

Application No: 12/0893C
Location: LAND OFF, CREWE ROAD, ALSAGER
Proposal: Erection of up to 65No. dwellings (Outline)
Applicant: Hollins Strategic Land LLP
Expiry Date: 04-Jun-2012

SUMMARY RECOMMENDATION

- **APPROVE subject to Section 106 Agreement and Conditions**

MAIN ISSUES

**Planning Policy And Housing Land Supply
Affordable Housing,
Highway Safety And Traffic Generation.
Contaminated Land
Air Quality
Noise Impact
Landscape Impact
Hedge and Tree Matters
Ecology,
Design
Amenity
Open Space
Drainage And Flooding,
Sustainability
Education**

REFERRAL

The application has been referred to Strategic Planning Board because it is a largescale major development and a departure from the Development Plan.

1. SITE DESCRIPTION

The application site is some 3.3ha in extent and is greenfield land located on the south side of Crewe Road, immediately adjacent to the settlement boundary of Alsager. The site is defined by Crewe Road to the north and Goldfinch Drive to the east. To the west is a narrow lane (which also carries a public right of way) leading to the Old Mill public house,

Alsager Hall farm and Hall Farm Shop, residential properties, a pond used for recreational fishing and to the equestrian use south of the site. The southern boundary follows the line of the Valley Brook. There is one built structure within the site. A former garage or agricultural barn is situated adjacent to the eastern boundary. It is redundant, has suffered from graffiti, fly tipping and is also fire damaged.

There are a number of trees within the site, but all are located around the site's periphery. A copse is located in the south western corner of the site. Formal access to the site is gained via a gate off Crewe Road at the north eastern corner of the site. On the Crewe Road frontage, the boundary is set back from the highway. There is no footway and the adopted managed grass highway verge with mature trees is separated from the site by a hedgerow.

Existing residential development lies to the north and east of the site. Existing dwellings in Goldfinch Drive back on to the south eastern site boundary, whilst further north, dwellings on the opposite side of Goldfinch Drive face towards the site. On the opposite side of Crewe Road lie the rear boundaries and gardens of the existing dwellings in Bude Close, whilst to the eastern side of the Crewe Road frontage is no.214 Crewe Road, a small bungalow. To the east and south of the site lies open countryside.

2. DETAILS OF PROPOSAL

Outline planning permission is sought for the erection of 65 dwellings. Approval is also sought for means of access with all other matters, including appearance, landscaping, layout and scale, reserved for a subsequent application.

2. RELEVANT PLANNING HISTORY

There are no relevant previous planning applications relating to this site.

3. PLANNING POLICIES

National Planning Policy Framework

Local Plan Policy

PS8 Open Countryside
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR21 Flood Prevention
GR 22 Open Space Provision
NR1 Trees and Woodland

NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing

Regional Spatial Strategy

DP4 Make best use of resources and infrastructure
DP5 Managing travel demand
DP7 Promote environmental quality
DP9 Reduce emissions and adapt to climate change
RDF1 Spatial Priorities
L4 Regional Housing Provision
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM3 Green Infrastructure
EM18 Decentralised Energy Supply
MCR3 Southern Part of the Manchester City Region

Other Material Policy Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)
Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
North West Sustainability Checklist

4. OBSERVATIONS OF CONSULTEES

Environment Agency

No objection in principle to the proposed development but would like to make the following comments:

- The site is shown on the Flood Maps as being mainly within Flood Zone 1, which is low probability of river/tidal flooding. However, the Flood Maps show Flood Zones 2 and 3 (medium and high probability respectively of river/tidal flooding), affecting parts of the site adjacent to Valley Brook. These are identified on the Illustrative layout plan as proposed areas of open space.
- Request the following conditions are imposed.
 - Submission of a scheme to limit the surface water run-off generated by the proposed development,
 - The site layout to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected and that safe access and egress is provided.

- Submission of a scheme to manage the risk of flooding from overland flow of surface water.
- An ecological survey to be carried out, to enable an assessment of the risk posed by the development.
- Provision of mitigation for any adverse ecological impacts or compensation for loss and wildlife/ habitat enhancement measures;
- Provision of long term biodiversity management plan
- Scheme for the provision and management of an 8 metre undeveloped buffer zone alongside Valley Brook and a 5 metre buffer zone around the pond
- Submission of a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules
- Reserved matters to make provision for the houses to be laid out so that they are front facing to Valley Brook.
- Reserved matters to make provision for the green open spaces to be adjacent to Valley Brook and the pond on site.
- The discharge of surface, wherever practicable, to be by Sustainable Drainage Systems (SuDS).
- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.
- Only clean surface water from roofs and paved areas to be discharged to any surface water soakaway.

United Utilities

No objection to the proposal provided that the following conditions are met:

- This site must be drained on a total separate system, with only foul drainage connected into the public foul sewerage system. Surface water should discharge to the soakaway/watercourse and may require the consent of the Environment Agency.
- A water supply can be made available to the proposed development.
- Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems
- A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.

Amenity Greenspace

- No comments received at the time of report preparation.

Highways

- No comments received at the time of report preparation.

Environmental Health

- The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday: 08:00 to 18:00 hrs; Saturday: 09:00 to 14:00 hrs; Sundays and Public Holidays Nil
- Should there be a requirement to undertake foundation or other piling on site, it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs; Saturday 09:30 – 13:00 hrs; Sunday and Public Holidays Nil
- No development shall commence until a scheme for protecting the proposed dwellings from traffic noise has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before any of the dwellings are occupied.
- In terms of site preparation and construction phase, it is recommended that the proposed mitigation measures are implemented to minimise any impact on air quality in addition to ensuring dust related complaints are kept to a minimum.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant submitted a Phase I preliminary risk assessment for contaminated land, which recommends a Phase II site investigation. As such, and in accordance with the NPPF, recommend that conditions are imposed to secure a Phase II investigation.

Public Rights of Way

- The property is adjacent to public footpath Alsager No. 7 as recorded on the Definitive Map. It appears unlikely that the proposal would affect the public right of way, although the PROW Unit would request an advice note to ensure that developers are aware of their obligations not to obstruct the right of way and to ensure safety of members of the public using the right of way.
- The proposed development presents an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes.
- Connectivity from the site onto the adjacent footpaths, namely public footpath No. 7 and the proposed 'rural walk' along the southern edge of the development site, should be included within the detailed design, as is suggested in the Design And Access Statement – (the illustrative layout and themed pedestrian/cycle strategy suggesting 4 possible location points.)
- It is presumed that the proposed 'rural walk' along the southern edge of the development is within the development boundary and therefore should be sufficiently distant from the stream banks to avoid undercutting or erosion issues. The proposal to have house frontages open to this path, rather than a fence at the back of gardens, is welcomed in order to aide natural surveillance.

- There are differing references to this route as a 'rural walk', 'nature walk' and 'cycle way', an issue which will need consideration.
- Whilst the surrounding public rights of way network is for pedestrians, this should not preclude the aim of securing the proposed route as a shared use facility, so that future opportunities arising to upgrade connections – in particular the public footpath which could connect the development site to the railway station – are not hindered.
- The proposal to provide a new footway along the site frontage on Crewe Road is welcomed, though consideration should be given to providing this as a shared pedestrian/cyclist facility, adequately tied into the existing highway network and any off-site cycle route provisions that may be required to link the site to the facilities of the town.
- Paths should be constructed to best practice standards including width, materials and accessibility specifications.
- There is no discussion as to the proposed status of these routes (i.e. whether there is the intention to dedicate them as Public Rights of Way or whether the landowner will retain ownership and maintain the routes.) The status and maintenance of any new route, whether on-site or off-site would require agreement with the Public Rights of Way team and Highways and the corresponding due legal process completed should the route be dedicated or adopted. Should the routes be adopted, contributions for ongoing maintenance will be required if maintenance is not to be undertaken through provision within a s106 agreement.

Education

- Confirm that no education contribution will be required from application 12/0893C for the development of 65 new dwellings.

Sustrans

- Would like to see a direct connection from the new housing to Goldfinch Drive for pedestrians and cyclists only, to integrate the new development with existing housing.
- Would also like to see a direct footpath connection from the estate to the adjacent public footpath along the western boundary of the site.
- The proposal for a footway on Crewe Road is supported.
- The design of new estate roads should restrict vehicle speeds to less than 20mph.
- The design of any smaller houses should have available storage areas for residents' buggies/bikes.
- Travel planning with targets and regular monitoring should be set up for the site.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Alsager Town Council object to this application and recommend that Cheshire East Council reject the application on the following grounds:

1. No development should take place on greenfield sites (including this one) in Alsager before all brownfield sites are exhausted, to ensure that greenfield sites that have access to the countryside are protected and preserved against residential development.
1. That existing MMU and Twyfords sites are considered to fulfil the sustainable residential development capacity in Alsager for 100 homes over the next 20 years.
2. The application cannot be taken in isolation and must be considered as part of the Alsager Town Strategy.
3. The proposed highway access onto Crewe Road is considered unsafe and unacceptable given the existing level of traffic on the road.
4. The Town Council has considerable concern about the environmental impact on the site if the site was developed.
5. The land identified in the application is situated outside the current area for housing development in the town.

6. OTHER REPRESENTATIONS

Objection

36 letters of objection have been received from various addresses making the following points:

Principle

- Brownfield sites at MMU, Twyfords and Cardway Cartons should be developed first
- The houses are not needed.
- The Alsager town plan has indicated that by 2030 there will be a need for approx. 1000 new homes in the area and Twyfords and MMU will provide for 435, and the 300 houses respectively.
- There are in excess of 200 houses on the 2nd hand market in or around Alsager.
- The refurbishment of empty / derelict housing should be undertaken first.
- People are struggling to sell houses in the current economic climate
- The building trade is in decline and may existing sites remain uncompleted and looking in poor states.
- Any shortfall can be met by the Brownfield sites
- These Brownfield sites are more sustainably located.
- The proposal is contrary to the Alsager Town Strategy which strives to
 - Support development of brownfield sites

- "Maintain the character and village feel of Alsager" (This proposal changes the character on approach from the West significantly).
- "Maintain the Green Belt between Alsager and the Potteries" (With so much brown field available for development nearby this green field would be destroyed completely unnecessarily)
- "Conserve and enhance the network of greenspaces throughout the town" (The proposal would cause loss of natural habitat for wildlife; this is NOT by any means a conservation exercise)
- "Maintain and improve access to the open countryside" (This proposal would destroy the very countryside that the strategic plan is attempting to provide/improve access to)
- "Protect and enhance heritage assets and buildings and spaces of architectural and cultural importance" (This proposal will destroy the aesthetic appeal of the approach to the Old Mill - one of the most historic buildings in the town)
- The application goes against the Government guidelines as set out in the newly revised version of the planning rule book, which require brownfield sites in town centres to be developed first and recognises the "intrinsic value" of rural areas that are not protected as Green Belt.
- The new rules state that there should be a 12 month transition period to allow councils to adopt local plans that will guide where building can take place. The site in question is not mentioned in the draft Alsager plan

Highways

- Crewe Road is a very busy thoroughfare taking traffic from Alsager to Crewe and to J16 of the M6.
- It is vastly overused and is one of few roads leading into Alsager
- It is very narrow
- It is used as a diversion route when the M6 is closed.
- There has recently been a road traffic accident at this location.
- There are many HGV's travelling to and from the M6 and the Excalibre Trading Estate off Fields Road.
- It is the fourth most dangerous route in Cheshire.
- Drivers have difficulty getting out of Cranberry Lane or Close Lane.
- Vehicles constantly exceed speed limits,
- A further access point onto this road will cause a potential transport hazard,
- The proposed entry to the site is close to two bus stops on the busy Crewe Road and near to the entrance to the Old Mill public house and the entrance to Cranberry Lane.
- These add to congestion problems and people using the bus stop opposite the site have difficulty crossing. This development would increase risks to bus users.
- It is near a primary school and more traffic will cause hazards and congestion for children and their parents trying to get their children to school.
- Road safety around the school has already been identified as an issue, with the Council having made attempts to improve it - with limited success.
- The traffic details presented by the applicants seem to bear no relation to the difficulties experienced by local residents especially at peak hours or school times
- The development would generate 130 plus residents cars in/out during the day and then on top of this traffic there will be deliveries, collections, school runs, visitors, etc.

- Crewe Road will not cope with the extra traffic. It is very congested around the village centre with parked cars.
- A roundabout and traffic light controlled pedestrian crossing would be needed - similar to the Poppyfields estate. This would add to the queues.
- In addition to this there would be extra cost for road calming
- Despite objections from local residents the local authority at some considerable expense laid double yellow lines to restrict parking which were for safety reasons. To increase development at this location would be a contradiction of this.

Infrastructure

- The Alsager Primary and High Schools are already full of pupils from within Alsager and schools cannot accommodate another 130 plus children.
- The number of employment vacancies in the village are low
- The medical centre cannot cope with another 250 plus patients. It is in danger of reaching capacity. Access to make an appointment to see a doctor for the same day is almost impossible. The car park is often full, there is the aging population in Alsager and another 250 plus people registered from this new estate would be a nightmare for the present group of users to medical centre
- In addition with the advent of the MMU and Twyfords site bringing further housing to Alsager there is not the social infrastructure to support any further new dwellings

Proposed New Playground

- Residents strongly object to the playpark when there is already one playpark in very close proximity to this proposed site at Swallow Drive on the Poppyfields Estate. Therefore another playpark is not required.
- Since the estate was finished the Swallow Drive playground has not been maintained by a management company or the Council. It has been tidied up by local residents to prevent it from becoming an eye-sore.
- For over four years now, residents have expressed concerns directly to the Council Officers and local councillors regarding this abandoned site, but to no avail. The Council refuses to adopt the park despite its degeneration into an area where it is unsafe to play. It is thus unlikely that they will adopt the proposed "Meadow" play area and instead the estate will be left with yet another eyesore.
- Nobody seems to want to have any responsibility for the current play area so it seems ludicrous to build a second one.
- It would make more sense to regenerate the Swallow Drive play area rather than build a new park less than 500 metres away opposite neighbours homes which will ruin their views of the countryside and devalue houses.
- The proposed playpark will pose a noise nuisance, will be vandalised and will be a focus for anti-social behaviour, particularly if it is not properly policed, as has been the case at Swallow Drive.
- This would cause health and safety risks to users and concern for neighbours.
- The location of the park would be directly opposite approx 10 houses and almost all of these properties have 2 front aspect bedrooms (many of them children's bedrooms) which would be affected by the noise. This would affect their sleep and be a constant source of distraction for the whole family.

- It would also bring more traffic into the estate, adding to parking problems.
- At the present time children get much more satisfaction from observing the local wildlife.
- The residents of Goldfinch Drive do not want the playground. They put their children's toys into the field and said the field was theirs to deter teenagers from gathering there when they had been removed from the Swallow Drive play area.
- As it is primarily targeted at the new dwellings, the play area should be located further from Goldfinch Drive and closer to the new dwellings. The "Meadow" is large enough to allow for this

Proposed Footpath / P.O.S.

- This would encroach on privacy of residents at Goldfinch Drive.
- Residents would also be very concerned about children playing in the street due to unknown people passing through.
- It would also decrease the value of the property.
- The path only has one purpose and that is so the residents from the new estate could get to the playground. This should be moved into the estate or omitted. Then there would be no need for a path.
- The people on the new estate can get to everywhere they want to go via the road and paths which are already there.
- It is proposed that people will be able to take "leisurely walks" through the new proposed site. However, Alsager has more than ample open spaces with an excellent network of footpaths near to the proposed site and two public accessed disused railway lines (Salt Line and Merelake Way) which provide better scenery
- Where these interlinking pathways are created, police and residents will testify that many of these walkways are used for crime and antisocial behaviour.
- The police cannot cope with this extra burden.

Loss of Open Countryside

- People currently walk on and use the area as open countryside. This would be destroyed by the development.
- Residents with young families who chose to live in a village and area of surrounding countryside are upset that the land will no longer be available to families to walk with their children and dogs and enjoy the flora and fauna of the area.
- Residents disagree that "no unacceptable harm" would be caused to the area and its appearance and character would benefit from the proposed development.
- Once the green fields have been developed they cannot be replaced
- Alsager should not be allowed to extend into the green field areas along the South side of the Crewe Road.
- Whilst the North side is built up to an extent for almost a further kilometre, the open aspect on the South side makes a much better approach to the town and generally improves the aspect and atmosphere of this part of Alsager.

Amenity

- The development would have a negative impact on the quality of life of the existing populations,
- Views over open fields from Bude Close and Goldfinch Drive would be ruined by bricks and mortar causing an eye sore.
- Residents bought houses on Goldfinch Drive because it was situated in a quiet cul-de-sac location where children could grow up safely. They do they want extra traffic passing through as they would be concerned for the safety of children when they play outside.
- There are not many places these days that children can play outside safely, this is one and now the Council wants to ruin that.
- Additional CO2 pollution which could affect the health of residents and pupils.
- Noise and general pollution while it is being built
- Residents on the Poppyfield estate would have no privacy what so ever, daily noise pollution and increased footfall past their houses, as people would now use the street as a cut through to the village or to the pubs (The Mill and The Plough).
- The value of existing properties would decrease
- The access from this development will be directly opposite existing residential property and headlights will shine into the living room and bedrooms for most of the time for most of the year.

Ecology

- The new government National Planning Policy Framework contains a definition that "planning should not cause damage to our wildlife and countryside". The current field and the attached brook is a haven for wildlife, flora and fauna and it would be impossible to build 65 houses and a playing field/playground on a plot of green belt land without causing any damage to wildlife and countryside.
- The environmental impact on the fields, woods and stream would be horrendous
- The area in question has its own unique eco-system supporting both flora and fauna
- The environmental study was completed in November when there is less wildlife around is not a true reflection of the actual wildlife that exists within the area, in particular the Meadow. For example, it does not allow for nesting birds or meadow flowers.
- There are bats, owls, Watervoles, badgers, foxes, Pipistrelle Bats, frogs, toads, Great Crested Newts, and nesting birds (including pheasants, kestrels and numerous smaller species) which are protected.
- There are also unprotected species of wildlife in this area. Just because wildlife is not on the protected list we have a responsibility to protect habitat for all wildlife.
- The area has established and aged trees, including oak trees, some of which are protected, along with hedgerows which are home to a variety of wildlife species. They should be protected as part of the bio-diversity of the whole site - to cut a swathe of trees and hedgerows such as these would be a travesty.
- Looking at the developers Tree Assessment, very few of the trees which create the wonderful existing habitat for birds and bats are being retained. Only 3 of the trees are considered category A and worthy of keeping.

Drainage and Flooding

- The proposed site is very often waterlogged and unsuitable for such a development.
- The area provides natural drainage to a flood plain.
- The construction will increase the potential for flood risk to the surrounding properties including the historic 17th Century Old Mill (Public House) which has been flooded several times in recent years

Other matters

- The proposed site falls within the Blast Zone of Radway Green - another potential hazard to safety.
- There has been a lack of communication on this proposal, residents only finding out from neighbours and no notices have been displayed,
- Other residents managed to locate 2 notices displayed publically, one on Goldfinch Drive and the other attached to the Mill Hotel sign, partially obscured by the Farm Shop sign.
- The application site occupies land that was previously allocated for housing under Policy DP2 (A1) in the Congleton Borough Local Plan First Review Revised Deposit Draft (approved June 2001). The land south of the application boundary extending beyond the stream was also allocated in the same Revised Deposit Draft for informal open space and a wildlife corridor under Policy DP5 (A2).
- This former housing allocation required the developer to fully implement the informal open space and wildlife corridor allocation. It also required existing landscape habitats and features to be incorporated within the development wherever possible, including the pond, which is located a little further south of the former informal open space and wildlife corridor allocation.
- Both allocations were removed from the Congleton Local Plan First Review (adopted in January 2005). Nevertheless, now that housing is proposed on the former allocation, the informal open space and wildlife corridor should also be implemented by the developer as previously required as it was obviously considered to be an integral part of the development allocation.
- The Development Concept Plan submitted with the application shows that only the north side of the stream is set aside for informal open space. Therefore, the application boundary should be amended to include the full area of land covered by the former informal open space and wildlife corridor allocation and the pond. Furthermore, a scheme of works to implement the informal open space and wildlife corridor south of the stream should be required.

Support

4 letters of support have been received making the following points:

- The Draft Alsager Town Strategy Consultation document map on page 8 shows a large section of land, marked 'H', is allocated as an Employment and/or Residential Development option.
- Whilst people would prefer the brownfield sites at MMU & Twyfords to be developed first, there will still be a shortfall of houses.
- The Poppyfields estate field & the adjacent one containing the top end of Goldfinch Drive were themselves, just over a decade ago, areas of agricultural land.

- The land off Crewe Road has not been farmed for a number of years and as a consequence thistles, nettles & the invasive Himalayan Balsam are starting to take over.
- The outline plans show that only the top end of the field will be developed with the finger of land to the south being retained as a 'Managed meadow'.
- The conservation and protection of the trees, the retention of the wooded copse, with a Management & Maintenance plan to preserve the ecology & wildlife seems well thought out.
- It makes a welcome change to see a Developer include a secure non public managed/maintained conservation area (the 'Meadow').
- Wildlife will be affected by the building but will be able to have a sanctuary in an area that will presumably be protected forever
- Other developers would probably look to maximise the number of houses on a plot.
- These proposals are sympathetic to virtually all residents in Goldfinch Drive.
- No vehicular access into the existing estate means no increased traffic issues for the residents
- The provision of a formal 'boardwalk' and copse area looks like a positive nod towards creating a eco friendly development.
- The plans seem to do everything they can to maintain an environment that will sustain this diverse fauna and birdlife.
- The only point of contention is the play area, (as set out above). For existing residents the proper maintenance of the existing facility would be much more preferable than the creation of a second facility, which would detract from the eco aspect of the meadow and by its location probably increase the risk of trespass into the secure area.
- In summary residents are pleased to see the inclusion of the maintained green 'zone' and are supportive of what the developers want to achieve. The only concern is the provision of the park

7. APPLICANT'S SUPPORTING INFORMATION:

- Waste Management Plan
- Utilities Statement
- Geo-Environmental Statement
- Flood Risk Assessment
- Development Concept Plan
- Design and Access Statement
- Transport Assessment
- Section 106 Proforma
- Agricultural Land Classification
- Open Space Assessment
- Affordable Housing Statement
- Planning Statement
- Ecological Survey
- Tree Survey
- Architectural Analysis

8. OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability and education.

Principle of Development.

Policy Position

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

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*”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15th June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.

Housing Land Supply

Whilst PPS3 ‘Housing’ has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government’s overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

The SHLAA has put forward a figure of 3.94 years housing land supply.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly once the 5% buffer is added, the Borough has an identified deliverable housing supply of 3.75 years.

With respect to the housing supply within Alsager specifically, there has been a low number of completions in the town, totalling only 54 between 1st April 2006 and 31st March 2011 (the last 5 years) which is an average of only 10 per year. There is also a low level of commitments – currently there are full planning permissions for 8 net dwellings. There are outline permissions for 2 net dwellings and on sites under construction there are 2 net dwellings remaining. There is also 1 dwelling subject to a S106 agreement.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

The forthcoming Cheshire East Local Plan will set new housing numbers for the area and identify sufficient land and areas of growth to meet that requirement up to 2030. The Submission Draft Core Strategy will be published for consultation in the spring of 2013. Consequently, the current shortfall in housing land will be largely remedied within the coming year or so. However, in order that housing land supply is improved in the meantime, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy allows for the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas, to support the provision of employment, town centres and community uses.

The Council is currently consulting on a revision to this document. This broadens the scope of land release to include small, non strategic sites on the outskirts of other towns, provided that they are not within the green belt, do not intrude into open countryside and that certain sustainability criteria are met. The Consultation draft limits the size of such sites to 1Ha.

This provision aside, the application site accords with the spirit of the new policy. The proposal only represents a small scale development and would not represent an incursion into the open countryside or a major urban extension due to the characteristics of the site. With respect to sustainability, this will be considered further below.

The value of the Interim Planning Policy lies in the fact that this represents the democratically decided expression of the Cheshire East Community on how housing supply should be positively managed ahead of the Local Plan. This accords with the sentiments in the NPPF which indicates that local people and their accountable Councils can produce their own planning proposals, which reflect the needs and priorities of their communities. However, it is not a development plan document or a supplementary planning document and accordingly carries less weight as a material consideration.

There are two large residential proposals which involve significant areas of brownfield land, which are likely to come forward in Alsager. The first involves the Manchester Metropolitan University site (application 10/3831C) which proposes some 300 homes on the former college site. The second involves the Former Twyfords Factory (planning application 11/4109C) which involves a redevelopment of some 435 residential units. It is one of the core planning principles within the NPPF to:

“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”.

This principle is re-iterated at paragraph 111:

“Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value”.

Neither the Twyford nor MMU site is of special environmental value. Consequently, the promotion of this Greenfield site in the face of brownfield land with capacity for some 735 homes, runs contrary to the NPPF encouragement to use land effectively. It also contradicts Objective 3 of the Congleton Local Plan which seeks to:

“minimise the loss of countryside to new development and maximise the use of urban land, particularly brownfield sites”

However, the existence of these sites can be afforded only limited weight as a material consideration in the determination of this application at the present time due to the fact that neither site has gained a planning permission or is close to doing so.

The draft Alsager Town Strategy underwent a four week consultation between the 2nd March and 2nd April 2012. Initial analysis of responses to this consultation indicates that:

- 49% of respondents support development of the site;
- 30% of respondents oppose development of the site;
- 21% of respondents did not answer the question.

However, at the time of writing, the Town Council has yet to approve the final version of the Town Strategy and therefore it also carries limited weight in the determination of this application.

Appeals

There are several contemporary appeals that also feed into the picture of housing supply in Cheshire East. At Elworth Hall Farm in Sandbach, a proposal for 26 homes was allowed on a small site on the outskirts of the town.

In contrast, appeal decisions on larger sites in the same town have not reached a conclusive outcome. Hindheath Road (269 homes) has been remitted back to the Secretary of State following a successful high court challenge, whilst Abbeyfields (280 homes) is going to the court of Appeal in July. The appeal at Loachbrook Farm in Congleton (200 homes) also remains undecided.

Meanwhile in Neighbouring Cheshire West & Chester, the lack of a five year supply and the absence of any management measures to improve the position were material in allowing an appeal for housing on a greenfield site in the countryside in the Cuddington Appeal case, which Members will be aware of from previous Appeals Digest reports.

The proposed site is included within the draft Alsager Town Strategy as a potential housing and / or employment development site. The consultation period for this document has

recently closed and the responses are being considered. Land off Crewe Road was included within the draft Alsager Town Strategy as part of one of the potential development options for the town (Area H within the Town Strategy). The draft Alsager Town Strategy sets out the vision and objectives, potential development opportunities and priorities for investment in infrastructure improvements as proposed by the stakeholder panel and agreed by Alsager Town Council. Once completed, this document will inform the Cheshire East Local Plan.

Conclusion

From the above, it can be concluded that:

- The Council does not have a five year supply of housing – and the presumption in favour of sustainable development should apply.
- The Interim Planning Policy currently under consultation promotes the development of small sites in sustainable locations which ‘round off’ the urban area. It could be argued that this site could fall within this definition.
- Whilst there are brownfield sites in Alsager which would provide for some 735 homes in-line with the NPPF encouragement to make effective use of brownfield land before committing green field sites, given the historically low level of housing delivery within Alsager and in the absence of a planning permission for either site, the existence of these sites can only be afforded limited weight as a material consideration.
- The site is being considered as part of the Alsager Town Strategy. Whilst the final shape of that strategy is yet to be finalised, and it can therefore only be afforded limited weight, the majority of respondents were in favour of development on this site.
- There appears to be a distinction between the way in which Inspectors and the Secretary of State have viewed small scale additions to the urban area which have limited impact and major urban extensions. Elworth Hall Farm, like the site currently under consideration, is a small site almost surrounded by other houses and a logical ‘rounding off’ of the existing settlement. Hind Heath Road, by contrast was a much larger incursion of built development into the surrounding open countryside.
- The Cuddington Appeal in Cheshire West and Chester indicates that significant weight should be applied to housing supply arguments.
- The NPPF is clear that, where a Council does not have a five year housing land supply, its housing supply relevant policies cannot be considered up to date. Where policies are out of date planning permission should be granted unless:
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
 - *specific policies in the Framework indicate development should be restricted.”*

Overall, housing supply is a very important consideration in the determination of this application and must be given considerable weight. On balance, it is considered that the principle of the scheme is acceptable and that it accords with the general policy of encouraging housing to meet the supply needs of the authority. The application turns, therefore on whether there are any significant and demonstrable adverse effects, that indicate that the presumption in favour of the development should not apply and this is considered in more detail below.

Sustainability

The site is considered by the SHLAA to be sustainable. To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The toolkit sets maximum distances between the development and local amenities. These comprise of:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

In this case the development meets the standards in the following areas:

- a local shop (370m),
- bank / cash point (400m),
- primary school (300m),
- leisure facilities (640m),
- public house (300m),
- public park / village green (925m),
- child care facility (480m),
- railway station (1400m).
- There is a bus stop immediately outside the site and there will be a playground / amenity area on site.

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

- post box (640m),
- post office (1287m),
- pharmacy (1270m),
- medical centre (1448m)
- local meeting place / community centre (1126m),

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan. Owing to its position on the edge of Alsager, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Indeed this is not untypical for suburban dwellings. However, all of the services and amenities listed are accommodated within Alsager and are accessible to the proposed development on foot and therefore it is considered that this small scale site is sustainable.

Policy DP9 of the RSS relates to reducing emissions and adapting to climate change. It requires:

- proposals to contribute to reductions in the regions' carbon dioxide emissions from all sources;
- take into account future changes to national targets for carbon dioxide and other greenhouse gas emissions
- to identify, assess and apply measure to ensure effective adaptation to likely environmental social and economic impacts of climate change.

RSS (Policy EM18) policy also necessitates that, in advance of local targets being set, large new developments should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable. The developer has indicated that they are committed to ensuring that 10% of the energy requirements of the development will be from decentralised and renewable or low carbon sources and would be willing to accept a condition to this effect.

As all matters are reserved with the exception of access, aspects of the design relating to climate change and sustainability cannot be discussed in detail at this stage. However, the indicative layout demonstrates that dwellings will be sited so as to have their main elevations facing south enabling them to benefit from passive solar gain. There will also be shaded areas through the development, including along the walk that will provide relief from the sun in summer months. Additionally, the sites sustainable location contributes to achieving a development that takes climate change and sustainability into account.

It is therefore considered that it is viable and feasible to meet the requirements of the RSS policy and a detailed scheme can therefore be secured as part of the reserved matters through the use of conditions.

Loss of Agricultural Land

Policy NR8 of the Local Plan states that proposals which involve the use of the best and most versatile agricultural land (grades 1, 2 and 3a based on the ministry of agriculture fisheries and food land classification) for any form of irreversible development not associated with agriculture will only be permitted where all of a number of criteria are satisfied.

The applicant has submitted an agricultural land classification study which concludes that the proposal, would not involve the use of 'best and most versatile (BMV) agricultural land' because the site comprises Grade 3b land with some grade 4. It is therefore considered that the proposal complies with the requirements of this policy without the need for assessment against the criteria.

Affordable Housing

The Council's Interim Planning Statement (IPS) for Affordable Housing states that the Council will seek affordable housing on all sites with 15 units or more, and the general minimum proportion of affordable housing for any site will be 30% of the total units.

The Strategic Housing Market Assessment 2010 shows that for the sub-area of Alsager, there is a requirement for 36 new affordable units per year, made up of a need for 13 x 2 bed units, 12 x 3 bed units, 12 x 4/5 bed units and 10 x 1/2 bed older persons units.

Therefore as there is affordable housing need in Alsager there is a requirement that 30% of the total units at this site are affordable, which equates to 20 dwellings. The Affordable Housing IPS also states that the tenure mix split the Council would expect is 65% rented affordable units (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2010.

The Affordable Housing IPS requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%. These requirements can be secured via a Section 106 Agreement.

All the Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and not be segregated in discrete or peripheral areas. As this application is an outline application, Housing Officers are unable to comment on these aspects or in detail about the affordable housing provisions required. Nevertheless, they request that the applicant submits details of their proposed affordable housing scheme at the first reserved matters stage the details of the affordable housing scheme should include the mix of unit types and how these meet the required tenure split of 65% rented affordable units and 35% intermediate tenure units.

The applicants Affordable Housing statement proposes that the affordable housing is secured by way of the Planning Inspectorates model condition on affordable housing.

It is the Council's preference that the affordable housing is secured by way of a S106 agreement, which requires the developer to transfer any rented affordable units to a Housing Association and includes the requirement for the affordable house scheme to be submitted at reserved matters and also includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy. This is in accordance with the Affordable Housing IPS which states that

"the Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)"

It also goes on to state that

"in all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996"

Contaminated land

The Council's Environmental Health officers have commented that the application is an outline application for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, a Phase I desk study and walkover survey have been submitted with the application which recommends a Phase II site investigation. In accordance with the NPPF, recommend that conditions are imposed to secure a Phase II investigation.

Air Quality

The site is not located within or close to any designated Air Quality Management Areas. Therefore, Environmental Health have raised no objection in principle on Air Quality grounds. However, they have recommended the submission and implementation of mitigation measures to minimise any impact on air quality arising from construction dust. This can also be secured by condition.

Noise Impact

The site is located on Crewe Road, which is a major arterial route between the towns of Crewe and Alsager. Consequently there is potential for noise disturbance to the occupants of the proposed dwellings resulting from passing traffic. Therefore, Environmental Health have recommended that no development should commence until a scheme for protecting the proposed dwellings from traffic noise has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the dwellings are occupied. This can be easily secured by condition.

Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). It concludes that a review of the Environment Agency (EA) indicative flood mapping and other relevant data indicates that the majority of the site is located outside any predefined area that is deemed to be at risk from flooding by rivers or other surface water bodies. Furthermore, the EA has no records of any historical flooding in this location.

Based on the illustrative layout, it would appear that only a small parcel of land in the south west corner (Plot 40 on the illustrative layout) extends into the currently defined flood plain. However, evidence from a site visit and the topographic survey show that this area is elevated above the brook. As such it is highly probable that mitigation measures, if required, can be adequately designed/dealt with as part of the subsequent detailed design of the proposed development. On the basis that the site drainage can be appropriately managed then the report considers that the site is acceptable.

The report recommends that an assessment of the capacity of the sewer and/or retention capacity of the site drainage will be necessary once plans have been finalised. This should be conducted along with formal consultation with United Utilities plc. BRE 365 Soakaway Tests should be conducted across the site to determine if the underlying strata are sufficiently permeable to act as soakaway drainage.

United Utilities and the Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

Layout, Design and Public Right of Way

An indicative site plan has been submitted with the application which shows a main entrance to the site, mid way along the Crewe Road frontage. Properties are shown facing on to Crewe Road. The main access roads are within the site, creating active frontage to all principle routes outside and within the development, whilst retaining the majority of the existing roadside hedges on Crewe Road and the lane along the western boundary.

2 pedestrian accesses are proposed through the western boundary hedge to allow permeability through the new development for pedestrians travelling between, the public footpath leading to the Old Mill public house and the neighbouring dwellings, Crewe Road, and the existing Poppyfields estate. This is considered to be a positive aspect of the design.

The proposed layout shows properties fronting on to the new paths so that they are well overlooked with an open aspect, which would encourage use and prevent it becoming a target for antisocial behaviour.

It is also noted that the Council's Public Rights of Way Officer has welcomed the development, as it will improve pedestrian and cycle connectivity in the area subject to a number of provisions relating to the detailed treatment of the of the route. In particular details relating to the proximity to the stream, the shared use of the route between cycles

and pedestrians and its status and maintenance need to be agreed. Given that layout is a reserved matter, the first 2 matters could be addressed at a later stage, whilst maintenance would be dealt with via the management company established by the Section 106 Agreement.

To turn to the elevational detail, the surrounding development comprises a mixture of ages and architectural styles, ranging from early 20th century suburban development on Crewe Road and the surrounding roads closer to the town centre, to 1960's and 70's bungalow development on the opposite side of the Crewe Road to the north. There is a substantial amount of modern cul-de-sac development to the east of the site, whilst older more traditional vernacular buildings can be found in the open countryside areas to the south and west. Notwithstanding this, there is consistency in terms of materials with most dwellings being finished in simple red brick, and grey / brown slates / concrete / clay tiles. The predominant roof forms are gables although some are hipped.

Although external appearance and design are also reserved matters, it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area.

Open space

The proposed layout makes provision for 2 substantial areas of informal public open space referred to as "The Copse" and "The Meadow". The latter would also include a formal equipped children's play area. The provision of this area, including the precise details of the play equipment and its future maintenance through transfer to a management company, could be secured through a Section 106 Agreement.

Although the open space is located to the rear of the site, on the indicative layout, it is shown as being well overlooked by a number of existing properties on Goldfinch Drive, as well as existing dwellings within the development. This is preferable from a community safety and design point of view.

Although the Council's Greenspace Officer had not commented on the proposals at the time of report preparation, it is considered that the level of open space provision within the development is generous. A number of local residents have questioned the need for the play area given that there is an existing facility nearby at Swallow Drive. They have also raised concerns with regard to the maintenance of this area given that the Swallow Drive area, which was not adopted by the Council, has not been properly maintained by the developer. The provision of formal and informal public open space within new development is an essential part of creating a sustainable community, and as stated above, the Section 106 Agreement will ensure that adequate maintenance arrangements are put in place.

Other residents have asked whether, as an alternative to the provision of an additional play area, the existing facility at Swallow Drive, which, as stated above, is in a poor state of repair, could be brought up to an acceptable standard. This could be achieved by way of a commuted sum, equivalent to the cost of providing a play area on site, secured through the Section 106 Agreement. However, it would make the current development less sustainable and would also require the adoption of the Swallow Drive play area by the Council prior to the commuted sum being handed over. At the time of report preparation, the Council had not

taken a decision on whether or not to adopt the play area in question. However, the developer has indicated that they would have no objection to this proposal.

Amenity

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21m between principal windows and 13m between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site are reserved matters. However, the indicative layout demonstrates that 65 dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It also illustrates that the same standards can be achieved between proposed dwellings within the new estate.

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The indicative layout indicates that this can be achieved in the majority of cases. It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

Countryside and Landscape Impact

The site is currently mainly in agricultural use although a section of grassed roadside verge on the Crewe Road frontage with occasional mature trees is included. There are well established hedgerows to several of the boundaries. A number of mature hedgerow trees are located around the periphery and a copse of trees stands around a pond to the south west of the site. The tree lined Valley Brook runs to the south, outside the site boundary. There is one redundant agricultural building adjacent to the eastern boundary. The land falls at a gentle gradient from north to south.

The site lies within the open countryside and is governed by Policy PS8 of the Congleton Local Plan. This seeks to restrict development within the countryside apart from a few limited categories. One of the Core Planning Principles of the NPPF is to *“take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”*. Policy PS8 accords with the NPPF desire to recognize the intrinsic character of the countryside. The application, by developing and hence eroding an area of open countryside conflicts with Local Plan Policy PS8.

The application site, although within the area designated as Open Countryside in the adopted Congleton Borough Local Plan (First Review), has no formal landscape designation.

Whilst there are references to the setting and surrounding area, the application does not include a comprehensive landscape and visual impact assessment. The land is on the fringe of the town of Alsager and is relatively well contained by existing vegetation on three boundaries. It is considered that the main visual receptors would be residential properties to the north east, properties to the north of Crewe Road, users of Crewe Road and users of the

access road and public footpath. Whilst development of the site would change its appearance in the landscape, the retention of existing landscape features, additional landscape works and a sympathetic site layout could help to minimise impacts on these receptors.

Although an outline application, in principle, the illustrative layout suggests that a form of layout could be achieved that would allow for the retention of the majority of the peripheral hedgerows (other than to accommodate the main access) and would allow for landscape and biodiversity enhancement measures which are welcomed. Whilst footpath connectivity is proposed throughout the site to adjacent footpaths, it would be important to ensure that the routes did not compromise ecologically valuable habitats. The line of the proposed footpath to the south would require careful consideration in relation to the copse/pond area and the Valley Brook. Appropriate measures would need to be secured via Section 106 Agreement to ensure ongoing management and maintenance of public open space, footpath routes and ecological corridors.

Several of the trees on the periphery of the site are protected by the Congleton Borough Council (Alsager Hall, Alsager) TPO 1998.

The submission includes a tree survey which indicates that eight of the trees on the site are grading category B with three Grade A trees, two Grade C trees and one dead specimen. The Landscape Officer has some concerns that the indicative layout provided is not entirely sympathetic to trees including several prominent protected specimens and therefore would not be acceptable. As a more sympathetic layout would be required, this would need to be considered in relation to the capacity of the site to accommodate 65 dwellings. In the event of approval, comprehensive tree protection conditions are recommended.

These concerns have been brought to the attention of the developer and an amended layout is anticipated. A further update on this issue will be provided prior to the committee meeting.

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

Para 4.1.2 of the Ecological Survey and Assessment indicates that none of the hedgerows on the site meet the criteria to be assessed as 'important' in relation to the Hedgerow Regulations 1997. Nevertheless, there is no reference in the submission to an assessment of the historic and archaeological criteria in the Regulations. This outstanding information needs to be provided and this has been requested from the developer. A further update on this issue will be provided prior to the committee meeting.

Indian Balsam has been found on the site. This invasive species requires control and measures could be required by condition.

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate "in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment" among other reasons.

The Directive is then implemented in England and Wales by the Conservation (Natural Habitats etc) Regulations 1994 ("the Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

Regulation 3(4) of the Regulations provides that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in paragraph 116 of PPS9.

In line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted. The application is supported by an ecological assessment undertaken by a suitable qualified and experienced ecologist.

The Council's ecologist has examined the assessment and commented that, he has read the ecological assessments submitted in support of this application and visited the site himself. The survey work to inform the submitted ecological assessment was completed in November a poor time of year for assessment the presence of many plant and animal species.

Habitats

Despite the survey being undertaken at a poor time of year he is satisfied that the grassland habitats on this site are unlikely to be of significant botanical value. This is in accordance with the conclusions of the submitted assessment.

Hedgerows are a priority habitat and hence a material consideration for planning. There will be a loss of hedgerow associated with the proposed access to the site from Crewe Road. The Council's Ecologist recommends that this loss of hedgerow is compensated for by means of new native species hedgerows incorporated into the final landscaping scheme for the site. Considering the scale of the proposed development and open space it seems entirely feasible that suitable replacement planting can be incorporated in the final layout of the site.

The submitted ecological assessment has identified the wooded copse and river corridor as being of ecological value. These areas have accordingly been retained within the indicative site layout. This is welcomed as a means of avoiding a potential adverse ecological impact that would be associated with their loss. The submitted ecological assessment recommends a 10m undeveloped buffer along the river corridor. However the Council's Ecologist notes that a footpath is provided along the river. It seems unlikely that a usable footpath could be provided in very close proximity to the river without requiring the removal of vegetation and trees and consequently having an adverse impact upon the river corridor. He therefore recommends that the footpath is located outside of the 10m buffer.

The applicant has responded by stating that the path would be provided at the top of bank, and not within the wooded area/or immediately adjacent to Valley Brook. They see no issues with the footpath being located within the part of the buffer zone that lies within the application site. According to the applicant's ecologist, no trees or vegetation of significance will be lost. Furthermore, the route shown on the layout plan is indicative at this outline stage. The applicant/Council can agree the precise route, at the Reserved Matters stage and conditions can be applied requiring the provision of the buffer zone and to ensure that the path is located outside that area.

The creation of a meadow area as part of the proposed development is also proposed and the Council's ecologist supports this proposal as an ecological enhancement in accordance with the NPPF.

Protected Species

The submitted ecological assessment has included an assessment of two ponds within 250m of the proposed development and concludes that they are not suitable to support Great Crested Newts (GCN). However, at the time of his site visit, the Council's ecologist noted that there is now an additional pond located within the copse area which in his view had potential to support GCN. Additionally, the Council's Ecologist was not convinced that Pond 1 did not also have reasonable potential to support breeding GCN. A GCN was recorded at pond 1 a number of years ago. He therefore advised that a full Great GCN survey be undertaken in accordance with the Natural England guidelines should be undertaken and the results, together with any mitigation/compensation measures required should be submitted to the LPA prior to the determination of the application.

This was carried out and Great Crested Newts have been recorded as breeding at a pond adjacent to the proposed development. In the absence of mitigation, the proposed development would result in a 'medium' adverse impact on Great Crested Newts (as assessed in accordance with the Natural England Great Crested Newt Mitigation Guidelines)

due to the loss of intermediate terrestrial habitat and the risk posed of killing/injuring animals during the construction process.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development, the planning authority must have regard to the Habitat Regulations when determining this application. In particular, the LPA must consider whether Natural England is likely to grant a derogation license. The Habitats Regulations only allow a derogation license to be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favorable conservation status of the species will be maintained.

In this case, the need to provide a 5 year supply of housing land is considered to be of overriding public interest and, taking into account the available alternative sites, the Council will still fail to meet this requirement.

The submitted Great Crested Newt method statement proposed to mitigate the risk posed to newts during the construction phase through habitat manipulation and the trapping and exclusion of animals from the development footprint located within 100m of the proposed development. This is in accordance with standard best practice. To compensate for the loss of terrestrial habitat the applicant proposes the enhancement of the retained habitat together with the enhancement of the on-site non-breeding pond.

The Council's ecologist advises that, if planning consent is granted, the submitted mitigation/compensation is broadly acceptable. However, given that the application is outline only, a number of conditions are recommended to ensure that the recommendations of the submitted report are incorporated into any future reserved matters application. Subject to these recommendations being carried out, the favorable conservation status of the species will be maintained.

A number of trees have been identified on site that have potential to support roosting bats. The Council's Ecologist has commented that if any trees are to be removed as part of the development they must be subject to a detailed survey to determine the presence/absence of bats prior to the determination of the application. However, the submitted layout plan indicates that, whilst not sympathetic to trees in the long run, no trees are proposed for removal at this stage.

Other protected species have been recorded on site. The impacts of the indicative layout of the proposed development are relatively minor, although it is possible that Natural England disturbance license will be required. The Council's Ecologist is satisfied that the adverse impact of the development on other protected species can be mitigated in accordance with the submitted method statement. However, as the status of these species can change relatively quickly, it is recommended that a condition be attached to any outline permission that any reserved matters application be supported by an updated badger survey and a revised mitigation method statement.

Grass snakes have been recorded in this locality, as identified by the submitted ecological assessment. This species is protected by law and is a UK priority species.

The submitted assessment concludes that reptiles are likely to be absent from the site due to the poor connecting habitat between the site and the site of the known record. It further states that grass snakes are unlikely to be present in the absence of any sufficient population of common frog prey.

The Council's Ecologist advises that, as no amphibian survey has been undertaken, there is no information on the availability of amphibian prey species which is unhelpful. In addition, reptiles in general are poorly recorded in Cheshire and so little weight should be given to a lack of records from the site. He therefore initially advised that, considering the presence of a pond on site and a second pond adjacent to the site and the presence of reptile records from the nearby locality, a reptile survey should be undertaken by a suitably experienced and qualified herpetologist and the results of the survey together with any mitigation proposals required should be submitted to the LPA prior to the determination of the application. However, after further discussions with the applicants ecologist and after considering the results of the submitted amphibian survey, he is satisfied that grass snakes are not reasonably likely to be affected by the proposed development. A detailed survey for grass snakes is therefore no longer required. He has, however, requested that the applicant's ecologist provide 'reasonable avoidance measures' for reptiles in the Great Crested Newt Method Statement. The provision of details of these measures and their implementation can be secured by condition.

The proposed development site is likely to support breeding birds potentially including the more widespread priority species and the closely protected Kingfisher. The retention of the copse and the safeguarding of the river corridor will mitigate the impact of the development on breeding birds to some extent. If planning consent is granted, the Council's Ecologist advises that conditions will be required to safeguard breeding birds and to ensure some additional features are provided for both breeding birds and roosting bats.

Provided the recommendation for a 10m undeveloped buffer is provided along the river is implemented there are unlikely to be any adverse impacts on Water Vole, White Clawed Crayfish and Otters. However, if any development is to take place along the river corridor including works associated with the installation of a footpath, then detailed surveys for these species will be required.

The loss of rough grassland habitat at this site may have an adverse impact upon foraging Barn Owls. Enquiries have been made with the Barn Owl group to request they provide any records of barn owls in this locality and a further update will be provided to Members in due course.

If planning consent is granted the Council's Ecologist has recommended that a condition is attached requiring the submission of a 10 year management plan for the copse, meadow, GCN mitigation area and buffer zone. Management proposals should include the eradication of non-native invasive plant species from the site and suitable habitat creation and management proposals for the 'Meadow' area. As stated above, this will need to be secured via the Section 106 agreement. Although part of the buffer zone lies outside the application site, the Council's ecologist has confirmed that there will be no maintenance requirements on land outside the applicant's control. As a result it will not be necessary for any third parties to be signatories to the Section 106.

Education

The Council's Education Officer has examined the application and concluded that there is sufficient existing capacity within local schools to absorb the predicted pupil yield from the development. Consequently, no contributions towards education provision will be required in this instance.

Highway Safety and Traffic Generation.

A Transport Assessment has been submitted with the application which states that:

- *As the planning application will be in outline the exact number of units is not known at this stage. Given the size of the site and its constraints, it is likely that realistically the proposed development will only deliver around 65 houses. However, for the purpose of producing robust assessments in this report, it has been assumed that the site could potentially be developed for up to 70 houses.*
- *A new priority T-junction would be provided off Crewe Road to serve the proposed development. The proposed development layout broadly accords with Manual for Streets principles, with pedestrian/cycle friendly layout and good connectivity with the adjoining areas.*
- *The local area benefits from good quality lit footway network. However, currently there is no footway along the site frontage on Crewe Road on the site side. The proposal is to provide a new footway along the site frontage, from the proposed site access to the existing footway on the north eastern end of the site. This will ensure that there is a continuous footway from the site to the town centre.*
- *Alsager town centre is within walking distance of the site. A range of destinations and community facilities are within walking distance of the site. This includes shops, jobs, schools and leisure facilities. Alsager town centre is within walking distance of the site.*
- *Crewe Road is a bus route with bus stops on both sides of the road directly outside the site. The existing bus services operating on Crewe Road provide regular services to Alsager, Nantwich, Sandbach, Crewe town centres and other adjacent areas.*
- *The nearest railway station from the site is Alsager rail station, which is approximately 1.5km to the west of the site. Alsager Rail Station is on the Crewe to Derby Line which is also a Community rail line known as the North Staffordshire line. Alsager Rail Station is served by both East Midlands Trains local services to Derby and the London Midland semi-fast service to London Euston via Stoke and Stafford.*
- *It can be stated that the proposed development will be accessible to a range of destinations by walking, cycling, bus and rail in accordance with national and local transport policies.*
- *It has been demonstrated that the local highway network will be able to easily accommodate the forecast trips from the proposed development and accordingly there will be no material impact on the local highway network.*

The report concludes that:

- *The proposed development is located in a sustainable location and will be accessible on foot by cycle and public transport, in line with local and national transport policies*

- *The local highway network can accommodate the proposed development traffic*
- *In view of the above positive findings it is considered that the proposed development is acceptable in highway, traffic and transportation terms.*

The Strategic Highways Manager was still considering the submitted Transport Assessment at the time of report preparation and a further update on this matter will be provided to Members prior to their meeting.

9. CONCLUSIONS

It is acknowledged that the Council does not currently have a five-year housing land supply and that, accordingly, housing supply policies are not considered up to date. In the light of the advice contained in the newly adopted National Planning Policy Framework, where the development plan is “absent, silent or relevant policies are out of date” planning permission should be granted unless

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”

Or

“specific policies in this Framework indicate development should be restricted.”

The Development plan is not absent or silent with regard to this application. However, in the absence of a five year supply housing land supply, policies are not considered up to date. Other policies however are considered to be in line with NPPF advice.

The boost to housing supply is considered to an important benefit – and this application achieves this in the context of a smaller, non strategic land release which aligns with the Interim Planning Policy currently under consultation.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements and monies towards the future provision of primary school education.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology, drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be sustainable.

Whilst the proposal will result in the loss of some grade 3b agricultural land, this is not the best and most versatile agricultural land and it is considered that the benefits of the

delivering the site for much needed housing would outweigh this loss, given that the site does not offer a significant quality of land

To conclude highways matters, whilst the development does add a little extra pressure on the local highway network it is not sufficient to warrant refusal of the application as the additional movements generated will not be significant.

On the negative side, there are brownfield sites in Alsager that can accommodate 735 new homes and the proposal will not support the NPPF encouragement to make effective use of land.

In addition the housing will be built on open countryside contrary to the provisions of Policy PS8 of the Local Plan. Although the proposal will not have a significant impact on the landscape character of the area and will to some extent represent a rounding off of the settlement rather than a large scale intrusion into the open countryside, this remains an important adverse impact.

The Emerging Town Strategy for Alsager has not yet been signed off, and so whilst the site is under consideration it is not yet known if it forms part of local people's vision for the future of their own community.

Overall, it is considered that the adverse impacts of the development – in terms of conflict with the development plan on Countryside and use of brownfield land issues are outweighed by the benefits of the proposal in terms of residential provision. Given the scale and location of the development, its relationship to the urban area and its proximity to other services, it is not considered that these adverse impacts significantly and demonstrably outweigh the benefits – and so accordingly the application is recommended for approval, subject to a Section 106 Agreement and appropriate conditions.

10. RECOMMENDATION

APPROVE subject to a Section 106 Legal Agreement to Secure:

- **30% affordable housing (20 dwellings), split on the basis of 65% rented affordable units (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units.**
- **Transfer of any rented affordable units to a Housing Association**
- **Affordable house scheme to be submitted at reserved matters**
- **Affordable homes to be let or sold to people who are in housing need and have a local connection. (The local connection criteria used in the agreement to match the Councils allocations policy.)**
- **Provision of play area**
- **Provision for a management company to maintain the on-site amenity space / play area**
- **Retention of meadow and GCN mitigation area in perpetuity**
- **Ecological and Landscape Management Plan for meadow, copse, buffer zone and GCN mitigation area**
- **Committed sum of £1500 to barn owl group**

And the following conditions

- 1. Standard Outline**
- 2. Submission of reserved matters**
- 3. Plans**
- 4. Tree and hedgerow protection measures**
- 5. Protection measures for Valley Brook corridor and pond during the construction process.**
- 6. Arboricultural Method statement**
- 7. Landscape maintenance and management**
- 8. Control of Indian Balsam**
- 9. Boundary treatment**
- 10. Reserved matters to make provision for 10m buffer along river corridor**
- 11. Reserved matters to make provision for 5 metre buffer zone around the pond**
- 12. Reserved matters to make provision for path to be located outside buffer zone**
- 13. Submission of revised ecological mitigation method statement (to take account of any changes to finalised layout)**
- 14. Detailed design/proposals for new/enhanced pond and GCN mitigation area**
- 15. Retention of the Copse**
- 16. Breeding Bird Survey for works in nesting season**
- 17. Bats and bird boxes**
- 18. Updated protected species survey and method statement prior to commencement**
- 19. Submission of a scheme to limit the surface water run-off generated by the proposed development,**
- 20. Reserved matters to make provision for containing any such flooding within the site, to ensure that existing and new buildings are not affected and that safe access and egress is provided.**
- 21. Reserved matters to make provision for houses fronting on to Valley Brook**
- 22. Submission of a scheme of Sustainable Urban Drainage**
- 23. Submission of a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the Local Planning Authority.**
- 24. This site must be drained on a total separate system, with only foul drainage connected into the public foul sewerage system.**
- 25. The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil**
- 26. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs Saturday 09:30 – 13:00 hrs Sunday and Public Holidays Nil**

- 27. Submission of a scheme for protecting the proposed dwellings from traffic noise**
- 28. Submission of mitigation measures to minimise any impact on air quality from construction dust**
- 29. Submission of a Contaminated Land Phase II investigation.**
- 30. Submission of Construction Management Plan**
- 31. Reserved Matters to include details of bin storage.**
- 32. Reserved Matters to include details of design / surfacing of proposed footpath link**
- 33. Landscaping to include replacement hedge planting**

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Development Management and Building Control Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

