

Application No: 13/5045C

Location: Land adjacent to Heath End Farm, Hassall Road, Alsager, Cheshire, ST7 2SL

Proposal: RE-SUBMISSION OF APPLICATION 12/3905C OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT ON LAND ADJACENT TO HEATH END FARM, HASSALL ROAD, ALSAGER

Applicant: Frank Evason & Mr Allan Key, n/a

Expiry Date: 27-Feb-2014

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

Impact of the development on:-

- Principle of the Development**
- Planning Policy and Housing Land Supply**
- 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 Southern Planning Committee 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 1.42 ha and is located to the north west of Alsager, circa 2km from the town centre. The site is within open countryside. To the south and west is agricultural land. To the south beyond another field is an established children's play area

and the former sports grounds of the MMU campus. To the east and north is Hassall Road with 20th century residential development beyond. A public footpath (Alsager No 3) runs to the south of the site.

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

The field directly to the south of the site has an approval for 30 dwellings after application 12/1670C was allowed at appeal.

2. DETAILS OF PROPOSAL

This is an outline planning application for up to 34 dwellings (30.61 dwellings per hectare). Access is to be determined at this stage with all other matters reserved.

The access point to serve the site would be taken off Hassall 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 storeys in height.

3. RELEVANT HISTORY

12/3905C - Outline application for up to 34 dwellings, including the creation of means of access to Hassall Road, Alsager – Refused 31st January 2013 – Appeal Lodged – Appeal Withdrawn

Reason for Refusal as follows:

‘The proposed development by reason of incursion of built form into the open countryside, would detract from the generally open character of the west side of Hassall Rd. This would be a harmful effect which would fail to take account of the different roles and character of different areas or recognise the intrinsic character and beauty of the countryside and would be contrary to policy within the NPPF and would be an adverse impact which would significantly and demonstrably outweigh the benefits in terms of housing land supply’

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

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
CO1 Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE 13 Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions

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
Alsager Town Strategy

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. If a single rate of discharge is proposed, this is to be the mean annual run-off (Q_{bar}) from the existing undeveloped greenfield site. The Flood Risk Assessment (FRA) prepared by L K Consult suggests that surface water from the proposed development may discharge to a watercourse located along the western boundary of the site.

Further details will be required at the detailed design stage to confirm that this watercourse is suitable for taking the runoff from the proposed development. The surface water regulation scheme should subsequently ensure that flood risk is not increased elsewhere as a result of the proposed development. 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. The following planning conditions should be attached to any 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:

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Strategic Highways Manager: This application is resubmission of a previous application, in terms of the highway considerations of the application there is no change on the highway network that would alter the comments made previously.

As this is an outline application, there are no internal design comments made. The proposed access design is acceptable and does provide a satisfactory level of visibility.

The traffic impact that can be expected from the development is low and there is no justification for rejecting the application on traffic impact grounds.

Environmental Health: No objection subject to conditions relating to construction hours, piling hours, dust mitigation, travel plan, electrical vehicle infrastructure, contaminated land and an environmental management plan.

Public Open Space: Following an assessment of the existing provision of amenity space accessible to the proposed development, if the development were to be granted planning

permission there would be a surplus in the quantity of provision, having regard to the Council's Open Space Study. Whilst there is no requirement for new open space, a qualitative deficit has been identified at Hassall Road Play Area. Given that an opportunity has been identified for enhancing the existing amenity space to serve the development based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development, the financial contributions sought from the developer would be:

Enhanced Provision:	£ 4,310.92
Maintenance:	£ 9,649.20

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. Whilst there is a requirement for new open space, the existing facilities are substandard in quality including a poor range of facilities for the needs of the local community. An opportunity has been identified for upgrading and enhancing the quality of an existing facility at Hassall Road Play Area. Given that an opportunity has been identified for upgrading the capacity/quality of Children and Young Persons Provision, based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be:

Enhanced Provision:	£ 7,472.11
Maintenance:	£ 24,357.6

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

Public Rights of Way: The application documents note the existence of a Public Right of Way, namely Alsager Footpath No. 3, in the land parcel to the south of the proposed development site.

The application form and planning statement (paragraph 4.4) state that a new Public Right of Way is to be provided through the development. It is assumed that the proposed link from the estate road to the southern boundary is considered to equate to this new Public Right of Way. This link is welcomed. However, it would be suggested that the path not be dedicated as a public right of way, but be maintained as a path for public use within the open space management for the site. A gate is proposed in the layout plan whilst a gap is proposed in the planning statement, where this path reaches the boundary of the development site. The most accessible and least restrictive option should be selected in order to maximize the number of people who can use the path: a gap of at least 1m width would be desirable.

That said, a request to upgrade Public Footpath. No. 3 in Alsager to bridleway status has been registered under the Council's statutory Rights of Way Improvement Plan (ref. 144), so that the route is accessible to horse riders and cyclists in addition to pedestrians. In anticipation of this, the proposed path should be established as a combined cyclist/pedestrian facility.

The Transport Plan states in paragraph 2.10 that the Salt Line is a 27km linear off-road cycle route between Alsager and Sandbach. The Salt Line is in fact 2.5km in length, and offers a connection

between these two towns when considered in tandem with the Wheelock Rail Trail which offers an additional 1.5km length. This route will offer residents of the proposed development a direct and traffic-free route to Sandbach and other service and employment locations. Improvements to the accessibility of the Salt Line for cyclists are being proposed at present and contributions towards this work would be sought from the developer to enable the route be more readily included within the transport plan options for residents.

Another path, Public Footpath No. 4 which runs between Hassall Road and Lodge Road, acts as a direct link between the proposed development site and the town centre. A further suggestion registered under the Council's statutory Rights of Way Improvement Plan (re. T76) is to improve the surface condition of this footpath and to consider installing lighting along its length so that the route is suitable for use year round. I have attached a plan for reference.

The developer should be tasked to prepare Travel Plans for residents of the proposed development in order to bring to their attention the walking, cycling and public transport options available to them in gaining access to facilities and employment. In addition, destination signage should be provided to local facilities.

Education: A contribution will be required towards primary provision on the basis of 34 dwellings = 6 primary aged pupils.

$$6 \times 11919 \times 0.91 = \text{£}65,078$$

Newcastle-under-Lyme Borough Council: Objects to the application on the grounds that development of this scale in this location would undermine the delivery of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026.

6. VIEWS OF THE PARISH COUNCIL

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

- The application is a significant intrusion into a currently undeveloped area and the surrounding open countryside and extends out from Alsagers settlement boundary. 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 give access to the countryside, are protected and preserved against residential development. It should be noted that in the recent Appeal on Sandbach Road North, the Planning Inspectors Appeal Decision details 'there would be serious harm resulting from the impact of the proposal on the character and appearance of the countryside, and consequent conflict with the development plan policies noted earlier, which carry significant weight. This harm to character and appearance is significant. Such harm is not to be taken lightly and has, in my judgement, been underestimated by the Appellant.'
- 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.
- The Town Council contend that once greenfield sites are developed they are gone forever, and therefore greenfield sites should be saved in order to protect our local environment, open

spaces and wildlife. This site is a refuge for flora and fauna and this natural habitat should be preserved as such.

- Cheshire East Council have consulted with neighbouring authorities on the 1000 house contained within the draft strategy, Stoke on Trent and Newcastle Under Lyme Councils have made it clear that they have significant reservations in relation to development close to the common boundaries with South East Cheshire which may have a detrimental impact on the regeneration of their areas. This proposal is in addition to the 1000 houses and could further compromise their efforts. It should be noted that in the recent Appeal on Sandbach Road North, the Planning Inspectors Appeal Decision, on the subject of 'impact of adjoining authorities' it details 'it would seem wise, in this part of the Borough, not to proceed with development which would go beyond the draft strategy at the stage. This matter is not determinative in its own right, but is a matter which adds caution to the process of decision making.'
- The site is not contained for development within the recently approved Alsager Town Strategy which reflects the wishes and aspirations of its residents. The Strategy was subject to a widespread democratic consultative process which built a consensus in the Town. This Strategy clearly accepts the need for housing growth but strongly emphasises the fundamental principle of ensuring brownfield sites should be fully utilised before greenfield sites are considered for development. This principle is fully in line with NPPF 17. 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.
- Alsager is unsustainable as a Key Service Centre as it has only been identified as the equivalent of a Local Service Centre in terms of the proportion of jobs available. Alsager requires an appropriate balance between employment and residential development. Any development above Alsagers housing allocation would further reduce the proportion of jobs available. It is also noted that Alsager does not satisfy the criteria of a Key Service Centre on infrastructure grounds, as a number of the roads in Alsager are already operating above capacity. It was reported by Cheshire East at the Strategic Planning Board meeting held on 9th December that there is in fact no scope to widen or increase the capacity of Alsagers road network. The mini roundabout at Dunnocksfold Road/Hassall Road/Church Road has been identified in the Draft Infrastructure Delivery Plan as a cause for future concern.
- This particular application when taken in conjunction with other current large residential development applications in Alsager, if approved, would have a serious detrimental impact for the town's highways infrastructure, education, doctors' surgeries, medical centres, local facilities and amenities. Such applications, if approved, would be a threat to the character and atmosphere of the town as a whole and would place unsustainable pressure on the towns infrastructure and services.
- It has been identified in the application that the water table across the whole of the site is persistently high and this field has standing water all year round, Cheshire East Council would

- need to undertake their own assessment of the site and the possible risks of this development in relation to waterlogging and flooding.
- Further investigation is needed in reference to the standing water on the field and the possible use of the field by amphibians and other wildlife.
 - Serious concern is expressed regarding the access being very close to a Z bend that already takes heavy traffic.
 - Further investigation is needed into the Root Protection Areas of the trees along Hassall Road and the impact the proposed development will have, taking into account that half the roots will already run under Hassall Road.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 49 local households raising the following points:

Principle of development

- There should be more employment/community developments in Alsager
- The site is outside the settlement boundary
- The Twyfords and MMU sites will deliver enough housing for Alsager
- The site is not identified for development in the Alsager Town Strategy
- The proposed development is not sustainable
- Loss of Greenfield land
- The site is not part of the strategic plan for Alsager
- Impact upon the rural landscape
- 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
- Brownfield sites should be developed first
- Cumulative impact
- The same application was previously refused
- The impact upon the regeneration of the Potteries
- The proposal would harm the rural character of the site
- No benefit to the residents of Alsager
- Loss of Green Belt land
- Loss of view
- There are numerous properties for sale in Alsager
- The development of this site was discounted as part of the local plan
- Priority should be given to brownfield sites

Highways

- The access point is in a dangerous position on a bend in the road
- Increased traffic congestion
- Impact upon highway safety
- Existing congestion problems at the nearby schools
- Pedestrian safety
- Poor visibility at the site access
- No footpath on the western side of Hassall Road

Green Issues

- Loss of green land

- Impact upon wildlife
- Impact upon protected species
- Loss of trees/hedgerows

Infrastructure

- The site often floods
- Drainage issues on the site
- The site has a high water table and the development will increase flooding
- Increased pressure on local schools
- The local schools are full to capacity
- Doctors and dentists are full

Amenity Issues

- Loss of a view
- Impact upon air quality
- Light pollution
- Contamination of the site
- Loss of privacy
- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site

A petition signed by 108 local residents has also been received objecting to this scheme.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Design, Access and Planning Statement (Produced by Cunliffe Planning Consultancy)
- Supplementary Planning Statement (Produced by Cunliffe Planning Consultancy)
- Landscape and Visual Impact Assessment (Produced by The Ark Company Landscape Architects)
- Transport and Accessibility Statement (Produced by Richard Nickson Consulting Ltd)
- Extended Phase 1 Habitat Survey & Important Hedgerow Assessment (Produced by Rachel Hacking Ecology)
- Bat Survey (Produced by Rachel Hacking Ecology)
- Preliminary Tree Survey (Produced by Mulberry)
- Arboricultural Implications and Method Statement (Produced by Mulberry)
- Flood Risk Assessment (Produced by LK Consult Ltd)
- Phase 1 Desk Study (Produced by LK Consult Ltd)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site for residential development, having regard to matters of principle of development in respect of policy and housing land supply, sustainability, loss of agricultural land, affordable housing, air quality, residential amenity, drainage and flooding, design

issues, open space, landscape impact, trees and forestry, ecology, education, highway safety and traffic generation.

Principle of Development

The site lies largely in the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005, where policies PS8 and H6 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. Residential development will be restricted to agricultural workers dwellings and affordable housing.

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.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms 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 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.*”

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The Position Statement set out that the Borough's five year housing land requirement as 8,311. This is based on the former RSS housing target of 1150 homes pa – mindful that the latest ONS household projections currently stand at 1050 pa. This was also calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the *Five Year Housing Land Supply Position Statement* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Members will be aware that the Housing Supply Figure is the source of constant debate as different applicants seek to contend that the Council cannot demonstrate a five year supply. This has been the source of the many and on-going appeals as the Council's defends its position against unplanned development. Despite the high number of appeals only a limited number of decisions have been determined at this time, but they in themselves demonstrate the apparent inconsistency of approach.

Elworth Hall Farm, Sandbach (11 April 2014). It was determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be. 1150 dwellings pa was the agreed target figure. The Inspector accepted the use of windfalls but considered a 20% buffer should be employed.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during the last few months and more are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 6.11 year housing land supply with a 5% buffer or 5.35 year housing land supply with a 20% buffer.

Dunnocksfold Road, Alsager (14 July 2014). Inspector considered that the RSS figure was now historic and that the SHMA, SHLAA and populations forecasts were more recent along with the emerging Pre-Submission Core Strategy which proposes a target of 1350 dwellings pa. 1350 should therefore be the target (6750 as a 5 year supply figure). The Inspector also accepted the appellants backlog figure but agreed that a 5% (not 20%) buffer should be applied. However the use of windfalls was rejected. This gave a five year requirement of 10146 dwellings or 2029 pa. This results in a supply figure of 3.62 years. Even using the Council's assessed supply figure of 9897 this only provided 4.8 years of supply.

Members should note that this Inquiry also took place just a few days after the introduction of the position statement when there was little or no time to prepare the full evidence case.

Newcastle Road, Hough (14 July 2014). In the absence of evidence to the contrary the Inspector accepted that the position statement and that the Council could demonstrate a five year supply - 5.95 years with 5% and 5.21 with a 20% buffer. It was also considered that the RSS figures of 1150 pa represented the most recent objectively assessed consideration of housing need.

There is hence little consistency over the treatment of key matters such as the Housing Requirement, the Buffer and use of windfalls.

This state of affairs has drawn the attention of the Planning Minister Nick Boles MP who has taken the unusual step of writing to the Inspector for the Gresty Oaks appeal (14 July 2014) highlighting that the Planning Inspectorate have come to differing conclusions on whether Cheshire East can identify a five year supply. While he acknowledges that decisions have been issued over a period of time and based upon evidence put forward by the various parties he asked that “especial attention” to the evidence on five supply is given in the subsequent report to the Secretary of State. It is therefore apparent that the Planning Minister does not consider the matter of housing land supply to be properly settled.

Taking account of the above views, the timing of appeals/decisions the Council remains of the view that it has and can demonstrate a five year supply based upon a target of 1150 dwellings per annum, which exceeds currently household projections. The objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Location of the site

The site is considered by the SHLAA to be sustainable.

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

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

- Amenity Open Space (500m) – 100m
- Children’s Play Space (500m) – 100m
- Bus Stop (500m) – There is a bus stop immediately outside the site
- Primary School (1000m) – 100m
- Leisure Facilities (leisure centre or library) (1000m) – 600m
- Child Care Facility (nursery or crèche) (1000m) - 100m
- Post Box (500m) – 500m
- Community Centre/Meeting Place (1000m) – 900m
- Public Right of Way (500m) – Directly to the south of the 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 facilities are:

- Post office (1000m) – 1950m
- Pharmacy (1000m) – 1950m
- Medical Centre (1000m) - 2100m
- Railway Station (2000m where geographically possible) – 2250m
- 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 facilities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned.

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

Affordable Housing

The site falls within the Alsager sub-area as part of the Strategic Housing Market Assessment update 2013, which evidenced a housing need in this area. Overall there is a need for 54 affordable units in Alsager, with the breakdown being 38 x 2 bed, 15x 3 bed, 2 x 4/5 bed general needs units and 5 x 1 bed older persons accommodation.

Furthermore information from Homechoice, the Council's choice based lettings system, demonstrates there are currently 225 live applicants who have selected the Alsager letting area as their first choice. These applicants require 94 x 1bed, 78 x 2bed, 40 x 3 bed and 7 x 4 bed units.

As there is affordable housing need in Alsager, there is a requirement that 30% of the total units at this site are affordable, which equates to 11 dwellings. According to the Planning Statement the applicant is offering 11 dwellings as affordable housing, which meets the requirement for affordable dwellings on this site

The Affordable Housing IPS also states that the tenure mix split the Council would expect is 65% rented 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 Strategic Housing Market Assessment 2010. The tenure split should therefore be 7 dwellings as rented affordable homes, (which can be provided as either social rent or affordable rent) and 4 provided as intermediate tenure.

Based on the current housing need information, there is a preference for more 2 bed properties as the affordable housing than 3 beds.

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.

Highways Implications

This is an outline planning application for up to 34 residential units, with access taken off Hassall Road, Alsager. A priority junction is proposed as access to the site. There is a current speed limit of 30mph on Hassall Road and there is also a system of traffic calming in the form of speed cushions installed.

The key highways issues in this case are:

- Determining whether the quantum of development will cause a material impact on the local highway network.
- Suitability of the access design.

Although there are a number of other residential sites that either are planned or have been rejected in the vicinity of the land in this application, there are no current planning permissions that would add significant traffic to the road network. Therefore, this application has to be dealt with on the basis that it would add the traffic generation of 34 units to the road network. The scale of impact of this development would be relatively minor adding some 23- 27 trips in the peak hours to the road network. Given the relatively low traffic flows on Hassall Road this number of trips will not have a material impact in capacity terms upon the road network.

The access is a simple priority junction and does provide visibility in accordance with Manual for Streets. A speed survey has also been undertaken that confirms that average speeds are not excessive. As such the visibility provision of 2.4m x 43m is accepted.

Amenity

In terms of the surrounding residential properties, these are mainly to the north and east 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.

There would be adequate separation distances to the dwellings on the approved scheme to the south of the application site.

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

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

Trees and Hedgerows

Trees

Trees on the Hassall Road frontage are subject to the Congleton Borough Council (Pikemere Road/Hassall Road) TPO 1975.

The submission is supported by a Preliminary Tree Survey Report dated April 2012. The report indicates that the survey has been carried out in accordance with *BS 5837:2005 Trees in relation to construction – Recommendations*.

British Standard 5837:2005 has been superseded by *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*. The current BS places greater robustness and level of confidence necessary to ensure the technical feasibility of the development in respect of the successful retention of trees. To comply with the updated BS, an updated layout plan including RPA's has been provided.

The submitted plans indicate that the proposed development would result in the loss of 2 trees along the eastern boundary. Of the trees that would be removed, one has major areas of dead wood and is identified for removal with the other tree located onto the frontage graded B/C.

It is considered that the tree losses as part of this development are acceptable and replacement planting would be secured as part of the landscaping scheme on this site.

Hedgerows

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

The roadside hedgerow would be impacted by the development. The submitted Extended Phase 1 Habitat Survey and Important Hedgerow Assessment states that none of the hedgerows satisfy the wildlife and landscape criteria for an Important Hedgerow. In relation to the historic data an extract plan from the 1840 Tithe map shows the existing line of Hassall Road and associated field pattern. This suggests that the hedge boundary is part of an integral field pattern pre-dating the Enclosure Acts, and as a result the hedgerow is classed as an Important hedge.

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, the Council can now demonstrate a 5-year housing land supply and the benefits of approving this development do not exist to outweigh the harm caused by the loss of the hedgerow. As a result this issue will now form a reason for refusal.

Landscape

The site is located to the north west of Alsager and is currently grazing land. The northern and eastern boundaries are defined by post and wire fencing, railings, hedge and trees. The southern boundary is defined by a post and wire fence and the western boundary has bracken growth with trees.

There is residential development to the north east and east of Hassall Road and residential properties around the Heath End Farm complex. Beyond Heath End farm to the north, to the west and to the immediate south there is further agricultural land. A public footpath to the south of the site links Hassall Road to Dunnocksfold Road.

The application site is identified as Open Countryside in the Congleton Borough Local Plan. There are no landscape designations on the site and within the Cheshire Landscape Character Assessment the application site is located in the Lower Farms and Woods Landscape type 10, to

the edge of the Bartholmley Character Area. The site is agricultural in character. Visually it is well connected to the wider agricultural landscape, rather than to the residential development on the eastern side of Hassall Road.

The previous application (12/3905C) and the site to the south (12/1670C) were refused by the Strategic Planning Board for the following reason:

'The proposed development by reason of incursion of built form into the open countryside, would detract from the generally open character of the west side of Hassall Rd. This would be a harmful effect which would fail to take account of the different roles and character of different areas or recognise the intrinsic character and beauty of the countryside and would be contrary to policy within the NPPF and would be an adverse impact which would significantly and demonstrably outweigh the benefits in terms of housing land supply'

The issue of the landscape impact upon the adjacent site was fought at the appeal for application 12/3905C and in allowing the appeal the Inspector found that:

'I concur with the conclusions of the appellant's consultants; that the sensitivity of the overall landscape character at the proposed site is moderate; that the effects of the proposal on landscape character will be adverse but minor and negligible within the Barthomley Character Area as a whole; that there would be substantially adverse visual effects for a few properties nearest the site but that the overall visual effects would be moderate to small. I also conclude that the shape of the site, with its short sides abutting existing development or screened by hedgerows but its long sides extending away from established development and exposed to view across other open land would result in the development appearing somewhat incongruous in the short term until the MMU site is developed.

There would therefore be harmful effects on the character and appearance of the area which would result in conflict with Local Plan policies PS8 and H6. They may be moderate, minor or short term and so are not overwhelmingly decisive but they cannot be ignored and must be weighed in the balance against any advantages which may result from the effects of the proposal on the supply of housing, to which I now turn'

In this case the application site shares a closer relationship with the settlement boundary as there is residential development directly to the north at Heath End Farm and fronting on to Pikemere Road where it bends around the northern boundary of the site. The application site would be sited between these properties and the site which was allowed at appeal. It is therefore considered that the development would not represent a significant incursion into the open countryside.

As a result the impact upon the landscape impact should not form a reason for refusal.

Design

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

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

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

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

To the west the boundary hedgerow would be retained to act as a green buffer to the open countryside beyond. According to the indicative plan, the open space would be located to the east of the site which would retain the existing green corridor along the Hassall Road frontage which would help maintain the existing setting along Hassall Road.

Although the indicative layout does appear dated with car dominated frontages, it is considered an acceptable detailed design can be secured given the density of development on this site. This would be determined as part of the reserved matters stage.

Ecology

Great Crested Newts

The submitted Phase 1 Habitat Survey states that the nearest pond to the proposed development is located roughly 250m from the proposed development. Consequently, the councils Ecologist states that there is not considered to be an impact upon Great Crested Newts.

Bats

The submitted survey report identifies the on-site trees as having potential to support features suitable for roosting bats.

A further survey has been undertaken and this finds that no evidence of bat activity was found in the trees surveyed. This is accepted by the Councils Ecologist and it is not considered that the development would impact upon this protected species.

Birds

The site is likely to support breeding birds, including the more widespread BAP priority species, which are a material consideration for planning. Well designed open space areas and the use of native species in the landscaping scheme would reduce the adverse impacts of the

development upon birds. If planning consent is granted, conditions will be required to safeguard breeding birds and ensure some additional provision is made for breeding birds and roosting bats.

Grasslands

Whilst the grassland habitats on site are unlikely to qualify as UK BAP priority habitats, they are more diverse than much of the agricultural grassland resource in Cheshire East. The grassland has also been identified as having potential to provide foraging habitats for barn owls, a species known to occur in Alsager.

The loss of grassland habitats from this site is likely to have an adverse impact on nature conservation interests at the local scale. It is noted that wild flower grassland is proposed for the eastern edge of the site.

A condition requiring any future reserved matters application to be supported by detailed proposals for the establishment and management of this area will be required.

Whilst the proposed wildflower area would have some ecological benefits, it is unlikely to compensate for the loss of barn owl foraging habitat. Therefore, the Council's Ecologist recommends that the loss of grassland foraging habitat associated with this development be 'offset' by means of a modest commuted sum which could be utilised to deliver enhancements for barn owls off-site in partnership with the local barn owl group. However such a contribution would not meet the CIL tests as it is vague with no specific scheme for improvements in this locality. Therefore no contribution can be secured.

Hedgerows

Hedgerows are a Biodiversity Action plan habitat and a material consideration. Species poor hedgerows are located on the eastern and northern boundaries of the proposed development site. It appears likely that these hedgerows will be affected by the proposed development. It is noted that hedgerows are proposed along the western boundary of the site. However to achieve the maximum benefit for biodiversity in accordance with the NPPF, the new hedgerows shall include native species along all of the boundaries of the proposed development and this would be secured at the reserved matters stage.

Public Open Space

This indicative layout shows that an area of POS would be provided along the Hassall Road frontage and this would mainly consist of a wildflower meadow. The level of POS is considered to be acceptable given the comments from the Councils Ecologist and the POS Officer. As a result a total contribution of £13,960.12 will be secured via a S106 Agreement for off-site improvements.

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

In terms of children's playspace, the Public Open Space Officer has also requested improvements to an off-site facility. This would result in a contribution of £31,829.71 which would be secured as part of a S106 Agreement.

Education

In terms of primary schools, there are six which would serve the proposed development (Excalibur, Cranberry, Alsager Highlands, Pikemere, Rode Heath and St Gabriel's) and the proposed development would generate 6 new primary places. As there are capacity issues at these local schools the education department has requested a contribution of £65,078. 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 currently 104 surplus spaces and this will rise to 241 surplus spaces in 2018. Therefore, there is no requirement for a secondary school contribution.

Flood Risk and Drainage

The 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 ground on the site has been observed as being water logged and as a result of trial pit investigations, the FRA identifies that infiltration methods such as soakaways are unlikely to be feasible. As a result, the FRA identifies that surface water will be discharged into the minor watercourse on the western boundary or into the surface water sewer on Hassall Road.

The foul drainage will discharge into the existing foul sewer located. Due to the topography of the site the site may require to be pumped. The indicative layout shows that a pumping station could be located within the site.

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.

This was accepted by the Strategic Planning Board as part of application 12/3905C and at the appeal for the adjacent site (12/1670C) the Inspector did not consider that this was an issue to dismiss the appeal.

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.

Although a survey of the agricultural land has not been provided the issue was discussed as part of the appeal on the adjacent site which once formed part of a larger field together with the application site. As part of the appeal the Inspector found that:

'The Council's committee report accepts that because the land is extensively waterlogged it might be classed as 3a or 3b. Its report notes, and does not contest, the applicant's submitted agricultural land classification study which concludes that in reality the site comprises grade 3a land. The appellant's subsequently commissioned and submitted Agricultural Land Classification and Soil Resources report confirms a mixed grade 2 and 3a classification.'

As noted above, my site visit established that this piece of land is separated by wire fences from other land with which it once formed a larger field. The other parts of the field are now in use as public open space or as sports fields for the MMU, or were seen to be used for grazing horses. The appeal site itself appears to have no economic benefit as agricultural land which needs to be taken into account'

Given this conclusion it is considered that a reason for refusal on agricultural land grounds could not be sustained at appeal.

10. CONCLUSIONS

The site is within the Open Countryside where under Policy PS8 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 Council can now demonstrate a five year housing land supply.

Following the recent appeal decision on the adjacent site it is not considered that a reason for refusal could be sustained on landscape grounds.

The tree losses are considered to be acceptable. There are no overriding reasons for the loss of an important hedgerow and this issue will form a reason for refusal.

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.

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.

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 for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 (Open Countryside) and H6 (Residential Development in the Open Countryside) of the Congleton Borough Local Plan First Review 2005, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create 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. 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.**
- 2. The proposed development 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 Principal Planning Manager has delegated authority to do so in consultation with the Chair of the Southern Planning Committee, 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 be delegated to the Principal Planning Manager in consultation with the Chair of the Southern Planning Committee 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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