

Application No: 21/6113C

Location: Land Off, CLOSE LANE, ALSAGER

Proposal: Erection of 55 no. dwellings, including access from Close Lane, construction of roads and footways, landscaping, public open space, drainage, and other associated works.

Applicant: Sinclair, Westchurch Homes Ltd

Expiry Date: 08-Aug-2022

SUMMARY

The application site is located within the open countryside as defined by the adopted Development Plan (the CELPS & the CNLP). The proposed development would be contrary to these policies and would result in the loss of open countryside.

However the submission draft of the SADPD proposes the site to form part of the settlement boundary. This is clearly a material consideration and given its stage of adoption and lack of objections, it is considered to carry at least moderate weight.

The site already has an extant consent for 16 houses so residential development on the northern part of the site has already been established. The site is also bound by development to the east and south with the allocation to the west for further residential development. As such to some degree the proposal could be considered as rounding off the settlement to a landlocked site.

The benefits of the proposal would be the provision of open market housing provision of 100% affordable units which would go towards meeting an identified local need.

The proposal would also provide economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

The development will not have a detrimental impact upon residential amenity (including for future occupants in terms of noise and contaminated land) and would comply with Policies BE.1 of the CNLP.

The impact upon infrastructure would be neutral as there have been no requests for contributions for health and contributions towards Open Space and Education can be secured by way of Section 106 Agreement. And would comply with Policies IN1, IN2 of the CELPS and RT3 of the CNLP.

The development would not have significant drainage/flood risk implications and would be compliant with SE13 of the CELPS & BE4 of the CNLP.

The proposal will not have any severe highway impacts and as such complies with Policies CO2 & CO4 of the CELPS and BE3 of the CNLP.

With regard to ecological impacts, subject to conditions it is considered that the ecological impacts can be mitigated. As a result the proposal complies with Policies NE5, NE9 of the CNLP and SE 3 of the CELPS.

The development subject to conditions is supported in design terms. The proposal would accord with CELPS policies SD1, SD2, SE1, and with the NPPF in relation to design quality and the requirements of the CEC Design Guide.

The impact on trees and landscape are not fully known at this stage but the layout suggests that the proposal could be accommodated without undue impact.

In conclusion the benefits of the scheme to provide 100% affordable housing in a sustainable local and the limited economic benefits, would outweigh the harm to the open countryside and a slight shortfall in amenity space for some of the dwellings.

RECOMMENDATION

APPROVE

REASON FOR REPORT

The application requires committee consideration due to the number of dwellings exceeding the delegated threshold.

PROPOSAL

Full planning for the erection of 55 no. dwellings, including access from Close Lane, construction of roads and footways, landscaping, public open space, drainage, and other associated works.

Although the site is located on the edge of Alsager it falls within the area covered by the former Crewe and Nantwich Local Plan.

SITE DESCRIPTION

The application site comprises part of the garden area serving No.68 Close Lane and the open field to the rear and further land to the south behind 60-68 Close Lane.

Area consists of predominantly residential properties to the north and east, with this side of the road being a row of ribbon development. Open Countryside to the west.

Persimmon Homes are currently constructing a new housing development to the south off Crewe Road and to the west of White Moss Quarry which has been allocated for circa 350 houses under Policy LPS 20 of the Cheshire East Local Plan.

No significant variation in land levels noted on the site.

The existing access is taken off Close Lane between Nos.68 and 70 Close Lane. Access by foot is taken by No.60 Close Lane forming the public right of way.

The site itself consists of two fields with hedgerows and hedgerow trees, divided by a central post and wire fence. Large trees sited on most boundaries including some sited centrally.

The site measures approx. 3.79 acres (1.53 hectares).

The site is located in the Open Countryside as per the Local Plan and contains trees covered by Tree Preservation Order to the North-western boundary.

RELEVANT HISTORY

Parcel of land to the rear of No.68 Close Lane

21/1161N – Reserved Matters approval is sought for appearance, landscaping and scale and the discharge of associated planning and S106 conditions pursuant to outline planning permission ref: 16/2993N - Proposed outline residential development of 16 no. dwellings with access and layout applied for – approved 03-Aug-2021

19/4451N – Variation of affordable housing and education contributions on S106 agreement – withdrawn 03-Mar-2021

18/1725C – Proposed residential development of 16 no. dwellings with access and layout applied for, as a re-submission of application 16/2993N – refused 11-Apr-2019

16/2993N – Proposed outline residential development of 16 no. dwellings with access and layout applied for – approved 19-Mar-2018

7/08028 – 5 detached houses with garages – refused 31-Mar-1981 for the following reasons:

- 1) The site is not allocated for any development of the approved development plan which means that it is the local authorities intention that the existing use of land shall remain for the most part undisturbed
- 2) The local authorities policy has been to allow limited infilling of the various gaps in the otherwise built up frontage on the western side of Close Lane but the present proposal consisting of residential development in depth behind the frontage properties, does not constitute infilling and a such would be poorly related to the existing pattern of development along Close Lane
- 3) The local planning authority are not satisfied on the evidence available to them that adequate foul and surface water drainage of the site can be achieved having regarding to the shallow depth of the available sewer in Close Lane and to the fact that soakaways are not considered to be satisfactory means of surface water disposal in this area

4) There is insufficient frontage available to the county highway which to form access with visibility splays and necessary standards

Remaining parcel of the site

No relevant planning history

ADOPTED PLANNING POLICY

Development Plan

The Development Plan for this area comprises of the Cheshire East Local Plan Strategy (CELPS) and the Crewe and Nantwich Local Plan (CNLP).

Cheshire East Local Plan Strategy (CELPS):

MP1 – Presumption in Favour of Sustainable 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 and Water Management
IN1 – Infrastructure
PG1 - Overall Development Strategy
PG2 – Settlement Hierarchy
PG6 – Open Countryside
PG7 – Spatial Distribution
SC4 - Residential Mix
CO1 – Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
IN1 – Infrastructure
IN2 – Developer Contributions

Crewe and Nantwich Local Plan (CNLP) Saved Policies:

NE.5 (Nature Conservation and Habitats)
NE.8 (Sites of Local Importance for Nature Conservation)
NE.9: (Protected Species)
NE.10 (New Tree and Woodland Planting)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.6 (Development on Potentially Contaminated Land)

RES.5 (Housing in the Open Countryside)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

Despite proximity to Alsager, the site is not within the Alsager Neighbourhood boundary

Haslington Neighbourhood Plan (HNP)

The Haslington Neighbourhood Plan has only reached Regulation 7 stage and therefore cannot be attributed any weight at this stage

Relevant Emerging policies for Site Allocations and Development Policies Document (SADPD)

The Site Allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Plan was submitted for examination in April 2021, hearings took place in October and November 2021. Draft Main Modifications were consulted on during April and May 2022. Noting the relatively advanced stage of the SADPD it is considered that at least moderate weight should be applied to relevant policies, including the proposed modifications.

PG8 Development at Local Service Centres

PG9 Settlement Boundaries

PG11 Greenbelt Boundaries

GEN 1 Design Principles

ENV5 Landscaping

ENV6 Trees, Hedgerows and Woodlands

ENV16 Surface Water Management and Flood Risk

HOU1 Housing Mix

HOU3 Self Build and Custom Build Dwellings

HOU8 Backland Development

HOU10 Amenity

HOU11 Residential Standards

HOU12&13 Housing Densities

HOU14 Small and Medium Sites

INF3 Highways Safety and Access

Other Material planning policy considerations

National Planning Policy Framework ('The Framework');

The relevant paragraphs include;

11 Presumption in favour of sustainable development

59 Delivering a Sufficient Supply of Homes

124-132 Achieving well-designed places

170-183 Conserving and enhancing the natural environment

Supplementary Planning Documents (SPD)

SPG Provision of Private Open Space in New Residential Developments

SPD Cheshire East Council 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

Interim Planning Statement Release of Housing Land

CONSULTATIONS

CEC Head of Strategic Infrastructure (Highways) – No objection

CEC Housing – No objection

CEC Flood Risk – Request for further information so awaiting response

CEC Environmental Protection – No objection subject to conditions/informatives regarding working hours for construction sites, piling, travel plan, boilers, dust, electric vehicle charging and contaminated land

CEC Education – Contribution required for 8 secondary pupils and 1 SEN totaling £176,241.52

ANSA – Request for further information so awaiting response

United Utilities – No objections subject to drainage conditions

Natural England – No objection

Ward Cllr Edgar – Objection on the following grounds:

This application site is not in the Cheshire East Local Plan, it is adjacent to White Moss Quarry which is LPS 20. If approved this application would eventually connect LPS 20 to the houses on Close Lane, removing a section of open countryside

Cheshire East Council can demonstrate having a robust 5-year housing land supply. The point of a Local Plan Strategy and a robust housing land supply is to ensure that any new development meets the needs of the local area, and speculative developments are not allowed.

Planning permission in this location was refused in 1981 for 5 homes due to highways issues, problems and with surface water and sewerage. The visibility splay has been widened but the issues remain.

Close Lane is now much busier with new development of hundreds of new houses to the north currently nearing completion.

A planning permission for houses, preadoption of the Local Plan, 16/2993 was approved and access granted for 16, this new application is for 61 and will increase the number of cars gaining access by a factor of 4. In the application it states parking provision for 122 cars. The access was deemed unsuitable in the past, what has changed?

Finally, the application site is 1.5 Hectares, 61 houses on 1.5 Ha is 40 per Ha, this is very dense, it is unreasonable that there are so many affordable homes on such a cramped site

Alsager Parish Council – Objection on the following grounds:

- The site is not in the Cheshire East Council Local Plan
- There is already over 5 years identified land supply for housing until 2030
- The application does not conform to policies H1, H4 and TTS10 of the Alsager Neighbourhood Plan
- The density of the proposal is unacceptable
- Access to the site from Close Lane is on a blind bend
- There is poor landscaping with no impact statement
- Concerns that the site floods. The plan to cap the land drain risks flooding neighbouring properties
- Out of character with the locality
- The site is in the open countryside
- Unsustainable as the site does not improve the character and quality of the area

Haslington Parish Council – Objection on the following grounds:

- The site is not in the local plan
- CEC have demonstrated having a 6.4-year supply of houses
- Previous planning refusal in 1981, planning permission was refused for 5 homes due to highways issues, problems with surface water and sewerage.
- Highways - the site is near an extremely narrow curved section of the lane. In recent years, due to the houses built, traffic has increased in this area, which continues to be one of vehicle accidents and near misses. No traffic calming measures have been suggested, which could be funded by S106 agreements
- Flood risk - Part of the site has a high-water table. Water congregates after heavy rainfall, always in a similar place. A land drain terminates in the site, which is not adopted by UU. The plans mention "abandoning the drain" but this would increase the water saturation. The pond on the first set of plans has been removed. Soakaways were not considered suitable when the application was refused in 1981
- Sewerage - The recent plans contain a pumping station, but we wonder if the ancient, combined waste system on Close Lane can cope
- Density of homes - 61 homes on such a small area of land is high density. Affordable homes should be pepper potted in new estate
- Types of homes - they are only built to Part M regulations (e.g. level access at one entrance, raised sockets, lowered light switches). There is insufficient room in most of the homes to accommodate a curved track stairlift or a through floor lift; both are costly to the resident or Social Care budget to install. There are no plans for solar panels to reduce fuel costs or water butts
- White Moss is designated for homes, yet the planning permission is now extant, and permission for 400 homes at the top has refused at Appeal

- Parking - plans indicate one parking area for a one-bedded home and two spaces for other homes. There is no additional parking on or off site for visitors
- Play areas - there are no designated play areas
- Surrounding area - the surrounding area consists of individually designed homes not semi-detached or terraced homes as described by the developer's team. The High School is oversubscribed
- Privacy issues - Several homes will have a loss of privacy / overlooking

REPRESENTATIONS

Representations have been received from approximately 68 addresses, on the following grounds:

Principle

- Overdevelopment in Alsager.
- Site is not in the Local Plan as an area for development.
- The Council has a five-year supply of housing.
- The site is in the open countryside.
- Previous applications have been withdrawn on the site - application refused in 1981 due to highways, sewage and flooding issues.
- Alsager is at its limit in terms of development.
- S.106 contributions required including education, traffic calming measures and health.
- There are brownfield sites in the surrounding area.
- White Moss Quarry remains an allocation in the Local Plan but previous permissions are now extant.
- Development is contrary to PG2 (settlement hierarchy), PG6 (open countryside), SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), IN1 (Infrastructure).
- Site has built form to only one side.
- Site does not confirm to policies H1 of Alsager Neighbourhood Plan regarding type and mix of new housing.
- Site does not confirm to policy H4 of Alsager Neighbourhood Plan regarding the size, scale and density of new housing developments.
- Site does not confirm to policy TTS10 of Alsager Neighbourhood Plan.
- Policy PG7 (spatial distribution of development) has target for Alsager which has been achieved.

Highways

- Close Lane is not suitable nor wide enough.
- Close Lane is a busy lane, narrow in parts, with no lane markings and a 'rat run'.
- Highway safety concerns regarding access on a 'blind bend'.
- Traffic congestion impacts on the surrounding road network including Close Lane, Dunnocksfold Road and wider Alsager. The addition of a further 61 dwellings with associated traffic movements (minimum of 120 cars) will worsen the situation.
- Impact on surrounding junctions including B5077.
- Speed limit (30 mph notice) should be considered alongside traffic calming methods.

- Dangerous for pedestrians crossing near to the proposed entrance. Footpath only on one side and considered narrow and dangerous.
- Revised Plans (12/01/2022) show access road overlapping and blocking an existing drop kerb that serves 66 & 68 Close Lane.
- Close Lane popular with walkers and dog walkers, accessing the countryside through rights of way.
- No long-term plan to preserve, protect and upgrade PROW to south of development.
- Alsager has seen a reduction in rail services.
- Public transport is not available late at night for shift workers etc.
- The public footpath runs from Close Lane to Butterton Lane (not Crewe Road as in documentation). The path to the Quarry is impassable at times due to overgrowth, including seeding in of Himalayan Balsam. Maintenance of an accessible footpath by the site during and after construction will be needed.
- Concern regarding access from emergency vehicles and Council bin operatives.
- Volume of lorry movements will increase due to warehouses under construction on Crewe Road.
- Concern over HGV movements in proximity to the entrance.
- The site edges onto an existing PROW. The current proposal means that part of this PROW would effectively become an alley way with 6-foot fences blocking it in. This would be detrimental to the existing hedgerow and the wildlife that inhabits it. It's a potential spot to attract antisocial behaviour, litter and vermin.

Infrastructure

- Pressure on infrastructure including schools, doctors, dentists etc.
- Pressure on local school places including Alsager High School.
- Pressure on broadband, electrical grid, gas and water facilities infrastructure.
- Public services and facilities planned for White Moss do not exist and plans are extant.

Ecology

- Loss of wildlife / flora and fauna.
- Impact on birds including protected birds.
- Protected species are present on site.
- Loss of trees and habitat.
- Minimal landscaping hardly replaces the loss of countryside and reduced ecology.
- Greenfield site.
- Proposals should ensure maintenance of current boundary hedgerow

Green Space / Agricultural Land

- Loss of green space / open countryside.
- Walking areas have been lost.
- Impacts on agricultural land.
- Little amount of open space for children to play / meeting in the proposed development and local surroundings.
- Cranberry Moss has suffered a noticeable increase in path erosion, litter and damage to trees. Further building will only worsen the environmental negatives this area has endured.

Affordable housing

- Affordable housing already available on other new build estates.
- Number of affordable homes is capped to 10 in the open countryside.
- Application appears unviable.
- Affordable housing should be pepper-potted through new developments. 61 affordable homes in one location are against principles of inclusion.

Amenity

- Construction impacts.
- Amenity and crime concerns.
- Site backs onto an active aggregate recycling centre (White Moss Quarry).
- Privacy concerns – overlooking / overshadowing of adjacent properties.
- Noise, light and odour pollution concerns.
- Loss of outlook from neighbouring properties.
- Air quality - no monitoring of air particles has been taken from near the Quarry
- The site falls within the blast zone of BAE, a regulated explosive site that produces ammunition.

Flooding and Drainage

- Flooding and drainage concerns.
- Flood risk report incorrectly terms a drain as redundant. Updates required to the land drainage Plan.
- The building of 61 homes, service roads, and driveways will reduce natural soak away. The removal of trees between the two sites will stop take up of surface water. As saplings will be planted, the amount of water take up will be minimal.
- The flood risk map (Figure 4) outlines an area of surface water omits a couple of ponds.
- Drainage of the site will be needed including management of surface water from the homes and roads, whilst avoiding flooding to the adjacent gardens. The finished level of the site (gardens, footpaths and roads) cannot be raised otherwise off-site flooding will occur to gardens of several adjacent properties
- The sewerage system in Close Lane is an old, combined Waste and Surface Water system. Further alteration may be needed to cope with 61 homes.

Landscape / Character

- Object to landscape impacts.
- Landscaping provision in the application is poor.
- Application detracts from the character and quality of the area.
- Impact on character and appearance of open countryside.

Design

- Object to density of scheme in a semi-rural area – houses crowded into 1.5ha site.

- Inadequate space for families. Plans show properties with tiny gardens and minimal new green space.
- Many of the houses afford little space and do not allow for future adaptation.
- No precedent for three storey properties in this area.
- The application is wrong in its assessment of how the proposal site integrates in the local area.
- Layout does not improve the character and quality of the area.
- Site is not sympathetic to local character.
- Power lines run across the site.
- Design is out of character with the locality.

Climate Change

- Policy SD1 'Sustainable Development in Cheshire East' requires Cheshire East to use appropriate technologies to reduce carbon emissions. The plans omit details of solar panels, electric charging points or water butts to reduce on-site surface water (by storing water from the roof).

Process

- Application contains omissions and errors
- Dispute over boundary line of development including the planning application

APPRAISAL

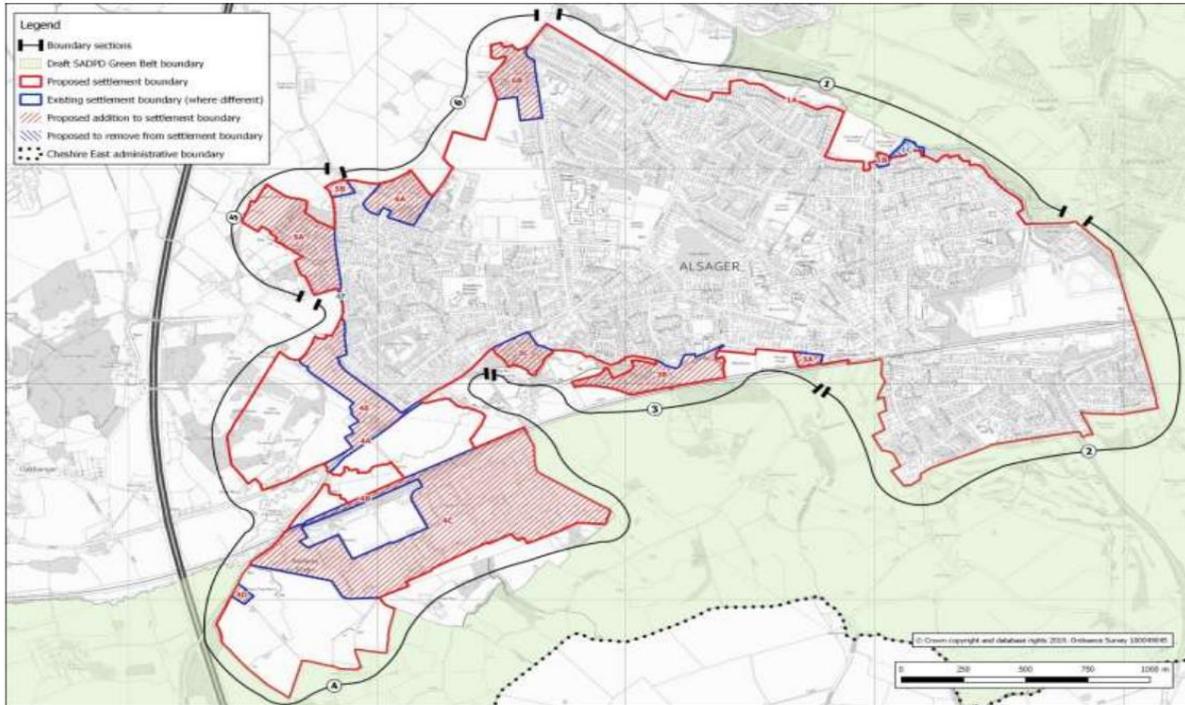
Principle of Development

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built-up frontage elsewhere, affordable housing or where the dwelling is exceptional in design and sustainable development terms.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the Open Countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "in accordance with the plan unless material considerations indicate otherwise".

Site Allocation and Development Plan Document (SADPD)

The submission draft of the SADPD proposes the site to form part of the settlement boundary (see extract plan below). There were some amendments made to the SADPD between the initial publication draft and the revised publication draft version of the document however these did not relate to the application site or the revised settlement boundary. Also, as part of the consultation on Main Modifications to the SADPD no objections were received to this site being included within the settlement boundary.

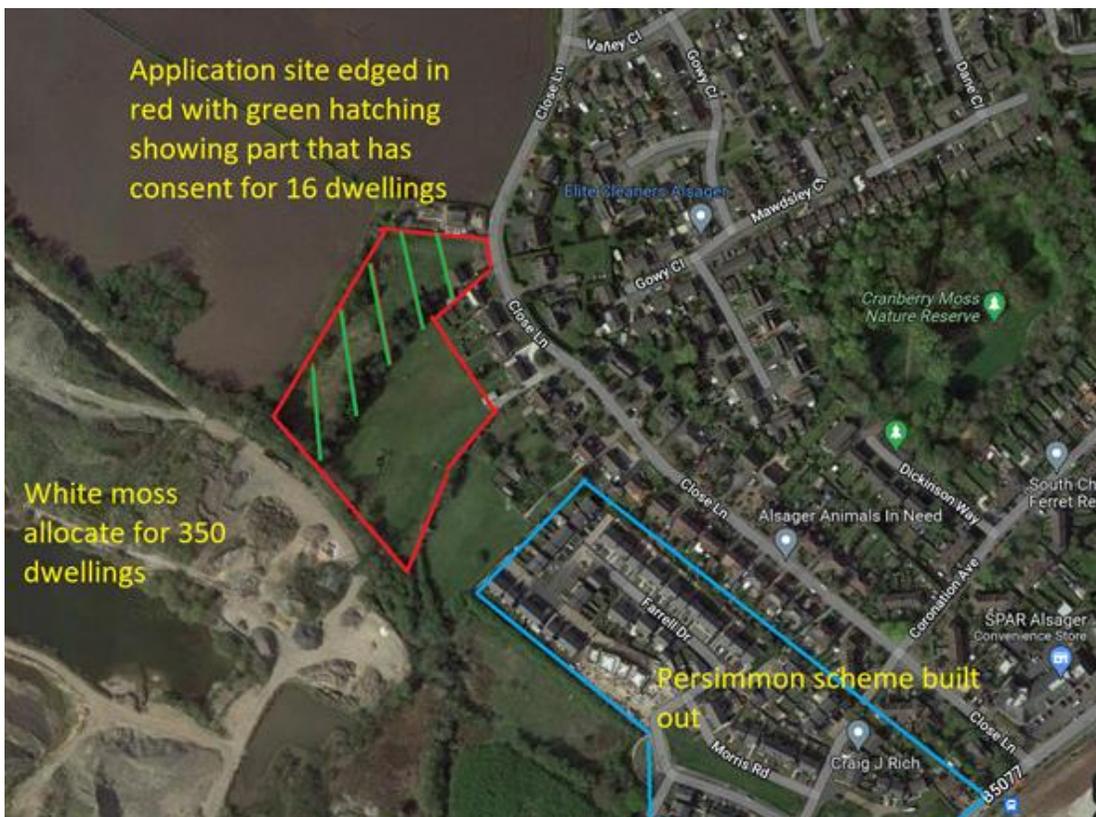


Map Alsager 10: Existing and proposed settlement boundary

As a result, the SADPD and the revised settlement boundaries is therefore clearly a material consideration and given its stage of adoption and lack of objections, it is considered to carry at least moderate weight.

Site enclosed by development

Whilst the site is within the open countryside in the local plan, the site already has an extant consent for 16 houses granted under application 21/1161N (see area hatched in red on the plan below) so residential development on the northern part of the site has already been established. The site to the south of the site has been built out by persimmon (see area edged in blue) and white moss to the west is allocated for 350 dwellings (see yellow text). So, the site is bound by development to the east and south with the allocation to the west for further residential development. As such to some degree the proposal could be considered as rounding off the settlement to a landlocked site with a development pattern in keeping with those dwellings noted locally.



Housing Land Supply

The Council has a supply of deliverable housing land in excess of the minimum of 5 years required under national planning policy. As a consequence of the decision by the Environment and Communities Committee on 1 July 2022, to carry out an update of the Local Plan Strategy (LPS), from 27 July (the fifth anniversary of its adoption), the borough's deliverable housing land supply is now calculated using the Council's Local Housing Need figure of 1,070 homes/year, instead of the LPS annual housing requirement of 1,800 homes.

The 2020 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 14 January 2022 and this confirmed a Housing Delivery Test Result of 300% for Cheshire East.

Under-performance against either of these can result in relevant policies concerning the supply of housing being considered out-of-date with the consequence that the 'tilted balance' at paragraph 11 of the NPPF is engaged. However, because of the Council's housing supply and delivery performance, the 'tilted balance' is not engaged by reference to either of these matters.

SOCIAL SUSTAINABILITY

Affordable Housing

Policy SC 5 (Affordable Homes) in the Cheshire East Local Plan Strategy (CELPs) sets out the thresholds for affordable housing in the borough. In residential developments, affordable housing will be provided as follows: -

- i. In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable;
- ii. In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sqm) in Local Service Centres and all other locations at least 30% of all units are to be affordable;
- iii. In future, where Cheshire East Council evidence, such as housing needs studies or housing market assessments, indicate a change in the borough's housing need the above thresholds and percentage requirements may be varied

The CELP states in the justification text of Policy SC5 (paragraph 12.44) that the Housing Development Study shows that there is the objectively assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year across the borough. This figure should be taken as a minimum.

This is a revised proposed development of 55 dwellings in a Local Service Centre therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 17 (16.5) dwellings to be provided as affordable homes.

This application is stating the reduced amount of 55 units are all to be 100% Affordable Housing.

Cheshire Homechoice

The current number of those on the Cheshire Homechoice waiting list with Alsager as their first choice is 392. This can be broken down as below;

First Choice	How many bedrooms do you require?						Grand Total
	1	2	3	4	5	5+	
Alsager	213	91	62	15	11		392

Affordable Housing Mix

Point 3 of policy SC5 (affordable homes) notes that “the affordable homes provided must be of a tenure, size and type to help meet identified housing needs and contribute to the creation of mixed, balanced and inclusive communities where people can live independently longer”. Paragraph 12.48 of the supporting text of Policy SC5 (affordable homes) confirms that the Council would currently expect a ratio of 65/35 between social rented and intermediate affordable housing.

The applicant has supplied evidence that the due to the funding requirements from Homes England, the applicant is wishing to swap tenures. This is agreeable due to the way that Registered Providers are funded.

The agreed split is show below:

- 55 units = 100%
- 17 (16.5) units = 30%

65% of 17 units = 12 (11.05)

The Councils Housing officer has been consulted and is agreeable to 12 as rented and the rest (43) as intermediate tenure.

The applicant has also supplied an affordable housing statement that has also been accepted by the Housing Team.

Therefore the proposal complies with Policy SC5 and the affordable housing provision can be secured by way of Section 106 Agreement.

Housing Mix

Policy SC4 advises that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

The proposal consists of a mix of semi-detached and town house properties. With a mixture of 2 storey and 2 ½ storey properties. The bedroom mix is noted below:

X7 two bedroom properties (13%)

X36 three bedroom properties (65%)

X12 four bedroom properties (22%)

Based on the above the proposal would provide a reasonable mix of bedroom numbers with the majority being 3 bedroom properties, so is not dominated by larger properties and would provide a reasonable mix of houses for use by all.

Open Space

This development requires a minimum of 40m² per family unit each of children's play & Amenity Green Space (AGS), 5m² for allotments and 20m² for green infrastructure connectivity.

ANSA have been consulted who advised that there was a slight shortfall in provision however a revised proposal/plan has been put forward which seeks to resurface part of the existing PROW which ANSA are currently considering so their comments will be provided in the update report.

The requirement for a contribution would need to be secured by way of Section 106 Agreement.

Education

The development of 55 dwellings is expected to generate

9 - Primary children (61 x 0.19) – 1 SEN

8 - Secondary children (61 x 0.15)

1 - SEN children (61 x 0.51 x 0.023%)

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

The Service acknowledges that this is an existing concern, however the 8 secondary age children expected from the development.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The service acknowledges that this is an existing concern, however the 1 child expected from the development will exacerbate the shortfall.

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

$8 \times £17,959 \times 0.91 = £130,741.52$ (Secondary)

$1 \times £50,000 \times 0.91 = £45,500$ (SEN)

Total education contribution: £176,241.52

This can be secured by way of Section 106 Agreement.

Health

No response has been received from the NHS or CCG therefore no evidence to suggest a contribution towards health is required.

Location of the site

Both policies SD1 and SD2 of the CELPS refer to supporting development in sustainable locations. Within the justification text of Policy SD2 is a sustainable development location checklist.

In this instance the design and access statement has done an appraisal of the location in terms of sustainability. This concludes that a range of local facilities including shops and bus stops are located 0.3 miles from the site with further facilities such as schools located between 0.4-0.9 miles away.

The northern part of the site was also found to be locationally sustainable for the extant housing development. Given that this relates to the same site this conclusion remains relevant here.

As a result, it is considered that the site would be locationally sustainable.

The site was also deemed to locationally sustainable through approval of the surrounding developments and as such it would be difficult to argue that the site in close proximity to these other consents is not sustainable.

Residential Amenity

The main residential properties affected by this development are Nos.58-70 Close Lane and properties 57-59 Close Lane.

No.70 Close Lane

The nearest plot would be sited 2.2m from the shared boundary and 27m to the rear elevation of No.70 at the closest point. The interface complies with that recommended in the SPG to prevent harm through overlooking between windows. The proposal would have some oppressive impact on the rear garden area of No.70 given that no development currently exists on this part of the site. It is considered that the impact would be partly limited by the 2.2m siting from the shared boundary. No.70 also has a substantial rear garden area therefore any overshadowing/oppressive impact will be limited to the end section of garden area immediately adjacent to the boundary. There is also a detached outbuilding on the side of No.70 which will provide some screening.

In terms of privacy, no side facing windows are proposed to this plot except a ground floor toilet window which would be predominantly screened by the boundary treatment to prevent loss of privacy and no doubt fitted with obscure glazing in any case. Some windows are proposed to the front of this plot which would have potential to result in some overlooking of the rear garden area of No.70, however this level of overlooking is inevitable in residential areas and would also not result in any direct overlooking as the first window would serve a bathroom so the bedroom window would sit further away from the boundary.

Nos.58-68 Close Lane

All plots would comply with the recommended interface distances to existing neighbouring properties between main face to main face (21m) and main face to side elevations (13.5m).

The plots to the south-western boundary of the site would be sited at least 10m to shared boundaries to properties off Close Lane which would prevent any significant harm by reason of overlooking of the garden areas.

The plot to the south of the site entrance would be sited approx. 2m to the shared boundary with No.68 Close Lane. This has potential for some overbearing impact however this is not an uncommon layout for modern housing estates and is not deemed to be sufficiently harmful. The orientation should prevent any significant harm through overshadowing. This plot would also overlook the garden areas of Nos.66&64 Close Lane, at between 6-8m. However, as the orientation is not direct the interface is not deemed to result in any significant harm through overlooking.

57-59 Close Lane

The nearest plots would be sited over 70m away as such it is not considered that the proposal would cause any significant harm to living conditions of occupiers of these properties.

Future amenity

The majority of the units would be afforded a sufficient standard of private amenity space of at least 50 metres in accordance with Development on Backlands and Gardens Supplementary Planning Document.

However, some of the units would have a garden area shy of this with some garden areas noted at between 35sqm and 45sqm. Whilst some of the plots would be below this recommended garden size, all plots would still be provided with some garden area in which to undertake outdoor activities such as outdoor sitting and clothes drying.

As such, subject to conditions, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan for the majority of the plots. The remaining shortfall in garden area however needs to be weighed in the overall planning balance.

Contaminated Land

As the application is for new residential properties which are a sensitive end use and could be affected by any contamination present a contaminated land condition will be attached to the decision notice of any approval.

Highways

Policy BE.3 requires proposals to provide safe access and egress and adequate off-street parking and manoeuvring.

Background

A residential development consisting of 16 dwellings has been approved on part of this site in 2018 using the access point proposed in this application. This application now increases the number of dwellings on site to 55

Access

The access position is in the same location as the previously approved access, it will have a 5.5m carriageway and a 2m footway on both sides. This is an acceptable standard of infrastructure to serve the number of units proposed. Turning heads have been provided at the end of the cul-de-sacs and swept paths submitted that refuse vehicles can turn within these areas. Visibility splays at the junction have been provided at the junction in accordance with the existing 30 mph speed limit.

Development Traffic Impact

The level of traffic generation has been based upon the trip rates used in the previous consent using TRICS, the number of two-way trips in peak hours is around 30 trips. Clearly, there has been a substantial number of developments previously approved that has increased the traffic levels on Close Lane and the application would add to that traffic. However, the traffic generated by this application is relatively small and would not have a material impact on the link capacity of Close Lane. Additionally, there is an improvement at the B5077 Crewe Road/ Close Lane junction to provide new traffic signals which would provide additional capacity at the junction to cater for this development.

Accessibility

The proposed access for pedestrians connects with the existing footpath on the frontage of Close Lane, which is on the development side, there is no current footway on the opposite side of the road. Cyclists would use the main access to the site, there are no segregated cycle paths on Close Lane that this site could provide links to.

Highways summary

The suitability of the access location has been deemed acceptable in a previous application albeit that it was for a reduced number of dwellings. This application provides a sufficient standard of infrastructure internally to serve the 55 units proposed and each unit has parking provision in accordance with CEC standards.

The generated traffic does not result in any severe capacity problems on the local road network and it is not considered that there are capacity grounds to refuse the application. The site is accessible to pedestrians as it does link to the existing footpaths on Close Lane, the accessibility of similar residential development near to this site has been accepted at appeal in other applications.

Therefore, whilst this is an increase in the size of the development, the actual highway impact is not of sufficient scale to warrant an objection that would be contrary to the NPPF policy. The proposal is therefore considered to comply with Policies CO2 & CO4.

Landscape

Policy SE4 advises that all development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.

This is an application for the erection of 55 no. dwellings, including access from Close Lane, construction of roads and footways, landscaping, public open space, drainage, and other associated works. The application site is located to the west of Close Lane, Alsager.

While the submission identifies that the site has previously had planning permission approved for 16no dwellings, this application is for 55no dwellings and extends into what is identified in the Cheshire East Local Plan Strategy as Open Countryside and so Policy PG6 – Open Countryside is relevant.

A revised plan and Landscape and Visual Impact Assessment has recently been received and is currently being reviewed by the Councils Landscape Officer. It is expected that her comments will be available in the update report.

Trees

Policy SE5 advises that proposals should look to retain existing trees/hedgerows that provide a significant contribution to the area and where lost replacements shall be provided.

The north-western section of the site edged red of this application is subject to approved planning consent for 16 dwellings with access, layout and plot position being approved under outline application (16/2993N). The most recently approved reserved matters application (21/1161N) finalised appearance, landscape, and scale. It should be noted that trees bordering the north-west boundary are protected by the Crewe & Nantwich Borough Council (Whitemoss Quarry, Radway Green) Tree Preservation Order 1996.

This new application has extended the site boundary to the south-east towards the rear of properties on Close Lane, with the new site edged red being defined by PROW Haslington FP49. The extended south-west boundary abuts the north east boundary of strategic site LPS 20 White Moss Quarry, Alsager.

The application for the development of the site to include 61 dwellings has been supported by an Arboricultural Impact Assessment by Trevor Bridge Associates (MG/6739/AIA&AMS/NOV21). The tree survey has identified a total of 23 trees, 9 groups and 2 hedges on the site comprising of 8 individual high quality A Category trees, 7 individual and 5 groups of moderate quality B category trees and 4 individual and 4 groups of low-quality C category trees. One tree has been identified as a U quality tree unsuitable for retention irrespective of development by virtue of its condition. Of this 1 individual and 5 groups of moderate quality trees and 3 individual and 3 groups of low-quality trees are proposed for removal to accommodate the proposal.

The Councils Forestry Officer raised concerns regarding the social proximity issues from the siting of the plots and garden areas of the northern plots to existing trees on the north-west boundary along with some encroachment into root protection areas. This was deemed to be contrary to the layout for the approved 16 dwellings which retained acceptable relationships to these existing trees. She also raised concerns that the development layout does not adequately mitigate for extensive tree losses proposed.

As a result, a revised plan has been received which shows a revised layout with the concerned plots being pushed further into the site and further away from existing trees to the north-west boundary. The Councils Forestry Officer considers this to be a more acceptable relationship in line with the approved scheme, however she needs to also consider the updated Arboriculture Impact Assessment and Method Statement. Therefore, her comments on these will be provided in the update report.

Design

Policy SE1 advises that development proposals should make a positive contribution to their surroundings in terms of the creating a sense of place, managing design quality, sustainable urban, architectural and landscape design, live and workability and designing in safety. The Cheshire East Design Guide Volumes 1 and 2 give more specific design guidance.

The Councils Urban Design Officer has assessed the proposal and initially raised a number of concerns including the development turning its back onto the open countryside, relationship to existing landscape features, density, relationship to the PROW, quality of the site entrance vista, lack of sense of place, too much frontage parking and lack of information regarding SUDS integration. As such received a number of reds in the Building for Life Assessment.

As a result, revised plans have been received. These now show a number of changes to the scheme including much of the south-western buffer retained to improve visual relationship to the PROW, along with a better relationship to existing trees to the north-west boundary. The 2.5 storey buildings are mainly on the south-western edge to reduce the visual impact.

The number of properties turning the back onto the open countryside have been reduced with the outward facing properties being those to the northern edge as per the approved scheme. The number of units has also been reduced from 62 to 55 to reduce density and allow further space within the site.

Some frontage parking still existing however this has been significantly reduced with properties to the south of the entrance parking to the rear of properties and some side parking occurring to northern properties.

The plots to the site entrance have been reduced and re-orientated to just a pair of front facing properties, compared to the previous side facing relationship. The plots to the rear have also been removed to allow a softer integration to the countryside to the west.

The Design Officer considers these to greatly improve the scheme. He still however has concerns regarding the street materiality which should reflect the hierarchy and that shared surface lanes should be in setts to reflect the specification in the Design Guide.

The applicant has suggested using setts on either streets or lanes to deal with this. The Design Officer advises that there could be scope to reach a positive resolution, and perhaps dealing with the final palette by condition, however in order to do that though we'd need some form of commitment they will work proactively to get as close to the design guide specification as possible. This has been confirmed by the applicant and final pallet can be secured by condition.

The SPD sets out the materiality for the street hierarchy for Silk Cotton and Market Towns at pages 46, 47 and 50 of volume 2. Streets should be in bitmac with a gutter detail in tegula setts (harvest), whilst lanes should be surfaced in tegula setts (traditional). Pavements in lanes could be in bitmac but for streets should be Charcon stonemaster flags (however, there have been some adoptability issues with that so that might be an area for negotiation on materiality). Shared surface feature areas (such as the feature space in this scheme) should be in Tegula cobbles, but again adoption issues have been associated with that, namely block depth prevents adoptability, so a different colour tegula sett such as harvest would be acceptable. Also, banks of frontage parking and shared parking courts should also be in setts, but this may be an aspect for negotiation as part of information required by a planning condition, as mentioned above.

The design officer also advises that as much effort as possible is needed to positively landscape the pumping station area as even below ground facilities can be unsightly (fencing and sterile hard surfaces). Final details of this can be secured by condition.

As such, subject to conditions, the proposal is considered to comply with Policies SD1, SD2 SE1 or the Cheshire East Urban Design Guide.

Ecology

Statutory Designated Sites

The application site falls within Natural England's SSSI Impact Risk Zones and is located in close proximity to Oakhanger Moss SSSI which forms part of the Midland Meres and Mosses Phase 2 Ramsar. Natural England were consulted on the application and have advised that a Habitat Regulations Assessment is required to inform the determination of the application.

This assessment has been undertaken. The assessment concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required.

Natural England have also advised that they concur with the results of the assessment.

Non-statutory sites

The application site is located in close proximity to White Moss Local Wildlife Site. The Councils Ecologist advises that the proposed development is unlikely to result in a significant adverse impact upon the Local Wildlife Site.

Great Crested Newts

A number of ponds are present within 250m of the application site. No evidence of great crested newts was recorded during surveys of these ponds. The Councils Ecologist advises that this species is not reasonable likely to be present or affected by the proposed development.

Grass Snakes

This species is known to be present in the broad locality of the application site. The habitats present on site are of limited value for this species. The Councils Ecologist advises that reptiles are not reasonable likely to be significantly affected by the proposed development.

Other protected species

An updated other protected species survey has been submitted. An active sett is present a short distance from the application site boundary and a disused sett is present on the site boundary. Other setts are also known to be present some distance from the application site boundary and evidence of activity was previously recorded on site during earlier surveys.

In order to avoid other protected species being harmed during the construction phase the applicant's ecologist has recommended that the active sett be closed under the terms of a Natural England license prior to any potentially disturbing works. The survey report also includes other measures to reduce the risk posed to other protected species. If planning consent is granted the Councils Ecologist advises that this approach is acceptable.

The Councils Ecologist advises that the proposed development would result in a low-level adverse impact upon other protected species as a result of the loss of suitable foraging habitat.

The status of other protected species can change in a short timescale therefore if planning consent is granted The Councils Ecologist advises that a condition be attached which requires the submission of an updated badger survey prior to the commencement of development.

Bats

A further bat roost assessment of the trees to be removed as part of the proposed development has been submitted. None of the trees proposed for removal have potential to support roosting bats. The Councils Ecologist advises that roosting bats are unlikely to be directly affected by the proposed development.

Lighting

Whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development The Councils Ecologist advises that a detailed lighting scheme is submitted in support of the application. This can be secured by condition.

Invertebrates

The submitted ecological assessment advises that the site may support priority invertebrate species. The application site is however unlikely to be significantly important for these species.

Hedgehogs

This priority species may be present on the application site on a transitory basis. If planning consent is granted the incorporation of features to facilitate the movement of this species can be incorporated into the scheme through the ecological enhancement features condition as requested below.

Biodiversity Net Gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. The Councils Ecologist advises that the applicant must undertake and submit an assessment of the residual ecological impacts of the proposed development using the Natural England Biodiversity 'metric' methodology version 3.1.

An assessment of this type would both quantify the residual impacts of the development (after identified potential impacts have been avoided, mitigated and compensated for in accordance with the mitigation hierarchy) and calculate in 'units' whether the proposed development would deliver a net gain or loss for biodiversity.

Offsite habitat creation measures may be required if suitable provision to achieve a biodiversity net gain cannot be delivered on site.

Ecological Enhancement features

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

The Councils Ecologist advises that the applicant submits an ecological enhancement strategy prior to the determination of the application or if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

The above conditions are considered both reasonable and necessary to mitigate the impact of the development.

A Biodiversity Net Gain Assessment has been recently provided and is currently being considered by the Councils Ecologist. Comments on this will be provided in the update report. Any requirement for habitat creation of contributions towards such can be secured by Way of Section 106 Agreement.

Therefore the proposal Policy SE3 of the CELPS, excluding the yet to be considered Biodiversity Net Gain Assessment.

Power Lines/Safety

Overhead power lines cross the site. These are to be diverted underground and would be dealt with under legislation outside of planning.

Cadent Gas have also been consulted who have offered advisory notes to the applicant.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps but the site area is over 1 hectare so requires a Flood Risk Assessment.

This has been provided and advises that the risk if flooding from all sources is considered to be very low, therefore no site specific mitigation measures are considered necessary.

Surface water run off will be discharged to a ditch in the southern extent of the site. Drainage should be made at the 1 in 1 year greenfield run off rate of 5.3 l/s.

It is proposed to divert the existing 150mm public sewer which crosses the site. Attenuation storage will be provided to accommodate the 1 in 100 year plus 40% climate change event. Foul flows will be discharged to the public foul sewer in Close Lane via a pumped solution.

United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions requiring a drainage strategy.

Councils Flood Risk Team have also been consulted who raised no objection to the principle however require further clarity as they discourage below ground storage structures and recommend the developer amends the proposal to include above ground storage, they also request the applicant consider daylighting the section of public sewer which crosses the site and for the applicant to consider the use of above ground SuDS attenuation systems and daylighting the existing culvert within the site boundary.

Further detail has been provided to the Council Flood Risk Officer which will be provided in the update report.

Therefore, it would appear that any flood risk/drainage issues, could be suitably addressed by planning conditions and as such the proposal complies with Policy SE13.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to provide new housing with indirect economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

OTHER

The majority of comments received though representations have been dealt with above in the report. However, some remain unaddressed so are dealt with below:

- White Moss is designated for homes, yet the planning permission is now extant – *noted however the site still is allocated for circa 350 dwellings in the local plan which is a material consideration*
- Construction impacts – *this is dealt with under legislation outside of planning*

- Crime concerns – *this is dealt with under legislation outside of planning*
- Dispute over boundary lines – *this is a civil matter*
- What is happening with existing power lines – *they are being diverted underground and would be dealt with outside of planning*

CIL COMPLIANCE

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.

The development would result in increased demand for education provision in Alsager where there is limited spare capacity. In order to increase capacity of the local schools which would support the proposed development, a contribution towards education provision is required. This is necessary and fair and reasonable in relation to the development.

The development would not provide the required level of Public Open Space/allotment provision on this development in accordance with Policy SE6. On this basis and to mitigate the impact of the development a contribution is required. This is necessary and fair and reasonable in relation to the development.

The development would result in increased demand for outdoor sports provision in Shavington. In order to increase capacity in line with the Playing Pitch Strategy an off-site contribution would be required. This is necessary and fair and reasonable in relation to the development.

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

PLANNING BALANCE

The application site is located within the open countryside as defined by the adopted Development Plan (the CELPS & the CNLP). The proposed development would be contrary to these policies and would result in the loss of open countryside.

However, the submission draft of the SADPD proposes the site to form part of the settlement boundary. This is clearly a material consideration and given its stage of adoption and lack of objections, it is considered to carry at least moderate weight.

The site already has an extant consent for 16 houses so residential development on the northern part of the site has already been established. The site is also bound by development to the east and south with the allocation to the west for further residential development. As such to some degree the proposal could be considered as rounding off the settlement to a landlocked site.

The benefits of the proposal would be the provision of open market housing provision of 100% affordable units which would go towards meeting an identified local need.

The proposal would also provide economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

The development will not have a detrimental impact upon residential amenity (including for future occupants in terms of noise and contaminated land) and would comply with Policies BE.1 of the CNLP.

The impact upon infrastructure would be neutral as there have been no requests for contributions for health and contributions towards Open Space and Education can be secured by way of Section 106 Agreement. And would comply with Policies IN1, IN2 of the CELPS and RT3 of the CNLP.

The development would not have significant drainage/flood risk implications and would be compliant with SE13 of the CELPS & BE4 of the CNLP.

The proposal will not have any severe highway impacts and as such complies with Policies CO2 & CO4 of the CELPS and BE3 of the CNLP.

With regard to ecological impacts, subject to conditions it is considered that the ecological impacts can be mitigated. As a result the proposal complies with Policies NE5, NE9 of the CNLP and SE 3 of the CELPS.

The development subject to conditions is supported in design terms. The proposal would accord with CELPS policies SD1, SD2, SE1, and with the NPPF in relation to design quality and the requirements of the CEC Design Guide.

The impact on trees and landscape are not fully known at this stage but the layout suggests that the proposal could be accommodated without undue impact.

In conclusion the benefits of the scheme to provide 100% affordable housing in a sustainable local and the limited economic benefits, would outweigh the harm to the open countryside and a slight shortfall in amenity space for some of the dwellings.

RECOMMENDATION:

APPROVE subject to S106 with the following Heads of Terms

S106	Amount	Triggers
Affordable Housing	100% affordable housing	In accordance with details to be submitted and approved.
Amenity Green Space and Play Provision	1,560m ² on site provision	To be paid prior to the first occupation of the 27 th dwelling.
Outdoor Sports Contribution	£1,000 or £500 per 2+ bed apartment space	To be paid prior to the first occupation of the 27 th dwelling.
Education	Contribution required for 8 secondary pupils and 1 SEN totalling £176,241.52	To be paid prior to the first occupation of the 27 th dwelling.

and the following conditions:

- 1) 3 year time limit
- 2) Development in accordance with the approved plans
- 3) Details of proposed materials
- 4) Details of piling methods
- 5) Dust suppression methods
- 6) Details of travel planning
- 7) Details of electric vehicle charging points
- 8) Details of low emission boilers
- 9) Contaminated land risk assessment
- 10) Contaminated land verification report
- 11) Contaminated land soil testing
- 12) Contaminated land unexpected contamination
- 13) Details of a sustainable surface water drainage scheme and a foul water drainage scheme
- 14) Sustainable drainage management and maintenance plan
- 15) Submission of an updated badger survey
- 16) Detailed lighting scheme
- 17) Submission of an ecological enhancement strategy
- 18) Details of final material pallet
- 19) Details of levels
- 20) Removal of permitted development rights for outbuildings and extensions

In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Planning and Enforcement Manager 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.

If the application is the subject of an appeal, approval is given to enter into a S106 Agreement with the following Heads of Terms;

S106	Amount	Triggers
Affordable Housing	100% affordable housing	In accordance with details to be submitted and approved.
Amenity Green Space and Play Provision	1,560m ² on site provision	To be paid prior to the first occupation of the 27 th dwelling.
Outdoor Sports Contribution	£1,000 or £500 per 2+ bed apartment space	To be paid prior to the first occupation of the 27 th dwelling.
Education	Contribution required for 8 secondary pupils and 1 SEN totalling £176,241.52	To be paid prior to the first occupation of the 27 th dwelling.

