

Application No: 18/0356C

Location: CHERRY LANE FARM, CHERRY LANE, RODE HEATH, CHESHIRE, ST7 3QX

Proposal: Demolition of existing commercial buildings and construction of 14 no. residential dwellings with access, car parking and other associated works

Applicant: ., Cherry Lane Farm Limited

Expiry Date: 01-Jun-2018

## SUMMARY

The proposed development seeks the erection of 14 dwellings in the Green Belt on a brownfield site. Within such locations, both local and national planning policy state that planning permission shall be supported in principle where the proposal would involve the partial or complete redevelopment of previously developed sites provided they would not have a greater impact upon openness.

The application proposal seeks to utilise the volume of the existing buildings on site and group the proposed development predominantly where the existing built form currently lies. As the volume of the built form and the general spread and sprawl of development on the site is deemed not to have a greater impact upon openness than the existing and the proposals would therefore represent appropriate development within the Green Belt and the principle of development is accepted. There would also be little concern in relation to encroachment.

The proposal is deemed to be of a respectful design that would not create any significant concerns with regards to; amenity, landscape, trees, nature conservation, flooding and drainage, open space, education, affordable housing or subsidence, subject to conditions and financial contributions.

An objection has been raised by the Council's Head of Strategic Infrastructure as it is deemed that the site is too remote to accommodate the number of dwellings proposed from a locational sustainability perspective. In response, the site has been granted permission for 6 dwellings just over 3 years ago and this matter was not considered to be an issue. In addition, the government places great emphasis on the re-use of brownfield sites subject to the proposal not having a greater impact upon the openness of the Green Belt than the existing built form. This has been determined to be the case in this instance, adhering with the principle of the development. It has also been identified by the Council's Open Space Officer that there are Public Rights of Way's nearby which could be utilised to access the closest facilities. There is also another extant approval for dwellings nearby on Cherry Lane (17/2062C) and although fewer dwellings were approved on this other site, the Council once again still accepted this development for housing in this location.

For a combination of the above reasons, and because the site would provide financial contributions towards Open Space provision to upgrade and maintain the closest facility in Rode Heath, a primary and secondary school contribution to offset any education impact, and an affordable housing contribution which the Council can utilise, it is considered that on balance, the benefits of the scheme outweigh this dis-benefit highlighted by the HSI.

As such, the application is recommended for approval.

## **RECOMMENDATION**

**APPROVE subject to a S106 Agreement to secure financial contributions towards Open Space, Education and Affordable Housing (Figure TBC) and conditions.**

## **REASON FOR REFERRAL**

This application has been called in to Southern Planning Committee by Councillor Wardlaw for the following reasons;

- Highways; Traffic generation, safety issues, vehicular access
- Potential intrusion into open countryside and green belt
- Potential ground contamination due to septic tank drainage
- Nature Conservation
- Loss of important trees
- Scale and density of development

## **DESCRIPTION OF SITE AND CONTEXT**

This application relates to a site formerly occupied by an existing business which supplies hay and fertilizer. On the site are a number of former agricultural buildings. It has been confirmed in a previous appeal decision that the use of the site is B8, Storage and Distribution and is therefore considered to be Previously Development Land / Brownfield.

The site is located on the northern side of Cherry Lane in Church Lawton, which lies within the South Cheshire Green Belt as designated in the adopted Congleton Borough Local Plan First Review.

## **DETAILS OF PROPOSAL**

Full planning permission is sought for the erection of 14 dwellings.

## **RELEVANT HISTORY**

**16/5023D** - Discharge of conditions 3, 4, 5, 6, 7, 9 & 14 on approved application 13/4765C - Demolition of existing barn and construction of six new residential dwellings – Approved 15<sup>th</sup> December 2016

**13/4765C** - Demolition of existing barn and construction of six new residential dwellings – Approved 6<sup>th</sup> January 2014

**13/0535C** - Demolition of existing barn and construction of four new residential dwellings – Approved 7<sup>th</sup> May 2013

**10/2414C** - New Agricultural Dwelling – Refused 3<sup>rd</sup> September 2010

**06/1416/FUL** - Additional storage of one passenger carrying vehicle for non-commercial purposes on behalf of Sandbach rugby club – Approved 3<sup>rd</sup> April 2007

**24855/3** - Dutch Barn For The Storage Of Hay And Straw – Approved 1<sup>st</sup> December 1992

**23871/3** - Change of Use From Broiler Houses To Depot For Storage Of Hay, Straw And Fertiliser And Operating Base For Same – Refused 2<sup>nd</sup> January 1992

**8025/3** - Use of Poultry Sheds As Caravan Store – Approved 14<sup>th</sup> November 1978

**3042/3** - Siting of Residential Caravan – Refused 24<sup>th</sup> March 1976

**4070/3** - Use of Poultry Sheds As Caravan Store – Refused 16<sup>th</sup> November 1976

**2298/3** – Caravan – Refused 19<sup>th</sup> November 1975

**0872/3** - Overhead Electric Lines – Approved 3<sup>rd</sup> October 1974

## **ADOPTED PLANNING POLICIES**

The relevant aspects of the Cheshire East Council Development Plan subject to this application are; the Cheshire East Local Plan Strategy and the Congleton Borough Local Plan First Review 2005. The relevant policies within these include;

### *Cheshire East Local Plan Strategy (CELPS)*

PG1 - Overall Development Strategy, Policy PG2 - Settlement Hierarchy, PG3 – Green Belt Land, PG6 – Open Countryside, PG7 – Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SE1 - Design, SE2 - Efficient Use of Land, SE3 - Biodiversity and Geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 – Green Infrastructure, SE9 - Energy Efficient Development, SE12 Pollution, Land Contamination and Land Instability, SE13 – Flood Risk Management, SC4 – Residential Mix, SC6 – Rural Exceptions Housing for Local Needs, IN1 - Infrastructure, IN2 - Developer Contributions, CO1 – Sustainable Travel and Transport and EG3 – Existing and Allocated Employment Sites

### *Congleton Borough Local Plan First Review 2005;*

PS7 - Green Belt, PS8 – Open Countryside, GR6 - Amenity and Health, GR9 and GR10 - Accessibility, Servicing and Parking Provision, GR20 – Public Utilities, NR2 - Statutory Sites and NR3 - Habitats

## **Other Material planning policy considerations**

### *National Planning Policy Framework (NPPF)*

14 – Sustainable development, 17 – Core planning principles, 47-50 - Wide choice of quality homes / affordable housing, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 79-92 – Protecting Green Belt, 111 – Previously Developed Land

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

### **Head of Strategic Infrastructure (HSI)** – Object to the proposal

**Environmental Protection (Cheshire East Council)** - No objections, subject to a number of conditions including; the prior submission/approval of a piling method statement, the prior submission/approval of a residents travel information pack, the provision of electric vehicle charging infrastructure, the prior submission/approval of a dust mitigation scheme, the prior submission/approval of details that all properties will include gas boilers that do not exceed certain nitrox oxide emissions, the prior submission/approval of a phase II contaminated land report, the submission of a contaminated land verification report, the prior submission/approval of a soil verification report and that works should stop if contamination is identified. In addition, informatives are proposed suggesting hours of construction and further information with regards to contaminated land

**Flood Risk Manager (Cheshire East Council)** – No objections, subject to a condition that the development shall proceed in accordance with the submitted drainage documentation

**Cheshire Brine Subsidence Board** – Suggest that the foundations of the buildings incorporate reinforced concrete raft, that soakaways are avoided and that flexibility be incorporated into the structure using movement joints

**Education** - No objections, subject to the provision of £65,224 to offset the impact of the development upon local school provision (£32,539 primary and £32,685 secondary)

**United Utilities** – No objections, subject to the following conditions; that the proposals proceed in accordance with the submitted drainage layout and the prior submission/approval of a sustainable drainage management and maintenance plan.

**Environment Agency** - No objections, subject to a condition that works should stop if contamination is identified. An informative is also proposed regarding contaminated land and refer to certain documents and a website

**NHS** - No comments received

**Strategic Housing Manager** – No objections, subject to the appropriate contribution towards off-site affordable housing being agreed

**ANSA Greenspace** - No objections, subject to the provision of £6,786.8 to carry out improvements to accessibility to the Heath Avenue play facility and provide an extra item of gym equipment within that site

**Church Lawton Parish Council** – Object to the proposal for the following reasons;

- Highway / Pedestrian safety – Inadequate parking provision, no pedestrian pavement/unsustainable location, increased traffic volume, visibility splays/loss of vegetation
- Flooding and Drainage – Lack of consideration

Concerns have also been raised with regards to the impact of the proposals upon a neighbouring business. However, it is not clear what these specific concerns are.

## **REPRESENTATIONS**

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. To date, letters of representation have been received from 10 neighbouring properties (09/04/2018). The main issues raised include;

- Principle - impact upon the Green Belt, proposal now outside of the footprint of the original barns (compared to the approved scheme)
- Design – high density of development, provision and inclusion of garage blocks, height of dwellings,
- Locational sustainability – distance of site from schools, doctors, shops – reliance of future occupiers upon the car, no nearby bus service
- Highway safety – narrow main road, existing infrastructure is not suitable, poor visibility, increased traffic/congestion, no pavements, intensity of traffic movements compared to existing/previous use
- Amenity – Proximity of proposed dwellings to existing cattery/kennels, light pollution
- Ecology – Impact upon habitats, bats, owls, rare woodpeckers, badgers, toads, foxes, butterflies and fish
- Flooding and drainage – septic tank/soakaway impact upon local brook which is an erosive watercourse
- Inaccuracies within the application

Other matters have been raised which are not material planning considerations such as the impact of the proposal upon the viability of a nearby business

## **OFFICER APPRAISAL**

### **Principle of development**

Policy PG3 of the Cheshire East Local Plan Strategy (CELPS) seeks to control new development within the Green Belt and does not support the construction of new buildings within it, unless it is for one of the purposes set out in the policy.

These purposes include; buildings for agriculture or forestry, appropriate facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; extensions or alterations to buildings provided that it does not result in a disproportionate additions over and above the size of the original dwelling; replacement buildings provided that the replacement is within the same use and not materially larger; limited infilling in villages, and limited affordable housing; limited infilling or the partial or complete redevelopment of previously developed sites provided they would not have a greater impact upon openness; mineral extraction, engineering operations, local transport infrastructure, the re-use of buildings provided that are permanent and substantial and development brought forward under a Community Right to Build Order.

The only category within which the application may be realistically considered is *'the partial or complete redevelopment of previously developed sites provided they would not have a greater impact upon openness'*.

Within the submitted documentation, the following information has been provided;

- The site comprises of 0.72 hectares of previously developed land (brownfield)
- On site are 2 substantial commercial buildings and 2 smaller buildings that were formerly agricultural use
- The buildings have been used for B8 storage and distribution in connection with the supply of hay and fertilizers to external businesses.
- B8 is the lawful use of the site confirmed under – APP/R0660/A/11/2143151 (10/2414C)

For the above reasons, it is accepted that the site comprises of previously development land. As such, the principal acceptability of the proposal is whether the scheme *'...would not have greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'* (Policy PG3 of the CELPS).

This policy aligns with The Framework.

Within the submitted documentation, the following information has been provided;

	<b>Existing Buildings Total</b>	<b>Proposed Buildings Total</b>	<b>Reduction</b>
<b>Footprint m2</b>	1,587.29	1,399.47	-187.82
<b>Floor Area m2</b>	N/a	1,969.17	N/a
<b>Volume m3</b>	7,188.66	7,146.58	-42.08
<b>Ridge height range</b>	2.61-8.36	4.71-7.9	N/a
<b>Eaves height range</b>	2.56-5.89	5.13-8.83	N/a

Based on these figures, the proposed development provides and overall reduction in footprint, volume and height compared to the existing buildings.

Furthermore, the application advises that the layout provides a visual improvement to the appearance of the openness of the Green Belt, as the scale and massing of the existing building and in particular the two bigger existing buildings currently dominate the site as a large visual mass. The applicant advises that the proposal would have a lower scale, more permeable development which retains and enhances the green frontage of the site and retains the existing views through the open countryside.

In response;

Accepting the above figures, based on both the footprint and the volume of the proposals would be less than the existing development, on face value it may be considered that the development would not have a greater impact upon openness than the existing development. However, it is considered that openness is more than just figures.

The proposed layout proposes the erection of 14 dwellings in a cul-de-sac style layout with a central road extending south to north through the centre of the site. 7 of the 14 dwellings (Plots 1-7) would be constructed along the western boundary on the location of an existing, single-storey building. 3 of the 14 would be constructed on the footprint of an existing two-storey light-weight agricultural barn along the eastern boundary. Of the remaining 4 units, a pair of semi-detached units would be sited along the front of the site to act as an entrance feature and 2 detached units would be provided to the rear of the site, partially on the footprint of 2 smaller rural buildings. 2 sets of garage blocks are also proposed on the eastern boundary.

As such, the bulk of the built form proposed (at least 10 of the 14 sought) would be located on land where built form is currently present and 2 of the remaining 4 would be partially located on/close proximity of 2 smaller units to the rear. As such, only the pair of semi-detached units on the front and 2 garage blocks along the eastern boundary would introduce built form where there is only presently hard standing.

As such, the volume of the built form and the general spread and sprawl of development on the site is deemed not to have a greater impact upon openness than the existing and the proposals would therefore represent appropriate development within the Green Belt.

#### Other Harm to Green Belt

The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The Framework advises at Paragraph 79 that their openness and their permanence are essential characteristics of Green Belts.

Due to the overall site being deemed as 'previously developed land' and the relatively contained spread and sprawl of the proposals, and due to the single-storey nature of the development to the rear, retaining a degree of openness, it is not considered that the development would lead to an unacceptable loss of openness or encroachment into the Green Belt.

#### **Other Matters**

##### Design

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

The layout plan proposes the erection of 14 dwellings comprising of a mix of 6 detached units (Plots 1-3, 8-9 and 12) and 3 pairs of semi-detached units (Plots 4&5, 10&11 and 13&14).

This development would be constructed in a cul-de-sac arrangement. It is proposed the site be accessed from the central location at the south of the site onto Cherry Lane and a new access road would extend northwards, through the site to a cul-de-sac / turning head to the northern most point. The proposed dwellings would be arranged to predominantly front onto the road apart from the 3 properties on the site frontage that would either face the Cherry Lane frontage or be double-fronted to have a mock-frontage facing cherry lane.

Along this section of Cherry Lane, development either comprises of either farmsteads or rural business developments all generally arranged in groupings of built form in relatively informal arrangements.

The proposed layout has incorporated aspects of this informal feel with set-back aspects, court-yard style arrangements and areas left free from built form (north-east). As such, the layout is considered to be appropriate.

With regards to form, the scheme comprises of a mixture of detached and semi-detached units. There is little residential development within the immediate vicinity of the site. The predominant development form appears to be that of commercial shed-style structures which are either rectangular or 'L-shaped'. As such, no particular objection to the form is raised given the lack of prevailing character in the immediate vicinity.

In relation to scale, 7 house-types are proposed. For the benefit of clarity, these have been labelled classes A-F. These comprise of;

- Class A – Plots 1 and 12 – 4-bed, two-storey detached unit
- Class B – Plots 2 and 3 – 3-bed, two-storey detached unit with cat-slide roof
- Class C – Plots 4 and 5 – 3-bed, two-storey, semi-detached units
- Class D – Plots 6 & 7 and 10&11 – 4-bed, two-storey, semi-detached unit
- Class E – Plot 8 – 3-bed, single-storey, semi-detached unit
- Class F – Plot 9 – 4-bed, single-storey, semi-detached unit
- Class G – Plots 13 and 14 – 4-bed, two-storey, semi-detached unit

According to the submitted information, the house types range in height between 4.7 and 7.9 metres. None of these heights exceed the overall height of development currently on site. Furthermore, this mix of heights is more reflective of the mix of heights on site and adds a degree of interest and informality.

With regards to appearance, it is noted that a simple vernacular has been proposed which is welcomed in this rural location, as is the mix in house types and scale and the courtyard style arrangement to the rear. Subject to the materials being condition for prior approval to ensure the use of traditional materials characteristic of the area, the appearances of the proposals are deemed to be acceptable.



Given that the existing volume on site has been fully utilised, in the event of approval, any further development on the site should be controlled by the LPA to ensure that it does not have an impact upon both the Green Belt and the design of the scheme. As such, it is recommended that Permitted Development Rights be removed.

Subject to this and a materials condition, it is considered that the proposal would respect the local rural character and adhere to Policy SE1 of the CELPS, the Cheshire East Design Guide SPD and the NPPF.

### Access / Highway safety

The site is accessed from Cherry Lane which is a narrow rural lane without footways, the nearest settlement being Rode Heath that has local facilities and also the nearest school Rode Heath primary.

The primary highway concern raised by the Council's Head of Strategic Infrastructure (HSI) is the accessibility of the site and the need to provide safe and suitable access for all users.

The HSI advises that there are no pedestrian footway's to the site along Cherry Lane that connects with Knutsford Road and as such, all pedestrian movements to the site would be on the carriageway which is a narrow rural lane that has no street lighting. In addition, the HSI advises that accessibility to local facilities and public transport services well exceeds the recommended walking distances and is considered poor.

The HSI advises that it is recognised that this site has an extant consent for residential development, although this was limited to 6 units and this is now an application for 14 units which is a sizeable increase and which are all family sized dwellings. The HSI advises that developments of this size should have facilities to allow safe pedestrian access and not be solely a car borne development.

As a result of the above reasons, the HSI objects to the proposed development as it does not promote sustainable development and does not provide a safe and suitable access for pedestrians.

As such, the application is deemed to be contrary to Policies GR9 and GR10 of the CBLP and Policy CO1 of the CELPS.

### Amenity

Policy GR6 (Amenity and Health) of the CBLP, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest neighbouring residential properties to the application site would be over 60 metres from the application site. Given this large distance, it is not considered that the proposal would create any neighbouring issues with regards to; privacy, light or noise.

Having regard to the future occupiers of the proposals themselves, the residential amenity space minimum standard stated within SPGN2 is 65 square metres. The space provided for the proposed new dwellings would adhere to this standard.

In relation to separation distances, the spaces between the proposed dwellings all adhere or acceptably closely adhere to the recommended minimum standards.

The Council's Environmental Health team have advised that they have no objections to the proposed development subject to a conditions including; the prior submission/approval of a piling method statement, the prior submission/approval of a residents travel information pack, the provision of electric vehicle charging infrastructure, the prior submission/approval of a dust mitigation scheme, the prior submission/approval of details that all properties will include gas boilers that do not exceed certain nitrox oxide emissions, the prior submission/approval of a phase II contaminated land report, the submission of a contaminated land verification report, the prior submission/approval of a soil verification report and that works should stop if contamination is identified. In addition, informatives are proposed suggesting hours of construction and further information with regards to contaminated land

Subject to this condition and informatives, it is considered that the development would adhere to Policy GR6 of the CBLP.

### Landscape

The application site is located to the south of Rode heath. To the immediate north of the site is an area of woodland and further to the north the Trent and Mersey Canal, which is also a conservation area; Footpath 25 Church Lawton is located approximately 90 metres to the west and follows a route from Cherry Lane towards the Trent and Mersey Canal to the north.

The Council's Landscape Officer originally had concerns that the proposal would have a detrimental impact upon the wider landscape. However, following the offer of the applicant to retain vegetation outside of the site, but within the ownership of the applicant, in particular G6 to the north and G3 to the east, this is sufficient to address the Officer's concerns. As such, the application is deemed to adhere with Policy SE4 of the CELPS.

### Trees

There are trees present on and adjacent to the site. The application is supported by an Arboricultural Impact assessment (AIA) and an Arboricultural Method Statement (AMS). The AIA indicates that two individual trees (grade U), two tree groups (1 U grade, 1 B) and a hedge (grade C) would have to be removed to accommodate the development.

Whilst losses would occur, the development would retain the majority of the tree cover around the periphery of the site.

Although not identified in the AIA, there may be some minor encroachment into potential tree rooting areas by hard surfacing and garages in relation to trees to the east of the site. Following

discussion with the arboricultural consultant, the Council's Forestry Officer is advised this was not judged to be a significant issue.

The Council's Forestry Officer has advised that subject to conditions including; the prior submission/approval of an auditable program of arboricultural supervision linked to key work stages of the development and that no development or other operations shall take place other than in accordance with the tree protection measures and methodology in the Arboricultural Method Statement, no tree issues are raised and the proposal would adhere with Policy SE5 of the CELPS.

#### Nature Conservation

The application is supported by an Ecological Survey. This has been reviewed by the Council's Nature Conservation Officer, who raises no objections, subject to the inclusion of a nesting bird's condition, the submission of an updated owl survey within 2 months of commencement of development, the prior submission/approval of a strategy to incorporate features to enhance the biodiversity value of the proposed development. An informative regarding Himalayan Balsam is also proposed.

Subject to the above conditions, it is considered that the proposal adheres with Policy SE3 of the CELPS and Policy NR2 of the CBLP.

#### Flooding and Drainage

The application site does not fall within a Flood Risk Zone 2 or 3 and is not of a scale that triggers the requirement of a Flood Risk Assessment (FRA) to accompany the application.

The Council's Flood Risk Manager has reviewed the submission and advised that he has no objections, subject to a condition that the development shall proceed in accordance with the submitted drainage documentation.

United Utilities have reviewed the submission and raise no objections, subject to the following conditions; that the proposals proceed in accordance with the submitted drainage layout and the prior submission/approval of a sustainable drainage management and maintenance plan.

Subject to the above recommended conditions, the application is considered to adhere with Policy GR20 of the CBLP and Policy SE13 of the CELPS.

#### Open Space

This application would require 840sqm of Public Open Space (POS) on site. However, due to the relative small scale of the site, none is being provided.

The Council's Open Space Officer has advised that the site at Heath Avenue play area within the village of Rode Heath can accommodate the increased capacity arising from the development.

The Council's Open Space Officer has advised that this development sits on a country lane without a footpath at present however there is a public right of way FP25 off road connection

with the main village 100m away from development and FP53 a little further that takes you along the canal to the village. The Officer advises that the main A533 running through the centre of the village is straight and not overly busy so do not consider this a major barrier to access Heath Avenue play facility.

Although the CELPS is adopted, the legacy local plans still have some relevance. The former Congleton Borough Council Supplementary Planning Guidance (SPG1) states –

### ***Developments of 7-19 Family Dwellings***

*The Borough Council recognises that in smaller developments it will not always be practical or desirable to provide public open space within the development site. Where less than 20 dwellings are proposed, the Borough Council will therefore normally expect a financial contribution in lieu of the actual provision of Public Open Space on site.*

The Council's Open Space Officer has advised that to increase the capacity at Heath Avenue play facility, the Council will require the follow contributions:

- £6,786.80 to carry out improvements to accessibility and provide an extra item of gym equipment within the site
- £19,587.25 towards the maintenance those improvements over 25 years in line with the SPG1.

Subject to the receipt of the above contribution, the proposal is not deemed to create any open space concerns. The applicant has agreed to this contribution.

### **Affordable Housing**

The proposed development triggers the requirement to provide 30% affordable housing in line with local planning policy. In this case, the requirement is a scheme in the countryside over 11 dwellings.

14 dwellings are proposed therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 4 dwellings to be provided as affordable dwellings.

The development is in between Alsager and Rode Heath. This development will, if given planning permission, service both Alsager and Alsager Rural Sub Areas. In the SHMA 2013 and as such, both figures are combined.

The SHMA shows a net requirement for 79 affordable units per annum for the period 2013/14 2017/18 in the Sub Areas of Alsager and Alsager Rural combined. Broken down this is a requirement for 8x 1bedroom, 38x 2 bedroom, 23x 3 bedroom and 8x 4 + bedroom general needs units.

The SHMA also shows a need for 19x 1 bedroom Older Persons dwellings. These can be via Bungalows, Flats, Cottage Style Flats or Lifetime Standard dwellings.

The SHMA shows an over supply of 2 bedroom Older Person's dwellings (-7).

The current number of those on the Cheshire Homechoice waiting list with Church Lawton and Rode Heath as their first choice is 21. This can be broken down to 6x 1 bedroom, 9x 2 bedroom, 3x 3 bedroom and 3x 4 bedroom dwellings.

The Council's Strategic Housing Manager has advised that based on the above, 2 units should be provided as Affordable rent and 2 units as Intermediate tenure.

As a rule, the Council would prefer to see this affordable housing provided on-site. However, there may be physical or other circumstances where an on-site provision would not be practical or desirable. This case has been put forward by the applicant based on the fact that no Registered Provider could be identified who would be willing to consider taking on any of the dwellings subject to this application. The Council's Strategic Housing Manager has accepted this fact.

The applicant is calculating the required financial contribution based on the Cheshire East Council formula and this will then be reviewed by the Council's Strategic Highways Manager before a figure is agreed. The specific figure will be provided to committee members as part of a written update prior to the planning committee.

As such, subject to a financial contribution to allow for offsite affordable housing provision in line to Cheshire East Council policy, no objections are raised.

### Education

The CELPS is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

The Council's Education Officer has advised that this development of 14 dwellings is expected to generate:

3 primary children (14 x 0.19)

2 secondary children (14 x 0.15)

0 Special Educational Needs (SEN) children (14 x 0.51 x 0.023%)

The Council's Education Officer has advised that the development is expected to impact on both primary school and secondary 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 primary 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 Service (Education) has recently begun the process of strategically creating additional primary and secondary school capacity in the Alsager area due to a basic need of primary places demographically and from additional approved housing and allocated strategic sites in the locality as identified in the CELPS. At present, The Service is in the process of expanding Cranberry Primary Academy by 105 primary school places, however, the area will need a further school expansion of 105 primary school places throughout the entirety of the CELPS.

The Service is currently in the process of expanding Alsager Secondary school by an additional 150 secondary school places.

On this basis, Education require a full primary and secondary school claim and the requests will support the projects identified above.

The proposal is not expected to impact on SEN Education provision.

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

$3 \times £11,919 \times 0.91 = £32,539.00$  (primary)  
 $2 \times £17,959 \times 0.91 = £32,685.00$  (secondary)  
 $0 \times £50,000 \times 0.91 = £0$  (SEN)

Total education contribution: £65,224

Subject to the receipt of the above financial contribution, the proposal would not have a detrimental impact upon local education provision as a direct cause from the development. The applicant has agreed to this contribution.

#### Cheshire Brine Board

The Cheshire Brine Board have reviewed the application and are of the opinion that the site is within an area that has previously been affected by brine subsidence and future residual movements cannot be completely discounted.

As such, the Board Suggest that the foundations of the buildings incorporate reinforced concrete raft, that soakaways are avoided and that flexibility be incorporated into the structure using movement joints.

Following receipt of these comments, the applicant has liaised directly with the Brine Board. As a result of these discussions, it is on record that the applicant intends to use raft foundations as suggested and the Board welcome this provision which will be finalised at Building Regulations stage.

With regards to soakaways (which the applicant intends to use), although the use of these has been discouraged, the Brine Board have clarified that this is only an advisory and not a strict requirement and have stated that there is no other option, they would not object to this.

As such no objections are raised from the Cheshire Brine Board to the proposals.

#### CIL Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

(a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The requirement for the provision of a financial contribution to upgrade and maintain the closest Public Open Space is necessary, fair and reasonable, as the proposed development will provide up to 14 dwellings and the contribution would account for the likely increased capacity requirements of this closest facility.

The education contribution is necessary having regard to the oversubscription of both local primary and secondary schools and the demand that this proposal would add.

As the affordable housing contribution is deemed necessary to account for the need for affordable housing in the area and because no Registered Provider could be identified who would be willing to consider taking on any of the dwellings subject to this application.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

## **CONCLUSION / PLANNING BALANCE**

The proposed development seeks the erection of 14 dwellings in the Green Belt on a brownfield site. Within such locations, both local and national planning policy state that planning permission shall be supported in principle where the proposal would involve the partial or complete redevelopment of previously developed sites provided they would not have a greater impact upon openness.

The application proposal seeks to utilise the volume of the existing buildings on site and group the proposed development predominantly where the existing built form currently lies. As the volume of the built form and the general spread and sprawl of development on the site is deemed not to have a greater impact upon openness than the existing and the proposals would therefore represent appropriate development within the Green Belt and the principle of development is accepted. There would also be little concern in relation to encroachment.

The proposal is deemed to be of a respectful design that would not create any significant concerns with regards to; amenity, landscape, trees, nature conservation, flooding and drainage, open space, education, affordable housing or subsidence, subject to conditions and financial contributions.

An objection has been raised by the Council's Head of Strategic Infrastructure as it is deemed that the site is too remote to accommodate the number of dwellings proposed from a locational sustainability perspective. In response, the site has been granted permission for 6 dwellings just over 3 years ago and this matter was not considered to be an issue. In addition, the government places great emphasis on the re-use of brownfield sites subject to the proposal not having a greater impact upon the openness of the Green Belt than the existing built form. This has been determined to be the case in this instance, adhering with the principle of the development. It has also been identified by the Council's Open Space Officer that there are Public Rights of Way's nearby which could be utilised to access the closest facilities. There is also another extant approval for dwellings nearby on Cherry Lane (17/2062C) and although fewer dwellings were

approved on this other site, the Council once again still accepted this development for housing in this location.

Additionally locational matters are but one element of an assessment of sustainability and environmental, social and economic when these 3 arms have to be looked at in conjunction with one another

For a combination of the above reasons, and because the site would provide financial contributions towards Open Space provision to upgrade and maintain the closest facility in Rode Heath, a primary and secondary school contribution to offset any education impact, and an affordable housing contribution which the Council can utilise, it is considered that on balance, the benefits of the scheme outweigh this dis-benefit highlighted by the HSI.

As such, the application is recommended for approval.

## **RECOMMENDATIONS**

**APPROVE subject to a S106 Agreement to secure**

- 1. A financial contribution of £6,786.80 to carry out improvements to accessibility and provide an extra item of gym equipment at the Heath Avenue Play facility**
- 2. A financial contribution of £19,587.25 towards the maintenance those play facility improvements over 25 years**
- 3. A financial contribution of £65,224 towards both primary (£32,539) and secondary school (£32,685) provision at the closest schools in the Alsager area in need of expansion**
- 4. A financial contribution of TBC towards providing off-site affordable housing provision**

**And the following conditions;**

- 1. Time (3 years)**
- 2. Plans**
- 3. Prior submission/approval of materials**
- 4. Removal of PD Rights – Classes A-E Part 1 and Class A Part 2**
- 5. Prior submission/approval of a piling method statement**
- 6. Prior submission/approval of a residents travel information pack**
- 7. Provision of electric vehicle charging infrastructure**
- 8. Prior submission/approval of a dust mitigation scheme**
- 9. Prior submission/approval of details that all properties will include gas boilers that do not exceed certain nitrox oxide emission standards**
- 10. Prior submission/approval of a phase II contaminated land report**
- 11. Submission of a contaminated land verification report**
- 12. Prior submission/approval of a soil verification report**
- 13. Works should stop if contamination is identified**
- 14. Vegetation identified as G6 and G3 on plan CLF/AIS/01 shall be retained in perpetuity**
- 15. Prior submission/approval of a landscaping scheme**
- 16. Landscape – Implementation**



- 17. Prior submission/approval of boundary treatment plans**
- 18. Prior submission/approval of an auditable program of arboricultural supervision linked to key work stages of the development**
- 19. No development or other operations shall take place other than in accordance with the tree protection measures and methodology in the Arboricultural Method Statement (other than those required by condition 14)**
- 20. Prior submission/approval of existing, proposed and slab levels**
- 21. Prior submission/approval of a nesting bird's survey (if necessary)**
- 22. Prior submission/approval of an updated owl survey within 2 months of commencement of development**
- 23. Prior submission/approval of a strategy to incorporate features to enhance the biodiversity value of the development**
- 24. Implementation of submitted drainage details**
- 25. Prior submission/approval of a sustainable drainage management and maintenance plan**

**In order to give proper effect to the Southern Planning 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.**

