

Application No: 15/3651N

Location: Land Adjacent, Yew Tree Farm, Close Lane, Alsager, ST7 2JP

Proposal: Outline application for residential development and access, all other matters reserved.

Applicant: Mr C R Muller, Muller Strategic Projects

Expiry Date: 12-Nov-2015

### **SUMMARY:**

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Nantwich.

The adverse impacts of the development would be the loss of open countryside and loss of agricultural land.

Having regard to the above benefits of the scheme including housing land supply and the Inspector's previous decision to outline application 13/1305N on the adjacent site, it is considered that the adverse impacts in approving this development would not significantly and demonstrably outweigh the resultant benefits.

### **SUMMARY RECOMMENDATION:**

Approve subject to conditions

### **REFERRAL**

The application has been referred to Southern Planning Committee given it is a largescale major development.

### **SITE DESCRIPTION:**

The application site is located to the west of Alsager in the Haslington ward.

The application site is a linear strip of grassland which comprises a wooded area at the north of the site and open paddock for the remainder. Existing farm buildings lie towards the northern portion of the site.

Public Footpath No 48 Haslington runs through the centre of the site and links with Public Footpath No 19 Haslington which runs outside the site along the northern boundary.

Hedgerows run along the eastern and southern boundaries whilst the western boundary is open. Close Lane runs to the north of the site.

A recently approved scheme for 74 no. dwellings under outline application 13/1305N (allowed on appeal) and reserved matters application 14/4144C lies directly east of the site, and this site is currently under construction.

### **PROPOSAL:**

The proposal seeks outline planning permission and approval for access for 40 no. dwellings.

Access into the site would be obtained via the internal road network which would lead from the approved scheme located directly east of the site.

### **RELEVANT HISTORY:**

14/5114C – Reserved matters application for 74 dwellings and associated works for outline application 13/1305N. Approved 09<sup>th</sup> July 2015.

13/1305N – Outline planning application for a mixed residential scheme to provide affordable, open market and over 55s sheltered accommodation, open space and new access off Close Lane. Appeal allowed 29<sup>th</sup> July 2014.

13/4150N - Outline Planning Application for a Mixed Residential Scheme to Provide Affordable, Open Market and Over 55's Sheltered Accommodation, Open Space and New Access off Close Lane (76 Family Dwellings Comprising 1 - 4 Bedrooms and 56 Dwellings for the Over 55's Comprising 1 and 2 Bedrooms). Re-submission of 13/1305N. Refused 24<sup>th</sup> March 2014.

### **NATIONAL & LOCAL POLICY**

#### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

17, 49 & 55

#### **Development Plan:**

The Development Plan for this area is the Borough of Crewe and Nantwich Local Plan 2011.

The relevant Saved Policies are: -

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)  
NE.9: (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
RES.5 (Housing in the Open Countryside)  
RES.7 (Affordable Housing)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
RT.9 (Footpaths and Bridleways)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 3 - Biodiversity and Geodiversity  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

### **Supplementary Planning Documents:**

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

### **CONSULTATIONS:**

**Highway Authority:** No objection.

**CEC Environmental Health:** No objection subject to conditions to secure the submission of a Piling Method Statement, Dust Suppression Statement, Environmental Management Plan, Phase II Site Investigation Report and electric vehicle charge points.

**Strategic Housing:** No objection based on the applicants confirmation that 30% affordable housing would be provided on site, 65% as affordable and 35% as intermediate tenure.

**Flood Risk:** No objection subject to a condition requiring the applicant to carry out the proposal in accordance with the submitted FRA.

**United Utilities:** No objection subject to conditions to secure foul and surface water disposal schemes.

**CEC Education:** A contribution of £184,826 would be required given the proposal is expected to generate 8 primary school children and 6 secondary school children. The applicant has confirmed that they agree to pay the contribution. CEC Education raises no objection.

**Public Rights of Way Network:** Object to the application, given the proposal is likely to have a significant impact on the public right of way. Should the application be granted, a condition requiring the submission of a Public Rights of Way management plan is recommended to be attached to any grant of permission.

**Natural England:** No comments to make.

**Ansa (Public Open Space):** No comments received at the time of writing.

**Alsager Town Council:** Object to the application. Concerns raised include the site is no proposed for development within CEC Local Plan, adverse impact on the character and appearance of the open countryside, Alsagers highway network would not be able to accommodate all of the speculative development traffic within Alsager.

**Haslington Parish Council:** No comments received at the time of writing.

**NHS England:** No comments received at the time of writing.

## **REPRESENTATIONS:**

7 representations received objecting to the proposal. Concerns raised are listed below.

### ***Principle of Development and Housing Need***

- Adverse impact on the character and appearance of the open countryside
- Loss of greenfield land
- Erosion of the open countryside
- The proposal would result in an increase in the 2000 homes allocated for development in Alsager
- The site is unsustainable

### ***Highways and traffic***

- Increase in traffic
- The road is narrow and dangerous

### **Infrastructure**

- The development would result in a strain on the town's facilities and services
- Increase in flooding
- Increased pressure on the existing pumping system

### **Other**

- The site is in close proximity to the M6, resulting in increased noise, pollution and a risk to the health of prospective residents
- Adverse impact on existing levels of outlook and privacy enjoyed by neighbouring properties
- The design is not sympathetic to the existing locality

## **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, sustainability, loss of agricultural land, affordable housing, contaminated land, air quality, noise impact, drainage and flooding, design issues, open space, rights of way, amenity, landscape impact, trees and forestry, ecology, education, highway safety and traffic generation.

### **Principle of Development**

The application site is a Greenfield site lying outside the settlement boundary. This represents a departure from adopted local plan policy.

Directly east of the site, residential development for 74 no. dwellings was granted on appeal under outline application 13/1305N and the reserved matters approved under application 14/5114C. Nevertheless, this application proposes a further 40 no. dwellings.

The proposed development would not fall within any of the categories of exception to Policy NE.2 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**

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

The site falls within the Alsager sub-area for the purposes of the Strategic Housing Market (SHMA) Update 2013.

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy Submission Version outline that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all sites of 15 dwellings or more or than 0.4 hectare in size.

The general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% affordable or social rented and 35% intermediate tenure. This would equate to a requirement of 12 affordable units in total on this site, split as 8 for social or affordable rent and 4 for intermediate tenure.

In this case the Strategic Housing Manager originally objected to the application given the applicant proposed 12 intermediate tenure units and no 1 bedroom properties.

The applicant has since confirmed that they will provide the required tenure split in accordance with Strategic Housing's requirement, being 8 as affordable or social rented units and 4 as intermediate tenure. The applicant has also confirmed that 1 bed accommodation would also be provided, the details of which can be secured at reserved matters stage.

The Strategic Housing Manager has now confirmed that this is acceptable and this would be secured as part of a S106 Agreement.

## **Public Open Space**

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site.

In this case the level required would be 1400sq.m. The submitted Illustrative Masterplan indicates that the level of public open space provided by the development would amount to 1000sq.m, which would be located towards the southern end of the site. This falls 400 sq.m short of the requirement under Policy RT.3.

In taking the relative shortfall of open space provision required, it is considered that an appropriate mitigation would be required to compensate for the shortfall of POS provision.

A formal consultation response from ANSA (Public Open Space) is yet to be received. However an update report will be provided prior to Southern Planning Committee meeting, which will also discuss provision of a LEAP, should this be required.

## **CEC Education**

CEC Education advise that a development of 40 no. dwellings is expected to generate 8 primary school children and 6 secondary school children. The development is forecast to increase an existing shortfall in places predicted from 2016 for primary and 2021 for secondary in the immediate locality.

To alleviate forecast pressures, contributions to the sum of £184,826 would be required. This would be split as £86,770 for primary school children and £98,056 for secondary school children.

The applicant has confirmed agreement to the education contributions and these would be secured via the S.106 Agreement.

## **Location of the site**

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

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

- Amenity Open Space (500m) – would be provided on site
- Children’s Play Space (500m) – approx. 100m (to be provided within the approved development east of the site)
- Bus Stop (500m) – approx. 300m
- Public House (1000m) – approx. 1000m
- Public Right of Way (500m) – located within, north and south of the site
- Primary School (1000m) – 760m
- Public Park/Village Green (1000m) – approx. 1000m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 1750m
- Outdoor Sports Facility (500m) – 1680m
- Convenience Store (500m) – 1000m
- Pharmacy (1000m) – 2000m
- Secondary School (1000m) – 1680m
- Medical Centre (1000m) - 2680m
- Child Care Facility (nursery or crèche) (1000m) - 1850m
- Community Centre/Meeting Place (1000m) – approx. 2500m
- Post box (500m) – 950m
- Post Office (1000m) – 2550m
- Railway Station (2000m) – 2750m

The site fails against 11 criteria in the North West Sustainability Checklist. However, these facilities are located towards and within the town centre, to which Alsager is identified as a key service centre in the emerging Core Strategy where development can be expected on the periphery. Development on the edge of a town will always be further from facilities in town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur.

Nevertheless, this is not untypical for suburban dwellings and the proposal would lie directly west of the approved residential development allowed on appeal under outline application 13/1305N.

In his decision, the Inspector accepted in paragraph 104 that given the sites proximity to local services and facilities, along with the proposed footpath link along Close Lane and the inclusion of a financial contribution towards the provision of a new local bus service to serve Close Lane for 5 years, the site is sustainable in locational terms.

There was no dispute between both parties during the appeal process that the site was sustainable locational terms.

In taking into account the appeal decision of the adjacent site, the proposed development, subject of this application, is considered to be locationally sustainable.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

Detailed measures to achieve appropriate levels of existing and proposed residential amenity between properties would be secured at reserved matters stage.

The reserved matters application should take into account proximity of proposed dwellings on the eastern boundary of the application site in particular, to those approved under applications 13/1305N and 14/5114C and ensure necessary spacing standards, as set out within the Authorities SPD on 'Development on Backland and Gardens' are met.

The application site is in a location where noise levels from the M6 motorway may cause harm to health and residential amenity. Conditions to secure appropriate noise mitigation prior to commencement of development and first occupation of the dwellings are considered reasonable.

The Environmental Health Officer has requested conditions in relation to the submission of an Environmental Management Plan, Piling Method Statement, Dust Suppression Statement and Phase II Site Investigation Report for contaminated land.

## **Air Quality**

Given the relatively small scale of the scheme, an Air Quality Assessment would not be required to accompany the application.

However, it is considered appropriate to secure the necessary infrastructure to allow home charging of electric vehicles given the use of Modern Ultra Low Emission Vehicle technology is expected to rise.

This would be secured by condition.

## **Public Rights of Way**

The development would affect Public Footpath No 48 Haslington.

PROW object to the application advising that the proposal would have a direct and effect on the Public Right of Way which constitutes a material consideration in the determination of this application.

The Illustrative Masterplan shows the diversion of the Public Right of Way (No 48 Haslington) would run along the footway of the main estate road running through the site.

The Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.8 states that:

*“any alternative alignment [of a Public Right of Way] should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.”*

A condition to secure a scheme of management to the public footpath affected by the proposal is recommended by PROW. The applicant is currently in discussion with the PROW team and an update will be provided prior to the Southern Planning Committee meeting.

## **Highways**

### Access

The application is made in outline with approval for access only.

Access into the site would be via the approved access point for the development on the adjacent site, to which the internal road network of the approved development site would lead into the application site.

### Traffic impact

A Transport Assessment was submitted by the applicant in support of the application, the main highway consideration in the report was the impact on the Close Lane/Crewe Road junction. As this junction

provides the main access to the site, it is accepted that this is the junction that needs to be considered in regards to traffic impact.

The assessment submitted by the applicant indicated that with the additional traffic, the junction would operate within capacity. However, CEC have undertaken an assessment of the cumulative impact of the committed development sites within Alsager and the applicant was requested to assess the impact of the site using the CEC model that included all committed and local plan sites.

A further Technical Note was received from the applicant that assessed the impact using the CEC model, the results indicated that the junction would operate slightly above capacity with all approved sites included and also those sites that are not currently developed but are in the Local Plan.

CEC have assessed the cumulative impact of the residential development schemes on the road network in Alsager. In regard to this particular application, it has been assessed with all likely current developments coming forward and the impact is considered to be minimal at the junctions that will be directly affected. It is therefore considered that although the proposal would add further traffic to the highway network, the Highway Authority do not consider that a refusal would be justified on the basis of this impact.

### **Character and Appearance**

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 an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked. The proposal would have a low density of 29.6 dwellings per hectare, which is considered to be appropriate. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

### **Trees/Hedgerows**

The only direct impact in terms of the indicative road layout would relate to T10 which has been categorised as a low value category C specimen. The trees RPA extends within the identified road layout, which cannot be implemented to an adoptable standard without directly impacting on the tree. The Arboricultural Officer raises no objection to its loss given its low value category designation.

The only possible impact in terms of trees relates to the diverted footpath which extends through the RPA of off site trees. This can be implemented to a non standard construction with a suitable method statement which accords with BS5837:2012.

Any reserved matters application should ensure the submission of an updated AIA to reflect layout amendments and include a method statement for the diverted footpath should this be required.

Consideration should also be given to establishing a better relationship and social proximity in respect of T2, a high value category A tree and those identified as B specimens.

## **Landscape**

The submitted Landscape Visual Impact Assessment identifies both the national and regional landscape character of the application site; this site is located within the Lower Farms and Woods Landscape Type 10, and further, in the Barthomley Character Area (LFW7).

The Landscape Officer broadly agrees with the findings of the LVIA, in that this is a landscape of medium sensitivity and that the landscape effects would be of moderate significance. It is considered that the sensitivity of a number of receptors appears to have been underestimated, and as a consequence, the visual effects would be greater for a number of receptors. However, it is not considered that the proposal would result in any significant adverse effects.

Detailed landscape proposals would be considered at reserved matters stage.

## **Ecology**

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

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

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

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

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

In this case the Council's Ecologist has examined the application and made the following comments.

### Bats

Insufficient information has been submitted to allow the Council to determine whether the existing house on the site can support roosting bats. A bat survey of the house is required prior to the determination of the application.

The applicant has submitted the Survey which is currently under assessment by the Council's Ecologist. An update to this report with the Ecologist's comments will be provided prior to Southern Planning Committee meeting.

### Ditch to the South of the Site

A ditch is present to the south of the application site. The ditch has been assessed as having low potential to support water vole, a legally protected species. No survey for this species has been undertaken.

It is considered that the ditch could provide habitat for grass snake, a protected species known to occur in this locality. It is recommended that to avoid any potential impacts upon the ditch and any species it could potentially support, the ditch should be retained within an 8m undeveloped buffer zone.

The Council's Ecologist is currently assessing the issue further, following a letter received from the applicant's Ecological Consultant dated 15<sup>th</sup> October 2015 disputing the need to provide an 8m buffer zone.

An update will be provided with the Ecologist's comments prior to Southern Planning Committee meeting.

### Reptiles

Surveys undertaken in connection with development to the east of the application site identified the presence of grass snakes in this locality. A programme of mitigation was agreed in connection with this development. The submitted habitat report states that habitats on site are unsuitable for grass snakes. However, as mentioned above, it is considered that the ditch to the south of the site may potentially be of value for grass snakes.

The submitted report states that the impacts of the development on reptiles are negligible, subject to the implementation of the agreed mitigation strategy for the development to the east of the site.

The Council's Ecologist has requested further clarification as to whether there are any measures proposed to remove and exclude grass snakes from the footprint of the proposed development.

The applicant has provided a response, which is currently under assessment and will be provided as an update to this report.

## **Flood Risk**

The Councils Flood Risk Manager and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development subject to the imposition of planning conditions requiring schemes for the disposal of foul and surface water and that the proposal shall be carried out in accordance with the recommendations set out in the submitted Flood Risk Assessment.

As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

## **ECONOMIC SUSATINABILITY**

### **Loss of Agricultural Land**

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the Ministry of Agriculture Fisheries and Food classification) will not be permitted unless:

- the need for the development is supported in the local plan;
- it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

This is supported by the National Planning Policy Framework, which states that:

*“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.*

The application has included the submission of an Agricultural Land Survey to which 93% of the land site is categorised as Grade 3a agricultural land and 7% is categorised as non-agricultural land.

Previous Appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land.

The approved development to the east of the site was classified as Grade 2 agricultural land. The Appeal Inspector, in his opinion, concluded in paragraph 99 of the appeal decision, that given the sites relatively small size, its irregular shape, field boundaries, ownership and location on the urban fringe evidenced by its current use for horse grazing, the land to which the application site related was of limited agricultural value.

He further considered that given the above,

*“...along with the extent of best and most versatile land surrounding Alsager and the promotion of development sites in the emerging Local Plan which include agricultural land within this category, it is apparent that some areas of agricultural land would have to be developed if the Council’s housing targets are to be met.”*

He concluded therefore that the loss of the best and most versatile agricultural land afforded limited weight in this case.

The site, subject of this application, comprises a smaller portion of land than the approved development to the east. The site is subdivided into four smaller paddocks, used for horse grazing, which again relates to its position on the urban fringe.

The applicant states that the agricultural holding to which the application site forms part of, is restricted to the field in question. The site does not therefore form part of a wider agricultural holding and its viability for use as agriculture is considered to be limited.

Therefore, in taking into account the Inspectors previous decision as well as the site considerations relating to the proposed application site, it is considered that the loss of agricultural land in this instance would also afford limited weight in the overall planning balance.

### **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

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

As explained within the main report, POS and children's play space is a requirement of the Local Plan Policy RT.3. It is necessary to secure these works and a scheme of management for the open space and children's play space. The contribution/mitigation required is currently under discussion with the applicant and will be provided as an update prior to Southern Planning Committee meeting

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

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

### **PLANNING BALANCE**

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The residential development directly east of the site was allowed on appeal under application 13/1305N. The Inspector concluded that:

*“Although the proposed development would lead to the loss of some Grade 2 agricultural land, given its siting on the urban fringe, along with the practical difficulties associated with it and that the proposal would not break up a viable agricultural holding or holdings, I have afforded its loss limited weight in this case. Furthermore, although some harm to the character and appearance of the area has been identified in terms of the localised ‘major adverse’ effects in association with private views from neighbouring residential properties, I have afforded limited weight to the landscape changes that would result from the proposed development.”*

The proposed application site would result in the loss of Grade 3a agricultural land. The site draws similarities to the approved development to the east having regard to its location on the urban fringe, current use for grazing of horses, relative small scale and that this is the only land to which the agricultural holding in question relates and the proposal would not involve breaking up a viable agricultural holding.

It is acknowledged that some harm would also arise in respect of the character and appearance of this part of the open countryside.

The sites sustainability in locational terms has also previously been established under application 13/1305N. Owing to its position on the edge of Alsager, it is acknowledged that the services would not be as near to the proposed development as existing dwellings or the above mentioned approved development.

Nevertheless this is not untypical for suburban dwellings and given the relatively small scale of the proposal and the sites limited width, it is considered that the properties located furthest north in the proposed development would still only be located approximately 170m away from the access road at the western edge of the approved development. In this respect, the proposal is considered to be locationally sustainable.

In addition to its locational sustainability, the proposal would supply up to 40 no. market housing on the edge of Alsager Settlement Boundary which is considered would help to contribute to housing supply in the local area.

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

The proposal would therefore also meet the economic and social role of sustainable development.

It is considered therefore that on balance, the adverse impacts in approving this proposal would not significantly and demonstrably outweigh the resultant benefits when applying the test set out under paragraph 14 of the NPPF.

The application is recommended for approval.

## **RECOMMENDATION**

**APPROVE** subject to the following Heads of Terms to be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing in perpetuity – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
  - transfer of any rented affordable units to a Registered Provider
  - provision of details of when the affordable housing is required
  - provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
  - includes the requirement for an affordable housing scheme to be submitted at reserved matters stage that includes full details of the affordable housing on site including location by reference to a plan, type, size and tenure.
  - requires the affordable units which will be transferred to a Registered Provider to be constructed to the Governments Technical standards October 2015
2. Primary and Secondary School Education Contribution to the sum of £184,826
3. Provision of POS and LEAP TBC

And the following conditions:-

1. Submission of Reserved Matters
2. Application for Approval of Reserved Matters
3. Plans
4. Submission / Approval and Implementation of a Public Rights of Way scheme of management having regard to Public Footpath No. 48 Haslington
5. Submission / Approval and Implementation of Environmental Management Plan
6. Submission / Approval of Phase II S.I
7. Submission / Approval and Implementation of Dust Suppression Statement
8. Sustainable Drainage Scheme
9. Surface Water Disposal Scheme
10. Foul Water Disposal Scheme
11. Submission / Approval of an Updated Arboricultural Impact Assessment
12. Modern Ultra Low Vehicle Emission Electric Infrastructure
13. Submission / Approval and Implementation of Piling Method Statement

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Principal Planning Manager (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority is approved to enter into a S106 Agreement to secure the following Heads of Terms:

1. A scheme for the provision of 30% affordable housing in perpetuity – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
  - transfer of any rented affordable units to a Registered Provider
  - provision of details of when the affordable housing is required
  - provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.

- includes the requirement for an affordable housing scheme to be submitted at reserved matters stage that includes full details of the affordable housing on site including location by reference to a plan, type, size and tenure.
  - requires the affordable units which will be transferred to a Registered Provider to be constructed to the Governments Technical standards October 2015
2. Primary and Secondary School Education Contribution to the sum of £184,826
  3. Provision of POS and LEAP TBC

