

Application No: 12/4872C

Location: Land off Sandbach Road North, Alsager, Stoke-on-Trent, ST7 2EH

Proposal: Proposed residential development for up to 155 residential units with associated infrastructure and access with all other matters reserved.

Applicant: Mr James Glover, Gladman Developments Ltd

Expiry Date: 22-Mar-2013

12/4872C – Land off Sandbach Road North, Alsager

### **SUMMARY RECOMMENDATION**

#### **REFUSE**

#### **MAIN ISSUES**

##### **Impact of the development on:-**

- Principal of the Development**
- Planning Policy and Housing Land Supply**
- Renewable Energy**
- Landscape**
- Affordable Housing**
- Highway Implications**
- Amenity**
- Trees and Hedgerows**
- Design**
- Ecology**
- Open Space**
- Education**
- Flood Risk and Drainage**
- Agricultural Land**

### **REASON FOR REFERRAL**

This application is referred to the Strategic Planning Board as it relates to a departure to the Congleton Borough Local Plan.

#### **1. DESCRIPTION OF SITE AND CONTEXT**

The site of the proposed development extends to 7.18 ha and is located to the north of Alsager. The site is within open countryside. To the north is agricultural land. To the south are residential properties which front onto Rydal Way and Heath End Road. To the east is the Wilbraham Arms Public House with residential properties beyond.

The land is currently in agricultural use and there are a number of trees and lengths of hedge on the site. The trees to the south east corner of the site onto the Sandbach Road North frontage are subject to TPO protection. The site includes an existing farm complex at Cresswellshawe Farm. A watercourse runs along the northern boundary of the site with a pond to the north-east of the site adjacent to a Public Right of Way which crosses the site.

## **1. DETAILS OF PROPOSAL**

This is an outline planning application for up to 155 dwellings. Access is to be determined at this stage with all other matters reserved.

The access point to serve the site would be taken off Sandbach Road North. The site would include the provision of 30% affordable housing and public open space.

The development would consist of a mix of house types varying from 2-5 bedroom units. The development would include 0.6 hectares of public open spaces, the creation of a community hub at the existing farm complex, 1.09 hectares of habitat creation, 0.3 hectares of balancing ponds/SUDs and a LEAP.

## **2. RELEVANT HISTORY**

28544/1 – Residential Development and the Provision of Public Open Space – Refused 2<sup>nd</sup> December 1996

20199/1 - Residential Development and the provision of Public Open Space – Refused 28<sup>th</sup> October 1988

19421/1 – Residential Development and the provision of Public Open Space – Refused 28<sup>th</sup> March 1988

## **3. POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures  
GR16 - Footpaths Bridleway and Cycleway Networks  
GR17 - Car parking  
GR18 - Traffic Generation  
NR1 - Trees and Woodland  
NR3 – Habitats  
NR4 - Non-statutory sites  
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**

DP1 – Spatial Principles  
DP2 – Promote Sustainable Communities  
DP7 – Promote Environmental Quality  
L4 – Regional Housing Provision  
L5 – Affordable Housing  
RDF1 – Spatial Priorities  
EM1 – Integrated Enhancement and Protection of the Regions Environmental Assets  
MCR1 – Manchester City Region Priorities  
MCR 4 – South Cheshire

### **Other Considerations**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land  
Draft Alsager Town Strategy Consultation

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

**Environment Agency:** The Environment Agency has no objection in principle to the proposed development but would like to make the following comments:

The site is shown on our Flood Maps as being mainly within Flood Zone 1 (low probability of river/tidal flooding), but with Flood Zones 2 and 3 (medium and high probability respectively of river/tidal flooding), affecting land adjacent to the existing watercourse, along the northern boundary of the site. The Flood Maps are however indicative only and they are not of sufficient accuracy to determine the risk of flooding at a specific location.

The submitted Flood Risk Assessment (FRA) from Opus Consultants, demonstrates that the 1 in 100 years flow in the existing watercourse does not affect buildings on the proposed development, which is acceptable in principle. However the following planning conditions should be attached to any approval:

- Finished floor levels shall be no lower than the 1 in 100 years river flood level allowance for climate change 600mm freeboard
- A scheme to limit the surface water run-off from the site
- A scheme to manage the risk of flooding from overland flow
- Provision of a buffer zone alongside the watercourse and pond
- Details of the design of the swale
- Scheme to dispose of foul and surface water

**United Utilities:** No objection subject to the following conditions being met:

- The site must be drained on a separate system with only foul drainage connected into the public sewerage system
- A public sewer crosses the site and UU will not permit building over it. An access strip with a width of 6 metres (3 metres either side of the centre line) will be required.

**Strategic Highways Manager:** The main concern of this residential development relates to the capacity impact at one of the main junctions in Alsager. Travelling south from the site, traffic uses two routes the B5078 Sandbach Road North or Chancery Lane to get to Crewe Road, the signalised junction at Sandbach Road North/Crewe Road is shown to be operating over capacity in the Transport Assessment and this does not take into account the committed Twyfords site. It is not accepted that the development only has a negligible impact at the junction and the use of Chancery Lane is not desirable as it is a residential street and has an awkward junction with Crewe Road and Hassall Road.

There has been no offer of mitigation from this development towards improving the highway network even though an impact is identified or providing better bus services to the site. In these circumstances, it is concluded that the application should be refused on grounds of highway impact.

**Environmental Health:** Conditions suggested relating to construction hours, piling hours, dust mitigation, noise mitigation and an environmental management plan.

The Environmental Health section objects to the above application with regard to contaminated land:

- Part of the application area has a history of landfill use (inert, industrial, commercial, household, special waste and liquid sludge wastes). Therefore, the land may be contaminated and there may be quantities of ground gas being generated which may affect the proposed development.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- A Phase I Preliminary Risk Assessment for contaminated land has been submitted. Considering the application area includes a former landfill a Phase II site investigation and robust gas risk assessment will be required to be submitted in order to show that the site is suitable for its proposed use.

As such, and in accordance with Paragraph 120 of the NPPF, this section recommends that either the applicant submits further information to demonstrate that the site is suitable for being developed for its new use or the application be refused on the basis of insufficient information.

**Public Open Space:**

## Amenity Greenspace

Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission there would be a surplus in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is not a requirement for new Amenity Greenspace to meet the future needs arising from the development. It is understood that an amount of open space is proposed within the green infrastructure including new ponds and wetland habitats.

With reference to the masterplan and the Design Principles detailed in the Design and Access Statement the following areas of Open space are proposed:

Public open space (0.60Ha)

Habitat Creation (1.08Ha)

Equipped children's play space (0.04Ha)

It has never been the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore it is recommended these areas of POS be transferred to a management company

## Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development.

It is proposed to provide an equipped children's play area set within an area of public open space. This should include be a LEAP sized play area incorporating at least 5 items incorporating DDA inclusive equipment, using play companies approved by the Council. We would request that the final layout and choice of play equipment be agreed with CEC, the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works. A buffer zone of a least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

As with the Amenity Greenspace it is also recommended that the children's play area is transferred to a management company.

**Natural England:** This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. In relation to protected species reference should be made to the Natural England Standing Advice.

**Archaeology:** The application is supported by an archaeological desk-based assessment which has been produced by CgMs Ltd on behalf of the applicants. This study has examined data held in the Cheshire Historic Environment Record, aerial photographs, historic mapping, and various secondary sources and presents a thorough summary of the site's history. It concludes that the potential for dry-land archaeological deposits is limited and no further work is recommended in this field. However it is noted, that the flood mitigation document describes works in the small valley associated with the stream across the site. These appear to involve the excavation of a 'swale' or overflow channel and other works which are likely to involve disturbance of the alluvial deposits filling the valley. Recent work on similar environments in the area has revealed layers of waterlogged wood, peat, and ancient buried ground surfaces, all of which have the potential for macrofossil and pollen analysis and the provision of data on past human activity in the area.

It is advised that this limited potential is not sufficient to justify an objection to the development or to generate a requirement for any further predetermination work. It would, however, be reasonable to secure some further mitigation in the event that planning permission is granted, with the work secured by condition. This work should take the form of an initial inspection of any strata exposed during the flood mitigation works by a suitably-experienced person, in order to identify any deposits with the potential to contain remains suitable for macrofossil or pollen analysis. Where such deposits are identified, suitable samples should be taken and subject to initial assessment in order to determine their suitability for more detailed analysis. Where such analysis is shown to be appropriate, it should then be undertaken. A condition should be attached should the application be recommended for approval.

**Public Rights of Way:** The development will affect Public Footpath No 2 Alsager and an advisory note should be attached to any planning permission.

**Countryside Access Team:** The proposed development site includes part of Public Footpath No. 2 in Alsager. This footpath will act as an important route for residents of proposed development in and out of the site. The design of the site should include this footpath within a wide green corridor, with natural surveillance. In order for it to adequately accommodate the increased footfall, the developer would be requested to improve the surface of the path throughout the site and to Heath End Road. The footbridge over the brook will also require replacement to safely accommodate the increased usage arising from the development. The specification, timing and details for these works will need to be agreed with the Public Rights of Way team. Arrangements for future maintenance will also need to be agreed.

The proposal suggested in the Illustrative Masterplan, to provide pedestrian links into the adjoining Borrow Pit Meadows Country Park is welcomed. This will provide a major leisure and activity resource for residents of the proposed development and surrounding community. Contributions are requested from the developer to improve the surface of the circular path within the Borrowpit Meadow (Public Footpath Alsager No. 1), in order to accommodate the predicted increased footfall and to make the paths as accessible as possible to the community. The specification, timing and details for these works will need to be agreed with the Public Rights of Way team and Countryside Ranger Service which manages the site, and it should be noted that stock fencing will be required to protect the path surfaces. Again, arrangements for future maintenance will also need to be agreed.

Further, clarification is requested as to the legal status and future maintenance of the paths proposed within the public open space adjoining the brook.

It is proposed that, in order to provide continuity of accessibility and aesthetics, the path surfaces on each of the above mentioned routes are improved to the same specification, for example compacted aggregate to 2m width. Appropriate signage should also be provided.

Proposals for both pedestrians and cyclists to cross Sandbach Road North en route to the town centre need to be fully assessed and improved as necessary. Aspirations, registered under the Council's statutory Rights of Way Improvement Plan (ref. T101) are held to improve access to the eastern end of the Salt Line for pedestrians and cyclists approaching the route from Alsager town and via Cherry Lane and to the east. The Salt Line is a major leisure resource, being managed as a Country Park, and also forms part of National Cycle Network route no. 5 and as such is an active travel route between Alsager and Sandbach and communities to the east. Current access to and from the Salt Line's eastern end is difficult due to Sandbach Road North with traffic from the proposed development contributing further to this issue. Contributions would be sought from the developer in order that this access is improved as a means to provide residents of the proposed development and wider community access to the leisure and transport route.

Travel planning advice should be made available to prospective residents, including active travel options and local leisure routes for walking and cycling. Travel plan monitoring should also be required.

**Education:** A contribution of £97,617 will be required towards primary provision.

**SUSTRANS:** Would like to make the following comments:

- The site lies just to the south of National Cycle Network route 5 on the Salt Line but separated from it by the busy Sandbach Road North, B5078. We would like to see safe access made from the site for pedestrians and cyclists to the Salt Line, along with improvements to the trail itself at Cherry Avenue, as discussed with Cheshire East Council.
- The layout of the site should restrict vehicle speeds to less than 20mph.
- We would like to see traffic management measures on Sandbach Road North at the site to enable pedestrians and cyclists to cross and join Sandbach Road North if heading toward the town centre.
- Travel planning with targets and monitoring should be set up of the site.

**Cheshire Wildlife Trust:** The Trust has the following observations:

- The extended Phase 1 Habitat Survey (UES, July 2012) identifies 3 Sites of Biological Importance near the site, without giving any details of key features, information that could have been supplied on request by CWT. The list of SBIs is not accurate. Chellshill Wood (here identified as 'land east of Chells Hill') is about 1km north of the site, not '40m to the east' of the site. The Salt Line (here identified as 'Disused salt railway north-east of Hassall Road Wastewater Treatment Works') runs within 300m of the site and parallel with its north-eastern boundary, not '560m NW of the site'. The report also refers to an SBI: 'Watercourse downstream of Hassall Road Wastewater Treatment Works', also '560m NW of the site', which we are not aware of but there is another SBI very close to the eastern boundary of the site – Carr Woodland at Cherry Lane. This is a Grade B SBI, designated for its alder carr woodland and open water.
- Apart from the inaccurate and incomplete summary of non-statutory sites listed above, the extended Phase 1 Habitat Survey did not cover all aspects of the site and its context. However,

these omissions have been largely rectified by the Supplementary Ecology Information (fpcr, December 2012). The latter report noted the presence of nearby Oakhanger Moss SSSI/Ramsar site and identified areas of semi-improved wet grassland and species-poor semi-improved grassland on the site. Although the original Phase 1 survey included a Habitats map and Target Note locations, the whole site had not been fully mapped in accordance with Phase 1 survey mapping guidelines.

- The report of the Extended Phase 1 Habitat Survey recommended that great crested newt and bat roost/emergence/activity surveys should be carried out. Of these, only the bat activity surveys were subsequently undertaken and the results reported in the Supplementary Ecology Information. The latter report itself made recommendations for a bat roost survey (in May 2013) and a great crested newt survey (in March – June 2013).

- CWT considers that, in order to meet the requirements of protected species legislation, this application should not be determined until there is sufficient information on the site status of great crested newts and the presence or absence of a bat roost in the building that is proposed for demolition. This information should be available once the outstanding protected species surveys have been completed as proposed in the Supplementary Ecology Information, and once available, should allow potential impact avoidance, mitigation and/or compensation (as appropriate) to be developed for consideration.

## **5. VIEWS OF THE PARISH COUNCIL**

### **Alsager Town Council:**

- The site is not contained for development within the approved Alsager Town Strategy which is being used as an evidence base to inform Cheshire East Council's developing Local Plan. Alsager Town Council has gone through the Town Strategy process and followed the correct approach and strategy to this process and Cheshire East Council and HM Government should recognise this is of key importance and give weight to it as a material planning consideration with particular regard to the Localism Act, which empowers local people to have a say in the development of their local area.
- The application is an intrusion into the surrounding countryside and no development should take place on greenfield sites in Alsager before all brownfield sites are exhausted, to ensure that greenfield sites, which gave access to the countryside, are protected and preserved against residential development. It is the Town Council's policy contained in the Alsager Town Strategy that sustained development should take place on existing brownfield sites and there are enough brownfield sites in Alsager to meet the towns future needs.
- Cheshire East Council in its document "Cheshire East Local Plan – Draft Development – Strategy and Policy Principles" state that Town Strategies are intended to inform the Cheshire East Local Plan and that consequently the Development Strategy endeavours to reflect the approved documents and consultation responses as far as possible. Alsager has fully completed its consultation process and adopted its Town Strategy which is now deposited with Cheshire East and reflects the wishes and aspirations of its residents. This Strategy clearly accepts the need for housing growth but strongly emphasises that the towns' brownfields sites should be fully utilised before greenfield sites are developed which is in sympathy with Cheshire East's report.
- The Town Council contend that once greenfield sites are developed they are gone forever, and therefore greenfield sites should be saved in order to protect our local environment, open spaces and wild life.

- A fundamental aim of greenfield sites is to prevent urban sprawl by keeping land permanently open. Their essential characteristics are openness and permanence and as such greenfield sites safeguard the countryside and prevent joined up settlements.
- This particular application, in conjunction with other current large residential development applications in Alsager, if approved, would have a serious detrimental impact for the towns' highways infrastructure, education, doctors' surgeries, medical centres, local facilities and amenities. Such applications, if approved, would be a threat to the character and atmosphere to the town as a whole.
- The Cheshire East Development Strategy Document indicates that the authority must protect as much of our natural environment as possible and safeguard the best of Cheshire countryside. The Town Strategy accepts that an additional 1,000 homes will be required by 2030, an average of 55.6 per year but planning applications have recently been approved for 400 homes which equates to a 7.2 year supply of housing land which more than satisfies the requirements of the National Planning Policy Framework. Therefore, as far as housing development in Alsager is concerned, all necessary consultation has been completed and the Alsager Town Strategy should already be considered as the Emerging Plan for the purposes of considering planning applications which conflict with that Adopted Town Strategy.
- The Town Council has serious concerns about the proposed development being on a flood plain and would contend that there is an increased flood risk that would be further worsened by new development on this site and ask Cheshire East Council to defer consideration of this application until a thorough investigation into ground conditions has been undertaken.
- Part of the application area has a history of landfill use. Therefore, the land may be contaminated and the new residential properties could be affected by any contamination present.
- There are footpaths currently in use on the site for recreational purposes.
- The proposed access road is located on bends in Sandbach Road North, almost directly opposite the exit route from the car park of The Wilbraham Arms; its approach is steep and winding from both directions.
- The Habitat Survey contained in the application recommended that great crested newt and bat roost/emergence/activity surveys be carried out, so far only the bat activity survey has been undertaken. Bat and Newt surveys must only be undertaken in the Spring/Summer months and no decision should be made on this application until all the relevant reports have been obtained.
- The Town Council request that a site inspection be arranged before Cheshire East Council makes a decision on this application.

**Betchton Parish Council:** No comments received

**Church Lawton Council:** The Parish Council objects on the following grounds:-

- A recent planning application has been approved on a brownfield site for a residential development to provide housing that will amply fulfil the requirements of the National Planning Policy Framework. There are other potential brownfield sites set out in the Alsager Town Strategy. The development of greenfield sites should not take place whilst there are brownfield sites to be developed.
- Paragraph 79 of the National Planning Policy Framework states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to

prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their character and openness.

- Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions. As the proposed development does not comply with any of the listed exceptions it is by definition “inappropriate”. In these circumstances it is for the applicant to demonstrate that very special circumstances exist such as to justify setting aside Green Belt policy restrictions.
- The proposed development site is undulating & parts of the site show on the Environment Agency flood maps as being in flood zones 2 & 3 (medium & high probability respectively of river/tidal flooding) It is felt the new development would further impact on the risk of flooding. The surface water run-off should be calculated in accordance with Environment Agency guidance. The Parish Council therefore request that thorough investigations are undertaken before this application proceeds any further.
- Part of the site is located directly on an area used for landfill. There may be a risk of contamination to new residential properties, particularly with ground gases which may potentially affect air quality. An air quality assessment may therefore be required due to the size of the development.
- There are existing ponds on site & Great Crested Newts have been recorded in the area. It is felt the ecology of a valuable site would be lost. It is requested that a protected species survey is undertaken. It is noted that Newt surveys should only be carried out in spring/summer. There is also a tree preservation order on site.
- Public footpath no. 2 Alsager runs through the site.
- The Parish Council has concerns over road safety. The proposed access road is located on a bend opposite The Wilbraham Arms where there is history of accidents. Only last year a driver lost control on the approach to bend & hit the planter resulting in the vehicle over being over turned. A week later there was another accident & Cheshire Police advised they would be recommending a review of the road due to the number of incidents.
- It is felt increased traffic on this road would have a further impact on road safety.
- There would be an increased demand on local infrastructure & amenities. i.e. roads, schools, doctors, health centre.

## **6. OTHER REPRESENTATIONS**

Letters of objection have been received from 60 local households raising the following points:

### Principal of development

- The site is outside the settlement boundary
- The Twyfords and MMU sites will deliver enough housing for Alsager
- The site is not identified for development in the Alsager Town Strategy
- The proposed development would not result in sustainable development
- Loss of Greenfield land
- Impact upon the rural landscape
- There is no need for more housing in Alsager
- The development will not cater for the elderly
- The affordable homes will not be provided on this site
- Alsager has a greater than 5 year housing land supply
- Granting planning permission will not result in more homes being built as developers are not constructing new homes
- Allowing the development would conflict with the localism agenda

- The proposal is contrary to the Congleton Local Plan
- The developers are taking advantage of the loop hole which sees Cheshire East without a Local plan
- There is a lack of employment in Alsager
- The development of the site will jeopardise brownfield sites from being brought forward
- The proposed community building is not required
- The proposal would harm the rural character of the site
- No benefit to the residents of Alsager
- Loss of Green Belt land
- There are numerous properties for sale in Alsager
- Previous applications have been refused on this site
- Priority should be given to brownfield sites
- The draft Town Strategy has identified that brownfield sites should be developed first
- The development would result in urban sprawl
- The proposal is contrary to the NPPF
- Loss of village life
- The development will lead to the merging of settlements

#### Highways

- Road infrastructure in Alsager is poor
- Sandbach Road North is too narrow
- Visibility is poor
- There is a lack of pavements on Sandbach Road North
- The access is located on an accident blackspot
- The access point is in a dangerous position on a bend in the road
- Increased traffic congestion
- Impact upon highway safety
- Previous applications have been refused on highway grounds
- Future residents would be dependent on the car
- Highway congestion when the M6 is closed
- There is a lack of parking in Alsager Town Centre
- Pedestrian safety
- Poor public transport

#### Green Issues

- Loss of green land
- The tree report is not adequate
- Increased flood risk
- Increased water run-off
- Increased flooding during extreme weather events
- Impact upon wildlife
- Impact upon protected species
- The protected species surveys which have been carried out are inadequate and have not been carried out at the right time
- Invertebrate surveys are required
- Impact upon local ecology
- Not all ponds are surveyed for Great Crested Newts
- The Great Crested Newt Surveys are inadequate
- The FRA is inadequate

- Lack of a mechanism to secure the ecological mitigation
- The site is in close proximity to the Salt line Way which is valuable for local residents
- Loss of TPO trees
- Loss of agricultural land
- Impact upon Great Crested Newts

#### Infrastructure

- The infrastructure in Alsager is poor
- Increased pressure on local schools
- The local schools are full to capacity
- Doctors and dentists are full
- A Public Right of Way crosses the site and is well used, the development would harm the character of the PROW
- Damage to the sewer from the landscape buffer
- The recreational spaces in Alsager are at capacity
- The sewage system is overstretched
- There is little in terms of leisure facilities

#### Amenity Issues

- There is a problem with methane gas on the site due to the former land fill on the site
- Impact upon air quality
- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Increased light pollution

#### Other issues

- Insufficient information into renewable energy
- Lack of consultation as part of this application

Letters of support have been received from 7 local households raising the following points:

- Wish to live in Alsager and become a member of the community
- There is a lack of affordable homes in Alsager
- The site will have POS and children's play space
- The hedgerows and trees will be retained to provide a habitat
- The proposal is a smaller development compared to MMU and would be better
- Good access links to Sandbach and the M6
- The proposal is well designed
- Affordable homes should be supported
- The site is no longer in use for food production
- The site is in a sustainable location
- The development will boost the local economy
- Mitigation will be provided for the ecological impact
- Areas of open space will open up the site to the public

Alsager Residents Action Group has objected to the application raising the following points:

- The application is contrary to the Alsager Adopted Town Strategy and the Published Cheshire Development Strategy which both indicate that house building within Alsager should be restricted to the existing large Brownfield sites and that Greenfield sites should not be developed during the Plan period up to 2030

- Development of this site would be an incursion into the open countryside which borders the north eastern boundary of the Town and provides a strategic gap between Alsager and the Lawton Heathend residential area of Church Lawton. Furthermore, the site is of ecological significance and development proposals adjacent to this site have been opposed in the past because they would have a negative impact on the ecology of this area. The site currently presents a rural image, as a centre for Horse riding, and provides a natural transition between the residential fringes of Alsager and the attractive local countryside attraction of the Salt Line.
- Alsager's infrastructure already struggles to meet the needs of the town and the already approved developments at Crewe Road and Twyford's site, which total 400 dwellings and represent a 7 year supply of housing land for the town, will further exacerbate this problem to unmanageable proportions if this additional application is approved.
- Access to the site, off Sandbach Road North, is on a bend, opposite the exit from the Wilbraham Arms Public House/Restaurant and in a dip at the foot of an incline immediately to the West where vehicles accelerate from a 30mph area into a 40mph zone. Clearly this application should be refused by Cheshire east Council.

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

To support this application the application includes the following documents:

- Design, Access and Planning Statement (Produced by Gladman Developments Ltd)
- Arboricultural Assessment (Produced by FPCR)
- Transport Assessment (Produced by Croft Transport Solutions)
- Extended Phase 1 Habitat Survey (Produced UES)
- Affordable Housing Review and Statement (Produced by Level Ltd)
- Planning Statement (Produced by Gladman Developments Ltd)
- Landscape and Visual Assessment (Produced by FPCR)
- Noise Assessment Report (Produced by Wardell Armstrong)
- Archaeological Desk Based Assessment (Produced by CGMS)
- Flood Risk Assessment (Produced by OPUS)
- Air Quality Assessment (Produced by Wardell Armstrong)
- Utilities & Infrastructure Report (Produced by Gladman Developments Ltd)
- Renewable Energy Statement (Produced by Gladman Developments Ltd)
- Statement of Community Involvement (Produced by Gladman Developments Ltd)
- Soil Resources and Agricultural Use and Quality Report (Produced by Land Research Associates)
- Supplementary Ecology Information (Produced by FPCR)
- Socio-Economic Impact Report (Produced by Regeneris)
- S106 Heads of Terms

These documents are available to view on the application file.

## **9. OFFICER APPRAISAL**

### **Principal of Development**

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 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**

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. In December 2012, the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. This document is to be considered by the Strategic Planning Board on 8<sup>th</sup> February and the Portfolio Holder on 11<sup>th</sup> February 2013.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

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 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years.

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.”*

However, given that Cheshire East can now demonstrate a five year supply of housing land it is not considered that policies H6 and PS8 which protect Open Countryside are not out of date and the provisions of paragraphs 49 and 14 do not apply in this case.

### ***Emerging Policy***

The Alsager Town Strategy considered a number of development options around the town. These were subject to consultation which closed on 2 April 2012. All comments were considered and the Strategy document was revised accordingly. The application site was not included in the Strategy which was approved on 31<sup>st</sup> July 2012.

The Cheshire East Development Strategy approved by Strategic Planning Board and Cabinet for consultation until 26 February 2013 and as a material consideration, directs additional housing in Alsager to two strategic sites: land at Twyford – 450 dwellings and land at the former MMU Campus – 400 dwellings.

These sites have now been carried forward into the Draft Local Plan (development strategy) now the subject of consultation. The NPPF consistently underlines the importance of plan – led development. It also establishes as a key planning principle that local people should be empowered to shape their surroundings. Regrettably, the Secretary of State has often chosen to give less weight to these factors within his own guidance – and comparatively more to that of housing supply. These inconsistencies feature within the legal action that the Council is taking elsewhere.

In the recent Secretary of State decisions in Doncaster MBC (APP/R0660/A/12/2173294 refers), it was found that a development was to be premature even though the Development Plan was still under preparation. Important to this decision was the finding that a five year supply of housing land was available. There is nothing in national guidance to suggest prematurity and housing supply should be linked in this way, and logic might question how the two are interlinked, but this factor was evidently influential in this case. Given that the Council now has a 5 year supply of housing; it is considered that a pre-maturity case can be defended in this case.

### ***Conclusion***

- The site is within the Open Countryside where under Policy PS8 and H6 there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development 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 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.

- The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.

### **Location of the site**

To aid a sustainability assessment, a toolkit 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 accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – 341m
- Children’s Play Space (500m) – To be provided on site
- Bus Stop (500m) – 310m
- Primary School (1000m) – 376m
- Public House (1000m) – 310m
- Leisure Facilities (leisure centre or library) (1000m) – 771m
- Secondary School (1000m) – 771m
- Child Care Facility (nursery or crèche) (1000m) - 376m
- Public Right of Way (500m) – Runs through the site
- Railway Station (2000m where geographically possible) – 1804m

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 facilities are:

- Community Centre/Meeting Place (1000m) – 1206m
- Pharmacy (1000m) – 1514m
- Bank/Cash Point (1000m) – 1338m
- Post Box (500m) – 620m

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 facilities 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 similar distances for the residential development directly to the south of 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 one.

### **Renewable Energy**

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.

Given that the application is in outline form, 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 application site is located on the northern boundary of Alsager and is currently agricultural land that has a good network of hedgerows and a number of mature and distinctive hedgerow trees. The land slopes, with a high point of approximately 85m AOD along the southwest boundary adjoining Heath End Road, to a low point of approximately 75m AOD along the north western boundary.

To the south and east of the application site are areas of residential development that mark the existing edge of Alsager; to the north is a small well vegetated stream and beyond to the north west is Borrow Pit Meadows and the wider, attractive agricultural landscape.

There are no landscape designations on the application site and the Landscape and Visual Impact Assessment correctly identifies the baseline landscape character, and that it is largely located within two landscape types, The Lower Farms and Woods Type 11 landscape type, and within the Barthomley Character Area (LFW7), and the Higher Farms and Woods Type 17 within the Little Moreton Character area (HFW2). The residential areas to the south and east lie within the urban boundary of Alsager.

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 Councils Landscape Architect would generally agree with the assessment but feels that the proposals would have a more significant landscape and visual impact than the assessment indicates.

The application is an outline application and the illustrative Masterplan does show that the majority of trees and hedges on the site will be retained; it will not be apparent exactly what will be retained until the detailed design process, but the development of the Masterplan will respect the existing landscape characteristics and retain and conserve the majority of the trees and hedgerows. Attention to design and specification of landscape boundary treatments to the existing properties will also need to be given serious consideration.

In this case the local harm to the open countryside would not warrant the refusal of this planning application and this would be consistent with the decision at Loachbrook Farm where it was found that 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.

## **Affordable Housing**

The Councils Interim Planning Statement 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.

There are currently 183 applicants on the housing register applying for social rented housing who have selected Alsager as their first choice, these applicants require 67 x 1 beds, 60 x 2 beds, 36 x 3 beds and 4 x 4 beds. (16 applicants have not specified how many bedrooms they need). If all the lettings areas in Alsager are included in these figures then the total number of applicants is 677.

Therefore as there is affordable housing need in Alsager there is a requirement that a minimum of 30% of the total units at this site are affordable, which equates to 47 dwellings. According to the Affordable Housing Review and Statement submitted the applicant is offering 30% affordable housing which is in line with the IPS.

The IPS also states that the tenure split the Council would expect is 65% rented affordable units and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the SHMA. The tenure split should therefore be 31 dwellings as rented affordable homes, which can be provided as either social rent or affordable rent and 16 provided as intermediate tenure.

The applicant has indicated that the development would provide 30% affordable housing with a 65:35 split in accordance with the IPP. Should the application be approved this would be secured through the use of a planning condition.

The IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. The applicant's Affordable Housing Review and Statement states that the affordable housing will be indistinguishable from the private sale properties and located throughout the development, details of the location of the affordable housing will not be known until the Reserved Matters stage.

The 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%.

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).

## **Highways Implications**

This is an outline planning application for up to 155 residential units, with access taken off Sandbach Road North, Alsager. Access is to be determined at this stage and the proposed

development includes a single access point with visibility splays of 2.4m by 70m. This is in compliance with Manual for Streets and the Highways Officer has no objection to the proposed access point.

As part of this application the applicant has submitted a Transport Assessment to assess the traffic impact of the proposed development. At the time of agreeing the scope of impact there was only one committed development in Alsager (12/0893C - 65 units off Crewe Road). There have now been a number of changes in Alsager, the Twyfords site has now received a resolution to approve subject to the completion of a S106 Agreement and also the Town Strategy for development has been approved.

The applicant has undertaken a number of assessments on the local highway network at the following junctions:

- Sandbach Road North/Crewe Road
- Hassall Road/Chancery Lane/Crewe Road
- Sandbach Road/Chells Hill
- Radway Green/Crewe Road

Base flow data has been provided by the applicant and the development traffic has been added to the network that includes growth and the committed development. The trips associated with the development are shown in the following table.

Peak Hour	Trip Rates		Trip Generation	
	Arr	Dep	Arr	Dep
AM	0.153	0.427	24	66
PM	0.396	0.238	61	37

**Table 6.1 - Forecast Trip Generation of Proposed Residential Development**

These trips have been checked by the Highways Officer and are considered to be an acceptable reflection of the amount of development traffic that the site will generate. Peak hour assessments have been undertaken as these have been identified as 07.45 – 08.45 and 17.00 – 18.00 hrs.

The site access junction operates well within capacity limits and the applicant has identified only one junction that is in excess of capacity the Sandbach Road North/Crewe Road signal junction. The other junctions tested have been indicated to work with capacity limits.

In terms of the Sandbach Road North/Crewe Road junction the Transport Assessment states that the junction

*'is forecast to operate in excess of its theoretical capacity in the PM peak base scenarios. This continues to be the case during the PM peak periods in the assessment scenarios.*

*However, the results also demonstrate that the impact of the proposed development on the junction is minimal. In the 2016 and 2021 'With Development'*

*scenarios there is forecast to be minimal increases in the Degree of Saturation and queuing, with the largest increase in queuing being that of six vehicles in the 2021 PM Peak scenario.*

*As such, the impact of the proposed development on the operation of this junction can be considered as minimal'*

Although the applicant has indicated that the development traffic will only have a minimal impact upon the operation of this junction, it already has long queues in the base situation. As already stated, events have moved on since the scoping study for this development was initially agreed, with the Twyfords site (for 335 residential units) having a resolution to approve subject to the completion of a S106 Agreement. This will also add to traffic using this junction and it is the cumulative impact that is of concern.

A Picady assessment has been carried out at the Hassall Road/Chancery Lane/Crewe Road junction, this is not a standalone junction as Chancery Lane joins Hassall Road at the radius of Hassall road. There is an interaction between both junctions and it is not correct that the Chancery Lane/Hassall Road and Hassall Road /Crewe Road can be modelled separately as they interact with one another.

As a result the highway implications of the proposed development are not considered to be acceptable as the assessment of the impact upon the junction of Sandbach Road North and Crewe Road does not include the development at the Twyfords site which has a resolution for approval subject to the completion of a S106 Agreement. The junction in question is already at capacity and the proposed development does not include any scheme of works to mitigate against the proposed development. Furthermore the development does not include a correct form of assessment of the junction of Hassall Road/Chancery Lane/Crewe Road and the impact of the development cannot be fully assessed. The highways impact of the development will form a reason for refusal.

## **Amenity**

In terms of the surrounding residential properties, these are mainly to the south and west of the site. Although the application is outline only, the indicative layout shows that adequate separation distances would be provided to these properties. The proposed dwellings would be of a density that is consistent with the surrounding area and would not be out of character in this area.

In terms of air quality, the Environmental Health Officer has requested a condition regarding a dust management plan to minimise the impact from the development in terms of the site preparation and construction phases.

The Environmental Health Officer has requested a condition in relation to noise during construction and pile driving. These conditions will be attached to the planning permission.

Part of the application area has a history of landfill use (inert, industrial, commercial, household, special waste and liquid sludge wastes) and as a result the land may be contaminated and there may be quantities of ground gas being generated which may affect the proposed development.

Paragraph 120 of the NPPF states that:

*'To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'*

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. A Phase I Preliminary Risk Assessment for contaminated land has been submitted. As the application area includes a former landfill the Environmental Health Officer considers that a Phase II site investigation and robust gas risk assessment over a six month period will be required prior to any approval in order to show that the site is suitable for its proposed use.

As such, and in accordance with Paragraph 120 of the NPPF, this issue will form a reason for refusal.

## **Trees and Hedgerows**

### Trees

The site of the proposed development contains a number of trees including a group of Poplars on the Sandbach Road North frontage which are subject to TPO protection. In addition to mature trees on the field boundaries, there is a belt of Alders along a watercourse on the northern boundary which is a prominent landscape feature. There are also belts of Willow planted and managed as coppice along the southern and north western boundaries.

The application includes an Arboricultural Assessment and a total of 36 individual trees and 11 groups of trees were surveyed. The survey affords 1 individual tree and 2 groups of trees category 'U' unsuitable for retention, 4 individual trees and 1 group of trees category A, 20 individual trees and 6 groups of trees category B, and 11 individual trees and 2 groups of trees category C.

The trees identified as being category 'U' unsuitable for retention include the TPO group of 7 Grey Poplars adjacent to Sandbach Road North and four hybrid Black poplars in a line adjacent to the existing buildings. The trees are reported to be in poor overall condition with an anticipated reduced life expectancy.

An arboricultural impact assessment considers the trees and groups in the context of the proposed development indicated on the Illustrative Masterplan. The layout makes provision for retention of the majority of the tree cover and for additional structural planting. The assessment indicates that the proposals would result in the removal of all the 'U' grade trees, together with two mid-site Ash, graded B and C.

Following a site inspection the Councils Tree Officer does not agree with the categorisation of the group of TPO protected Poplar trees as Grade 'U' unsuitable for retention. The Tree Officer considers the group to be a higher Grade and could reasonably be retained in the context of the current land use for more than 10 years.

From the original plans it was not clear if the TPO trees could be retained without encroaching into the access visibility splays. An amended plan has been provided with additional information on the impact of the proposed access on existing trees and hedgerow. The plan indicates that the proposed access/visibility would result in the loss of a length of hedgerow extending south from the access and two unprotected trees. Two retained roadside verge trees may require pruning to allow visibility. The notes indicate replacement hedgerow would be provided. It appears the access/visibility should not directly impact on the protected Poplar trees.

As a result it is considered that the tree losses as part of this development are acceptable and replacement planting will be secured as part of the landscaping scheme on this site.

### Hedgerows

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. The Regulations require assessment on various criteria including ecological and historic value.

Policy NR3 (Habitats) of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development, and where the likely effects can be mitigated or the habitat successfully recreated on or adjacent to the site and there are no suitable alternatives. In order to comply with the policy, all of these criteria must be met.

The ecological submission indicates that the hedgerow forming the boundary of the site along Sandbach Road North, lying to the north of the current site entrance was considered to be Important under the wildlife and landscape criteria of the Hedgerow Regulations 1997. In relation to the Regulations, there is no specific assessment of the historic value of the hedgerows in the submission.

In this case, there has been no assessment of the hedgerow and it is unknown whether the hedgerow which would be lost is important. This issue will form a reason for refusal.

### **Design**

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the*

*connections between people and places and the integration of new development into the natural, built and historic environment.”*

In this case the density of the site is appropriate and is consistent with that of the surrounding area. The indicative layout shows that the properties on the site would overlook the highway, parking areas and the public open space. The properties located at corner plots have the potential for dual-frontages.

To the site entrance the dwellings would be set behind a hedgerow which would act as a green buffer to the proposed development. According to the indicative plan, the open space would be located centrally and along the stream which would act as green corridor along the northern boundary of the site. The indicative layout is therefore considered

## **Ecology**

### Great Crested Newts

The submitted ecological assessment correctly states that great crested newts have been recorded in the locality of this site. The submitted report recommends that further surveys are undertaken in spring 2013.

Until a further detailed Great Crested Newt Survey has been undertaken the Council has insufficient information to determine the potential impacts of the proposed development upon Great Crested Newts in accordance with its statutory and policy obligations. The planning application should not be approved until this further survey has been undertaken and a report which includes outline mitigation/compensation proposals submitted to the council.

It is important that all ponds within 250m of the site are surveyed. Neither of the submitted surveys has correctly identified all relevant ponds. There is a large garden pond present at No.8 heath End Road and an additional small garden pond at 21 Pikemere Road. Great Crested Newts have previously recorded at both of these ponds, although they were absent from the pond at Pikemere Road during the last survey. It is essential that both of these ponds are surveyed as part of the assessment of the current planning application.

### Reptiles

Grass Snake is known to occur on this site. However, no detailed survey has been undertaken for reptiles. In order to assess the importance of the site subject to this application for reptiles a detailed reptile survey should be undertaken during the spring/summer. The planning application should not be approved until this further survey has been undertaken and a report which includes outline mitigation/compensation proposals submitted to the council.

### Bats

Bat activity surveys have been undertaken on site and a survey of the buildings on site has also been undertaken. However, the activity survey was undertaken late in the survey season and the survey of the buildings on site was inconclusive. The submitted assessment recommends that further bat surveys are undertaken in spring 2013.

The Councils Ecologist recommends that the bat activity surveys are redone together with the surveys of the buildings. The trees identified as offering potential roosting opportunities should also be subject to further detailed surveys. The planning application should not be approved until this further survey has been undertaken and a report which includes outline mitigation/compensation proposals submitted to the council.

### Other protected Species

Some evidence of other protected species activity was recorded on site but no active setts were present. The proposed development of this site is likely to lead to a loss of foraging habitat on site however the impacts of this are unlikely to be significant. As other protected species can excavate a new sett within a short time scale the Councils Ecologist recommends that if planning consent is granted a condition be attached requiring any future reserved matters application to be supported by an updated protected species survey as a precautionary measure.

### Hedgerows

Hedgerows are UK BAP priority habitat and hence a material consideration. Hedgerows on Sandbach Road North have been identified as being 'Important' under the hedgerow regulations. It appears likely that the development of this site will have an adverse impact upon this hedgerow.

Tree planting is shown for the small swamp area identified at target note 14 of the UES habitat survey. This wetland area should be kept free of tree planting and enhanced for its ecological value as a wetland.

The Councils ecologist recommends that the on-site commercial willow plantation be managed and replanted to diversify its structure and so enhance its ecological value

### **Archaeology**

A supporting Archaeological Assessment has been submitted with this application and this has been assessed by the Councils own Archaeologist who has suggested that further mitigation should be secured by condition if planning permission is granted.

### **Public Rights of Way**

Public Right of Way Alsager FP2 crosses the application site and would be retained according to the indicative masterplan.

There have been a number of requests for improvements to the footpath network within the vicinity of the site with the following items requested:

- A replacement bridge over the watercourse PROW Alsager FP2
- The upgrade of Alsager Footpath No 2 to Heath End Road
- Pedestrian links to Borrow Pit Meadows Countrypark
- Improve surface to Alsager Footpath No 1 within the Borrow Pit Meadows Countrypark
- Improved means of access to the Salt Line Way

Of these works, those within the red line boundary could be conditioned whilst those outside would require S106 contributions should the application be approved. The Public Rights of Way Officer

has conceded that she is unable to give a cost for the improved access to the Salt Line Way without feasibility research and contributions for this cannot be secured.

The contributions required would be £3,430 for the upgrade of Alsager Footpath No 2 to Heath End Road, £810 for the pedestrian links to Borrow Pit Meadows Countrypark and £13,125 to improve the surface to Alsager Footpath No 1 within the Borrow Pit Meadows Countrypark. This gives a total of £17,360 which the applicant has agreed would be secured as part of a S106 Agreement should the application be approved.

## **Public Open Space**

This indicative layout shows that an area of POS would be located centrally, along the northern boundary of the site and to the north-west corner of the site. The indicative layout shows that the following would be provided:

- Public open space (0.60Ha)
- Habitat Creation (1.08Ha)
- Equipped children's play space (0.04Ha)

The level of open space is considered to be acceptable and would be maintained by a management company.

In terms of children's playspace, the Public Open Space Officer has requested an on-site LEAP and this would be provided and secured as part of a S106 Agreement.

## **Education**

In terms of primary schools, there are six which would serve the proposed development (Excalibur, Cranberry, Alsager Highlands, Pikemere, Rode Heath and St Gabriel's) and the proposed development would generate 26 new primary places of which 9 cannot be accommodated. As there are capacity issues at these local schools the education department has requested a contribution of £97,617. The applicant has agreed to make this contribution and this will be secured via a S106 Agreement should the application be approved.

In terms of secondary education, the proposed development would be served by Alsager High School. There are currently 104 surplus spaces and this will rise to 241 surplus spaces in 2018. Therefore, there is no requirement for a secondary school contribution.

## **Flood Risk and Drainage**

The majority of the application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps, although part of the site along the watercourse to the north of the site is located within Flood Zones 2 & 3 (medium and high probability of river/tidal flooding). A Flood Risk Assessment (FRA) has been submitted as part of this application.

In terms of flooding from the watercourse the submitted FRA states that Hydraulic Modelling Report indicates that the majority of the flow would remain in the channel for events up to the 1 in 1000 year event. The assessment concludes that the EA's flood levels in this area are currently

inaccurate although the flood envelope does represent in general a similar envelope to that of the modelled outline.

In terms of foul drainage, the FRA states that an examination of the historical geotechnical maps for this area indicates that the ditch to the rear of 12 Rydal Way has been established to be fed by a natural spring to the south of the development site. The FRA states that the volume of water likely to spill from this point will be limited by the natural underlying hydrology and the culverted section of the ditch, the full bore capacity of which is approximately 150l/s. The FRA then concludes that the existing ditch profile is more than capable of conveying this flow from Rydal Way to the unnamed watercourse and as such it is recommended that the existing ditch profile and route is maintained through the development to its existing confluence.

The use of SuDS based systems needs to be considered as the primary measure for dealing with surface water for any proposals. The FRA states that the natural topography of the site and the availability of the watercourse to the north of the site promotes the use of a swale and pond system in the lower part of the site running parallel to the line of the watercourse. The FRA identifies that this type of system would not only provide the required attenuation for the site but would also enable the features to be integrated with the existing natural habitat and also provide water quality improvements to the flow before outfalling to the watercourse.

The foul drainage will discharge into the existing foul sewer and due to the topography of the site the site a pumping station will be required. The indicative layout shows that a pumping station could be located within the site.

The comments raised about the adequacy of the FRA are noted but the Environment Agency and United Utilities have been consulted as part of this application and have raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

### **Agricultural Land Quality**

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 case a survey of the agricultural land quality has been undertaken and this identifies that 40% of the land is Grade 2 and 60% is grade 3b.

Although the development would result in the loss of 2.3 hectares of Grade 2 land the majority of the site is grade 3b (3.4 hectares) and a reason for refusal could not be sustained on these grounds. This is supported by a recent decision made by the Secretary of State at Bishop's Cleeve, Gloucestershire where two developments (one of up to 450 homes and another of up to 550 dwellings) were approved outside the settlement boundary with one being located on the best and most versatile agricultural land. The recent decision at Loachbrook Farm, Congleton also reinforces this point.

### **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 development would result in increased demand for primary school places in Alsager where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy. It is directly related to the development and is fair and reasonable.

The PROW contribution is required to improve the PROW in the vicinity of the site which are in a poor state of repair. The development would result in increased use of the PROW and upgrades are required. The pedestrian links to the Borrow Pit Meadows Countrypark would enable residents of the new development to have greater access to this amenity area as there would be limited provision on the site. As a result the contributions are necessary, directly related to the development and fair and reasonable.

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

## **10. CONCLUSIONS**

The site is within the Open Countryside where under Policies PS8 and H6 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.

The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land. The benefits of allowing development on this site are insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside and as a result the proposal is considered to be unsustainable and contrary to Policy PS8 of the local plan and the provisions of the NPPF in this regard.

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 not considered to be acceptable in terms of its impact upon residential amenity (contaminated land), ecology and highways and these issues will also form reasons for refusal.

In terms of drainage/flooding the proposal complies with the relevant local plan policy requirements for residential environments Contributions would be secured to mitigate the impact upon local schools and the PROW in the vicinity of the site.

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 locationally sustainable.

The proposal will result in the loss of 2.3 hectares of grade 2 agricultural land. This is the best and most versatile agricultural land and it is considered that the proposed development would not outweigh this loss.

## **11. RECOMMENDATIONS**

**REFUSE** for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside on Grade 2 Agricultural Land, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. The proposed development does not provide any mitigation for the junction of Sandbach Road North/Crewe Road which would operate in excess of capacity as a result of the proposed development and the Transport Assessment does not include an assessment of the impact of the Twyfords development which has a resolution to approve subject to the completion of a S106 Agreement. Furthermore there has been no assessment of the interaction between the junctions of Chancery Lane/Hassall Road and Hassall Road/Crewe Road. The development would result in increased congestion at these junctions and as a result the transport impact of the development would be severe and the development is not considered to be sustainable development. The proposal is contrary to the NPPF and Policies GR9 (Accessibility, Servicing and Parking Provision) and GR18 (Traffic Generation) of the Congleton Borough Local Plan First Review (2005) which seek to maximise sustainable transport solutions.**
- 3. Insufficient survey information has been submitted in relation to a number of protected species (Great Crested Newts, Bats and Reptiles) and as a result it is not possible to determine the potential impact upon these species which are known to be present in the area. Without this information to give details of the impact and any necessary mitigation, the proposed development does not conserve and enhance biodiversity. Therefore the proposal would not be sustainable and would be contrary to the NPPF and Policy NR4 (Non-statutory sites) of the Congleton Borough Local Plan First Review (2005).**

- 4. Part of the application site has a history of landfill use and as a result the land has the potential to be contaminated and there may be ground gas being generated on this site. No Phase II Site Investigation or Gas Risk Assessment has been submitted with the application and as a result it is not possible to determine whether there will be an adverse effect from pollution on the health of the future occupiers of the proposed development. The development is therefore contrary to Paragraph 120 of the NPPF and Policies GR6 and GR7 of the Congleton Borough Local Plan First Review (2005).**
  
- 5. Insufficient information has been submitted with the application to determine if the proposal would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Policy NR3 of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development. Therefore contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review and guidance contained within the NPPF.**

**In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee’s decision.**

(c) Crown copyright and database rights 2013. Ordnance Survey  
100049045, 100049046.

