

Application No: 12/4150C  
Location: LAND SOUTH OF HALL DRIVE, ALSAGER  
Proposal: Erection of up to 150 dwellings with associated infrastructure (outline)  
Applicant: RENEW LAND DEVELOPMENTS LTD  
Expiry Date: 30-Jan-2013

### **SUMMARY RECOMMENDATION**

- **REFUSE**

### **MAIN ISSUES**

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

### **REFERRAL**

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

### **1. SITE DESCRIPTION**

The application site is located to the south of Alsager, adjoining the existing settlement boundary as defined in the Congleton Borough Local Plan. It is approximately 450m from Alsager Town Centre.

The site is relatively level, currently undeveloped and used for agricultural purposes with no distinctive landscape characteristics. The land was formerly pasture but had not been used for many years until in 2012 a potato crop was taken from the land. It is a narrow strip of countryside between a modern housing development and St Gabriel's primary school to the north, which currently forms the edge of the settlement; and the railway line to the south which forms the Green Belt boundary. The railway provides a strong dividing line and defensible boundary between Alsager and the Green Belt, as is evident from the local plan map.

The site extends to approximately 6.34 hectares and is confined on its northern boundary by Valley Brook and a play area beyond which lie the houses on Swallow Drive. The play area and an area of public open space would be retained for community use.

There is a public footpath alongside part of the railway along the southern boundary of the site. This connects with a path that crosses the railway, and runs alongside the brook to connect with Well Lane/Cedar Avenue. This path gives access on foot to St Gabriel's school, the railway station, health centre and other town centre facilities. To the west of the site is agricultural land with the Old Mill Public House beyond. To the east are allotments and a playing field accessed from Cedar Avenue.

## **2. DETAILS OF PROPOSAL**

The application seeks outline planning permission for up to 150 dwellings with all matters reserved apart from access. An illustrative site layout is provided in support of the application. It is envisaged that the development would provide a mix of 3, 4 and 5 bedroom houses of 2 and 3 storeys in height, in either detached or mews-type houses.

30% of the dwellings would meet affordable housing criteria in accordance with policy requirements.

Additionally private and public amenity space, landscaped areas, new roads and off street car parking would be provided. Public footpaths would be retained and enhanced as part of the application.

## **3. RELEVANT PLANNING HISTORY**

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

## **4. 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)  
North West Sustainability Checklist  
Strategic Housing Land Availability Assessment  
Draft Development Strategy

## **4. OBSERVATIONS OF CONSULTEES**

### **Archaeology**

There are no features currently recorded on the Cheshire Historic Environment Record from within the application area and it must be admitted that the generally low-lying nature of the site makes it unlikely that it would have been attractive for permanent settlement. It is noted, however, that the application is supported by a detailed flood-risk assessment of the site, which has been prepared by ARJ Associates Ltd. Section 2.4 of this report includes a description of various drainage features which have been identified in or around the present stream and, based on the descriptions and photographs in the report, some of these are likely

to be of archaeological interest. These include Structure D (timbers and stone blocks), Structure C (former weir), and Structure E (sluice associated with former mill leat). It is also noted that the development proposals will include new culverts, possible realignment of the brook, and various other drainage improvement works. It is likely, therefore, that potentially significant archaeological remains will be disturbed by the proposed development.

This potential, however, is not sufficient to justify an objection to the development on archaeological grounds or to generate a recommendation for further predetermination work. The Archaeologist does advise, however, that it would be reasonable to secure a targeted programme of archaeological mitigation in the event that planning permission is granted. In view of the lack of any extant desk-based assessment, this work should take the form of an initial phase of map-based and documentary work in order to define those parts of the site requiring archaeological mitigation more closely. Targeted fieldwork should then be undertaken on features and areas of interest that will be affected by the development. A report on the work will need to be produced and the mitigation may be secured by the condition.

The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (*Conserving and Enhancing the Historic Environment*) of the new *National Planning Policy Framework*.

### **Environment Agency**

- No objection in principle to the proposed development but requests that the following planning conditions are attached to any planning approval.
  - The development hereby permitted shall not be commenced until such time as; a scheme demonstrating no buildings or alteration of existing ground levels within Flood Zone 3 (1% AEP) flood event, has been submitted to and approved in writing by the local planning authority.
  - The development hereby permitted shall not be commenced until such time as; a scheme demonstrating that the finished floor levels of proposed buildings are to be set at a minimum of 600mm above the 1 in 100 year (1% AEP) plus climate change flood level, has been submitted to and approved in writing by the local planning authority.
  - The development hereby permitted shall not be commenced until such time as; a scheme demonstrating that all proposed access roads, parking and pedestrian areas are to be set at a minimum of 300mm above the 1 in 100 year (1% AEP) plus climate change flood level, has been submitted to and approved in writing by the local planning authority.
  - The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
  - The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The Flood Risk Assessment suggests that surface water will be disposed of via soakaway. Percolation tests will need to be undertaken to confirm that this method is feasible. If surface water is to discharge to Valley Brook and a single rate of discharge is proposed, this is to

be the mean annual runoff ( $Q_{bar}$ ) from the existing undeveloped greenfield site. This has been calculated within the Flood Risk Assessment as 2.24 litres/sec/hectare, which is considered acceptable in principle.

- For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.
  - The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.
  - The development hereby permitted shall not be commenced until such time as; 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
  - During times of severe rainfall overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected.
  - If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- Valley Brook is designated a 'main river'. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, our prior written consent is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of a designated 'main river'.
  - The Environment Agency have discretionary powers within the above Act, to carry out works to a designated 'main river' for which access is required to and along the banks of the watercourse. The proposed layout should ensure that access is provided to the watercourse. Consent under the Byelaws for any proposals within the 8 metres wide strip that would affect access, is unlikely to be granted.
  - Any replacement or removal of the existing culverted Hall Drive crossing will require prior written consent under the above Act as well as the proposed access across Valley Brook. It would be preferable if any crossing was a single span bridge, as this would have the least impact on the Brook. If a culvert access crossing is proposed, the basic requirements are that it is to be capable of passing the 1 in 100 year (1% AEP) flow in Valley Brook without affecting flood risk. Allowance for climate change and a 600mm freeboard allowance are to be included. The invert level is to be set a minimum of 300mm below the hard bed level in the Brook and mammal access through the culvert will be required.
  - Any proposed surface water outfall structure will also require consent under the above Act. This should be constructed wholly within the bank profile using materials in keeping with the local area. The discharge exit velocity should not exceed 1.0 metre/second and should be angled with the direction of flow in the Brook.

## **Greenspaces**

### 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
- Whilst there is a requirement for new open space, the existing facilities are substandard in quality including a poor range of facilities for the needs of the local community. The Swallow Drive Play area around which the development is planned is not in the ownership of Cheshire East Council. Financial contributions can only be sought towards improving this play area if Cheshire East were to acquire ownership of the site
- If Cheshire East were to acquire ownership of Swallow Drive and given that an opportunity has been identified for upgrading the quality of Children and Young Persons Provision, based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;
  - Enhanced Provision: £ 32,965.20
  - Maintenance: £ 107,460.00
- Alternatively new on site provision would be required. Rather than build a new play area an alternative could be the acquisition and improvement of Swallow Drive Play Area by the Developer
- Whilst it is appreciated this promotes bio-diversity and complies with regulatory requirements 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.

### 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 deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study
- There is a deficiency in the quantity of Amenity Greenspace. Based on the Council's Interim Policy Note on Public Open Space there is a requirement for 3600m<sup>2</sup> of new Amenity Greenspace. Plan B shows a piece of Amenity Greenspace but the actual area is not quantified. If the actual area of POS the Developer is proposing is less than 3600m<sup>2</sup> then we would be asking for an off site contribution for Amenity Greenspace for the shortfall in area. Any financial contribution which may be due cannot be calculated until the actual amount of Public Open Space is quantified by the Developer
- As with the Children and Young Persons Play Provision it is recommended that the Amenity Greenspace be transferred to a management company
- Streetscape would respectfully ask to be notified of any observations you may have regarding these comments, and to be informed of any changes that are made to the initial proposals as soon as you are aware of them.

## Network Rail

- Network Rail is placing a holding objection on the above proposal.
- Very seriously concerned about impacts upon a level crossing.
- There is a statutory responsibility under planning legislation (Schedule 5 (f)(ii) of the Town & Country Planning (Development Management Procedure) Order, 2010) to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway.
- The Design and Access Statement states that, "*The application scheme has benefitted with Traffic and Highway Engineers being appointed at a very early stage. They have liaised directly with Cheshire East Highways Authority to discuss access options, highways safety, parking provision as well as obtaining comments on proposals at pre-application stage.*" There is no reference to anyone from the developer contacting Network Rail to discuss the issue of the level crossing, 'North of the Hall', and the implications of increased volume or type of traffic over the crossing as a result of the 150 dwellings and their occupants, which will include minors, dog walkers, etc who may use the crossing to gain access to what the developer is referring to as open countryside on the opposite side of the railway line.
- To enable Network Rail to provide data to accurately reflect their concerns they need to know what the likely level of increase of crossing use will be – in this case the developer knows that there is a Public Footpath to the west of the other level crossing [page 17 of the design statement shows a diagram indicating '*open countryside*']. Network Rail's last risk assessment of this crossing [known to us as 'North of the Hall'] indicates that the crossing is used once or twice a day. If this development gains planning permission, this level of usage will no doubt increase. Therefore they request that the developer is to provide details of the likely footfall over the crossing if the development goes ahead – they will need this information to inform our comments, which may include an objection if we ascertain that there is going to be a material increase in the type and volume of traffic at this crossing
- As per GEN3 of the Cheshire Structures Plan 2016 (General requirements for the quality of new development), (as quoted below) any mitigation measures Network Rail believes are necessary at the level crossing will be funded by the developer. This includes any closure of the level crossing and any replacement footbridge (subject to Network Rail approval).
- The site plan shows the white footpath leading directly to the level crossing from the centre of the development which shows that access can be gained across the railway line from the 150 dwellings
- Network Rail believe that the developer and the council have not taken due notice of the implications for public safety of increased traffic over the level crossing.
- Once Network Rail have had the relevant information from the developer Network Rail will be able to respond more fully to the proposal.
- Network Rail would also request that the following are actioned by the applicant:
  - developer contribution of £10,000 should be made to the installation of additional cycling facilities at Alsager Station
  - Acoustic fencing that is proposed to be installed along the boundary with Network Rail is a cause for concern. Over the height of 1.8m, Network Rail would have to consider the impacts of wind loading on the fence. There is the potential for the fence to topple over and fall onto the operational railway.

Therefore the approval of the acoustic fence and its foundation design would be subject to the Network Rail Asset Protection Engineer.

- Standard informatives to be attached to the decision notice relating to
  - Fencing – residential
  - Encroachment
  - Scaffolding
  - Vibro-impact machinery
  - Drainage
  - 2m gap between the buildings and structures on site and network rail boundary fencing
  - Lighting
  - Noise
  - Landscaping
  - Need for vehicle incursion prevention at the turning heads adjacent to the railway boundary.

### **United Utilities**

No objection to the proposal subject to the following conditions:

- This site must be drained on a total separate system with only foul drainage connected into the public foul sewerage system. Surface water should discharge directly in to the adjacent watercourse and may require the consent of the Local Authority.
- This site would need to be served via a foul water pumping station with the nearest public sewer available for discharge purposes being located approx' 400m away.

### **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.
- The protected species survey has identified that bats, a European protected species may be affected by this application.
- Natural England refer the Council to their standing advice relating to bats
- They have not assessed the survey for badgers, barn owls and breeding birds<sup>1</sup>, water voles , widespread reptiles or white-clawed crayfish . These are all species protected by domestic legislation and they make reference to standing advice to assess the impact on these species.
- The application is not within/close to a SSSI or SAC notified for bats.
- There are suitable features for roosting within the application site (eg buildings, trees or other structures) that are to be impacted by the proposal.
- Detailed visual inspections had been undertaken and no evidence of a roost was found.
- The application does not involve a medium or high risk building as defined in our standing advice.
- “Permission could be granted (subject to other constraints)” and the authority should “Consider requesting enhancements”.

### **Highways**

No comments received at the time of report preparation.

## **Environmental Health**

- The hours of noise generative\* demolition / construction works taking place during 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
- All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
- A piling method statement shall be submitted and agreed
- An Environmental Management Plan shall be submitted and agreed by the planning authority.
- Any private gardens within five metres of the southern boundary of the site shall have two metre high acoustic fencing installed. Such fencing should be constructed from at least 20mm thick timber with no holes or gaps.
- Gardens 5 metres or further from the southern boundary, or those screened from the railway line by the other dwellings themselves will not require acoustic fencing.
- The internal noise criteria shall be achieved through the installation of well fitted standard thermal double glazing (i.e. 4mm glass – nominal cavity – 4mm glass) and standard in frame trickle vents.
- Any development has the potential to cause adverse effects on local air quality as a result of increased transport emissions. In turn this can lead to negative health impacts.
- Where a development falls within the remit of requiring an air quality impact assessment (as does this), an air quality impact assessment is required at the pre-application stage, or at least to come in with the application before an application can be determined. The alternative is that this department would recommend refusal of an application based on insufficient information.
- The application is an outline application for 150 dwellings, with associated parking. Insufficient information has been submitted with the application relating to the impact of the development on Local Air Quality. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.
- As this is an outline application however there is opportunity for a suitable Air Quality Impact Assessment to be provided at a later stage. This would be a decision for the planning officer whether to allow this. Therefore should this application be approved, it is recommended that this is secured by condition.

- A scheme to minimise dust emissions arising from demolition / construction activities on the site should also be secured by condition.
- The Contaminated Land team has no objection to the above application subject to the following comments:
  - The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
  - The applicant has submitted a Phase I Preliminary Risk Assessment for contaminated land with their application. This report recommends a Phase II geo-environmental investigation be undertaken.
  - As such, and in accordance with the NPPF, recommend that the standard conditions, reasons and notes be attached should planning permission be granted:

### **Health and Safety Executive**

- From the plans it is clear that the development falls within the consultation distances of the nearby explosives facility licensed by the HSE. Based on the information provide, the Explosives Inspectorate has considered the effect that the explosives operations allowed under the license might have on the new development. Their conclusion is that whilst the probability of a major accident involving explosives is low, the consequences to people at the development could be serious.
- Therefore they advise that should planning permission be granted for the development, the Explosives Inspectorate would review the explosives facilities license. The Planning Authority may wish to note that this review may result in the facilities explosives capacity being significantly reduced, possibly putting this commercial facility in jeopardy.

### **Public Rights of Way**

- The proposed development, as acknowledged in the application documents, will affect Public Rights of Way (PROW), namely Public Footpaths Nos. 8 and 10 in the Parish of Alsager, as recorded on the Definitive Map and Statement of Public Rights of Way
- The PROW Unit requests that the Planning department add the standard advisory notes to any planning consent.
- The Design and Access Statement acknowledges that the existing Public Footpath No. 8, which runs along the northern edge of the railway line/southern edge of the site, will need to be accommodated within the layout. It continues to propose that the footpath will be faced with a number of private drives to provide natural surveillance over the path. This design principle is welcomed, with the path remaining un-enclosed, provided that the width of the public right of way is not be diminished. In order for the public footpath to be used by prospective residents as a means of access to the town centre, the surface of the path should be brought up to an all-weather surface, such as crushed stone and a width of at least 2 metres should be allowed for the footpath in any detailed design. The Public Rights of Way team will need to be consulted on the

proposals for the layout of the development adjacent to this footpath and full details and specifications for the footpath will require the agreement of the Public Rights of Way office prior to any development taking place.

- In order to further increase the permeability of the site for cyclists as well as pedestrians, it may be appropriate to upgrade, in status and surface, this section of public footpath which at present only pedestrians have a right to use. In terms of status, the route may be upgraded to a public bridleway or cycle track through legal order process. Alternatively, permissive access for cyclists could be granted over the land by the developer. In terms of surface, the route would benefit from being formalised from a route on grass to an all-weather, surfaced pedestrian and cyclist facility with appropriate width of 2m minimum or 3m preferable width, to be consistent with best practice for traffic-free routes. At present this route is valued by local residents as a rural path and therefore the facility could be designed into the green infrastructure of the site. The developer would be required to cover the administrative costs of any legal orders and the construction works. If the surface of the path is not to be maintained within the arrangements for the public open space of the site, contributions towards maintenance costs would be required through a commuted sum.
- It should be noted that at the south-western corner of the development site, Footpath No. 8 connects with Footpath No. 9 which crosses the railway at grade at this location.
- Section 3.11 of the Framework Travel Plan describes the intention to “provide improvements to public rights of way to the east of the site which links onto Cedar Avenue. These will provide pedestrians and cyclists with a safe traffic free route between the site and Alsager town centre”. Presumably this relates to Footpath No. 10 on which improvements would be required and welcomed in order to cater for the increased traffic generated by the proposed development.
- In order for both pedestrians and cyclists to use the public right of way, the route will require upgrading in status and surface from its junction with Footpath No. 8 to Cedar Avenue. In terms of status, the route will need to be upgraded to a public bridleway or cycle track through legal order process for which the developer would be required to pay the administrative costs. In terms of surface, the route will need to be formalised from a route on grass to an all-weather, surfaced pedestrian and cyclist facility consistent with best practice and the developer would be required to cover the costs for this both within and outside of the development red line boundary. In order to provide this facility, the line of the route will require diversion away from the brook which threatens erosion of the line of the path, and the proposals could include a link to the adjacent adopted Footway FY1403 off Swettenham Close to increase the permeability of the site. These proposals will then match the aspiration stated in the Framework Travel Plan to accommodate a primarily non-vehicular route for pedestrians and cyclists to the town centre within the public open space. Full details and specifications will require the agreement of the public rights of way office prior to any development taking place. If the surface of the path is not to be maintained within the arrangements for the public open space of the development, contributions towards maintenance costs would be required through a commuted sum.
- In relation to Public Footpath No. 10, section 3.7 of the Transport Assessment states that the footpath will be retained on the existing alignment, the brook over which it

crosses will be realigned and a new footbridge provided. It is unlikely that the proposals will enable the footpath to be kept on its current Definitive line, and therefore the developer will be required to submit detailed plans and specifications to this office for approval. Any required legal orders will need to be applied for and costs covered by the developer. It should be noted that the status of Lake View lane (QR1986), over which the public footpath runs, will require clarification with the Highways Department.

- It appears that the development will temporarily affect Public Footpath No. 10 during construction due to the proposed realignment of the brook and bridge and may affect Public Footpath No. 8 during construction of the dwellings and access routes. The developer must therefore apply for a temporary closure of the route(s), preferably providing suitable alternatives. The PROW Unit will take such action as may be necessary, including direct enforcement action and prosecution, to ensure that members of the public are not inconvenienced in their use of the way both during and after development work has taken place.
- Destination signage for cyclists and pedestrians to local facilities, including schools, the town centre and railway station, should be designed as part of the proposals. The transport assessment should include an assessment of whether adequate, cycle parking is available at key destinations in the town, including the railway station, bus station and town centre, and should include provision for works to address any identified shortfall. It is noted that travel planning, to include walking and cycling opportunities, is proposed so that prospective residents are fully informed of travel options. This should be extended to provide residents with information on leisure activities including the public rights of way network in the vicinity of the site.
- In conclusion, the proposed development, through best practice integration of the existing public rights of way into the design of the site, could offer improved pedestrian and cyclist facilities for residents of the area. The developer will be required to obtain the agreement of the Public Rights of Way team during the design of the development with respect to the affected Public Footpaths.

## **Education**

### Primary Schools

The Council is forecasting a small element of unfilled places across the primary schools within 2 miles. However this does not give consideration to the development of the Twyfords site which the Service has previously been consulted on and from which 54 primary aged pupils are expected. In light of these additional pupils the Council is seeking contributions from developments in Alsager because the local schools are forecasting that there will only be 45 places available in the schools in 2016 and 50 by 2017.

Based on this being an application for 150 dwellings (12/4150C) the contribution required is  $24 \times 11919 \times 0.91 = \text{£}260,311$ .

### Secondary Schools

There will be places available in the local secondary school to accommodate the pupils generated of this age.

## **BAe Systems**

Object to the proposal on the following grounds:

1. It directly Impacts on the ability of the Small Arms Manufacturing Site to operate to its full capability:
  - a. Please refer to the HSE response to E. Cheshire's consultation request with respect to this application. All of this proposed development is within our Class 3 safeguarding zone and the West South West area is within our class 2 safeguarding zone. This affects the quantities of explosives articles and substances we are licensed to store and process
  - b. BAE Systems have recently invested circa. £90M in the development of a new manufacturing facility to provide Small Arms Ammunition to the UK Ministry Of Defence and other export customers. This investment is based on having the capability to produce contractually agreed annual volumes of ammunition over a 15 year period with rolling 5 yearly extension options thereafter. If this proposed development went ahead, the overall manufacturing capability of the facility would be reduced (see point a above), which in turn would jeopardise BAE Systems' ability to meet our contractual requirements and to sustain the MOD's small arms ammunition capability going forward. Additionally, this would impinge on our ability to take on new export contracts and provide further employment opportunities for people in the locality
2. Misrepresentation / Inaccuracies in the Environmental Impact and Noise Surveys:
  - a. The Environmental Impact Survey indicates there are no sensitive sites in the survey area. This is incorrect as Oakhanger Moss is within the survey area and this is a RAMSAR Site.
  - b. The noise survey did not fully account for typical noise levels generated by our activities (proofing of small arms ammunition) and other operations in the nearby Industrial park due to the time window of the survey.

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

Alsager Town Council strongly objects to the proposed development on the following grounds:

1. 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.

2. 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.
3. 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 deposited with Cheshire East and reflects the wishes and aspirations of its residents This Strategy clearly accepts the need of the housing growth but strongly emphasises that the towns brownfield site should be fully utilised before greenfield sites are developed which is sympathy with Cheshire East Report.
4. 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 wildlife.
5. 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.
6. This particular application, in conjunction with other current large resident development applications in Alsager. If approved would have a serious detrimental impact on the town highway infrastructure, education doctors surgeries, medical centre, local facilities and amenities. Such applications, if approved would be a threat to the character and atmosphere to the town as a whole.
7. 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 application which conflict with that Adopted town strategy.
8. The proposal will increase the traffic congestion on Hall Drive and put pressure on Crewe Road and its junctions with Station Road, Hassall Road and the minim-roundabout at Poppyfields. Many children walk to school via Hall Drive which is the only proposed Access road to the development. The transport assessment undertaken by the developers has not taken into account the key junctions close to the proposed development, such as the min roundabout at Poppyfields or the cross-roads junction between Station Road, Crewe Road and Church Road. The Town Council has serious concerns about the impact of significant increase traffic use of the Church Road / Station Road junction given its proximity to the Hall Drive entrance and the hazardous site lines onto the main route through Alsager.

9. The Town Council has service concerns about the existing ground conditions on which the development is proposed 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 through investigation into the ground conditions has been undertaken.
10. The proposed development is located partly within the Radway Green Ammunitions Factor Exclusion Zone and it is the Town Council's view that to develop the site would be unsafe in the event of an explosive accident and consequently urge Cheshire East Council to acquire a report from the Health and Safety Executive.
11. The Town Council understands that Network Rail have submitted a holding objection to the proposed developments. The Town Council is concerned that health and safety issues relating to footpaths in close proximity to the railway line have not been addressed by the developers.
12. The Town Council have concerns that there is insufficient information in the application relating to the impact of the development on Local Air Quality.
13. The Town Council request that a site inspection be arranged before Cheshire East Council makes a decision on this application.

## **6. OTHER REPRESENTATIONS**

### **Swettenham Close Residents**

A 22 page joint objection has been received from the residents of Swettenham Close. The executive summary states:

- *The proposal conflicts with the emerging Alsager Town Strategy and is a deviation from the Local Plan. Alsager has already demonstrated and exceeded a 5 year housing supply; and a further substantial brownfield site is still available.*
- *This proposal would breach the existing urban boundary, intrude into the open countryside, and go against the policy of preserving grade 3a agricultural land.*
- *It would reduce amenity and adversely impact on Public Rights of Way*
- *The site is inappropriate for residential development due to an adjacent railway, a flood prone brook with rapidly eroding banks, and its proximity to BAe Systems at Radway Green.*
- *The applicants have failed to demonstrate the proposal sites can sustainably deliver 150 houses. Being mindful for the precautionary principle, synergy principle in conjunction with the sustainability criteria of the NPPF, these constitute further material grounds for refusal.*

### **Hall Drive Action Group**

A 31 page objection has been received from the Hall Drive Action Group. The executive summary states:

- *The Hall Drive Action Group (HDAG) is submitting this document as an objection against the proposed development on the land south of Hall Drive, Alsager. The application submitted by Emery Planning Partnership on behalf of Renew Land Developments indicates proposals to build 150 dwellings on the site.*

- *HDAG object to the proposed development based on numerous valid technical reasons which demonstrate that it is not sustainable. Additionally, any accordance with the relevant planning policy is flawed when the emerging Cheshire East Local Plan and the Alsager Town Strategy are taken into consideration.*
- *Our objection to the proposals is based on the evidence gathered around six major technical areas:*
  - *Policy*
  - *Flood Risk*
  - *Traffic Impact*
  - *Safety relating to Munitions Exclusion Zone at Radway Green and impact on the site's commercial viability*
  - *Intrusion into the Open Countryside and destruction of natural habitat*
  - *Proximity to Railway and associated safety risks*
- *Our objection assesses these key technicalities, based on a detailed review of the assessments submitted by the developers. Evidence for our objections is established from a range of sources, including resident's own technical knowledge and experience, consultation with consultees and statutory bodies, and a data gathering exercise from publically available information.*
- *This objection illustrates that the proposed development is not in full accordance with the National Planning Policy Framework (NPPF) and when fully assessed against this framework, the potential adverse impacts of this development would demonstrably outweigh any potential benefits.*
- *The proposed development would cause severe irreversible detriment to the residents of Alsager, impacting current and future generations.*
- *On this basis, the proposed development on the land south of Hall Drive, Alsager, would not constitute sustainable development, and we therefore recommend that Cheshire East Council should not grant planning permission for this application.*

## **22 Swettenham Close**

A 23 Page objection has been received from the occupier of 22 Swettenham Close. It concludes as follows:

*My concerns about the realisation of this proposal are as follows:*

1. *Unlike, for example, the Hollins/Crewe Road proposal, this site is not directly accessible from a main road. It is a much larger proposal, accessible only via a narrow, winding, busy built-up road with numerous junctions and above average level of vulnerable users; thereby creating congestion, accident risk and community severance.*
2. *This adverse impact would be felt by the numerous pedestrians and amenity users. People crossing the construction access to get to school and elsewhere; people accessing POS, PROWs and attendant amenity. Policies and case law emphasise the experiential and qualitative. They also take great account of consultation. There has been no active consultation by the applicants with users and stakeholders.*

3. *The proposal site has additional 'unique non-selling points'. In essence, the two proposal fields are islands, bordered by a railway line and a rapidly-eroding flood-prone 'main river' brook.*
4. *Radway Green.*
5. *The applicant's 'sustainability' argument rests heavily on the NWDA Toolkit for developers. This is a biased facile device from a disbanded NGO. It lacks statistical credibility, accreditation and pragmatism. The NWDA themselves acknowledge local authorities might lack the ability to check information submitted. This further begs questions of due process and attendant issues of checks and balances. The whole model lacks legal authority or any sensible mathematical modelling.*
6. *The developer's case is further falsely predicated on a sequence of spurious Ceteris Paribus assumptions. Ceteris Paribus is a modelling tool/precept, based on the Latin concept of 'other things being equal'. To simplify models and consequential arguments, certain assumptions are made and certain variables omitted. E.g. the walking model assumes journeys will be made in the dark, in all weathers, via unlit routes without pavements.*
7. *There is no evidence to support to support the scheme promoters' contentions that current POS/s106 provision is safety deficient. The current Swallow Drive Play Area is a valued amenity, well used, and safe. The proposed POS provision for the development is inadequate.*
8. *Since the advent of the Barker Review local authorities have realised the urgency of progressing brownfield sites for development. Authorities have actioned Task & Finish Groups to progress this; and others to deal with the problem of connecting 'peripheral estates; with employment areas. Since then, however, bus services have been cut back and job specifications often require a car. The proposal area risks becoming another employment inaccessible area for those without a car.*

## **Petition**

A Petition containing approximately 852 signatures has been received objecting to the proposal.

## **Individual Representations**

383 individual representations have been received making the following points:

### ***Policy Issues***

- *Flies in the face of national and local (The Alsager Town Strategy) policy to build on brownfield sites (such as MMU and Twyfords) as a priority.*
- *The Town Strategy was adopted in August 2012 after local residents were consulted and whose views must be taken into account even though the Town Plan is only 'evidence'*

- There is sufficient brownfield land in Alsager to accommodate the 1000 new houses that allegedly need to be built without any greenfield or open space being used
- These brownfield sites are better suited and should be used before Greenfield.
- The university appears to have been completely vacated now and the buildings have been boarded up. Inevitably this is an open invitation to youths to congregate in this area and over time it would be usual to expect vandalism and general anti-social behaviour. To develop this brown site therefore should be the priority. Failure to do this may result in having a negative impact on Alsager and increased risk of crime.
- Why this land is even being looked at when there are brown fields sites locally?
- There is one registered and approved planning application to build on a brown field site in Alsager and Cheshire East Council knows that more applications are imminent. There is therefore no longer any excuse to ignore Cheshire East's own policy of giving priority to brownfield sites and to refuse permission to build on precious farmland or any other greenfield sites.
- A proper strategic development strategy for Alsager is needed. Currently there seems to be random applications, many on green field sites, that seem inappropriate and poorly thought through.
- The Town Strategy looked into the viability of using this land for future housing but rejected it as unsuitable and this strategy should now be a material consideration when deciding where to approve applications in Alsager. Surely the council should take local leaders' decisions seriously and not override them at will.
- To ignore the Alsager Town Plan would be to ignore the wishes of the Alsager Community, Cheshire East policies and National Policies.
- The option to use farmland/Greenfield sites has previously been rejected by all Town Council and Cheshire East Councillors.
- Alsager Town Council had a legal obligation to identify any possible, potential sites. Developers should not be allowed to get away with using the actions of the Town Council as some sort of 'carte blanche' justification for making planning applications for these sites just because they have previously been identified as an option.
- Alsager Town local plan has not yet been approved. The interim plan was consulted on but views were ignored. This is not democratic and therefore the interim plan is invalid. The Council should re-consult and actually take into account people's opinions, otherwise all future planning applications of this nature will be opposed. Better still, the local plan should be expedited through to reach an agreement.
- This is another unnecessary raid on Alsager's green belt.
- There is no point having a properly constituted town strategy if developers can ignore it.
- Developers obviously prefer green field sites because it is more profitable than re-instating brownfield sites. The cost of clearing these sites is not attractive to developers, especially where asbestos may be involved. It must be remembered that their primary responsibility is to their shareholders, not to the local community. However this is in no way a reason for their preference for greenfield sites to be condoned or approved.
- Why would any decent ethical developer ignore the wishes of the community expressed through the town strategy?
- No planning applications in Alsager should be considered until the Cheshire East 5 year plan is drawn up and published.
- The field subject to the proposal is green belt and should not be built on.
- In producing the Strategy Alsager followed National and Cheshire East Guidelines to the letter and the plan has been accepted by Cheshire East. It would be perverse not to

implement the Alsager Town Strategy otherwise Government demands for local control have not been met.

- Residents are in favour of the expansion of Alsager, notably by the construction of affordable housing. Alsager's population is disproportionately old, and development is needed. The excellent Alsager Town Strategy produced recently outlines suitable brown field sites for such growth.
- The pre-existing Congleton Borough Local Plan specifically identifies Alsager as an area of housing restraint. The Plan still stands until Cheshire East Council complete their own Plan.
- There is also a case based on Cheshire East's Emerging Plan. In the case of Alsager, it is apparent that the housing element of the Emerging Plan is already in place, and adopted.
- Developers must not be allowed to exploit the temporary lack of a Cheshire East Plan in order to cover the South East Cheshire countryside with unwanted urban sprawl against the wishes of the residents.
- The NPPF also states with reference to sustainability that green fields should not be built on unless there is absolutely no alternative and should only be used for housing in exceptional circumstances.
- Despite all of this, planning requests for housing development in and around Alsager are still being received and Cheshire East (elected representatives) should not override the wishes of local councils and residents to meet the wishes of developers.
- The land is allocated in the extant Congleton Local Plan as formal public open space. The developers propose that the playing fields at the MMU site should be substituted for this allocation - because there is a Planning Brief for the site. However the developers have deliberately excluded the MMU site from their traffic analysis because the MMU site has not received planning permission. This is clearly inconsistent and should be seen for what it is
- Greg Clark, the minister responsible for planning recently said the framework ensured there would be no greenfield development without the sanction of local authorities. *"Local communities are the best judges of what is important in their area,"* Clark said. *"My expectation is that most communities will want to bring brownfield back into use; but if they want to preserve green space in towns, to maintain a leafy aspect to them, [and instead would] like to make the choice, say, to add two or three homes to the edge of villages in their area, it will be up to local people to decide. I don't think they should be prevented from making that choice by a national ban."*
- Pressure for the development in the village is considerable, mainly for housing city commuters, but has been successfully resisted in similar cases recently.
- It flies in the face of the stated Strategic aim in the Town Strategy Plan to *'Maintain the Green Belt between Alsager and the Potteries'*. It is also out of step with the current Government's own strategy stated in its 'Quality of Life Report' from 2007 which stated in reference to new builds , *'..we have to use brown field sites for the vast majority of [these] new homes. Of course, the [building] industry would be better pleased to be given carte blanche to build on virgin land. However, not only is that environmentally unacceptable, but it is also politically impossible...'*

### **Lack of Need**

- Sufficient land has been identified within the Strategy to meet the town's foreseeable housing needs.
- The need for the houses is unproved. There are many empty properties and houses which have been on the market for a long time, and for sale signs are everywhere. Flats, houses, terraced, town house are all available
- It would difficult for people to sell existing houses in this area
- New development should be to meet the calculated local housing needs of an area, as opposed to the generalised figures concocted by central government.
- If there is housing need it is in the South Manchester/Didsbury area, not here. Turning Alsager, Sandbach and Congleton into dormitories for South Manchester will do nothing for carbon emissions or environmental degradation.
- The forecast requirement for housing, is derived by mere statistical techniques with little or no reference to local conditions. Alsager have just lost the two largest remaining employers, the MMU and Twyford's factory. The remaining large employer (BAE Radway Green) has automated its lines and cut workforce despite winning the full UK supply contract. Lack of employment is translating already into lack of demand for housing in Alsager, with one primary school closing last year due to lack of demand. House prices have dropped greatly over the last decade, in comparison with prices in Kids Grove, and there are many houses proving impossible to sell in the town. Therefore, if there will be renewed demand in Alsager after the recession is over, that will be weak and fully met by the Twyford's and MMU sites.
- A quota of more than 1000 new houses has been imposed on Alsager because of Government policies despite the obvious fact that there is currently no demand and there is very unlikely to be any such demand between now and 2030 as the quota suggests.
- It is also becoming clear that the census population statistics and estimates of population growth and movement are seriously flawed and will hopefully be publicly challenged but central and local government (Cheshire East Council) is using these disputed figures to force local communities to accept unwanted houses on farmland for political reasons not need.
- Contrary to superficial opinion, the building of residences on green field sites adjacent to open countryside generates its own demand to a great extent, and is not satisfying any local demand. It is inevitable that new housing will attract residents largely from other conurbations, such as Stoke-on-Trent.
- Alsager already has a nine year supply of available housing land.
- There has explosion of property development in and around the town including proposals on Hassall Road, Dunnocksfold Road, Hall Drive, Crewe Road, opposite Willbram Arms and probably others. Residents cannot see the need for further development in the town and have never seen any assessment to support the need
- The emerging local plan is likely to show a 5 year supply of housing land. Were this to have been formalised already the present window of opportunity that the developers are trying to exploit would be closed.
- The need for additional housing in Alsager, Cheshire East or even the North West has never been explained properly by central government. House prices in the region are still depressed and building more houses will only make the situation worse. Unless significant money is invested in local business to create jobs for all the additional people in the area, why would people want to come and live here?

- This proposal demands an increase in industrial activity which is not envisaged and may never again be a possibility. During this town's former growth spurts the incentive was the proximity of technology industry at Talke Pits which made Alsager a convenient place to live. Today the employment opportunities especially for qualified engineering and other professions is not well defined suggesting a necessity for wide ranging commuting activity.
- With regards to the MMU college site, it was originally proposed that: by 2014 there would be a total of 300 houses, office space and a retail development, including shops, restaurants and financial services. However, these plans have been 'delayed until the housing market recovers.' This therefore begs the question: what is different regarding the plans for the site in question? We are clearly still in the middle of a recession; the housing market remains static: banks are not approving mortgages: and wages for the majority of Alsager residents are not high enough to achieve a 20% deposit to buy a house here, even a house defined as 'low cost' by the average person living and working in Alsager today.

### ***Impact on the Character of Alsager***

- Alsager is now a large town and has little agricultural or green land left.
- The town should not be allowed to grow unchecked but should remain a small country town and this will affect the character of the town. Many people still refer to Alsager as "the village" which shows how much it has already grown in the past.
- It is losing its identity as a village as the Council grants more and more developments year in year out.
- To build anymore houses in Alsager would result in the village no longer being a village.
- Alsager feels like its lost its heart due to the rapid mass urbanisation of the village.
- The awful state Crewe is in now, is due to housing estates being built on every spare patch of ground, residents do not wish to see Alsager share its plight
- It would ruin the character of the village. The protection of Alsager's visual, historic and archaeological qualities is supported by The Alsager Town Strategy which highlights that inappropriately-designed and sited housing, or design, will fail to take opportunities to improve the character of an area and should not be accepted.

### ***Lack of Economic Benefit***

- To build for the sake of creating short term work is not a sustainable approach
- Jobs provided by such developments are transient and tend not to provide much local employment. Such work is generally subcontracted to firms based in regional conurbations such as Stoke-on-Trent, Manchester and Liverpool, who draw employees mainly from those areas
- The short-term view that any increase in housing would increase business in the town should be off-set by longer term thinking about how building on greenfield sites such as Hall Drive would negatively impact Alsager. One of the main draws of Alsager is the easy access to green spaces and the semi-rural feel of those estates on the outskirts of Town. If the focus of any new build is to erode the network of spaces for current residents then this can only have a long term detrimental impact on the town's attractiveness as a place to live, set up business and invest.

## ***Impact on Infrastructure***

- Any extra houses will put a strain on local services such as health and education.
- With 150 dwellings with 2.4 children each a larger schools will be required. Existing ones are full to capacity.
- Developments such as these extend the services, gas, water, electricity and roads rather than economizing on those that already exist.
- The electric power lines on that side of Alsager are considered over capacity. (Practical capacity is set at 85% of nominal capacity, to accommodate variations and surges in demand.)
- What are the emergency services requirements?
- The existing sewerage network along Crewe Road is already running close to its maximum capacity with the (relatively) recent additions of housing at Hall Drive and Poppyfields (and its latter additions) feeding into the old sewerage system.
- The play area is shown to be adjoining the brook/river. What safety measures are being included?
- Alsager has one medical centre shared by two practises with all these extra houses and therefore people the current excellent service given could suffer.
- Alsager is now not looked after efficiently has it used to be by the Council and building more houses is going to put more pressure on the services done by the Council - more roads to repair, more bins to empty, more waste water and drains to look after.
- Infrastructure impact studies need to be carried out to assess the effects of availability of school places; medical facilities and sewage plant capacity in the area.
- Leighton Hospital hardware (car park and buildings) are far from sufficient.
- No further plan of new homes should be considered before an appropriate plan of the infrastructure is approved first. Otherwise, any plan will be irresponsible.
- The expansion of settlement here will obviously increase the waiting time for GP services which is some cases in critical with waiting times exceeding the weekly diary. Local Hospitals, Leighton and University Hospital show signs of stress in ward admission, outpatients and A & E, a thing which will be a of general and specific impact
- The Catholic primary school (nearby) has a 5-year waiting list.
- At the moment there is one supermarket and although this has recently been enlarged, it is still the only one in Alsager. There is no petrol station in Alsager.
- For the most part, Alsager has remained, in essence, a rural village with the amenities and infrastructure of such: a large increase in the population can only create far-reaching consequences for both existing Alsager residents and incomers alike.
- There is a total lack of amenity in Alsager made all the more critical by the failure of the East Cheshire Council and previous formulations of Councils to guard leisure facilities.
- Repeated submissions for the better access to the Alsager Mere and efforts to prevent removal of expensive and new facilities at the MMU site (swimming pool, tennis courts and gym hall particularly) have failed.

## ***Design issues***

- The proposed siting of the development is particularly ill-considered: building here would both diminish the striking view into the centre of the village but also be prominent from most angles approaching the village.

- Design issues for the proposed site might be solved by conditions or revised proposals, but these could not remedy the siting problem.
- The Parish Council, Network Rail and Radway Green share the concerns.
- The proposal that will look out of place in this area as its character does not fit in with the existing character of the area. The proposed development is much larger than other buildings in an area and will stand out in the countryside.
- The design, layout and appearance of the new developments is not practical and fails to fit in with the character and appearance of the surrounding area. The development would be too dominant. The proposed density (the number of dwellings per hectare) appears to be significantly higher than that found in the area.

### ***Sustainability***

- The design does not include any features required for sustainability, such as energy generation or on-site sewage/foul water disposal and effective waste management.
- The area is also too far from the nearest facilities such as shops, pubs and post office, meaning residents would be reliant on cars, increasing carbon production.
- East Cheshires reduced bus services through the village, could limit opportunities for the residents of the any new development to travel by public transport.

### ***Loss of Agricultural Land***

- The site has provided crops in recent years so why is it classed as under utilised? One crop failed this year because it was waterlogged.
- It is wrong to build on agricultural land as due to increasing demands on foodstuffs.
- We should be looking for future generations to be self sufficient not reliant on imports.
- We need to retain as much agricultural land as possible, given the rapidly expanding population of Great Britain and increasing difficulties in importing food from abroad as other countries develop and consume more.
- The land with water alongside it is suitable to grow food, eg vegetables and fruit, by people in existing housing near it. Towns and cities are now short of work, so households working near their housing by growing their food would have useful work - without travelling to it.
- People growing their vegetables and fruit usually use manual cultivations with plant trash (compost, etc) providing the nutrients; a form of sustainable agriculture. Whereas large scale mechanised farming involves unsustainable practices. "Sustainability" is required in various objectives. Broadly "brownfield" land, now existing in Alsager and most other towns, is mostly unsuitable for agriculture. Food is an essential consumable, and is expensive in resources to import and distribute. So land that is suitable to grow plants that is near housing should be used for that.
- Destroying a farm land is very dangerous to the country's survival especially when the population is increasing quickly. The Office for National Statistics (ONS) said it was set to rise from 62.3 million in 2010 to 67.2 million by 2020 and 73.2 million by 2035

### ***Impact on Open Countryside***

- Whilst not an area of outstanding beauty it is still green belt

- This proposal is clearly an intrusion into the Alsager countryside and erodes the network of green spaces around Alsager
- The site must be preserved in order to keep the green space round Alsager for current and future generations
- It is an opportunist proposal that will not enhance Alsager town as the buildings will be spreading the village in a rambling way. The development will further degrade the surrounding countryside belt which separates Alsager from neighbouring communities
- There is an obvious barrier in the form of Valley Brook. It would be the only site off a Crewe Road access that is across Valley Brook. It is inappropriate in that location.
- It is one of the few remaining dark places in Alsager and should be kept as such.
- The proposed development by reason of incursion of built form into the open countryside would detract from the generally open character of this area and would extend the development boundary of Alsager. This would be a harmful effect which would fail to take account of the different roles and character of different areas or recognise the intrinsic character and beauty of the countryside and would be contrary to policy within the NPPF and would be an adverse impact which would significantly and demonstrably outweigh the benefits in terms of housing land supply.

### ***Loss of Recreational Land***

- Alsager 's USP, as outlined in the Town Plan, is its ease of access to countryside and to a network of footpaths. It would therefore seem perverse to give planning permission for this greenfield site, particularly since there are at least two available brownfield sites currently not being utilised.
- This part of Alsager has an historic walk situated to the side nearest the railway line - part of a network of footpaths leading to Barthomley. In past centuries, people used this network of footpaths to worship at Barthomley church, before the churches at Alsager were built. They are still used regularly by a variety of people. They are also used by the local Ramblers Associations as part of their scheduled walks, winter and summer alike.
- It is a pleasant walk they can do from their homes without having to drive into the countryside. It would be a significant loss of readily accessible green space.
- It is said that footpaths would be 'upgraded' as part of the development. A tarmac path between houses is a poor substitute for a path through open countryside.
- To offer a long dark tarmac 'corridor' at the back of large housing estate and between that and the railway line (which it has been proposed to fence off ), for the purpose of preserving these footpaths would not serve anyone well.
- Children regularly play on and around this site.
- We are constantly being told by health officials to get our families outside and keep a healthy lifestyle, yet eventually it seems the Council may allow there to be no green areas in Alsager.
- Walking over the fields towards the fisheries and surrounding area is a good way of taking exercise that doesn't cost any money.
- This development not only intrudes on the Alsager countryside but also with residents work/life balance.
- The field directly at the back of Swettenham Close will be affected which will prevent the children playing football and other leisure activities which are very popular,

especially in the summer. Again, another form of exercise for the children that is cost free which keeps them entertained for hours

- The land has always been used by walkers, dog walkers, children playing and even a bonfire site for the village bonfire run by the Rotary. It has become an unofficial village green.

### ***Amenity***

- Residents bought houses here because they were surrounded by green belt, located in a semi-rural area, were close to fields and overlooked countryside. This application attacks their personal circumstances.
- Spectacular views will be lost and there would be no more privacy for existing residents especially on the end plot. The appearance would become quite ugly and block out the view of the train.
- The paths would become a much busier thoroughfare and privacy could be invaded and there will be potential for anti- social behaviour.
- Residents who have lived on a building site at their previous home for 4 years, cannot think of anything worse than living in that situation again - the noise, dirt, ruined roads (and the damage to cars as a result)
- Before the Council make a decision they should think this "If I lived there or if this was happening in my area, to my house - would I grant it?"
- Hall Drive is settled community and the imposition of a building development over a long term is seriously going to impact their life experience
- Residents are concerned with the proposal of 2 and 3 storey properties right next to them there will be a loss of privacy and a loss of light particularly being only single storey dwellings in some cases.
- If this land is built upon the options for recreation and enjoyment of future generations will be severely reduced and that is not "sustainable" development

### ***Ecology***

- The site is home to a diversity of wildlife including protected species
- There have been sightings of buzzard, hawks, hoopoes, wood peckers, bats, skylarks, dragonflies, birds, foxes, shoals of stickleback fish, flocks of long-tailed tits, greenfinches, frogs, bats, toads, snakes, nesting pheasants, kestrels, owls and water voles (although a one day survey did not find the latter.),
- Great Crested Newts migrate from the wet areas.
- Green belt land in the UK should be maintained for the housing of wildlife which is constantly being put at risk from developments. They have a right to living just as much as we do, especially considering there are areas of brownfield sites in the Alsager area which could be used for this development.
- One day much of our wildlife will be eradicated if developments such as this continue.
- There are several healthy oak trees which deserve protection.
- The proposed development would restrict normal access to this corridor from open farmland/countryside, thus diminishing its attraction to such wildlife.
- The ecology data employed in the application is technically incorrect. The data ignores a site for Great Crested Newts that is afforded the Protection of a Section 106

agreement well within the 2000 metre span highlighted in the document. The ecologist is making claims that cannot be substantiated

- There is a lack of available data on how the mature trees on the site will be protected, and no mitigation strategy proposed.
- The wild life of Alsager has declined significantly in recent times and as the various additions of allocated lands have come on stream there has been a noticeable extinction of animals generally. Once Alsager was a site for a wide diversity of avian creatures which are now sparse and which on the top of the latest bad weather could constitute an extinction point. Wide ranging redevelopment could change the nature of Britain forever

### ***Flood Risk***

- The development increases the flood risk for current and future residents from the brook adjoining the site.
- The land partly comprises flood plain and there are legitimate concerns that the likelihood of flooding will increase with climate change and the run-off water from any new development
- The adjoining brook has collapsing banks and on occasions burst its banks and parts of the fields have been flooded.
- Flooding is caused by water flowing from farmland situated at a higher level on the southern side of the Crewe/Derby railway line and from the risk of flooding from the brook itself.
- Residents report a car driving onto the middle of the site and sinking down to roof level due to water logging
- Climate change has brought more long periods and more intense periods of rainfall. Recently in Somerset and elsewhere, a month's rain fell in 48 hours. It is not appropriate to take risks with this when other sites with much lower flood risk are available.
- Much of the western part of the site would flood (as it has in the past) where the Flood Risk Assessment says it would not in a 1000 year event.
- Insurance companies classify existing houses in Hall Drive as on a flood plain from Valley Brook and residents have had difficulty in obtaining insurance. According to one resident only 7 quotes were available on price comparison sites because their house is within 250m of the watercourse. Building houses on this flood plain will only make this issue more prominent and the residents of this development would face real problems in this respect. So would nearby residents should there be flooding in that area. The Council would, be accountable, in part, for such problems, should they occur
- On occasions the water level in the brook nearly touches the underside of the pedestrian bridge to the playfield. It has left the park bench near St Gabriels part-submerged, and the banks are eroding and with no-one taking responsibility for maintenance makes walking along the path to the Poppyfields estate hazardous
- The Environment Agency have moved the development away from the brook for this reason. However, the model which is used is too simplistic. The increased rainfall due to Global Warming is assumed to be linear. From recent experience this is not the case. Long and torrential rain has now become the norm and this will not be engineered for by the developers.

- Bad planning decisions has been one of the main causes of the excessive flooding seen again in the UK recently, residential sites constructed on flood alleviation sites etc etc.
- Putting in land drains would destroy the water retentive nature of the fields, so creating flooding problems elsewhere by tipping water (from heavy rain) straight into the brook at a faster rate than that with which it can cope.
- The proposed development can only serve to exacerbate this situation and subsequent worsening of the flood risk is unacceptable and would have to lead to local residents seeking substantial compensation through judicial processes against the planning office and those responsible for planning approval.
- The 'Quality of Life report from 2007 states the following, *'The need for more homes is inescapable. Avoiding that reality would damage the poorest most and undermine all that we would wish to do to strengthen the family and increase social cohesion. Yet, building on green fields, on floodplains, ..... makes no environmental, social, or economic sense.'* It also had the following things to say on this issue, *'If a Government is serious about the risks of climate change, it doesn't build homes in flood zones', 'We also recommend ... the prevention of development on land likely to be at risk of flooding now or in the foreseeable future'* and *'Every inch of space occupied by impermeable buildings or surfaces redirects and often focuses rainfall, causing flooding and preventing rain from reaching groundwater. The economic effect is significant. Water and sewerage companies spend some £320 million each year on intra-urban flood risk management.'*
- Even if, as the Emery Planning Partnership proposal brochure states: that the proposed development will ensure that this area [the flood plain] remains free from buildings' - the very nature of the land and the drainage situation with regard to sandy soil as mentioned previously means that this will not be enough to ensure that any new housing built on the site, or any of the existing housing estates nearby will not be under threat from flooding.
- The proposed site consists of sandy soil, which by its very nature is difficult to drain through the soil, as any rain simply runs off the top surface.
- Residents have personally rebuilt and reinforced parts of the brook, on many occasions at their own time & cost. The Environment Agency has historically had no funds to maintain the brook and should this development go ahead, there are concerns about who's responsibility the maintenance will be as well as the surrounding land, parks etc in the future.

## **Railway**

- The railway at the southern boundary creates noise and vibration.
- Reports presented for the developers used very limited survey durations and extrapolated for 24 hours. They downplayed adhoc traffic movements such as inter-city express trains and goods trains. Network Rail points to the use of the line for shunting etc . There are discrepancies between the reports.
- In addition, to satisfy noise design criteria the houses would need their windows to be closed.
- The railway line can get very busy at times, pendolino trains are often re-routed and freight trains are regular users.

- Residents hear the noise from most trains and feel the vibration from heavy goods trains and they are over 200 metres away.
- Network Rail were not consulted - and they have safety concerns of people, especially children, around the level crossing; as well as vehicles passing over it. They require a security fence to be erected alongside, at least 2m away, from its own fence. Noise from the trains will require solid wood fences to screen the gardens close to the line. Consequently the public footpath will become enclosed, noisy, and potentially dangerous from fumes and anti-social behaviour.
- The pedestrian crossing of the railway line, rarely used now by unaccompanied children, will be used frequently if there are houses nearby (even right up to it), leading to a major safety risk.
- What will be the affect of children from this proposed site playing next to an electrified railway line?
- Residents query whether account has been taken of possible future developments on this rail route, particularly in the light of HS2.
- Houses close to the embankment would undermine its foundations
- There is also considerable flooding currently underneath the railway bridge - more flooding could cause weakening of the bridge structure.
- Residents use the trains to travel directly London and do not want the line restricted, in terms of traffic, because of this development.

### ***Radway Green***

- Over a third of the proposed development falls into the Radway Green Ammunitions Factory exclusion zone where major damage would be caused in the event of an explosive accident making the land unsafe to build on.
- If the application was granted the licence of Radway Green munitions factory would be reviewed and BAe would have to reduce its activity, with the result of jobs being put in jeopardy at the only large employer left in the area.
- BAe would require compensating for loss of revenue and failure to complete orders
- There is serious concern about the economic impact on this large employer no-longer investing in the site. This is too high a price to pay for Alsager residents in the current economic climate. It seems incredible that it is even being considered as a potential development.
- This factory is a valuable local employer (around 400 staff) and its operations cannot be threatened or restricted. At a time of decreasing British industry it would also be negligent of the Council to allow this housing development in this regard particularly when there are several other alternative sites available for housing in Alsager.
- Alsager has already lost key employers, and a clear message should be made to BAe, through rejecting this planning application, that their future investment and expansion is welcome and supported.
- To live in the development when the factory is test firing will be very noisy and cause disturbances. Residents in Swallow Drive can hear the ammunitions being tested,
- The bulk explosives magazines are located at the closest point to the proposed development. If there was ever an incident involving explosives the council would be guilty of gross negligence in allowing such a development.
- When Dunham Close was built the potential hazard from Radway Green munitions factory had to be addressed by the developers building a high earth mound.

- All of the development lies closer to the Radway Green Ordnance factory than the raised blast deflector embankments originally constructed to protect the perimeter of the original Hall Drive development. As production of ammunition at the factory still continues then therefore the risk of a major explosion must still be present.
- 7 years ago part of the loading factory blew up. It was approx 12.30 pm. The blast woke residents living the other side of the field and this was with 6kg of propellant. There is far more than that amount in the main magazine. Since the main factory has moved to a new area within the boundary of the site this has moved the loading factory to face the way of the proposed housing estate and is closer.
- The BAE munitions works at Radway Green is a top tier COMAH site. The Public Information Zones (PIZ) that the HSE design for a major incident indicate that approximately 50% of Site A lies in the middle zone. Housing developments are not normally permitted by the HSE in this area.

### ***Compromises Road Safety / Traffic Generation***

#### Hall Drive

- Hall Drive was built as an access road to serve the original development, not as a through road. It now carries more traffic than envisaged in the 1980's and does not cope well.
- Each home comprises of on average of 2 cars, which means an extra 200+ cars will be using Hall Drive on a daily basis which means a minimum of 400 journeys - assuming that each car that goes up the road has to return to its property. It would become gridlocked.
- In addition it would have to carry heavy construction vehicles, which are cumbersome
- Many children walk to school via Hall Drive, which is the only proposed access road to the 150 homes.
- It also provides sole access to the busy Home Farm Fisheries. This commercial fishing complex has, in the last 3 or 4 years, begun to attract many visitors from as far afield as Birmingham, Liverpool, Manchester and Derby, due to the introduction of specimen sized catfish.
- It would exacerbate traffic exceeding the 30 mph speed limit. When there is a fishing match on it is like a race track
- There would be an increase in noise and congestion with its attendant pollution.
- The current Hall Drive estate is an attractive safe family environment
- Children have very little play areas in the surrounding area. This will make it almost impossible for them to play outside their own homes.
- When exiting Dunham Close onto Hall Drive it is very difficult to see traffic to the right hand side & children could get knocked down here as a consequence of the increased traffic.
- Hall Drive has become much busier as families now have far more cars than estimated and it certainly is not wide enough to take more traffic
- The Dennis Round Court has parking problems as people visit it for recreational purposes and there are always cars parked up along side the road
- There is much concern about access to the proposed site by the emergency services.
- Hall Drive is not well adapted for the increased volume of traffic - a proposal for a golf/country club on the hill to the south was rejected on those grounds some time ago.

- Currently the area is safe for cyclists to use paths to cycle down to Hall Fisheries. It would be unsafe with more traffic.
- The proposed extension of Hall Drive cuts across a footpath. This is a safety issue as many children use it to get to the local park, as well as walkers etc.
- On Hall Drive there is a tight bend that is difficult to pass if a car is parked on the road.

### Crewe Road / Hall Drive Junction

- At peak times, the junction from Hall Drive onto Crewe Road clogs up severely.
- The proposal will virtually double the number of vehicles, existing Hall Drive onto Crewe Road.
- This junction is very near to the cross-roads of Crewe Road with Church Road and Station Road, the latter being a major cut through for traffic to and from the A500 Alsager - Stoke-on-Trent commuter route; the two junctions affect each other's capacity, safety and smooth flowing.
- Every week cars almost collide when traffic from Crewe overtakes parked cars opposite Hall Drive and forces traffic from Alsager to take evasive action by crossing into the Hall Drive turning. Luckily there is rarely any traffic exiting Hall Drive but this would probably not be the case if the development went ahead.
- The existing junction of Hall Drive/Crewe Road as means of access to further housing was deemed unacceptable when the original planning application for the Poppyfields Estate was made, which was for a smaller number of properties than the current proposed development and required the installation of a mini roundabout.
- This junction would become the scene of considerable delays at peak times with the increased risk of road traffic accidents with the estimated additional number of vehicles exiting Hall Drive, taking into account the restricted visibility in the easterly direction. Many school children also cross the Hall Drive junction at these peak times increasing the risk of accidents.
- The transport survey is woefully inadequate on this proposal. The true statistics can be found on the Guardian and Crashmap websites. It can be seen on both sites that this Hall Drive junction was the site of a fatal road traffic accident on 04/02/2007 (one of 3 fatalities on Alsager Roads in the last 10 years) There is also evidence of a further 9 accidents at this junction that have been conveniently ignored by the developer in his report.
- A child was knocked over just a couple of months ago.
- How will the additional vehicles from 150 properties help this blackspot?.
- The actual photograph being used in the developer's report shows a vehicle encroaching into the Hall Drive entrance. This makes any visibility splay data useless, as vehicles emerging from Hall Drive have to stop significantly before the white lines
- Are they going to build a new roundabout at the entrance of Hall Drive?
- Environmental impact studies would need to establish the effects of increased traffic from Hall Drive at the junction of Crewe Road.

### Crewe Road

- Crewe Road, has become busier over the years as more houses have been built, and traffic will be further increased on already congested roads. The road is increasingly becoming more dangerous as the main route through the town.

- The junction at Hassell Road/Crewe Road is predicted by the developers traffic analysis to become overloaded as a result of increased traffic and the Hall Drive development. Clearly the true situation would be much worse with the MMU redevelopment is added in as well.
- Crewe Road is extremely narrow in this area and already very congested
- Crewe Road residents have difficulty crossing the road, and getting out of their drives and in some cases it can already take in excess of 3 minutes in a morning.
- This increase in traffic will itself create a greater safety risk on a road that is already dangerous due to the speeds that traffic seems to travel along it and will undoubtedly give rise to the number of accidents that occur on such a road.
- Crewe Road / Station Road / Church Road junction will need traffic lights and pedestrian crossings
- The extra children crossing Crewe Road to go to school will also be a danger.
- Crewe Road is in considerable disrepair and potholed. It has a sandy substructure and cannot cope with additional volume of traffic
- Cyclists are worried about their safety from such an increase in housing and therefore in car drivers.
- Cranberry is the only school that has the potential for places, which means more traffic between Hall Drive, Poppyfield exit roundabout, and Cranberry Lane.

#### Other Highway Issues

- The traffic analysis also does not take into account the planning permission granted for the Caradon Twyford's site. Nor was there an analysis done of the Station Road/Crewe Road junction. This is one of the junctions on Crewe Road that concerns most residents. It is extremely dangerous.
- 2 level crossings at Radway Green and Alsager Station already cause traffic problems, and Bank Corner junction cannot cope with traffic flow now.
- Junction 16 of the M6 and Radway Road is particularly dangerous.
- More and more drivers are using Dunnocksfold Road and Close Lane as their preferred route onto Crewe Road. At times the junction of Dunnocksfold Road and Hassall Road is a white knuckle ride. Also when the children are coming to and from school (eg Alsager School and Pikemere) the mix of kids and traffic is frightening. New development will certainly increase traffic, increase the number of children at the schools and add considerably to the risk.
- The existing bridge over the site is inadequate for such a large increase of traffic. The low bridge under the railway is a potential traffic blackspot for cars wrongly traversing the area.
- The traffic system in Alsager is already overloaded and the roads themselves in a very poor state of repair
- Church Road is used by buses and also appears to have a lot of usage from parents dropping and collecting their children from the Alsager School. Again there are already times when this road is at a stand still.
- The M6 is a heavily congested arterial road with frequent and lengthy limitations on traffic flow if not actual stoppage of flow
- To enlarge or reconfigure the road networks can only mean increased noise and pollution

- Cheshire East Council is already struggling to maintain road surfaces and is ill-prepared for prevailing weather conditions. It shows all the signs of a system under stress and unable to cope with that which it has to deal with currently, a thing which bodes badly with anyone's expectations for the future

### ***Other Matters***

- The Town Council voted unanimously against this proposal.
- No one will want to buy a house within a recognised blast zone of the ammunitions factory, a near a railway line, built on a water logged field near a brook which has a risk of flooding.
- The Councils should listen to the views of local residents and support them in stopping greedy property developers exploiting a loophole
- It is only East Cheshire's incompetence as a Council which has allowed this application to get this far. This, together with other proposed large scale housing developments in Alsager, should be vigorously opposed and rejected. Their purpose is not to improve the quality of life for local residents, but to line the pockets of greedy and opportunistic housing developers taking advantage of the absence of East Cheshire's local plan.
- The application will undoubtedly get approved as it will help increase the Council coffers.
- The development would not benefit most of the existing residents of Alsager, as their children would not be able to afford properties in this area. This would draw in new inhabitants from outside the area who work in other towns and cities.
- Residents can all see the disruption that the new Co-Op has caused and is still causing with access etc.
- The only people who stand to benefit from this proposal are the developers who can maximise their profits from ploughing up greenfield sites rather than taking on the added costs of clearing already despoiled brownfield sites in Alsager. There will be NO benefit to the residents of Alsager whatsoever, only harm
- Residents deserve to be listened to & views respected when the Council are making such important decisions about the future of the community.
- Alsager is being targeted by many developers making speculative planning applications, as responsible decision makers in the authority this is the opportunity to demonstrate that the Council will not be rail roaded by them & will make a decision to oppose the plan which will be in the best interest of the community.
- If the Local Plan was in place, there would not be such an avid interest in obtaining planning permission for areas such as this.
- Approval of this plan would represent a betrayal of the residents of Alsager by the planning authority.
- People objected to the development off Crewe Rd recently, to build 65 homes. The developers had not even discussed the proposal with the Council, just applied speculatively. Because of the Councils incompetence for future land planning they were successful in gaining permission to build on a field with protected species, entrance to the roads endangering the public, next to a stream and against objections from the Town Council and public. Residents hope they are not successful in this application and that the Councils procedures are investigated and what they consider to be a ludicrous planning permission already given is revoked.

- Unfortunately this application will probably be give permission and Alsager and Sandbach will be the scapegoat for Council incompetence, both suffering greatly.
- There is on the site Himalayan Balsam weed which his very invasive and would need a lot of work to eradicate
- The development of the land as proposed would have the effect of devaluing the existing dwellings not only their desirability but also their monetary value.
- Alsager town centre is in desparate need of development and this money has never been found. Any local developers should be made to make a significant contribution to rebuilding the 60s buildings to a more aesthetically pleasing and pedestrian friendly centre.
- All local people are really angry and disgusted at this unnecessary, greedy proposal.
- If this development is given approval it will represent very much the thin end of the wedge regarding future proposals of this nature. If this is agreed it wlll make it impossible for Alsager residents or Cheshire East at a local or wider level to object to others whether in Alsager or other parts of the region. A precedent will have been set.
- This is a ludicrous proposal and sadly voices of the Alsager residents will be conveniently not be heard.
- Recently the head of Cheshire East Council wrote in the Daily Telegraph concerning how his hand was being tipped in the proposals made by housing development companies within his constituency. He found that the system was being inundated and that he felt disempowered to oppose them. It is self-evident that due to the lack of plan (due to unitary council proposals) that the housing industry has a determination to use this mishap to impose its demands on the local community whether there intrusion is merited or not.
- There will be increased light pollution which will disenable the night time experience of the natural universe and disenable the possibility of pastimes such as astronomy.
- Because the Developers did not consult with Network Rail and therefore appreciate the constraints on the site layout, and properly take into account their noise assessment, together with the flood risk assessment differences to the development line allowed by the Environment Agency - a new indicative site layout will have to be developed which, unless the type of housing changes, will result in fewer houses being proposed. Fewer market houses means fewer affordable houses. The maximum on the current proposal is 45 being 30% of the total number. Although this is a benefit from the proposal this is vastly outweighed by the negative aspects.
- Hall Drive's development cannot be viewed in isolation and it is a microcosm of the totality of errant plans proposed for the immediate area now including Green Field expansion in diverse locations from Crewe Hall, Barthomley, Dunncocksfold, MMU, Twyfords, Oakhanger and much else that has not as yet been divulged. Taken with the totality of changes in Crewe and Sandbach it will take the area from a collection of relatively small settlements to a conurbation within a short time.

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

- Waste Management Plan
- Utilities Statement
- Geo-Environmental Statement
- Flood Risk Assessment
- Development Concept Plan

- Design and Access Statement
- Transport Assessment
- Section 106 Proforma
- Agricultural Land Classification
- Open Space Assessment
- Affordable Housing Statement
- Planning Statement
- Ecological Survey
- Tree Survey
- Architectural Analysis

## **8. OFFICER APPRAISAL**

### **Main Issues**

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

### **Principle of Development.**

#### ***Policy Position***

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

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

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

Members should note that on 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 is not out of date and the provisions of paragraphs 49 and 14 do not apply in this case. Therefore, the presumption in favour of the development from the NPPF does not apply, but the presumption against the development under the adopted local plan policy is applicable. On this basis the application should be refused.

### ***Emerging Policy***

The Draft Alsager Town Strategy identified a selection of Potential Development Options within and adjacent to Alsager, these were consulted on between 2nd March and 2nd April 2012. The application site was included in the Strategy consultation as part of 'Site H: Radway Green North'. 222 responses were received in relation to this consultation and these were reported, including a number of alternative sites, to the Stakeholder Panel in June 2012. Following this Stakeholder Panel meeting it was decided to take forward, a 6 sites within the town, including 2 parts of site H (H1 Employment and H3 – Residential). However, the area being considered for development as part of this application does not fall within either area.

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 Sandbach to three strategic sites:

- **Twyfords** - Circa 450 new homes, Employment development and retention of existing B1 development, A local centre with community facilities and retail space (2-300sqm)
- **Former Manchester Metropolitan University Campus** - Circa 400 new homes, A local centre with community facilities and retail space (2-300sqm)
- **Radway Green** - Circa 10 hectares of employment land

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 prematurity 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 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.
- Consequently, on this basis the application should be refused.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The North West Sustainability Checklist is supported by Policy DP9: Reduce Emissions and Adapt to Climate Change of the Regional Spatial Strategy for the North West, which states that:

*“Applicants and local planning authorities should ensure that all developments meet at least the minimum standards set out in the North West Sustainability Checklist for Developments (33), and should apply ‘good’ or ‘best practice’ standards wherever practicable”.*

The Regional Spatial Strategy for the North West currently remains part of the Development Plan for Cheshire East.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities 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 results of an accessibility assessment using this methodology are set out below.

Category	Facility	HALL DRIVE, ALSAGER
Open Space:	Amenity Open Space (500m)	0m

	Children's Play Space (500m)	0m
	Outdoor Sports Facility (500m)	500m
<b>Local Amenities:</b>	Convenience Store (500m)	600m
	Supermarket* (1000m)	600m
	Post box (500m)	850m
	Playground / amenity area (500m)	0m
	Post office (1000m)	850m
	Bank or cash machine (1000m)	600m
	Pharmacy (1000m)	750m
	Primary school (1000m)	200m
	Secondary School* (1000m)	1126m
	Medical Centre (1000m)	800m
	Leisure facilities (leisure centre or library) (1000m)	750m
	Local meeting place / community centre (1000m)	600m
	Public house (1000m)	450m
	Public park or village green (larger, publicly accessible open space) (1000m)	500m
	Child care facility (nursery or creche) (1000m)	804m
<b>Transport Facilities:</b>	Bus stop (500m)	160
	Railway station (2000m where geographically possible)	900m
	Public Right of Way (500m)	0m
	Any transport node (300m in town centre / 400m in urban area)	600m
<b>Disclaimers:</b>		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

Rating	Description
	Meets minimum standard
	Fails to meet minimum standard (Less than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).
	Significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).

On the basis of the above assessment the proposal does appear to be generally sustainable in purely locational terms.

Previous Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development.

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.

According to the Design and Access Statement, the construction of these dwellings in accordance with the approach of the energy hierarchy will aim to reduce energy consumption and maximise energy efficiency. Careful consideration will be given to providing overall thermal performance and heat loss solutions in accordance with Part L of the building regulations.

The construction process will source local materials and suppliers which will reduce transport emissions both to and from the site. In terms of drainage it may be appropriate to include aspects of a sustainable urban drainage system. The potential for such features to be discussed at detailed design stage.

There is a potential to incorporate rainwater harvesting systems and utilise the use of grey water to minimise both water supply demands and surface water run off. The use of permeable road and paving surfaces will also help minimise surface water run off.

Whilst the above comments are noted, the Design and Access Statement does not provide any indication as to how the requirements of RSS Policy EM18 would be met within the development. Nevertheless, this is an outline application and a detailed scheme to achieve this could be secured through the use of conditions.

With regard to the issue of economic development, an important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) issued by the Minister of State for Decentralisation (Mr. Greg Clark). It states that "*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.*"

The Statement goes on to say "*when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.*" They should:

- consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;

- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;
- ensure that they do not impose unnecessary burdens on development.

The proposed development will bring direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Similarly, the NPPF makes it clear that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21, *“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

In conclusion, however, the loss of open countryside, when there is no need in order to provide a 5 year housing land supply requirement, is not considered to be sustainable, and it is considered that this outweighs any sustainability credentials of the scheme in terms of its location, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development.

### **Loss of Agricultural Land**

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

The applicant has submitted an agricultural land classification study which concludes that there is an area of Grade 4 land along the northern edge of the site, including the northern part of the eastern field. The remaining land is likely to comprise a mix of Grades 3b and 3a, the latter confined to a strip of higher ground alongside the railway line.

Given the proposal involves the loss of an element of 3a land, it is necessary to refer to the other tests in Policy NR8. Given that the Council now has a land supply in excess of 5 years it is not considered that the circumstances and need for development are supported in the local plan or that the development could not be accommodated on another site. However the proposal does not break up a viable agricultural holding or holdings, and given that only a very limited amount of 3a land is involved and that Inspectors have previously attached only very limited weight to the matter of agricultural land, it is not considered that an additional reason for refusal on these grounds could be substantiated.

## **Impact on Radway Green**

As originally submitted approximately one third of the proposed development lay within the inner (Band 2) consultation zone of the nearby licensed explosives facility. No development should take place within this area and the HSE advised that were planning permission to be granted this could result in the BAe plant license being reviewed with implications for continuing operations and potential for economic impacts on the town.

In response, the developer has submitted an amended indicative layout which shows all of the proposed development located outside the Band 2 area, and an area of public open space within it. However, the revised indicative layout shows only 109 properties, rather than the 150 originally proposed. Although this is an outline application, in the absence of a plan to demonstrate that 150 dwellings can be accommodated on the site outside the Band 2 area, it is considered that a condition should be attached to any approval limiting the number of properties to 109.

The remainder of the site falls within the outer (Band 3) consultation zone of the licensed explosives facility. Therefore, the Explosives Inspectorate has no objection to it proceeding provided that the development is no more than three storeys (12 metres) high and is of traditional brick construction. If any part of the development within Band 3 is of a “vulnerable” nature i.e. vulnerable by virtue of population (e.g. hospitals, swimming pools) or by virtue of construction (e.g. multi-storey ‘curtain wall’ buildings, large open plan, unframed structures, buildings with extensively glazed roofs or elevations) then the Explosives Inspectorate would be likely to raise concerns.

However, the proposal does not involve the provision of any “vulnerable” development such as hospitals, or multi-storey, curtain wall’ buildings, large open plan, unframed structures, buildings with extensively glazed roofs or elevations. Although the proposal is submitted in outline, with details of building scale, design and appearance as reserved matters, it is considered likely that the reserved matters will comprise typical 2 and 3 storey, brick built, detached, semi-detached and terraced housing. It is therefore likely to comply with the requirements of the HSE.

Nevertheless, to ensure that this is the case, in the event of approval, it is recommended that conditions are attached requiring the reserved matters to make provision for the properties to be of traditional brick construction and no more than 12m in height.

A formal consultation response on the amended plans was awaited from the HSE at the time of report preparation, and a further update will be provided to Members prior to their meeting. However, on the basis of the above, an objection is not anticipated.

## **Impact on Level Crossing**

The site is located adjacent to a level crossing, which carries a public right of way over the Crewe-Stoke Railway line. Network Rail has placed a holding objection on the above proposal due to concerns about the development increasing the level of foot traffic, which is currently very low (once or twice a day) over this crossing. In order to provide a full assessment Network Rail has requested information from the developer relating to the

anticipated increase in usage. At the time of report preparation, this information had been provided to Network Rail, along with a copy of the revised indicative layout, which the developer considers, due to the relocation of the housing, will reduce the likelihood of future residents using the crossing in question, and consultations were on-going. A further update on this matter will also be provided to Members prior to the meeting.

## **Affordable Housing**

The Council's Interim Planning Statement for Affordable Housing (IPS) 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 (SHMA) shows that for the sub-area of Alsager, there is a requirement for 36 new affordable units per year. This is 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 130 applicants on the housing register applying for social rented housing who have selected Alsager as their first choice. These applicants require 44 x 1 beds, 43 x 2 beds, 25 x 3beds and 3 x 4 beds. (14 applicants have not specified how many rooms they need)

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 45 dwellings. Based on the reduction to 109 units, this would equate to INSERT. According to the Planning Statement 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 29 dwellings as rented affordable homes, which can be provided as either social rent or affordable rent and 16 provided as intermediate tenure. Based on the reduction to 109 units, this would be amended to INSERT

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). The Affordable Homes should also be integrated with the open market homes and not be segregated in discrete or peripheral areas.

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

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

It also goes on to state that

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

### **Contaminated land**

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

### **Air Quality**

The site is not located within or close to any designated Air Quality Management Areas. Nevertheless, at the request of Environmental Health Officers, an Air Quality Assessment has been submitted by the developer and was being considered by Environmental Health at the time of report preparation. A further update will be provided on this matter prior to the committee meeting.

### **Noise Impact**

The site is located adjacent to the Crewe – Stoke railway line. Consequently there is potential for noise disturbance to the occupants of the proposed dwellings resulting from passing rail traffic. A railway noise assessment has been carried out for the development which concludes that:

- Noise measurement surveys have been carried out on the site and the daytime and night-time railway noise exposure values have been evaluated.
- The railway line is only lightly used by passenger trains and there are up to 12 - 15 freight trains passing the site per week during the daytime only. Therefore, railway noise exposures are low. However, we have recommended that proprietary acoustic fencing be installed for any private gardens within 5 metres of the southern boundary of the site not already adequately screened by dwellings themselves.
- The need to ensure an adequate scheme of acoustic fencing can be ensured by the use of an appropriately worded planning condition.

In addition, a vibration assessment has been carried out which concludes that the extrapolated daytime vibration values are below the threshold values set out in BS 6472.

Since there are only two trains in the whole of the night-time, corresponding night-time VDVs will be in even lower. Therefore, no special vibration isolation measures will be necessary.

Environmental Health and raised no objection. Network Rail have asked that details of the foundation design for the acoustic fencing be submitted for approval, to avoid the potential for the structure to fall on to the railway. All works, including the foundation design, which form part of the recommended scheme of mitigation, can be easily secured by condition.

## **Drainage and Flooding**

The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). In summary, it states that:

- Part of the site lies within EA flood zones 2 and 3, at medium to high risk of fluvial flooding from Valley Brook, a tributary of the River Weaver. Detail Hydraulic Modelling has been undertaken to better define the flood zones and risks from Valley Brook.
- The FRA has informed the proposed development layout. Dwellings are proposed to be located outside Flood Zones 2&3. Criteria for geometry of the culvert, arrangement of the proposed access road and the proposed Brook realignment have been considered.
- The existing site is 6.2 hectares and is predominantly Greenfield. Site-specific Greenfield runoff rates have been calculated as  $Q_{bar}=14l/s$ . The proposed impermeable area is 2.89 hectares. The FRA demonstrates it will be feasible to drain the proposed development and limit the discharge of surface water runoff to Valley Brook to the Greenfield rate by means of attenuation.
- It has been demonstrated the proposed development will address the residual risk of surface water flooding and will not increase risk of flooding to neighbouring properties.

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

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

An indicative site plan has been submitted with the application which shows a main entrance to the site, from the end of Hall Drive, running through the middle of the site, with dul-de-sacs extending to each side. Properties are shown facing on to the access roads and the public right of way running through the site, as well as the public open spaces creating active frontage to all principle routes and public areas within the development, whilst retaining the majority of the existing hedges along the boundaries.

2 pedestrian accesses are proposed through the existing public open space to the east of the site, via the public footpath to the south and west and through the Swallow Drive play area to the north, as well as via the main vehicular access, which will allow permeability through the new development for pedestrians. This will allow pedestrian access for residents of the new development and the existing Hall Drive estate to Crewe Road, and facilities such

as the railway station and medical centre, in Station Road, as well as the town centre. This is considered to be a positive aspect of the design.

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

It is also noted that the Council's Public Rights of Way Officer has welcomed the development, as it will improve pedestrian and cycle connectivity in the area subject to a number of provisions relating to the detailed treatment of the of the route. In particular details the shared use of the route between cycles and pedestrians and its status and maintenance need to be agreed. Given that layout is a reserved matter, these matters could be addressed at a later stage, whilst maintenance would be dealt with via the management company established by the Section 106 Agreement.

To turn to the elevational detail, the surrounding development comprises predominantly modern cul-de-sac development from the 1990's / 2000's radiating from Hall Drive to the north. There are also a number of isolated vernacular farm properties set within the open countryside to the south. Notwithstanding this, there is consistency in terms of materials with most dwellings being finished in simple red brick, and grey / brown slates / concrete / clay tiles. The predominant roof forms are gables although some are hipped.

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

## **Open space**

With regard to Children and Young Persons Provision, three options have been put forward by the Council's Greenspaces Officer, taking into account the proximity to the adjacent substandard play area at Swallow Drive:

1. CEC acquire Swallow Drive and the developer provides a contribution of £ 32,965.20 to upgrade the site and a further £ 107,460.00 to maintain it.
1. The Developer acquires and upgrades the Swallow Drive play area and it is then subsequently maintained by a private residents management company.
2. The Developer provides a new play area elsewhere on site.

At the time of report preparation a decision had not been taken by the Council on whether to adopt the Swallow Drive play area, and it has not been confirmed as being within the control of the developer, although they have indicated that they have an option to acquire it. Therefore it is recommended that any Section 106 Agreement makes provision for all three of the above as alternative options to be finally agreed at Reserved Matters stage. Members may recall that a similar approach was taken in respect of the adjacent Crewe Road site.

Turning to amenity greenspace, the proposed development would generate a requirement for 3600m<sup>2</sup> of new Amenity Greenspace based on 150 dwellings. Taking into account the reduction to 109 dwellings, referred to above, the requirement is reduced to 2616m<sup>2</sup>. As detailed above, substantial area of Open Space, amounting to INSERT square metres, has

been created in order to comply with the requirements of the HSE. As with the Children and Young Persons Play Provision it is recommended that the Amenity Greenspace be transferred to a private residents management company as part of the Section 106 agreement.

## **Amenity**

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

The layout and design of the site are reserved matters. However, the indicative layout demonstrates that 109 dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It also illustrates that the same standards can be achieved between proposed dwellings within the new estate.

109 dwellings, is lower than the 150 applied for, but on the basis of the indicative layout submitted, it has not been demonstrated that 150 dwellings could be accommodated on site. Therefore it is considered to be appropriate to impose conditions on any approval, limiting the number of dwellings to 109.

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

## **Landscape Impact**

The site consists of 6.2 hectares of agricultural land located off Hall Drive, on the southern edge of Alsager. The area to the immediate north of the site is residential and this is separated from the site by the Valley Brook, which meanders along the site boundary. To the south is the Crewe – Stoke-on-Trent railway, the boundary fence of which forms the southern boundary of the site. The Lodge is located along the southern boundary of the site and an access track that leads to The Lodge leads to a small tunnel under the railway line and to the area to the south.

The site itself is open farmland with a pattern of hedgerows, the play area to the west of Hall Drive has a small woodland area associated with it and there are also a number of trees along the northern boundary in particular, as well as a single mature Oak located in the central part of the site.

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 the boundary of Character Type 10: Lower Farms and woods, specifically in the LFW 7: Barthomley Character Area. The area immediately to the north lies within the urban character area of Alsager. Although the assessment indicates that 'the scheme will seek to enhance the pre-existing natural features, such as the single mature

oak in the heart of the site', this oak is not shown on the illustrative layout scheme, and the layout shown would not allow sufficient space for the retention of this tree.

The site has the landscape capacity to accommodate future residential development, providing that it is well planned and designed and takes due account of the existing landscape features of the site, but more consideration needs to be given to the design and mitigation in the area adjacent to the south of the site along the Crewe – Stoke-on-Trent railway line.

## **Trees and Forestry**

This is an outline application for residential development on land to the south of Alsager. There are a number of trees and lengths of hedgerow in the vicinity of the site.

The application is supported by a Tree Survey Report prepared by Solum Environmental dated October 2012. The report indicates that the survey has been carried out in accordance with the recommendations of British Standard BS5837:2005 Trees in Relation to construction.

BS 5837:2005 has been superseded by *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*. The new standard now places an emphasis on 'evidence based planning' and accords with standard RIBA work stages. The standard now requires higher levels of competency and a more precautionary approach to tree protection. The Standard requires a greater level of robustness and confidence to ensure the technical feasibility of a development in respect of the successful retention of trees.

This means that at planning permission stage the following information will have been completed and where appropriate submitted as part of the planning application for validation purposes.

1. Topographical Survey
2. Soil Assessment
3. Tree Survey
4. Tree Categorisation
5. Tree Constraints and Root Protection Areas identified to influence design
6. Arboricultural Impact Assessment including evaluation of tree constraints and a draft tree protection plan (BS5837:2012 para 5.4.3 provides all the details)
7. Issues to be addressed by the Arboricultural Method Statement - these issues will provide certainty of outcome for example details of special engineering within the Root Protection Area to test the feasibility of the detail at planning application stage.

Whilst it is accepted that this is an outline application with access included and all other matters reserved, the Council needs to be able to assess the potential impact of the proposed development on trees and the capacity of the site to accommodate the number of dwellings proposed. The submission is inadequate in the following areas:

- The submitted tree survey does not accord with the current BS 5837:2012.
- There is no scaled tree survey plan. (Tree symbols only are provided on the Phase 1 Habitat Plan).

- The Design Proposal Plan ref 05 is not to scale and again shows only indicative tree symbols.
- The submission does not provide a scale plan with tree constraints and root protection areas.
- Other than a brief reference in Section 5 of the Tree Survey Report there is no assessment of arboricultural impacts.

As a consequence it is not possible to determine the direct or indirect impact of the proposed layout on retained trees. The applicant has been made aware of the above requirements and further information was awaited at the time of report preparation. Members will be updated in respect of this matter prior to their meeting.

## **Ecology**

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

The Directive is then implemented in England and Wales : The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

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

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

The Council's ecologist has examined the application and commented that the submitted ecological survey report is broadly acceptable however the following additional information is required to enable a full assessment of the potential impacts of the proposed development to be made:

- Plan showing all ponds referred to within 500m of the proposed development.
- Complete phase one habitat survey plan showing all target notes
- Confirmation as to whether any trees on site were considered to have potential to support roosting bats.
- Confirmation as to whether any field signs of otter were recorded during the survey of the stream.

This information has been requested from the applicants and a further update will be provided to Members prior to their meeting.

### Bats

Notwithstanding the above outstanding information the site appears to support relatively low levels of bat activity. Providing no roosting potential is lost the potential impacts of the proposed development upon bats are likely to be low.

### Reptiles

Slow worm are known to occur on the Crewe – Derby railway line which is located to the south of the proposed development. No reptile survey/assessment has been undertaken as part of the submitted ecological report. As the bulk of the proposed development site is utilised for arable farming it is unlikely to support reptile species. However the narrow band of tall ruderal habitat along the southern boundary of the site and the hedgerow to the west of the development site may offer potential habitat for this species.

Consequently the submitted ecological report should be amended to include an assessment of the potential impact of the proposed development upon slow worms and mitigation proposals for address any potential adverse impacts. This information has also been requested from the applicants and a further update will be provided in due course.

### Stream

The stream to the northern boundary of the site has nature conservation value in the local context. The stream be safeguarded within an 8m undeveloped corridor of retained habitat. This matter may be dealt with by condition.

### Hedgerows

Hedgerows are a Biodiversity Action plan priority habitat and hence a material consideration. The hedgerow along the western boundary of the site should be retained and enhanced and additional new native species hedgerows should be incorporated into any open space provision.

## Breeding Birds

Standard conditions are required to safeguard breeding birds.

## **Education**

The Council's Education Officer has examined the application and concluded that considering the proposed development cumulatively with others identified in the Draft Development Strategy, and previous approvals, there will be a requirement for a contribution towards primary school places for 150 dwellings of £260,311. Based on the reduction to 109 units, this would equate to INSERT. There will be places available in the local secondary school to accommodate the proposed development. Therefore no secondary education contribution is required in this case.

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

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

- *Access to the site will be provided from an extension to the southern end of Hall Drive and will provide a 5.5m wide carriageway width and 2m wide footways on both sides of the access road. The existing standard of Hall Drive and its junction with Crewe Road has been reviewed and found acceptable in terms of carriageway width, footway provision, lighting and levels of visibility.*
- *Pedestrian and cycle access to the site will be provided at the same location as the main vehicular access from Hall Drive. In addition, the proposed development will provide improvements to public rights of way to the east of the site which links onto Cedar Avenue. These will provide pedestrians and cyclists with a safe traffic free route between the site and Alsager town centre.*
- *The personal injury accident data for the most recently available three year period for the most recently available five year period has been reviewed and does not represent a material concern in the context of the proposed development.*
- *The development is compliant with local, regional and national policy as it will promote sustainable modes of travel and reduce the number of car trips to local facilities. In particular, the site has been found to exceed the accessibility requirements set out in CEC's interim planning policy for the release of housing.*
- *It has been demonstrated that the development is sustainable with good accessibility to the site provided to those travelling by foot and by bicycle. A good frequency bus service is available within acceptable walk distance of the site. Policies to encourage travel by sustainable modes are also developed further within the Interim Travel Plan that accompanies this application*
- *The impact of the traffic arising from the scheme has been tested in detail at all the junctions in the TA study area in an opening and future assessment years of 2014 and 2019. These assessments are carried out on a robust basis, incorporating traffic growth and committed development.*
- *The assessments show that at the majority of the junctions there is either sufficient spare capacity to accommodate the proposed development or the development will not have a material impact on the operation of these junctions.*
- *It is therefore concluded that there is no reason on highway or transport grounds why the development proposals should not be granted planning permission.*

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

## **9. CONCLUSIONS**

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.

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

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology, highways, drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments. Previous concerns related to the proximity to the explosives plant at Radway Green have been resolved through the submission of amended plans.

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.

Whilst the proposal will result in the loss of grade 4, 3a and 3b agricultural land, this is not the best and most versatile agricultural land and it is considered that the benefits of the delivering the site for much needed housing would outweigh this loss, given that the site does not offer a significant quality of land.

However, these are considered to be 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.

## **10. RECOMMENDATION**

**REFUSE for the following reasons:**

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, 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.**

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