

## **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

## **Alsager Neighbourhood Plan**

The Alsager Neighbourhood Plan is at Regulation 7 stage and as such it can be given no weight.

## **Other Considerations**

Cheshire East Design Guide  
The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing

## **CONSULTATIONS (External to Planning)**

**Environment Agency:** No objection.

**Head of Strategic Infrastructure:** No objection subject to a Construction Management Plan condition.

**CEC Environmental Health:** Conditions suggested in relation to acoustic mitigation, piling, construction management plan, electric vehicle infrastructure, contaminated land and informatives in relation to contaminated land and hours of operation.

**CEC Strategic Housing Manager:** The Gerald Eve Viability Study verifies that there is a sum available by the amount of £23,000 to be used for S106 contributions. These contributions are for Ecology, NHS and Affordable Housing. Housing would welcome a contribution to assist in providing much needed Affordable

Housing in Cheshire East, but this has to be balanced in regards to the impact of the development on Ecology and NHS.

**NHS England:** Contribution of £27,936 has been requested to mitigate the impact of this development.

**CEC Flood Risk Manager:** Condition suggested.

**United Utilities:** No objection subject to the imposition of drainage conditions.

**Health and Safety Executive:** No comment to make.

**CEC Education:** No comments received.

**CEC Public Open Space:** This is a retirement living scheme so does not require public open space requirements in line with CELP table 13.1.

However, the Landscape Concept Plan NW-2461-01-03-LA-001 Rev A shows a path running from south east of the site, along the wildlife corridor and back up towards the site entrance and believe an opportunity is being missed. Would it be possible to create a path along the north/north east of the site creating a circular route for residents to enjoy and in doing so helping them to stay healthy and active. It is well known that people would much rather walk a circular route over a back and forth destination route. There are resting points along the route such as the sensory garden and communal seating area but a couple of benches within the shaded woodland path would be beneficial.

**Newcastle-under-Lyme Borough Council:** No objection.

**CEC PROW:** It appears unlikely that the development will affect the PROW. An informative is suggested. Also the CEC PROW do not agree with the comments from Network Rail.

**Network Rail:** General comments made in relation to asset protection and access. Network Rail also express concerns that this development would increase the number of 'vulnerable users' of the PROW and level crossing. Network Rail request that the PROW is diverted and that the level crossing is closed.

## **VIEWS OF THE TOWN COUNCIL**

**Alsager Town Council:** The Town Council strongly objects to this application on the following grounds;

- Three storey development is out of character and will be over bearing to the neighbouring properties.
- Concerns about how foul and surface water will be dealt with in relation to Valley Brook
- The recommendation by Network Rail to close the footpath across the railway line. There are concerns that this will impede access to the open countryside

## **OTHER REPRESENTATIONS**

Letters of objection have been received from 11 households raising the following points;

### Principal of Development

- There is already a development of this type on Sandbach Road South
- The site only has planning permission for 14 dwellings – this is an example of developer greed
- Risk of flooding from the adjacent watercourses
- Inner city feel of the development

### Design issues

- The development at three stories in height would be too tall.

- A three-storey development would be out of character with the area
- Visual impact
- Density of the development
- The three-storey development would harm the street-scene
- Lighter materials should be used in this setting instead of the dark grey proposed
- The proposed building is too large
- The position of the site on the edge of the open countryside would mean that it would appear obtrusive
- Bungalows would be more suitable on this site
- The proposed car-park would appear unsightly when viewed from the playing fields to the west
- Over-development of the site

#### Highways

- Additional traffic will make Cedar Avenue more dangerous
- Danger to children who attend local schools
- Cedar Avenue is used on the school run
- Additional traffic would be dangerous at the junction of Brookhouse Road
- The entrance is opposite Brookhouse Road and should be positioned more centrally
- It would be difficult for construction vehicles to access the site
- The junction of Brookhouse Road and Cedar Avenue is blind
- Brookhouse Road is not wide enough to accommodate two way traffic and does not have any footpaths
- The new junction will be dangerous for vehicles and pedestrians
- A more central access solution would be more appropriate

#### Infrastructure

- Lack of school places in Alsager
- Medical infrastructure is at capacity
- Insufficient drainage/sewage infrastructure to serve this site

#### Amenity

- The proposed development would overlook the gardens of the properties to the opposite side of Cedar Avenue.
- The Lime Tree would not provide sufficient screening to the properties opposite
- Loss of sunlight for the properties opposite – especially during the winter months
- Amenity of the future occupiers due to noise from the railway

#### Green issues

- There needs to be adequate separation to the watercourses to the boundaries of the site
- The water run-off from the proposed site will significantly increase flooding

#### PROW

- The proposal is too close to the footpath which runs adjacent to the site
- A bridge should be installed over the railway line
- In relation to Network Rail's there is no record of any accidents in this location. The removal of the crossing would be a loss to the residents of Alsager

#### Other issues

- There are a number of errors within the submitted Design and Access Statement
- The community consultation was not credible as an application was submitted as soon as the consultation ended

Two letters of support has been received from one local household which raises the following points;

- This type of development is needed in Alsager

## **APPRAISAL**

### **Principle of Development**

The site lies largely in the Open Countryside as designated by the Congleton Borough Local Plan 2005. In this case the principle of residential development has already been accepted following the approval of planning application 16/1352C.

### **Housing Land Supply**

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy. Accordingly the Cheshire East Local Plan Strategy forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” This is the test that legislation prescribes should be employed on planning decision making. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means: “approving development proposals that accord with the development plan without delay” As a consequence where development accords with the adopted Local Plan Strategy the starting point should normally be that it should be approved – and approved promptly.

The Inspector’s Report on the Local Plan was published on 20 June 2017 and signalled the Inspector’s agreement to the plans and policies of the Local Plan Strategy. The Inspector confirmed that on adoption, the Council would be able to demonstrate a 5 year supply of housing land. In his Report he concludes: “I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years” This judgement was based on an assessment with a base date of 31 March 2016.

In August 2017 the Council published its Annual Housing Monitoring Update, using the methodology endorsed by the Local Plan Inspector but updating information to a base date of 31 March 2017. This assessment showed that the Council has a supply of 16,151 deliverable homes, equivalent to 5.45 years supply.

Since the adoption of the Local Plan the Council has received a number of important planning appeal decisions:

- On 9 October 2017 the Secretary of State dismissed an appeal concerning 900 homes at Gorsty Hill Weston. In this decision the Secretary of State replicated the Local Plan Inspector’s assessment of a 5.3 year housing supply.
- On 8 November 2017 an appeal for 400 homes at White Moss Quarry, Haslington/Alsager, was dismissed, but following evidence at the Inquiry the Inspector concluded that the Council’s housing supply was between 4.96 – 5.07 years. Accordingly as ‘a precaution’ the tilted balance was engaged.
- On 4 January 2018 an appeal for 100 homes at Park Road Willaston was dismissed, but following evidence at the Inquiry the Inspector concluded that the Council’s housing supply was between 4.93 – 5.01 years. Once again taking a precautionary approach the tilted balance was engaged.
- On 30 January 2018 an appeal for 29 homes at Rope Lane Shavington was allowed. This case did not hear new evidence on housing supply, but adopted the conclusions of the previous two appeals. The Council now has leave to challenge this decision in the High Court. This challenge maintains that the Inspector erred in his approach to housing supply.

Following the White Moss and Park Road decisions the Council completely revised and updated its housing supply assessment, looking afresh at the latest position on key sites and the housing sector generally. This evidence was presented in detail at two appeals in February/March 2018.

The first of these, involving an appeal by Gladman Developments for 46 homes at New Road Wrenbury, has now reported. This appeal was dismissed with the Inspector finding that the Council could demonstrate a deliverable supply equivalent to 5.25 years employing the most up to date evidence. On considering the Council's claimed supply of 15,908 deliverable homes, the Inspector concluded that *"in total 331 units should be deducted from the Council's supply figure, reducing it to 15,577"*.

The Inspector went on to make an overall assessment of the housing supply position:

*"Whilst I have concluded that at the present time the supply of housing land is not quite as healthy as the Council believes, there is a supply which exceeds the five year requirement. When considered along with recent facts relating to both the supply of land and delivery of housing units, I see no reason to depart from the conclusions of the local plan Inspector in finding that there is sufficient provision to ensure that local housing needs can be met"*

This most recent appeal decision positively affirms that the Council can demonstrate a five year supply of housing land. This appeal involved a thorough scrutiny of all of the relevant evidence and whilst following a hearing format, also featured experienced legal representation. Accordingly the Council considers this to be the most robust and definitive conclusion on housing supply – which confirms that a 5 year supply of deliverable sites can be demonstrated.

In the light of this, relevant policies for the supply of housing should be considered up-to-date – and so consequently the 'tilted balance' of paragraph 14 of the NPPF is not engaged.

### **Location of the site**

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. The approved residential development on this site was considered to be locationally sustainable. The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity open space (500m) – 50m
- Children's Play space (500m) – 240m
- Public house (1000m) - 570m
- Pharmacy (1000m) – 320m
- Supermarket (1000m) – 570m
- Railway station (2000m) – 470m
- Any transport node – 643m
- Primary School (1000m) – 370m
- Outdoor Sports Facility – (1000m) – 60m
- Bus stop (500m) – 400m
- Public right of way (500m) – 0m
- Post Box (500m) – 290m

- Local meeting place (1000m) – 570m
- Child care facility (1000m) – 620m
- Bank or Cash Machine (1000m) – 420m
- Convenience Store (500m) – 420m
- Medical Centre (1000m) – 320m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 470m

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

- Post Office (500m) – 570m

The following amenities/facilities fail the standard:

- Secondary School (1000m) – 1400m

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

### **Public Open Space**

In this case the POS Officer has confirmed that this development would not require POS provision. Furthermore the development would provide a large area of private open space/communal gardens for use by the future occupiers.

### **Affordable Housing**

The site falls within the Alsager sub-area for the purposes of the SHMA update 2013. This shows a net requirement for 54 affordable homes per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 38 x 2 bed, 15 x 3 bed and 2 x 4+ bed general needs units and 5 x 1 bed older persons accommodation.

It should also be noted that information taken from Cheshire Homechoice shows there are 55 people asking for a one bed property, 57 people asking for a two bed, 16 people asking for a three bed properties and 3 people asking for a four bed property.

Policy SC5 states that for both allocated sites and windfall sites the Council will negotiate for the provision of a specific percentage of the total dwelling provision to be affordable homes. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%.

There is currently a shortfall of affordable housing delivery in Alsager, and the affordable housing requirements for this application as per the Interim Planning Statement: Affordable Housing are the provision of 38 affordable dwellings with 25 provided as either social or affordable rent and 13 as intermediate tenure.

With other similar Retirement Living developments it has been accepted that a commuted sum in lieu of the on site provision is appropriate. This is on the basis of a Viability Study showing that the onsite provision is not possible.

### **Education**

This development would not require any education contributions.



## **Health**

Having considered the contents of the response from the South Cheshire Clinical Commissioning Group (CCG) officers are satisfied that the requested contribution of £27,936 is CIL compliant. This is because the NHS plan is at an advanced stage and a scheme exists within the Infrastructure delivery plan of Cheshire East. The letter from the CCG also provides calculations of how the requested contribution was derived. As a result the contribution is justified.

This health contribution will be considered within the viability section below.

## **Landscape**

The impact of the development upon the wider landscape was considered as part of the previous application where it was determined that the potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. As part of this application a Landscape Concept Drawing has been submitted and this is considered to be acceptable. A detailed landscaping scheme would be controlled through the imposition of planning conditions.

## **Highways Implications**

### Safe and Suitable Access

The site benefits from existing pedestrian infrastructure provision and is a short walking distance to the local amenities and services in central Alsager, and to bus stops and the railway station.

The proposed access from Cedar Avenue is acceptable as are the achievable visibility splays which reflect those that have been approved with the previous residential application. These visibility splays reflect the design speed of the road which is low due to the existing traffic management in the form of vertical deflection on Cedar Ave. As before, a number of trees will be required to be removed for the visibility splays to be achieved as shown on the submitted plan.

### Car Parking Provision

The development would provide 38 car parking spaces for the proposed 43 apartments. This is a higher provision per apartment than other similar sites according to the Transport Statement. Car ownership data for the local area has also been looked at and when broken down by area, accommodation type, and age, the data indicates that the proposed provision could accommodate parking demand for both residents and visitors without the need for on-street parking.

### Network Capacity

A development of this type and size will generate more vehicle trips throughout the day when compared to what has been approved on the site but the trips will be more spread out throughout the day and have less impact during any given hour.

### Highways Conclusion

A safe access is achievable and the impact on the local and wider highway network will be minimal. It is therefore considered that the highways impact of the development would be acceptable and comply with the NPPF which states that:

*‘Development should only be prevented or refused on transport grounds where then residual cumulative impacts of development are severe’*

## **Amenity**

A number of the objection letters refer to the proximity to the proposed dwellings and the impact upon residential amenity.

In this case the Congleton Borough SPG requires the following separation distances:

21.3 metres between principal elevations

13.8 metres between a non-principal and principal elevations

The SPG then goes on to state that;

*'Where the residential development comprises flat developments of three storeys or greater the minimum distance between buildings will normally be increased depending on site conditions'*

It should also be noted that the recently adopted Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule. Figure 11:13 of the Design Guide identifies the following separation distances;

21 metres for typical rear separation distance

18 metres for typical frontage separation distance

12 metres for reduced frontage separation distance (minimum)

In this case the proposed development would include a three-storey element to the central part of the front elevation which would face the rear gardens of properties which front Woolaston Drive. In this case sectional drawings have been provided to show the relationship of the development with the dwellings opposite and the dwellings to the east of the site. The proposed development would be set at a slightly lower level than Cedar Avenue and the properties fronting Woolaston Drive. The three-storey element would have a separation distance of 29.7 metres to the nearest point of the dwelling at No 5 Woolaston Drive whilst the two-storey element would have a separation distance of 27.8 metres to the nearest point on No 7 Woolaston Drive. These separation distances are considered to be acceptable for this development whilst it is also considered that the line of mature Lime trees along Cedar Avenue would also provide an additional level of screening especially during the summer months.

To the east of the site the proposed development would face the rear elevations of the dwellings fronting Rowan Close. Again the proposed development would be set at a lower level and there would be a separation distance of 29.2 metres to this side with the intervening Pine Trees providing additional screening to this side.

As such it is not considered that the proposed development would have a detrimental impact upon adjacent residential amenity through loss of light, privacy or overbearing impact.

## **Air Quality**

Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

In order to ensure that sustainable vehicle technology is a real option for future occupants at the site a condition will be imposed to secure electric vehicle infrastructure provision on the site.

## **Noise**

There is a railway line to the south of the site which may have noise implications for the future occupants of the development. The applicant has submitted an acoustic report in support of the application. The impact of the noise from local railway noise on the proposed development has been assessed in accordance with

BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. This is an agreed methodology for assessing noise of this nature.

The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from rail noise. The mitigation would take the form of insulation of the internal walls, standard thermal double glazing and the use of mechanical ventilation. The conclusions of the report and methodology used are acceptable.

A condition will be imposed to secure the required noise mitigation measures.

### **Contaminated Land**

The site is within 250m of a known landfill site or area of ground that has the potential to create gas. The proposed residential properties are a sensitive end use and could be affected by any contamination present or brought onto the site. The report submitted in support of the application recommends that a Phase II investigation is conducted. This should include an assessment of the potential risks associated with mobile contamination from the adjacent railway line. Conditions will be attached to any approval in relation to contaminated land.

### **Trees and Hedgerows**

The application is supported by a detailed Arboricultural Report. In this case the tree cover associated with the site and its immediate surroundings mainly consists of a mature linear group of Limes located within the Cedar Avenue southern highway verge, a row of mature Pines on the eastern boundary, a row of Alder Oak and Sycamore adjacent to the stream on the southern boundary, and scattered Hawthorn and Oak on the western boundary.

Access into the site requires the removal of two mature Limes (T1 & T2) and two further Limes (T50 & 51) standing within the site to the South of T1 and T2, these are high value Category A trees, their loss was accepted as part of the previous housing scheme on the site which was granted approval, with specimen replacement planting required to frame the entrance.

The retirement accommodation has been located in a position to ensure the rooting environment of the retained trees is not compromised during the construction phase. There is an area of intrusion within the RPA of T38 and T40 but this is accepted as being minimal and unlikely to detrimentally impact on the future health and longevity of the trees. The Pines located on the Eastern boundary of the site are located a satisfactory distance from the proposed building.

The closest interface between the habitable room windows, and retained trees is associated with the buildings northern elevation and the mature Limes associated with Cedar Avenue. The building is set an adequate distance from the trees to allow construction to proceed and ensure internal light levels are not unreasonable, shade will not be an issue with the trees standing to the north of the building, post development the trees are considered defensible should an application to fell or significantly prune be received.

The proposed on site parking occupies a significant area associated with the western boundary of the site, there is a limited RPA incursion in respect of T43, 48, and 49, these are young trees which should be able to accommodate a marginal root loss.

An internal footpath which extends across the southern aspect of the site transgresses a number of the trees located on the sites southern boundary; land levels accommodate a 'no dig' construction under a cellular confinement system, construction details will be required, this can be addressed by condition.

As a result the Councils Tree officer has raised no objection to the development subject to the imposition of planning conditions.

## **Public Rights of Way**

Public footpaths Alsager FP10 and FP12 are located adjacent to the application site. However the route of the two PROW would not be affected by the proposed development.

In this case the comments made by Network Rail relate to the PROW (Alsager FP12) which runs to the western boundary of the site which crosses the railway line via a level crossing. Network Rail have requested that this PROW is diverted and that the level crossing is closed as the development would result in additional 'vulnerable users' using this route. This is not supported by the Councils PROW Team and objections have been raised from local residents and Alsager Town Council.

In response to the comments from Network Rail the applicant has stated as follows;

*'The residents typically occupying McCarthy & Stone developments are still active although some may be less active than others. They are also seeking to retain their independence. They are not normally so frail as to be wholly inactive.'*

*In line with the definition of this form of retirement housing for the elderly, the age of residents will normally be restricted such that they must be 60 years of age, or over, except that where a resident over the age of 60 has a partner of 55 years of age or over, this partner may also occupy an apartment. This is normally controlled by a planning condition or legal agreement, although it is also a standard clause in the resident's lease.'*

*The residents are capable of crossing roads safely and in this case those wishing to cross the railway line at the level crossing would be expected to be active enough to do so safely, particularly as they would need to be active enough to use the stiles either side of the footpath level crossing. The crossing is located on a straight length of track where there is good inter-visibility for the pedestrian to be able to judge when it is safe to use the crossing.'*

*I conclude therefore that there is no fair, reasonable, directly related or defensible requirement why any planning condition should be applied to the proposed Retirement Living development requiring the diversion of the public footpath or the closure of the footpath level crossing as a direct consequence of the proposed development'*

These comments are accepted and it is not considered reasonable to attach a condition to require the diversion of the PROW or the closure of the level crossing.

## **Design**

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."*

### Connections

*Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?*

The existing boundaries to the east and south include a watercourse with mature tree cover to the northern, eastern and southern boundaries and a PROW to the western boundary. All of these features would be respected and would be retained as part of the proposed development which would sit comfortably within the centre of the site.

#### Facilities and services

*Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?*

Alsager provides a range of services and facilities to meet the needs of local people including those living in nearby settlements. This issue was considered as part of the previous approved development on this site.

#### Public transport

*Does the scheme have good access to public transport to help reduce car dependency?*

This issue was considered as part of the previous approval on the site and the site is in close proximity to the PROW network, bus routes and Alsager Train Station.

#### Meeting local housing requirements

*Does the development have a mix of housing types and tenures that suit local requirements?*

The proposed development would accommodate 43 retirement living apartments (11 x one bed units and 32 x two bed units). Given the scale of the development the housing mix is considered to be acceptable.

#### Character

*Does the scheme create a place with a locally inspired or otherwise distinctive character?*

The Cheshire East Design Guide identifies that Alsager is located within the Silk, Cotton & Market Towns character area and this includes the following design cues;

- All archetypes are represented within the character area
- Georgian town houses sit on outer fringes of settlement centres
- Residential properties step and flow with the gently rolling topography
- Town centres are surrounded by a fine grain of lanes with residential properties immediately adjacent to or located upon the main streets
- Streets and lanes are well overlooked and enclosed
- Garden Suburb style housing areas have matured into pleasant neighbourhoods
- Less terraced housing found in smaller settlements
- Storey heights vary from one to three storeys typically and the massing varies greatly depending on historical period, status of building and topography
- Features include single and full height bay windows, ridge detailing and prominent chimney stacks. Higher status properties set back behind small front gardens
- Brick and whitewashed brick dominates, with localised areas of stone closer to the Gritstone Edge character area
- Landmark and header buildings found within and around the settlements
- Landscape setting, views and footpaths out to countryside important in all settlements.

The proposed development would be three-stories in height and from the front elevation facing Cedar Avenue the scale has been reduced with two-storey elements flanking the three-storey element at the centre. The dwellings within the vicinity of the site are a mix of bungalows and two-storey development (with taller period properties within the nearby Conservation Area). It should also be noted that there are some three-storey buildings in close proximity to the site (Alsager Medical Centre and Homeshire House apartments off Sandbach Road South). On this basis the provision of three-storey development is considered to be acceptable on this site.

The surrounding dwellings have largely pitched roofs but there are some properties with hipped roofs located along Station Road. As a general rule it appears that the existing dwellings along Station Road appear more decorative than those along Cedar Avenue which are of a simpler design. The dwellings in the locality of the site include a number of design features such as projecting gables (with timber infill details), bay windows (single and two-storey), window header and sill details (stone, brick, arched and flat-stopped), brick banding (blue brick and decorative brick), ridge tile detailing, gable finials and chimneys. The materials in the locality are largely red brick with slate and tiled roofs.

The proposed development would include projecting gables with finials (some with render/timber infill and some with brick/timber infill), the 4 dormers would be positioned to the front elevation would be of a small scale and would sit comfortably within the roof slope and there would also be sandstone window heads and cills to the windows on the site. It is considered that the design approach taken respects the local character of this part of Alsager.

#### Working with the site and its context

*Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?*

The features on site are the trees and hedgerows which are considered in other sections of this report. The majority of the trees would be retained to the boundaries of the site (apart from those removed to facilitate the access). The watercourse would be retained to the boundaries on the site.

#### Creating well defined streets and spaces

*Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?*

The proposed development has active frontages to Cedar Avenue to the front and the PROW to the west of the site. It is considered that this test has been met.

#### Car parking

*Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?*

The proposed car-parking would be located to the western boundary of the site and although it would be visible from the PROW and POS it is considered that this is the most appropriate location to serve the development.

#### Public and private spaces

*Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?*

The proposed development would sit comfortably within the plot and would include large private gardens for the future occupants.

#### External storage and amenity space

*Is there adequate external storage space for bins and recycling as well as vehicles and cycles?*

The submitted plan shows that all units on the proposed development would provide an internal refuse and scooter store to serve the proposed development.

#### Design Conclusion

On the basis of the above assessment it is considered that the proposed development represents an acceptable design solution.

## Ecology

### Grassland Habitat

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

For the previous application on this site the applicant proposed the payment of a commuted sum as a means of compensating for the loss of biodiversity associated with the proposed development. In order to calculate an appropriate level of commuted sum the extent of grassland habitat lost was entered into the Environment Bank's Biodiversity Impact Calculator. This spreadsheet uses the Biodiversity Metric developed by Defra.

The loss of 0.15ha of habitat (entered as being of medium distinctiveness and in Good condition, reflecting the lack of bare ground and non-native invasive species) was entered. This shows a loss of biodiversity of 1.8 units. The average cost of a biodiversity unit 'traded' during the UK Biodiversity offsetting pilot was £3850. It is therefore suggested that a commuted sum of £6930.00 be sought.

The commuted sum would likely to be used to fund the creation/enhancement of grassland habitats at Borrow Pit Meadows in Alsager.

### Schedule 9 Species: Himalayan Balsam

The applicant should be aware that Himalayan Balsam is present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause this species to grow in the wild.

Disturbance of soil on the site may result in increased growth of this species on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with Himalayan Balsam must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste.

### Enhancement for wildlife

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development. The submitted *Phase 1 Habitat Survey report* makes recommendations including the incorporation of features suitable for roosting bats and nesting birds. The applicant should submit updated plans showing the incorporation of features into the scheme detailed in sections 8.5 and 8.5 of the *Phase 1 Habitat Survey report*.

### Mature trees

Based on the submitted layout plan it appears that the existing mature trees on site are to be retained as part of the development (apart from those approved for removal to provide the access as part of application 16/1352C). If any trees are proposed for felling or pruning, they should be subject to a Bat Roost Potential (BRP) survey.

### Wildlife sensitive lighting

Prior to the commencement of development details of the proposed lighting scheme should be submitted to and approved in writing by the Local Planning Authority. The scheme should include dark areas and avoid light spill upon bat roost features, boundary hedgerows and trees.

## Breeding Birds

Conditions will be imposed to safeguard breeding birds from this development.

## **Flood Risk and Drainage**

In support of this application a Flood Risk Assessment has been submitted in support of the application. The watercourse which runs along the southern boundary of the site is classed as a main river and the site includes areas which are identified as being with Flood Zones 2 and 3 with the majority of the site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps.

All of the built form of the development would be located within Flood Zone 1. The CEC Flood Risk Manager, the Environment Agency and United Utilities have been consulted on this application and have raised no objection to the development on flood risk or drainage grounds. Therefore the development is considered to be acceptable in terms of its flood risk and drainage impact.

## **Levels**

As part of the submitted FRA it is identified that the finished floor levels of the development should be set at 91.3m AOD. This submitted section drawings show that the development would comply with this requirement and would not have a detrimental impact in terms of residential amenity or design.

## **Economic Benefits**

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 Alsager including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

## **Impact on Radway Green**

The Health and Safety Executive have been consulted in relation to this application and have confirmed that the site does not fall within the explosive consultation zone. On this basis the HSE have stated that they do not intend to comment on this application.

## **Viability**

The applicant has submitted a Viability Report produced by Alder King (AK) in support of this application and the Council has instructed Gerald Eve (GE) to undertake a Due Diligence Assessment of the Financial Viability Appraisal.

In this case the Council require the following contributions;

- A financial payment in lieu of 30% affordable housing provision
- Biodiversity off-setting contribution £6,930
- NHS contribution £27,936

In terms of ensuring viability and deliverability the NPPF (paragraph 173) states that;

*'Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other*



*requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable'*

The Planning Practice Guidance (PPG) says that decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development.

In this case AK provide a benchmark site value for the site of £790,000 this is in comparison to GE who have adjusted the finance rates, and developers profit with a reduced rate for the affordable housing element which gives a land value of £708,000. The land acquisition costs provided by AK are acceptable according to GE.

The revenue assumptions in terms of the sales values has had regard to two other schemes in the locality at Sandbach and Wolstanton. GE are in agreement that the revenue (sales values) from this site are reasonable at £10.62m. GE have raised concerns about the inclusion of revenue from ground rent as the Government has announced that it will introduce legislation so that ground rents on newly established houses and flats is set at a peppercorn value. Should the ground rent be removed it would have an adverse effect on the financial viability of the scheme.

The main difference between AK and GE relates to the build costs of the proposed development. In this case AK have used Building Cost Information Service (BCIS) to assess the building costs for the scheme which provides a build cost of £1,430 per sqm based on supporting housing for three storeys and above in Cheshire. GE state that RICS Guidance Note 94 encourages a reasonable, transparent and fair approach and as there is an identified developer in place it is considered that a cost plan for the proposed development should be provided in the form of the actual development costs.

BCIS is a database which provides cost and price information for construction industry in the UK. In this case BCIS does not have a submarket for Alsager but the site is located between the submarkets of Crewe and Nantwich, Congleton and Stoke-on-Trent. GE have adjusted the construction costs to £1,329 per sq.m to reflect the local area (£1,329 per sq.m is the same as Crewe and Nantwich, Congleton and Stoke-on-Trent with Cheshire as a whole having a construction cost of £1,359 per sq.m). In this case GE considers that it is reasonable to allow for an increase in the build cost to allow for the surrounding landscape and car parking provisions (£1,329 per sq.m plus an additional 10% = £1,461 per sq.m which is slightly below the AK build cost of £1,468.50 per sq.m).

For Members information it should be noted that in the recent McCarthy and Stone appeal decision at Audlem Road, Audlem the Inspector concluded that appellants figures were reasonable and at a higher cost than considered for this site (£1,621 per sq.m).

In terms of contingency AK has applied a 5% contingency which is at the higher end and GE have advised that this should be adjusted to 2.5%.

There is agreement between the parties in terms of the professional fees (8% of construction costs) but the marketing fees are considered to be high (AK have allowed marketing and disposal costs at 5.5% compared to GE who have applied 3.5%). The additional costs and finance costs were considered to be reasonable whilst the developers return for risk and profit at 20% of the Gross Development Value is also considered to be acceptable.

Based on the above GE consider that the development is capable of generating a surplus of between £23,000 to £220,500 with the lower figure resulting from the ground rental income being removed. GE have concluded that *'Having adjusted the financial assumptions in line with our own views, and having regard to the likely position of Ground Rents going forward, we are of the view that the Scheme may be capable of generating a surplus of up to £23,000 towards Section 106 contributions whilst remaining financially viable'*.

## **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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 discussed above there have been requests for a contribution of in lieu of 30% affordable housing provision, a biodiversity off-setting contribution £6,930 and an NHS contribution £27,936. It is clear that these sums cannot be provided following the completion of a viability report from the applicants which has been appraised by the Councils own viability consultant. It is for the decision maker to decide where the sum is spent. In this case the officer considers that the sum should be allocated towards the NHS as this development would have an impact which needs mitigating and this sum (whilst not the full amount requested) would go some way to mitigate that impact.

The development would result in increased demand for NHS provision in Alsager where there is limited spare capacity. In order to increase capacity of the medical centre which would support the proposed development, a contribution towards health care provision is required. This is considered to be necessary and fair and reasonable in relation to the development.

On this basis the S106, recommendation is compliant with the CIL Regulations 2010.

## **CONCLUSION**

The site is within the Open Countryside where under Policy PS8 there is a presumption against new residential development. In this case the site has planning permission for a residential development and as a result the principle of development is considered to be acceptable.

The development is considered to be located in a sustainable location. The proposal is of an acceptable design and would not have a significantly harmful impact upon residential amenity/noise/air quality and contaminated land.

Subject to conditions it is considered that the impact of the development upon trees, ecology and the wider landscape would be acceptable.

The development would not have a severe impact upon the local highways network and the parking provision on the proposed site would be acceptable. The proposed development would not affect the PROW network within the vicinity of the site.

The development would not impact upon the watercourses to the boundaries of the site and the development would be located within flood zone 1. The development is considered to be acceptable in terms of its flood risk/drainage implications.

In this case there have been requests for contributions towards affordable housing, health and biodiversity offsetting. In this case the developer has raised viability issues which have been independently assessed by the Councils own viability consultant. On this basis it is considered that the development could provide a contribution of £23,000 to mitigate the impact upon Alsager Medical Centre.

In this case it is acknowledged that due to the viability of the scheme it is not possible to mitigate the entire NHS impact, the affordable housing impact or the impact upon biodiversity. However the NPPF advises that development '*should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened*' and the benefits of this type of specialist

accommodation (both in terms of meeting a particular need and freeing up other housing stock in the Borough), are factors that outweigh the lack of offsite contributions, particularly as we have a robustly tested viability position.

## **RECOMMENDATIONS**

**APPROVE** subject to the completion of a S106 Agreement to secure the following:

**1. Healthcare of £23,000 for Alsager Primary Care Centre (sum to be paid prior to the commencement of development)**

**And the following conditions:**

- 1. Standard Time**
- 2. Plans**
- 3. Tree Protection**
- 4. Tree Pruning/Felling Specification**
- 5. Service/Drainage Layout to be submitted**
- 6. Engineer no dig construction of pedestrian footpath to the south of the site**
- 7. Prior to the use of any facing or roofing materials details shall be submitted and approved**
- 8. Notwithstanding the approved plans boundary treatment details shall be submitted and approved**
- 9. Submission, approval and implementation of a Construction Management Plan**
- 10. Implementation of the noise mitigation measures**
- 11. Piling works**
- 12. Levels to be submitted and approved**
- 13. Provision of Electric Vehicle infrastructure**
- 14. Contaminated land – submission of a phase 2 report**
- 15. Contaminated land – submission of a verification report**
- 16. Contaminated land – works to stop if any unexpected contamination is discovered on site**
- Compliance with the submitted FRA**
- 17. Breeding birds – mitigation measures**
- 18. Breeding Birds – timing of works**
- 19. Submission of external lighting details**
- 20. Site to be drained on a separate system with only foul drainage connected into the public foul sewerage system.**
- 21. Submission of a scheme for the removal of Himalayan Balsam on the application site**
- 22. Notwithstanding approved plans details of the hard and soft landscaping and car parking layout to be submitted and approved**
- 23. Implementation of the landscaping scheme**
- 24. The car-parking layout approved as part of condition 22 shall be implemented prior to first occupation**

**In order to give proper effect to the Board`s/Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice**

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

**1. Healthcare of £23,000 for Alsager Primary Care Centre (sum to be paid prior to the commencement of development)**

