

Application No: 13/2901C

Location: Land Adjacent to Meadow View, 118, Dunnocksfold Road, Alsager, Cheshire, ST7 2TW

Proposal: Development of 8 Market Dwellings on Land to the North of Close Lane, Alsager.

Applicant: Stephanie Hurstfield

Expiry Date: 03-Sep-2013

**SUMMARY RECOMMENDATION
REFUSE**

MAIN ISSUES

**Principal of the Development
Planning Policy and Housing Land Supply
Landscape and Trees
Affordable Housing
Highway Implications
Amenity
Design
Ecology
Open Space**

REASON FOR REFERRAL

This application has been called in by Councillor Shirley Jones on the following grounds:

“The reasons are that this land is in open countryside and so far from facilities as to be unsustainable. The density of development is out of character with adjoining area.”

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an area of open grassland 0.39 hectares in size. The northern corner of the site contains Lady Farm Bungalow, which previously had an agricultural occupancy condition attached to it that has since been removed. (12/1767C)

The site is designated as being within the Open Countryside in the adopted local plan and is classified as very good quality agricultural land (Grade 2).

DETAILS OF PROPOSAL

The application is for outline planning permission for the erection of 8 market dwellings. Access is to be determined at this stage with appearance, landscaping, layout and scale to be determined at reserved matters stage.

The access to 6 of the dwellings would be taken from Close Lane with Lady Farm Bungalow and the 2 other dwellings taking access from Dunnocksfold Lane.

An **indicative** layout plan has been submitted with the application, which shows a 6 of the dwellings facing on to a central spine road, with two facing on to Dunnocksfold Lane.

RELEVANT HISTORY

12/1767C 2012 Approval for removal of agricultural occupancy condition

0361/3 1974 Approval for farmhouse and pig rearing building

POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

PS3 – Settlement Hierarchy

PS8 - Open Countryside

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

Other Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

Draft Development Strategy

Strategic Housing Land Availability Assessment (SHLAA)

North West Sustainability Checklist

Article 12 (1) of the EC Habitats Directive

The Conservation of Habitats and Species Regulations 2010.

CONSULTATIONS (External to Planning)

United Utilities:

None received at the time of report writing.

Strategic Highways Manager:

This is an outline application for 8 residential dwellings with access from Close Lane in Alsager; all matters are reserved apart from access.

Close Lane already serves a significant amount of residential properties and connects to Dunnockfold Road at its northern end; it has a number of sharp bends close to the site and is narrow in places. The traffic impact of the development has to be viewed on the proposed scale of the development; the development of 8 dwellings has a very small percentage increase on the flows on Close Lane and will not result in capacity problems on the road network. Although, the alignment of Close Lane is poor there is no indication that there is a road safety issue as there have been no accidents recorded in this section of Close Lane, in these circumstances it would not be possible to support a case where road safety is being compromised especially as the traffic generation is small.

The access to the site is a priority junction design and adequate visibility can be achieved on the site frontage, although there is an indicative layout provided

In summary, the development in traffic impact terms is acceptable.

Environmental Protection:

Recommend conditions relating to hours of construction, piling and contaminated land. They also recommend refusal of the application as there is insufficient information relating to noise generated from the M6 motorway.

VIEWS OF THE TOWN/PARISH COUNCIL

Alsager Town Council strongly objects to 13/2901C the proposed development on the following grounds:

- a. The site is not contained for development within the recently approved Alsager Town Strategy which reflects the wishes and aspirations of its residents. This Strategy clearly accepts the need for housing growth but strongly emphasises that the town's brownfields sites should be fully utilised before greenfield sites are developed. 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 sufficient brownfield sites in Alsager to meet the town's future needs. The Town Strategy is being used as an evidence base to inform Cheshire East Council's developing Local Plan and consequently the Development Strategy endeavours to reflect the approved documents and consultation responses as far as possible. Cheshire East Council and HM Government should recognise the Alsager Town Strategy 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. This site is not contained in the current

Draft Local Plan and furthermore it is not contained in the 'possible additional sites proposed by developer and land interest' recently consulted on by Cheshire East Council.

b. Cheshire East Council state that they have in excess of the required 5 years supply of land identified in the 2012 SHLAA document and this site is not contained therein.

c. The application is an intrusion into the surrounding open countryside and no development should take place on greenfield sites in Alsager or just beyond its boundary, before all brownfield sites are exhausted, to ensure that greenfield sites, which gave access to the countryside, are protected and preserved against residential development. This application if developed would have 3 boundary sides facing open countryside.

d. 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.

Haslington Parish Council Object to the proposed development as unwarranted development in the open countryside outside existing settlement boundaries contrary to both Crewe and Nantwich Borough and Congleton Borough development policies, NE2, H6. In addition the application proposes an additional access point onto Close Lane very near one of two sharp bends meaning that traffic may not see vehicles emerging from the proposed development. The application does not demonstrate how refuse and other delivery vehicles can turn within the development.

OTHER REPRESENTATIONS

Approximately 70 representations have been received relating to this application raising the following points:

Principle

- The site is not supported in the Alsager Town Plan
- The site is not included in the Strategic Housing Land Availability Assessment (SHLAA)
- The proposal contravenes all local policies that state that brownfield land should be used before Greenfield
- The two significant brownfield sites in Alsager should be built out first
- Contravenes the ethos behind localism
- No employment or infrastructure nearby
- Intrusion into the open countryside
- There is already more than enough housing in Alsager
- No evidence of demand for the proposed dwellings
- The town is under siege from developers
- Degradation of the quality of life in Alsager
- Will lead to urban sprawl
- Impact on Green Belt

Highways

- Dangerous access
- The road has several sharp bends and there are regular accidents especially in winter
- Inappropriate access on to a bridleway
- Greed ahead of children's safety
- Lack of a pavement adjacent to the site

Other Matters

- Loss of privacy and light
- Flood risk
- Loss of agricultural land
- Adverse impact on wildlife
- Inadequate sewers
- Interruptions to the electricity supply

One representation supported the proposal as they object to the development of MMU.

APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Planning Policy Statement
- Design and Access Statement
- Extended Phase 1 Habitat Survey
- Assessment of Pond near Lady Farm Bungalow
- Highways Report

These documents are available to view on the application file.

OFFICER APPRAISAL

Principal 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.

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”.

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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 (now revoked) 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.

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 30th 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. These policies also have a dual function one of which is to protect the countryside for its own intrinsic value, which is considered to be in compliance with the NPPF.

Emerging Policy

The Cheshire East Development Strategy approved by Strategic Planning Board and Cabinet for consultation until 26 February 2013 is a material consideration, it directs additional

housing in Alsager to two strategic sites: Manchester Metropolitan University (400) and Twyfords (450).

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 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.
- 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 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 toolkit sets maximum distances between the development and local amenities.

These comprise of:

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

The application does not include such an assessment but puts forward the following information:

- The site is approximately 1.5km from the town centre
- 2.5km from the train station which can be accessed by bus
- 3.5km from Junction 16 of the M6
- 0.9km from the secondary school

The submitted planning statement also makes reference to a range of local services within walking distance, but does not specify what these distances are. It also makes reference to bus routes but does not specify which they are and where the nearest bus stops are located.

The Design and Access Statement states that the development would be built to take into account the requirement for sustainable design in relation to climate change and sustainability principles and all relevant Building Regulations would be adhered to. Details of these matters would be submitted at reserved matters stage and could be secured by condition.

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 Close Lane (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.

Agricultural Land

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

The land in question is Grade 2 and as such its loss would not be in compliance with the requirements of the NPPF. However, given that the proposal could not be considered 'significant', a refusal on these grounds could not be sustained.

The Design and Access Statement assesses the site as an area of underutilised grassland, associated with the dwelling known as Meadow View, which if ever ploughed, any arable operations would be limited by the small area and shape of the land. It also states that the land is not currently in productive agricultural use.

Landscape and Trees

The site comprises a parcel of agricultural land laid to grass and was used for grazing cattle at the time of the site visit. It forms part of a field which wraps around an existing bungalow originally built as an agricultural workers dwelling. There is residential development to the south and east separated from the site by Close Lane and Dunnocksfold Road. A public footpath runs to the east. For a section of the northern boundary, the site is open to the field. There is post and rail fence to the bungalow boundaries, a post and wire fence to the west, and hedges to the south and east.

The site is located within open countryside outside the settlement zone line in the relevant Local Plan. Although there is residential development in the vicinity, it is considered that the site has a rural character. No assessment has been submitted in respect of impact on landscape character or visual amenity. Development of the site as indicated would extend the built form of Alsager out into open countryside. The indicative layout shows the removal of lengths of hedge, opening up the site to views from adjacent properties. Indicative new planting is shown on the layout but as an outline application with only access included, little weight can be afforded to this plan.

Although there are no landscape designations on the application site, open countryside has policy protection in the adopted local plan and it is considered that a case of exceptional need would have to be demonstrated to consider development of the site.

There is young tree growth within the roadside hedge but there are no significant or protected trees on the site

As stated above, the indicative layout would appear to result in the removal of the roadside hedgerow on Close Lane to create an access, allow visibility and accommodate a footpath. Sections of the eastern hedge would be removed to create driveways. Whilst no evidence has been provided in respect of the hedgerows, the Council is satisfied the Close Lane hedge is less than 30 years old and would therefore be exempt from The Hedgerow Regulations 1997. Further clarification is required in respect of the eastern hedge and if older than 30 years, a full assessment would be required under the criteria in the Regulations.

Affordable Housing

The Interim Planning Statement: Affordable Housing states that for windfall sites such as this the minimum site-size threshold, above which affordable housing provision would be required is 15 dwellings or more than 0.4 hectares. This proposal is for 8 dwellings on a site 0.39 hectares in size. There is therefore no requirement for affordable housing provision within the development.

Highways Implications

The application has been assessed by the Strategic Highways Manager (SHM), whose comments are recorded in the report. In summary the SHM considers that in traffic impact terms, the development is acceptable given the number of dwellings proposed and the fact adequate visibility could be achieved on the site frontage.

Amenity

In terms of the surrounding residential properties, these are mainly to the east and south of the site. Although the application is in outline form 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 locality.

The Environmental Health Officer has requested a condition in relation to noise during construction and pile driving. These conditions are considered to be reasonable and necessary and would be attached to the planning permission if granted.

The Environmental Health Officer has recommended refusal of the application on the grounds of lack of information about mitigation against noise from the M6. This application is in outline form and therefore detailed construction details are not contained within it. It is considered that this can be adequately dealt with by means of a condition requiring that this information is provided at reserved matters stage.

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.”

Whilst the application is in outline form with access as the only matter to be agreed at this stage, the design and access statement has indicated that the development would not be a prominent feature in the street scene and would be designed to reflect the scale, mass, form, roof pitch and detailing of the properties in the local area. As such it is considered that the indicative proposals would be acceptable.

Ecology

The application is supported by ecological surveys which have been assessed by the Councils' Principal Nature Conservation Officer. His conclusion is that the site is likely to be of low nature conservation value. Conditions are recommended relating to replacement hedgerow planting and the protection of breeding birds.

CONCLUSIONS

The site is within the Open Countryside. Under Policies PS8 and H6 there is a presumption against new residential development which would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake. 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. 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. The development of open countryside, where there is no established need to do so, is considered to be fundamentally unsustainable.

Furthermore, the proposal would result in the loss of agricultural land. The applicant has failed to demonstrate that this is not amongst the best and most versatile grades of land. In the

absence of this information, and any established need to develop the site in order to meet housing land supply requirements, it is considered that the benefits of development would not outweigh the loss of agricultural land.

The proposal would not have any significant impact in terms of loss of trees or hedgerows and is considered to be acceptable in terms of its impact upon residential amenity. Subject to confirmation from the Environment Agency that the submitted FRA is acceptable, the proposal is not considered to have any adverse impacts in terms of drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments.

The proposal would not have any significant impact in terms of loss of trees or hedgerows and is considered to be acceptable in terms of its impact upon residential amenity, ecology and highway safety.

Overall harm would be caused in terms of the impact on the open countryside and the loss of agricultural land. As a result the proposal is considered to be unsustainable and contrary to Policies PS8 and H6 of the local plan and the provisions of the NPPF in this regard.

RECOMMENDATION

REFUSE for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside on Grade 2 Agricultural Land, where according to Policies PS8 and H6 of the adopted Congleton Borough Replacement Local Plan 2005, there is a presumption against new residential development. Such development would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**

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

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