

Application No: 12/4146C

Location: LAND OFF DUNNOCKSFOLD ROAD, ALSAGER, CHESHIRE

Proposal: Outline Application for the Erection of up to 95 Dwellings and formation of access point into site to serve the development.

Applicant: THE MORRIS FAMILY & P E JONES CTRS

Expiry Date: 15-Feb-2013

## **SUMMARY RECOMMENDATION**

### **REFUSE**

### **MAIN ISSUES**

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

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

## **REASON FOR REFERRAL**

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

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

The site of the proposed development extends to 3.12 ha and is located to the north west of Alsager. The site is within open countryside. To the south and west is residential development. To the north is agricultural land. The former sports grounds of the MMU campus is located to the east of the site. A public footpath (Alsager No 3) runs to the north and east of the site.

The land is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site.

## **2. DETAILS OF PROPOSAL**

This is an outline planning application for up to 95 dwellings. Access is to be determined at this stage ,with all other matters reserved.

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

The development would consist of a mix of house types with the maximum height being two stories in height.

## **3. RELEVANT HISTORY**

The site has no relevant planning history

## **4. POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

PS3 – Settlement Hierarchy  
PS8 - Open Countryside  
GR21- Flood Prevention  
GR1- New Development  
GR2 – Design  
GR3 - Residential Development  
GR4 – Landscaping  
GR5 – Landscaping  
GR9 - Accessibility, servicing and provision of parking  
GR14 - Cycling Measures  
GR15 - Pedestrian Measures  
GR16 - Footpaths Bridleway and Cycleway Networks  
GR17 - Car parking  
GR18 - Traffic Generation  
NR1 - Trees and Woodland  
NR3 – Habitats  
NR4 - Non-statutory sites  
NR5 – Habitats  
H2 - Provision of New Housing Development  
H6 - Residential Development in the Open countryside  
H13 - Affordable Housing and low cost housing

### **Regional Spatial Strategy**

DP1 – Spatial Principles

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

### **Other Considerations**

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

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

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

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The submitted Flood Risk Assessment prepared by RSK suggests that the disposal of surface water will be via infiltration where feasible. This is considered acceptable in principle. If following further investigation, surface water is to discharge to watercourse and a single rate of discharge is proposed, this is to be the mean annual runoff ( $Q_{bar}$ ) from the existing undeveloped greenfield site. If surface water is to discharge to mains sewer, the water company should be contacted for confirmation of the acceptable discharge rate.

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. As such the EA request that the following planning conditions are attached to any planning approval:

- A scheme to limit the surface water run-off from the site
- A scheme to manage the risk of flooding from overland flow

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

- A public sewer crosses this site and United Utilities will not permit building over it. United Utilities will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

- This site must be drained on a total separate system, with the surface water flows generated from the new development discharging directly to soakaway/watercourse and or to the public surface water sewer at a maximum discharge rate as determined by United Utilities.

### **Strategic Highways Manager:**

Following advice regarding development proposals that should be considered for the purposes of cumulative impact it has been concluded that the traffic impact of this site will not be severe. There are some concerns over the design of the site access and whether the visibility splays are appropriate. Should Members be minded to approve this application, conditions are suggested relating to collection of speed data in accordance with standards and an appropriate Road Safety Audit to properly inform site access design and visibility splays.

There are also concerns over the sustainability of the site and a contribution should be secured towards improving the frequency of the bus service. The travel plan submitted includes no firm proposals to significantly improve the sustainable credentials of this development proposal.

If Members are minded to approve this development proposal we would recommend the following conditions;

1. Prior to construction that details of provision of a footway along the entire frontage of the development are provided to the SHM to ensure a continuous footway along the highway and to avoid potential future gaps in the network.
2. Prior to construction details of provision of dropped kerb crossing points with tactile paving at the crossing points indicated on the site access drawing 6733-001 to provide for safe and convenient crossing of pedestrians.
3. Prior to construction that the applicant undertakes speed surveys, revised access design, and a road safety audit to the satisfaction of the SHM in order that a safe access to the development is provided.

The Strategic Highways Manager would also recommend that if Members are minded to approve this application that the applicant put forward a suitable costed set of measures and an agreed contribution to them as part of a S106.

**Environmental Health:** Conditions suggested in relation to hours of operation, pile foundations, an Environmental Management Plan, Travel Plan and contaminated land.

**Public Open Space:** 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.

Consequently there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. Based on 95 dwellings the amount of open space required would be 2280sq.m. The actual amount of Public Open Space illustrated on the layout plan is not quantified. If the actual amount of Public Open Space is less than the minimum requirement then a financial contribution for the shortfall will be required.

More clarity is required by way of a detailed plan to clearly identify and differentiate between the areas of Public Open Space and the areas of Private Open Space. It is not clear which pieces of

incidental open space eg boundary hedges, trees, 'Green Buffers' and to what extent are to become Public Open Space and maintained as such.

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.

The layout design shows an equipped play area on the village green which is central to the site.

The play area should be of a LEAP size and should include at least 5 items of equipment, using play companies approved by the Council. It is requested that the final layout and choice of play equipment be agreed with CEC, the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved in writing prior to the commencement of any works. A buffer zone of at least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

The open space and children's play space should be maintained by a management company.

**Natural England:** No comments received.

**Public Rights of Way:** The proposed development would affect Public Footpath No.3 Alsager. An advisory note should be attached to any approval.

Any variation to the above will require the prior consent of the PROW Unit. If the development will permanently affect the public right of way, then the developer must apply for a diversion of the route under the TCPA 1990 as part of the planning application.

If the development will temporarily affect the public right of way then the developer must apply for a temporary closure of the route (preferably providing a suitable alternative route). 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.

The route appears on the ground as a well-used footpath with a rural feel, and forms part of a circular route that local residents will have devised and value as a facility. The development should therefore retain this link and ambience, for example by the accommodation of the footpath within a wide green corridor with natural surveillance from the fronts of houses, as is proposed in the Illustrative Site Layout. The width of this corridor would be required to be a minimum of 3 metres. A maintenance schedule would be required to be included within the open space management plan to include the cutting of vegetation on the surface and sides of the path. Details of any changes to the footpath will need prior approval from the Public Rights of Way team.

The public footpath currently has stiles as furniture for the crossing of the field boundaries of the site and along its length. The development proposal would add considerable footfall along this path and therefore the furniture on the path should be upgraded to accommodate the increased traffic and to make the route more accessible for prospective and existing residents. We would therefore request that the current stiles on the public footpath at each side of the site are replaced with two-way gates to British Standards. The PROW team would seek a contribution

towards the replacement of stiles with gates along the entire footpath between Dunnocksfold Road to Hassall Road for the same reason, landowner agreement permitting.

In addition, logged under the Rights of Way Improvement Plan is a request from members of the public that this footpath be upgraded to a bridleway so that cyclists and horse riders can use it in addition to pedestrians. If the length of the route were upgraded this would create a sensible travel link across the town and towards the Salt Line Country Park leisure and transport route, whilst avoiding the roads in the old campus area of the town. The route could provide a key link between the National Cycle Network route 5 to the north of the site and Regional Route 70 at the western end of Dunnocksfold Road. The developer could readily upgrade the section of the route within the site boundary and contribute to the upgrade of the rest of the route, landowner agreement permitting.

However, the southern 120m of the path (which is outside of the proposed development site) is not suitable for upgrade to public bridleway as it is a narrow enclosed path alongside a garden and continues down a driveway.

Therefore a pedestrian/cyclist/horserider facility, either on or off-road could be provided on an alignment within the proposed development site, connecting Dunnocksfold Road at the east side of Sunnyside Farm to link up with the footpath at the site's northern-western edge. Such a route could form a key spinal active travel route for the proposed development, thereby increasing its sustainability and permeability for non-motorised users. The existing public footpath would need to be retained on its current alignment.

The developer, should consent be granted, should be required to provide destination and distance signage for pedestrians and cyclists travelling to local facilities and also to provide information on local leisure walking and cycling routes within the home owners' information pack.

The Site Entrance – Preliminary Arrangement Drawing contained within the application shows the vehicular access into the site. Little detail is available as to how pedestrians would emerge from the footway/pavement alongside the estate road, and how they would then cross Dunnocksfold Road, although the Indicative Site Layout plan may depict a footway/pavement being provided along the road edge of the development. Consideration should be given to this as the pedestrian footway/pavement along the road is on the southern, opposite side to the development, as was noted in the public consultation responses.

**Education:** A contribution will be required towards primary provision on the basis of 95 dwellings = 16 primary aged pupils.

$$16 \times 11919 \times 0.91 = £173,540$$

No contribution is required for secondary school education.

**Cheshire Fire Service:** Access and facilities for the fire service should be in accordance with the guidance given in the Approved Document B supporting the Building Regulations 2000.

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

**Alsager Town Council:** Alsager Town Council strongly objects to this application on the following grounds:

- The site is not contained within the Alsager Town Strategy which is being used as an evidence base to inform Cheshire East Council's developing Local Plan.
- This 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 that have access to the countryside are protected and preserved against residential development.
- Once Greenfield sites are developed they are gone forever and the site should be saved to protect the local environment, open spaces and wildlife.
- The fundamental aim of Greenfield sites is to prevent urban sprawl by keeping land open and to prevent settlements from joining up
- The proposal in conjunction with other large residential developments around Alsager would have a serious detrimental impact upon highway infrastructure, education, doctor's surgeries, medical centres, local facilities and amenities. The proposal would be a threat to the character and atmosphere of the town as a whole.
- There is no requirement within Cheshire East for further dwellings as there is a 7.2 year land supply
- There are serious concerns about the impact upon the immediate road network especially at the junctions of Dunnocksfold Road/Church Road/Hassall Road and Hassall Road/Lodge Road at its junction with Crewe Road. Dunnocksfold Road is dangerous due to its narrow nature and the volume of traffic using it.
- The increase in traffic from this proposal would add to the congestion at school opening and closing times.
- There is no pedestrian footpath on the north side of Dunnocksfold Road and it would not be possible to create such a link adding to the safety risks.
- The ecological information submitted with this application is poor and inadequate and Cheshire East Council should survey the site
- The site has a planning history and development has been refused on this site previously specifically on highway grounds

## **7. OTHER REPRESENTATIONS**

Letters of objection have been received from 124 local households raising the following points:

### Principal of development

- The site is outside the settlement boundary
- The proposal is contrary to the NPPF which puts plan making first

- The Twyfords and MMU sites will deliver enough housing for Alsager
- The site is not identified for development in the Alsager Town Strategy
- The proposal would not result in a sustainable community
- The proposal would not be a rounding off of the settlement boundary
- Brownfield sites should be developed first
- The proposal is an attempt to subvert the local plan and core strategy
- This site was rejected as part of the Town Strategy
- 400 dwellings have recently been approved in Alsager
- There is a net surplus in dwellings
- There are a number of empty properties in Alsager
- This is another speculative housing application which is bombarding Alsager
- Loss of Greenfield land
- Approving dwellings on this site will not assist will exacerbate the deprived housing market in North Staffordshire.
- There is no need for more housing in Alsager
- The proposal is contrary to the Congleton Local Plan
- There is a lack of employment in Alsager
- Alsager has a 5 year housing land supply
- The application site is not sustainable
- There is a lack of detail of the proposed house types
- The development of this site was discounted as part of the local plan
- Priority should be given to brownfield sites
- The draft Town Strategy has identified that brownfield sites should be developed first
- The development would result in urban sprawl
- Loss of village life

#### Highways

- The access point is inadequate
- Dunnockfold Road is too narrow and in a poor state of repair
- Increased traffic congestion
- Increased traffic
- Additional street lighting is required
- There is no footpath on the northern side of Dunnockfold Road
- The road network in the area is not adequate
- Pedestrian access to the site is hazardous
- Increased danger to cyclists and pedestrians

#### Green Issues

- Open space should be protected to offset the pollution from the M6
- Loss of green land
- Impact upon wildlife
- Impact upon protected species
- Loss of trees
- The trees on the site should be protected
- Loss of agricultural land
- The Valley Brook is prone to flooding
- Increased flooding
- The impact upon the landscape
- Increased pollution



#### Infrastructure

- Increased pressure on local schools
- There are drainage problems and the existing properties on Dunnocksfold Road drain to a pumping station on Close Lane which regularly needs emergency servicing
- The local schools are full to capacity
- Doctors and dentists are full
- There is insufficient power with the power line being overloaded
- The sewage system is overstretched
- There is little in terms of leisure facilities

#### Amenity Issues

- Impact upon ramblers/walkers who use the site
- Impact upon air quality
- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Increased vehicle pollution
- Impact upon privacy
- Overlooking
- Increased light pollution
- Loss of outlook for surrounding properties

#### Other issues

- The density and style of development is not appropriate

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

To support this application the application includes the following documents:

- Design and Access Statement (Produced by Jones Homes)
- Planning Statement (Produced by The Emerson Group)
- Transport Assessment (Produced by Sanderson Ltd)
- Extended Phase 1 Habitat Survey (Produced by CES Ecology)
- Hedgerow Survey (Produced by CES Ecology)
- Services Appraisal (Produced by Chris Lord)
- Site Waste Management Plan (Produced by SMART Waste Plan)
- Preliminary Tree Survey (Produced by Cheshire Woodlands)
- Flood Risk and Drainage Assessment (Produced by RSK)
- Consultation Report (Produced by The Emerson Group)
- Geo-Environmental Site Assessment (Produced by RSK)
- Agricultural Land Classification Report (Produced by ADAS)
- Air Quality Assessment (Produced by RSK)
- Affordable Housing Statement (Produced by The Emerson Group)
- S106 Heads of Terms

These documents are available to view on the application file.

### **9. OFFICER APPRAISAL**

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 considered that policies H6 and PS8 which protect Open Countryside are not out of date and the provisions of paragraphs 49 and 14 do not apply in this case.

### ***Emerging Policy***

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

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

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

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

### ***Conclusion***

The site is within the Open Countryside where under Policy PS8 and H6 there is a presumption against new residential development.

The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:

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

The 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.

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

### **Location of the site**

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

The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – Open space would be provided on site
- Children’s Play Space (500m) – A LEAP would be provided on site
- Primary School (1000m) – 680m
- Leisure Facilities (leisure centre or library) (1000m) – 870m
- Community Centre/Meeting Place (1000m) – 820m
- Secondary School (1000m) – 870m
- Public Right of Way (500m) – Located on site

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

- Post office (1000m) – 1800m
- Bus Stop (500m) – 870m
- Child Care Facility (nursery or crèche) (1000m) - 1480m
- Pharmacy (1000m) – 1460m
- Medical Centre (1000m) - 2100m
- Railway Station (2000m where geographically possible) – 2140m
- Public House (1000m) – 1300m

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Alsager, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned.

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

The highways officer has suggested that a contribution of £120,000 should be secured to provide an improved bus service to the site. Given that the site is considered to be sustainable, it is not considered to be reasonable to secure this contribution as it would not comply with the CIL tests.

## **Renewable Energy**

RSS (Policy EM18) policy necessitates that, in advance of local targets being set, large new developments should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable. Given that the application is in outline form a detailed scheme should therefore be secured at the Reserved Matter stage through planning condition.

## **Landscape**

The application site is an irregular shaped field of approximately 3.12 hectares of agricultural land located along the western part of Alsager, bound to the south by Dunnocksfold Road, south of which is a large area of residential housing. To the west is a smaller triangular area of residential housing and kennels. To the east is a field, the central part of which has been developed and east of this another area of residential development. To the north is an extensive area of agricultural land.

There are no landscape designations on the application site and the landscape is located within the boundary of Character Type 11: Lower Farms and Woods, specifically in the Barthomley Character Area (LFW7) as defined by the Cheshire Landscape Character Assessment. This is a landscape of strong contrasts with many local variations, and in places the relatively dense settlement pattern is very obvious. In many places the relatively flat topography and low field boundaries means that the landscape appears quite open.

The application site is an attractive, relatively level agricultural landscape, characterised by hedgerows and a number of mature hedgerow trees, but influenced by the surrounding residential developments. The site has the landscape capacity to accommodate future residential development, providing that this is well planned and designed and takes due account of the existing landscape characteristics and features of the site. This is providing that the following measures are secured at the Reserved Matter stage:

- The development should respect existing landscape and townscape characteristics of the site (principally the mature trees and hedgerows)
- The development should conserve and enhance the vast majority of the existing mature trees and any notable hedgerows as an integral and structuring part of the Landscape Framework;
- The development should minimise any potential adverse landscape or visual effects through the application of best practice design principles and careful attention to design through all stages of the development process – particularly, attention to design and specification of landscape boundary treatments to the existing surrounding properties.

## **Affordable Housing**

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

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

There are currently 130 applicants on our 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 3 beds 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 a minimum of 30% of the total units at this site are affordable, which equates to 29 dwellings. According to the Planning Statement and Affordable Housing 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 19 dwellings as rented affordable homes (which can be provided as either social rent or affordable rent) and 10 provided as intermediate tenure.

The affordable Housing Interim Planning Statement 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.

As this application is an outline application, there are no further details about the affordable housing provision. The applicant will be required to submit details of their proposed affordable housing scheme at the first reserved matter stage and should include details of the affordable housing scheme, including the mix of unit types and how these meet the required tenure split of 65% rented affordable units and 35% intermediate tenure units. Affordable housing would be secured via a planning condition.

## **Highways Implications**

The proposed access is by means of a simple priority junction with Dunnocksfold Road which is a 30mph road. The applicant has provided a speed survey and, although the highways officer considers that the sample is not great enough, the results do show that the mean speed in the eastbound direction is 31.2mph and in the westbound direction it is 30mph. Based on these results visibility splays of 2.4m x 50.1m to the right and 2.4m x 44.3m to the left out of the site are required by Manual for Streets and can be achieved according to the submitted plan.

The submitted plan does not show footways along the site frontage which has been requested by the Strategic Highways Manager. However, it is considered that such detail can be dealt with through the use of a planning condition to secure the details at the Reserved Matters stage. The benefit of doing this is that if an application comes forward on the adjacent MMU site in the mean time, it would be possible to ensure that the link between both sites is secured.

As part of this application, the applicant has submitted a Transport Assessment to assess the traffic impact of the proposed development. There is only one committed development in Alsager (12/0893C - 65 units off Crewe Road) but the Twyfords site (335 dwellings) has now received a resolution to approve, subject to the completion of a S106 Agreement.

The submitted TA includes an assessment of the following junctions:

- Dunnockfold Road/Hassall Road/Church Road
- Crewe Road/Hassall Road
- Church Road/Crewe Road/Station Road
- Sandbach Road/Lawton Road/Crewe Road
- Crewe Road/Radway Green

#### Dunnockfold Road/Hassall Road/Church Road

Although the highways officer has questioned the future years of assessment for this junction, the TA is clear that the junction would still operate with spare capacity if the development is approved.

#### Crewe Road/Hassall Road

The TA states that the *'predicted development traffic flow at this junction is such that a request for capacity analysis would be unreasonable and the model would be unlikely to distinguish any material difference between the traffic flow scenarios with and without the development'*. The Strategic Highways Manager accepts that the development is unlikely to have any significant traffic impact at this junction.

#### Church Road/Crewe Road/Station Road

The development will have some traffic impact at this location with an additional 25 to 27 development vehicles passing through the junction in the AM peak hour and 26 to 31 vehicles in the PM peak hour. This impact is not considered to be severe.

#### Sandbach Road/Lawton Road/Crewe Road

The additional traffic flow from this development is just 3 peak AM movements and 10 peak PM movements. As a result, the impact cannot be considered to be severe.

#### Crewe Road/Radway Green

The additional traffic flow from this development is just 14 peak AM movements and 7 peak PM movements. As a result, the impact cannot be considered to be severe.



As a result of the above it is not considered that the highways impact of the development will be severe which is the test contained within the NPPF. The proposed development is therefore acceptable in terms of its highway implications.

## **Amenity**

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

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

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

## **Trees and Hedgerows**

### Trees

There are a number of trees to the boundaries of the site. A Tree Survey has been produced and this identifies 7 individual trees and 6 groups of trees. Of the individual trees, 2 are graded Grade A (High Quality and Value), 3 are Grade B (Moderate Quality and Value) and 2 are Grade C (Low Quality and Value). The groups are rated 1 as Grade A, 1 as Grade A & B, 1 as Grade A-C and 3 as Grade C.

The applicant has stated that all trees would be retained as part of the proposed development and it is accepted that the site can accommodate 95 dwellings outside the Root Protection Areas (RPAs) of the trees on the site. As this application is in outline form, this issue will be assessed in more detail at the Reserved Matters stage.

### Hedgerows

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

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

In this case there will be significant hedgerow loss to the Dunnocksfold Road frontage and there has been no assessment of the hedgerow consequently it is unknown whether the hedgerow which would be lost is important. This issue will form a reason for refusal.

## **Design**

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

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

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

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

To all sides of the site a boundary hedgerow would be provided/retained to act as a green buffer to the open countryside and surrounding residential properties. According to the indicative plan the open space would be located to the centre of the site with the LEAP which would be well overlooked by residential properties.

Although part of the layout does appear dated with the affordable housing grouped in distinct areas, it is considered an acceptable detailed design can be secured given the density of development on this site. This will be determined as part of the reserved matters stage.

## **Ecology**

The submitted report identifies the site as having some potential to support species which are a Biodiversity Action priorities and hence a material consideration (hedgehog, polecat and some bird species). The Councils Ecologist advises that provided the existing hedgerows and mature trees around the site are retained, there is unlikely to be any significant ecological impacts on these species associated with the proposed development of this site.

The mature trees have however been identified as having potential to support roosting bats and the applicant has confirmed that these trees would not be removed as part of the proposed development. A condition is required to ensure the trees and hedgerows are retained as part of any finalised layout.

If planning consent is granted conditions are required to safeguard breeding birds and ensure some additional provision is made for nesting birds and roosting bats.

## **Public Open Space**

The indicative layout shows that an area of POS would be provided centrally within the site. The Open Space Officer has stated that if the development is approved there would be a deficiency in the quantity of provision and the requirement for the site is 2,280sq.m. Although the area shown on the indicative plan does not meet this requirement the applicant has confirmed that the area will be adjusted at the Reserved Matters stage to ensure that 2,280sq.m would be provided.

In terms of children's play space, the Public Open Space Officer has requested the provision of a 5 piece LEAP. This would be provided centrally and secured as part of a S106 Agreement.

The open space and LEAP on site would be managed by a management company and this would be secured as part of a S106 Agreement.

## **Public Rights of Way**

Public Footpath No.3 Alsager runs along the north-west boundary of the site. There would be no need for the diversion of the PROW which would run along its existing line. The indicative layout shows that a green buffer would be provided to the PROW with the properties facing it to provide natural surveillance.

The proposed development would result in increased use of the footpath and the PROW Officer has requested that the two stiles on the site are replaced which would be controlled via a planning condition. Four further styles require replacing along this route and these would need to be secured as part of a contribution of £1,164 which would be secured as part of a S106 Agreement.

## **Education**

In terms of primary school education, the proposed development would generate 16 new primary places. As there are capacity issues at the local primary schools, the education department has requested a contribution of £173,540. The applicant has agreed to make this contribution and this would be secured via a S106 Agreement.

In terms of secondary education, the proposed development would be served by Alsager High School. There are surplus spaces at this school and there is no requirement for a secondary school contribution.

## **Flood Risk and Drainage**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site exceeds 1 hectare, a Flood Risk Assessment (FRA) has been submitted as part of this application.

The submitted FRA makes the following statements:

- Due to the topography of the site and the site's location outside of any known fluvial (river) floodplain, the site is considered to have a low risk of fluvial flooding
- Tidal flooding is not considered a risk to the site, due to its inland location

- There is no evidence that overland flooding will directly affect the site or has done in the past. Flooding from this source is considered low but will be considered in the layout of the site ensuring that the development is not an increased risk and overland routes will be created within the design of the site to ensure properties are not at risk of flooding from this source
- In terms of groundwater flooding there are no records that are considered as having 'significant harmful consequences' within Cheshire East. The Cheshire East Preliminary Flood Risk Assessment (PFRA) and the Congleton Strategic Flood Risk Assessment (SFRA) do not illustrate any instances of groundwater flooding in the vicinity of the site or Alsager as a whole
- In terms of flooding from sewer the PFRA and data from United Utilities do not record any instances of sewer flooding within the vicinity of the site. On the basis that any new foul water sewerage and surface water systems for the development will be designed to meet the requirements of United Utilities this should ensure that the systems have sufficient capacity to prevent overloading and the risk of flooding from the sewers is considered to be low
- There is no risk from canals, reservoirs and other artificial structures
- Given the low risk of flooding to the site from all sources the implications of climate change on the site are minimal

The FRA then goes on to state that SUDs based systems will be used on site to attenuate and discharge the generated surface water from the impermeable surfaces. Should any discharge from the development flow offsite this will be limited to the pre-development green field rate and the design of the system will be determined at the detailed design stage.

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

### **Agricultural Land Quality**

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

An Agricultural Land Survey has been produced and this indicates that the application site is Grade 3b. As a result the loss of this land does not raise any issues.

### **LEVY (CIL) REGULATIONS**

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

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

The requested highways contribution to provide improved bus services is not considered to meet the CIL tests as the application site is considered to be sustainably located.

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

The development would also result in increased use of the local PROW network and the existing stiles along Public Footpath No.3 Alsager are in a poor state of repair. Due to the increased use it is considered that this contribution is directly related to the development and the sum involved is fair and reasonable.

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

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

## **10. CONCLUSIONS**

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

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

It is considered that the development is acceptable in terms of affordable housing provision. Matters of contaminated land, air quality and noise impact can also be adequately addressed through the use of conditions.

The issue of highway safety and traffic generation is considered to be acceptable and the development would not have a severe impact.

Although there would be some adverse visual impact resulting from the loss of open countryside, it is considered that, due to the topography of the site and the retention of existing trees and hedgerows, this would not be significant relative to other potential housing sites in the Borough.

With regard to ecological impacts, the Council's ecologist is satisfied with the proposed mitigation/compensation measures for protected species can be secured.

The scheme complies with the relevant local plan policies in terms of amenity and it is considered that an acceptable design and layout can be secured as part of a reserved matters application.

Policy requirements in respect of public open space provision can be met within the site, and therefore it is not considered to be necessary or reasonable to require further off-site contributions in this respect. A contribution has been secured to enhance primary school provision in the area to mitigate the proposed development.

The Flood Risk Assessment has not identified any significant on or off site flood risk implications arising from the development proposals that could be regarded as an impediment to the development

## **11. RECOMMENDATIONS**

### **REFUSE:**

- 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 which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. Insufficient information has been submitted with the application to determine if the proposal would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Policy NR3 of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development. Therefore the scheme is contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review and guidance contained within the NPPF.**

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

**Should this application be the subject of an appeal, authority should be delegated to the Development Management and Building Control Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in**

**accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.**



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