

Application No: 12/1670C

Location: LAND ON HASSALL ROAD, ALSAGER

Proposal: ERECTION OF 30 DWELLINGS (INCLUDING 10 AFFORDABLE DWELLINGS), VEHICULAR ACCESS AND ASSOCIATED LANDSCAPING

Applicant: SEDDON HOMES LTD

Expiry Date: 27-Jul-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.  
Landscape Impact  
Hedge and Tree Matters  
Ecology,  
Site Layout and Design  
Amenity  
Open Space  
Sustainability  
Education**

#### **REFERRAL**

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

#### **1. SITE DESCRIPTION**

The site of the proposed development extends to 1.33 ha and is located to the north west of Alsager, circa 2km from the town centre. A primary school is directly opposite on the other side of Hassall Road, within the settlement boundary. The site is within open countryside. To the north and west is agricultural land. To the south is an established children's play area and the former sports grounds of the MMU campus. To the east is Hassall Road with 20<sup>th</sup> century residential development beyond. A public footpath (Alsager No 3) crosses the site.

The land is currently in agricultural use and there are a number of significant trees and remnant lengths of hedge on the periphery. Some of the trees on the Hassall Road frontage are subject to TPO protection; The Alsager Urban District Council (Pikemere Road / Hassall Road) TPO 1970 and The Manchester Metropolitan University Alsager Interim TPO 2008

## **1. DETAILS OF PROPOSAL**

Full planning permission is sought for the erection of 30 dwellings, including 10 units for affordable purposes, relocation of the Public Right of Way within the site and the erection of a pumping station.

The residential mix is :

20 no 4 bedroomed houses (2 and 2 ½ storey)  
4 no 3 bedroomed houses (2 storey)  
6 no 2 bedroomed houses (2 storey)

Access is taken from Hassall Road and is in the form of a cul de sac estate layout.

## **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, subject to condition.

The submitted Flood Risk Assessment (FRA) explains that the discharge of surface water from the proposed development is to be by either infiltration methods, to existing surface water sewer, or a combination of these. Either of these methods are acceptable.

The discharge of surface water from the proposed development is to mimic the run-off from the existing site.

If the discharge is to be by infiltration methods, this is to be designed for up to the 1 in 100 years design event, including allowances for climate change.

If the discharge is to be to existing sewer, the FRA explains that the water company have specified a maximum discharge rate of 6 litres/second. Attenuation is to be provided above this rate for up to the 1 in 100 years design event including allowances for climate change.

### **United Utilities**

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

- No surface water is discharged to the combined / foul sewer network.

- Two public sewers including a critical sewer cross this site and we will not permit building over them. We will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewers.
- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to a SUDS system as stated in the planning application form to meet the requirements of The National Planning Policy Framework.

### **Amenity Greenspace**

On site open space is not required. Enhancement of an existing facility; where the existing facilities are substandard in quality at Hassall Road Recreation Ground /Play Area is recommended

Given that an opportunity has been identified for enhancing Hassall Road Recreation Ground /Play Area, the financial contributions sought from the developer would be:

Enhanced Provision:	£ 5,494.32
Maintenance:	£12, 298.00

An opportunity has been identified for the enhancing the quality of an existing facility at Hassall Road Play Area which are deficient in quality. The financial contributions sought from the developer would be;

Enhanced Provision:	£ 9,523.28
Maintenance:	£31,044.00

### **Highways**

No objection subject to the following conditions;

- The provision of a visibility splay at the site entrance onto Hassall Road
- The provision of footway within the site along the Hassall Road frontage to the Bus Stop and to the relocated PROW

A financial contribution of £4,000 for the future maintenance of trees to the Hassall Road frontage which will become part of the highway verge will be required via S106 Agreement.

### **Environmental Health**

No objection subject to the following conditions.

- 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**

- Public Right Of Way Alsager No 3 runs through the site and will need to be diverted as part of the proposals. No objection is raised subject to conditions concerning the diminution of the PROW being adhered to. There has been pre-application agreement with PROW unit to this.

### **Education**

- The proposal will have a material impact upon education provision in the locality. In the primary sector this will result in a need for provision for 5 additional pupils.

The contribution being sought for primary provision is  $5 \times 11,919 \times 0.91 = £54,231$

Within the Secondary sector the proposal will generate 4 Secondary Aged pupils. Education Department calculations indicate that there will be sufficient capacity in the local secondary school to accommodate the secondary aged pupils which will be generated.

### **Ecology**

- No objection subject to conditions and a commuted sum payment of £6000 as compensation for the complete loss of the rich grassland habitat secured by a section 106 agreement, payable to Cheshire Wildlife Trust (or a similar nature conservation organisation) to facilitate the delivery of management/enhancement of similar grassland habitats within the Borough.

## **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**

A petition comprising 107 signatures has been received opposing the scheme. No specific reasons of opposition are quoted.

15 letters of objection have been received from various addresses in the vicinity making the following points:

### **Principle**

- Brownfield sites should be developed first. MMU and Twyfords provide circa 750 units. It is wrong to allow housing development on adjacent Green Field land before the MMU site and other Brown Field sites within Alsager have been fully developed.
- The proposal will set a precedent for the development of land to the north.
- The houses are not needed.
- Ad-hoc proposals such as this pre-empts any future considered, progressive and integrated consideration of proposals.
- 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.
- Any shortfall can be met by the Brownfield sites
- These Brownfield sites are more sustainably located.

- The site is Green belt land
- The site was discounted in the Alsager Town Strategy so an approval would impact upon sites in the Strategy.
- The Town Strategy requires 1000 houses by 2030, they do not need to be delivered now
- Proposal will have an adverse impact upon the adjacent children's playground

### **Highways**

- A further access point onto this road will cause a potential transport hazard,
- Pikemere primary school is directly opposite the site. The proposed access is dangerous, particularly at school start and leaving times
- 2 schools are served by Hassall Road, a variety of traffic calming measures have not been successful in controlling speed
- Residents in the area face gridlock twice a day at the junction of Hassall Road – this will add to that gridlock

### **Infrastructure**

- The Alsager Primary and High Schools are already full of pupils from within Alsager and schools cannot accommodate more children.
- Proposal involves a lack of pavement connectivity
- A single access strategy is suggested to be developed by the owner of the site to the north, who is in the process of applying for planning permission for residential development to the north

### **Proposed Footpath / Existing PROW**

- People enjoy the current PROW through the site

### **Loss of Open Countryside**

- People currently walk on and use the area as open countryside. This would be destroyed by the development.
- Loss of countryside view

### **Amenity**

- Loss of outlook over open fields
- Loss of privacy to houses opposite

### **Ecology**

- Impact upon protected species

### **Drainage and Flooding**

- The proposed site is very often waterlogged and unsuitable for such a development. Standing water is visible to the north throughout the year
- Existing properties suffer from drainage problems

## **Other matters**

- The owner of the site to the north considers that the development will impact upon his ability to develop his land.

## **7. APPLICANT'S SUPPORTING INFORMATION:**

- Flood Risk Assessment
- Design and Access Statement
- Transport Assessment
- Section 106 Proforma
- Open Space Assessment
- Affordable Housing Statement
- Planning Statement
- Ecological Survey
- Tree Survey
- Agricultural Land Appraisal

All these documents are available to view on the web site.

## **8. OFFICER APPRAISAL**

### **Main Issues**

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, landscape impact, hedge and tree matters, 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 NPPF indicates that account should be taken of the intrinsic character and beauty of the countryside, with restrictions on new housing to where it would enhance or maintain the vitality of rural communities. Policies H6 and PS8 have been formally saved, are consistent with policy contained within the Framework and, as such, and carry some weight.

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 are aware that on 23<sup>rd</sup> March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15<sup>th</sup> 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**

The National Planning Policy Framework (NPPF) at paragraph 47, requires the maintenance of 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 30<sup>th</sup> 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 1<sup>st</sup> April 2006 and 31<sup>st</sup> 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 66 dwellings subject to outstanding S106 agreement (application 12/0893C - Crewe Road Alsager, an outline proposal for 65 dwellings which was resolved to approve subject to S106 Agreement by the Board in August 2012 and 1 additional dwelling awaiting the signing of a S106 Agreement. Neither is a formal planning permission.

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.

Whilst slightly larger at 1.33 Ha, the application site largely accords with the spirit of the new policy. The proposal represents a small scale development and would not represent a major 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 only limited weight as a material consideration. This has been confirmed by previous Appeal Inspectors who have considered earlier versions of the policy.

Members will be aware that 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, parts of which adjoin the southern boundary of this site and the adjoining children's playground. 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 Twyfords 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.

Additionally, the application site forms part of a wider Area J (as a housing development site) within the adopted Alsager Town Strategy..The allocation of the site was subject to public consultation. Analysis of the 222 responses to this consultation indicates that:

- 45% of respondents support development of the site;
- 36% of respondents oppose development of the site;
- 19% of respondents did not answer the question.

Alsager Town Council approved the final version of the Town Strategy on 31 July 2012. Area J was discounted by the Stakeholder Panel and has therefore not been carried forward in the final version. The document now forms part of the Local Plan and is therefore a material consideration of some 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) went to the court of Appeal in July and an outcome is expected some time in late October.

Members should also be aware of the recent appeal decision at Loachbrook Farm Congleton. In this case the inspector gave significant weight to the lack of a 5-year housing land supply and approved the development for up to 200 dwellings. In the Inspectors view the site is within the open countryside and would not be in accordance with the local plan, the proposal would locally harm the character and appearance of the countryside and would result in the loss of the best and most versatile agricultural land. However, the Inspector found that these issues were outweighed by the need to secure a 5-year supply of deliverable housing land that would also contribute to providing affordable and low cost housing.

In terms of prematurity the Inspector found that it would not be premature or prejudice the development of other sites. The Inspector stated that;

*'General Principles also indicates that applications should not be refused on the sole ground of prematurity and, taking account of Government advice, there is little justification for delaying a decision or, as the Council suggest, for considering other sites that the Council contend offer increased levels of sustainability'*

The Council has sought leave to Judicially Review this decision , it is unknown at the time of writing this report whether the Legal Challenge will proceed further through the Courts.

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.

### **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 Statement (revision) currently promotes the development of small sites in sustainable locations. 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 MMU or Tywfords, the existence of these sites can only be afforded limited weight as a material consideration. This is re-enforced by the recent appeal decision at Loachbrook Farm which considered there is 'little justification' for the Council to delay decision making on one site in favour of other sites that offer greater levels of sustainability.
- The Appeals that have been determined in the area and 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 to be 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, whilst the site is in open countryside, 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 housing supply needs of the authority.

As a consequence of the above, 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.

## Location of the site

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:

- primary school (100m),
- leisure facilities (600m),
- public park / village green (100m),
- child care facility (100m),
- There is a bus stop immediately outside the site
- Community Centre/meeting place (900m)
- Playground/amenity area (100m)
- Post box (500m)

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 office (1950m),
- pharmacy (1950m),
- medical centre (2100m)
- public house (1300m),
- railway station (2250m)

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are 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.

However, this is not untypical for suburban dwellings and will be the same distances for the residential development on the other side of Hassall Road from the application site. However, all of the services and amenities listed are accommodated within Alsager and are accessible to the proposed development on foot or via a short bus journey, with a bus stop directly outside the site. Accordingly, it is considered that this small scale site is a sustainable site.

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.

No information is provided with the application concerning the contribution the development will make to on site renewable or low carbon energy supply. Given the layout proposed and the circumstances of the site, it is considered that it is viable and feasible to meet the requirements of the RSS policy and a detailed scheme should therefore be secured through planning condition.

## **Landscape**

The site is currently agricultural land that comprises a field that has been left uncultivated which is enclosed by a network of hedgerows and a number of mature hedgerow trees. Residential development is located to the east. To the north and west, agricultural land. To the south lies a childrens playground with the MMU sports pitches and campus beyond.

As part of the application a Landscape and Visual Assessment has been submitted. This correctly identifies the baseline landscape of the application site and surrounding area.

The appraisal, that the site has a fringe character to the local landscape with a low sensitivity to change, is accepted.

The development would significantly change the character of the site. However, the Illustrative Masterplan indicates that a landscape framework could be created to assist in the assimilation of the site into the surrounding landscape and provide nature conservation benefits. In the event of approval, comprehensive landscape conditions would be appropriate.

### **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 9 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.

The applicant is offering 6 x 2 bed and 4 x 3 bed dwellings, which will go towards meeting some of the affordable housing need so are acceptable. The information taken from Cheshire Homechoice shows that there is a need for both 2 and 3 bed units for rent. However, due to the higher need for 2 beds, the Strategic Housing Manager prefers the tenure split of the units to be 4 x 2 bed & 2 x 3 bed as rented affordable units and 2 x 2 bed & 1 x 3 bed.

The Affordable Housing statement submitted with the application identifies the affordable units as plots 4-8 and 26-30, although these plots are close together on one part of the site there are open market units on either side of them, however as there is not a high degree of pepper-potting, as normally required by the Affordable Housing IPS, the affordable units should be provided no later than occupation of 50% of the open market units.

The applicants Affordable Housing statement proposes that the affordable housing is secured by way of the Planning Inspectorates model condition on affordable housing. They cite the recent Loachbrook Farm decision as justification for this approach.

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"*

## **Drainage and Flooding**

Neighbours comment that the site suffers from standing water for much of the year. The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). A pumping station is proposed as part of the proposals.

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 on site and the neighbouring sites and their associated residual flood risk.

## **Layout, Design and Public Right of Way**

A small estate based layout is proposed with houses fronting onto Hassall Road and presenting front facades to street level within the inner access road. This ensures active frontage to all principle routes outside and within the development, whilst retaining the existing trees to the main road frontage.

A pedestrian access is proposed through the adjoining playground to allow permeability through the new development for pedestrians and access through to leisure facilities for future residents. This is considered to be a positive aspect of the design.

The layout shows properties fronting onto the new footpaths 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 no objection to the diversion of the existing PROW from within the site to the northern boundary of the site. The PROW Officer would require a replacement PROW to an appropriate standard before the diversion of the existing PROW

To turn to the elevational detail, the surrounding development comprises a mixture of ages and architectural styles on Hassall Road ranging from 1950's and 1960's bungalow development on the opposite side of the Hassall Road to the south and more traditional interwar 2 storey semis in College Way. Larger, more modern, sizeable detached dwellings in generous gardens are located to the north of the site on the other side of Hassall Road. In addition, there is a substantial amount of modern housing development to the wider area, whilst older more traditional vernacular buildings can be found in the open countryside areas around the Crewe Road area. Notwithstanding this, there is consistency in terms of materials with most dwellings being finished in simple red brick, and grey / brown concrete / clay tiles.

Local Plan policies GR 1, GR2 and GR3 address matters of design, density and appearance. Policy GR1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting and have regard to principles of sustainable development. Policy H2 requires new residential development to create an attractive, high quality living environment. Policy GR3 states that the overall mass and of new residential development must represent the most efficient use of the site, be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

This proposal comprises a small development of mainly semi-detached, two storey dwellings that are in keeping with the area, which itself has a mixed residential character.

The cul-de-sac layout of houses would be broken-up by changes in house types and designs interspersed with one other. Parking is set generally behind the building lines and within garages.

## **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 development is laid out to comply with this requirement, internally and externally.

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 GR1 of the Local Plan.

### **Loss of Agricultural Land**

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this instance, the land is classified as Grade 2, which is considered to be the 'best and most versatile' agricultural land. However the site is extensively waterlogged which would suggest a lower land quality than the general designation. It is important to note that the site has not been fully surveyed since the Agricultural Land Classification (ALC) was established for the wider area. Interpretation of soils and agro-climatic data for the site in the light of the ALC guidelines suggests that the site is most likely to be classified as Subgrades 3a and/or 3b

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 in reality the site comprises Grade 3a land. It is therefore considered that the proposal complies with the requirements of this policy without the need for assessment against the criteria.

### **Countryside, Ecology and Landscape Impact**

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 Hassall Road, users of Hassall Road and the

children's playground 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 particularly the trees to the Hassall Road frontage, additional landscape works and a will help to minimise impacts on these receptors.

### Hedgerows

The layout will allow for the retention of the majority of the peripheral hedgerows. The proposed development will result in the loss of hedgerow habitat to facilitate the proposed site entrance.

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 Hassall Road. The Council's Ecologist recommends that this loss of hedgerow is compensated for by means of new native species hedgerows incorporated into the landscaping scheme for the site. Revised plans have been sought but are yet to be submitted.

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. Mitigation landscaping including semi mature specimens will be required as part of the landscaping scheme should trees on site be compromised during development.

### **Education**

The Council's Education Officer forecasts that there will be insufficient capacity in the primary schools to accommodate the pupils being generated by this development. There will be sufficient space within the local secondary school to accommodate the pupils.

Local primary schools do currently carry a small amount of unfilled places, with the forecasts indicating that here will be 50 spaces by 2017. There will therefore be a requirement, based on existing capacity for a commuted sum payment in lieu of primary provision as a consequence of the development

These figures do not take into account the large development on the Twyfords site which the service has been consulted on previously and which impacts on these schools or the application on Crewe Road which also impacts on these schools.

The contribution being sought is  $5 \times 11,919 \times 0.91 = £54,231$

### **Highway Safety and Traffic Generation.**

The access to the site is on stretch of Hassall Road that is subject to a 30mph speed limit. However, given that traffic/speed calming measures are in place (the speed humps along Hassall Road) it is likely that speeds will be well within the speed limit.

There are no footways on the frontage of the site and, travelling southwards footways are not provided on the western side of Hassall Road until a point just north of the MMU Campus access. There is a continuous footway on the eastern side of Hassall Road. The site is located very close to northbound and southbound bus stops on Hassall Road. The Applicant is proposing a footway from the site towards the northbound bus stop. Service number 78 serves these bus stops and provides six buses per day southbound and seven buses northbound – effectively an hourly daytime frequency. There are 6 buses per day southbound along Hassall Road and 7 buses per day northbound along Hassall Road. The bus has an hourly frequency for the services during the daytime (Monday to Saturday). There are no services on Sunday.

It is proposed that a footway is provided to the northbound bus stop. Revisions are awaited to take the path away from the root protection zone of the trees on the Hassall Road frontage. A footpath is proposed to the north which, as submitted, ends abruptly within the site visibility splay.

The Highways Manager also considers it appropriate that a footway should be provided along the remainder of the site frontage. There are significant trees on the Hassall Road frontage that would be detrimentally affected by the footpath as originally proposed. For that reason, the Strategic Highways Manager recommends that it is appropriate that a footway runs behind the trees as far as the diverted footpath on the northern boundary of the site. This brings the trees into highway control and an appropriate commuted sum will need to be agreed for the maintenance of the trees. The Applicant has agreed to extend the footway to the relocated PROW to the north of the site. This footpath is a sustainability benefit. A condition can be imposed to relocate the route of the footpath and a S106 commuted sum payment of £4000 will be required for the future maintenance of the trees.

There are no highway objections raised to the application subject to conditions concerning visibility at the site access, commuted sum payment for future maintenance of trees to the Hassall Road frontage

### **Community Infrastructure Levy (CIL) Regulations**

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of affordable housing is necessary, fair and reasonably related to this development to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu of childrens play space, public open space and recreation provision is necessary, fair and reasonable, as the proposed development will provide 30 family sized dwellings of different sizes, the occupiers of which will use local facilities as there is no recreational or open space on site, as such, there is a need to upgrade/enhance existing

facilities in the area. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The commuted sum payments in respect of the future maintenance of the significant trees in the Hassall Road frontage are required, (for a total of 4 trees at £1000 per tree) due to the fact that the trees will be between a adopted pavement and the highway within adopted verge. Thereafter the Highways Department will be responsible for future maintenance.

The financial contribution in lieu of loss of grassland habitat of £6000 will compensate for the total loss of grassland habitat as a direct consequence of the development.

## **10. 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 and compensation for the loss of habitat.

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 designated grade 2 agricultural land, however, it is considered that the waterlogged state of the land renders the site to be Grade 3a at best. This is not the best land and it is considered that the benefits of the delivering the site for much needed housing would outweigh this loss.

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 continuation of the MMU campus and children's playground rather than a large scale intrusion into the open countryside, this remains an adverse impact. The site has also been discounted by the Alsager Stakeholder Panel (Area J) and therefore is not within the recently adopted Alsager Town Strategy.

Overall, on balance, it is considered that the adverse impacts of the development – in terms of conflict with the development plan as a result of new housing within Open Countryside are outweighed by the benefits of the proposal in terms of sustainable residential provision including the 30% affordable housing 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 would significantly and demonstrably outweigh the benefits. Accordingly the application is recommended for approval, subject to a Section 106 Agreement and appropriate conditions.

## 9. RECOMMENDATION

### **APPROVE subject to a Section 106 Legal Agreement to Secure:**

Provision affordable housing provision on site in the form 4 x 2 bed & 2 x 3 bed as rented affordable units and 2 x 2 bed & 1 x 3 bed

- Provision affordable housing provision on site in the form 4 x 2 bed & 2 x 3 bed as rented affordable units and 2 x 2 bed & 1 x 3 bed
- Amenity green space contribution in lieu of on site provision:

Recreation Space - Enhanced Provision:	£ 9,523.28
Maintenance:	£31,044.00

Open Space -Enhanced Provision:	£ 5,494.32
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- Maintenance: £12, 298.00

- Education commuted sum in lieu of primary provision - £54,231
- Commuted sum of £6000 as compensation for loss of grassland habitat
- Commuted sum of £4000 for future maintenance of trees in highway

**And the following conditions**

- 1. Time limit – 2 years**
- 1. Plans**
- 2. Materials**
- 3. Tree and hedgerow protection measures**
- 4. Arboricultural Specification/Method statement**
- 5. Landscape scheme to include replacement native hedgerow planting and boundary treatments**
- 6. Boundary treatment**
- 7. Public Right of Way diversion and scheme for replacement PROW to be agreed including landscaping**
- 8. Submission of landscaping scheme**
- 9. Landscaping to include boundary treatment details**
- 10. Implementation of landscaping scheme**
- 11. Submission of updated ecological survey**
- 12. Breeding Bird Survey for works in nesting season**
- 13. Bats and bird boxes**
- 14. Updated badger report**
- 15. Site drainage/ SUDS details to be submitted**
- 16. 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.**
- 17. 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**
- 18. 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**
- 19. Submission of mitigation measures to minimise any impact on air quality from construction dust**
- 20. Submission of a Contaminated Land Phase II investigation.**
- 21. Submission of Construction Management Plan**
- 22. 10% renewables/low carbon provision**
- 23. Vehicular visibility at access (dimensions)**
- 24. Construction specification/method statement**
- 25. details of design / surfacing of proposed footpath links to site frontage**
- 26. Landscaping to include replacement hedge planting**

- 27. Open plan estate layout – removal of permitted development rights for fences**
- 28. Removal of permitted development rights for extensions plots 22 to 30**
- 29. details of ground levels to be submitted**

**In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or add additional 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.**



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Heath  
End Farm

THE SITE

School

Sports  
Ground

Path

Sports  
Ground

