

Application No: 15/3410C

Location: Land South Of, HALL DRIVE, ALSAGER

Proposal: Construction of 128 dwellings with associated infrastructure including public open space, access roads, a river crossing bridge structure, electricity substation and foul water pumping station, and demolition of one dwelling.

Applicant: Mr Johnson Mulk, Prospect (GB) Ltd

Expiry Date: 10-Nov-2015

## **SUMMARY**

The site is within the Open Countryside where under Policy PS8 there is a presumption against new residential development. As the Council can no longer demonstrate a 5 year housing land supply it is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

The principle of development has already been accepted on this site following the approval of an earlier outline application.

The benefits in this case are that the development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply, POS provision and the proposed NEAP and economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the area.

The development would have a neutral impact upon education infrastructure (subject to the required contribution), protected species/ecology, drainage/flood risk, trees/hedgerows, residential amenity/noise/air quality and contaminated land, landscape and highways (subject to the required contributions).

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

The adverse impacts in approving this development and would not significantly and demonstrably outweigh the benefits of the development. As such the application is recommended for approval.

## **RECOMMENDATION**

**APPROVE subject to conditions and the completion of a S106 Agreement**

## **PROPOSAL**

This is a full planning application for the erection of 128 dwellings with an access taken off Hall Drive to the north of the application site.

The dwelling types would be a mix of 2-5 bed dwellings (all would be two-storey in height apart from 8 units which would be two and a half stories) and would include 30% affordable housing. The development would provide the following housing mix:

- One bedroom – 4 units
- Two bedroom – 16 units
- Three bedroom – 49 units
- Four bedroom – 58 units
- Five bedroom – 1 unit

The application includes two areas of public open space – the first is to the east of the site fronting the existing stream and the second is located to the south-west corner of the site. An amenity area would be provided centrally within the site to provide for the retention of an existing Oak tree.

The development would result in the demolition of one dwelling on the site known as ‘The Lodge’.

## **SITE DESCRIPTION**

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

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

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

There is a public footpath (Alsager FP8) alongside part of the railway along the southern boundary of the site. This connects with a path (Alsager FP10) that crosses the railway, and runs alongside the brook to connect with Well Lane/Cedar Avenue. This path gives access on foot to St Gabriel’s school, the railway station, health centre and other town centre facilities. To the west of the site is agricultural land with the Old Mill Public House beyond. To the east are allotments and a playing field accessed from Cedar Avenue.

## **RELEVANT HISTORY**

13/4092C - Outline application for erection of up to 109 dwellings with associated infrastructure (Resubmission of 12/4150C) – Approved 25<sup>th</sup> June 2014

12/4150C - Erection of up to 150 dwellings with associated infrastructure – Refused 14<sup>th</sup> March 2013 – Appeal Lodged – Appeal Withdrawn

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56 - 68 Requiring good design

### **Local Plan Policy**

The Development Plan for this area is the Congleton Borough Local Plan 2005, which allocates the site, under policy PS8, as open countryside.

The relevant Saved Policies are:

PS3 – Settlement Hierarchy

PS4 – Towns

PS8 – Open Countryside

GR1- New Development

GR2 – Design

GR4 – Landscaping

GR5 – Landscaping

GR6 – Amenity and Health

GR7 – Amenity and Health

GR9 - Accessibility, servicing and provision of parking

GR10 - Accessibility, servicing and provision of parking

GR13 – Public Transport Measures

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

GR21- Flood Prevention

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

RC2 – Protected Areas of Open Space

DP5 – Recreation/Leisure or Community Use Allocation

## **Cheshire East Local Plan Strategy – Submission Version**

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  
CO1 Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
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

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

**Environment Agency:** Originally objected to the proposed development because there is an inadequate undeveloped buffer zone to the Valley Brook for plots 65 and 66.

Amended plans have now been submitted in response to this objection and at the time of writing this report an updated consultation response was awaited.

**Head of Strategic Infrastructure:** The additional units proposed do not represent a severe impact and no objections are raised, although the highway contribution in the S106 needs to be revised to take account for the additional units in this application.

**CEC Environmental Health:** Conditions suggested in relation to acoustic mitigation, piling, environmental management plan, a travel plan, electric vehicle infrastructure, dust control, contaminated land and an informative in relation to contaminated land.

**CEC Strategic Housing Manager:** At the time of writing this report the Council's Strategic Housing Manager has raised concerns in relation to the location of the affordable housing units showing the tenure split and the size of the units. Negotiations are continuing at the time of writing this report and this issue will be dealt with as part of an update report.

**NHS England:** No comments received.

**CEC Flood Risk Manager:** Parts of the site adjacent to Valley Brook are at risk of flooding from surface water. This will need to be appropriately managed as part of the development. Any works affecting Valley Brook will need to be consented by the Environment Agency under the Water Resources Act 1991. No objection subject to the imposition of planning conditions.

**Natural England:** The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. For advice on protected species refer to the Natural England standing advice.

**CEC Archaeology:** If planning permission is granted, the proposed scheme of archaeological mitigation will address the requirements of the advised archaeological condition.

**United Utilities:** No objection subject to the imposition of drainage conditions.

**Health and Safety Executive:** No objection

**Education:** A development of 128 dwellings is expected to generate: 24 primary children (128 x 0.19) and 19 secondary children (128 x 0.15).

The development is forecast to increase an existing shortfall predicted from 2018 and beyond, for both primary and secondary provision in the immediate locality.

To alleviate forecast pressures, the following contributions would be required:

- 24 x £11,919 x 0.91 = £260,310.96 (primary)
- 19 x £17,959 x 0.91 = £310,511.11 (secondary)

Total education contribution: £570,822.07

**ANSA Public Open Space:** Based on the Council's Interim Policy Note on Public Open Space there is a requirement for 4220sq.m of new Amenity Greenspace.

Having calculated the existing amount of accessible Children and Young Persons Provision within 800m of the site and the existing number of houses which use it, 128 new homes will generate a need for a new NEAP play facility.

A NEAP (Neighbourhood Equipped Area for Play) standard play facility is required having a minimum area of 1000sq.m. Ansa can confirm that the NEAP standard play area would be acceptable due to the size of the development and should be suitable for all ages. The area should include at least 8 items/activities incorporating DDA inclusive equipment plus infrastructure.

The Amenity Greenspace and NEAP should be transferred to a Management Company.

**Newcastle-under-Lyme Borough Council:** No comments received at the time of writing this report.

**CEC PROW:** The revisions outlined in the letter from Emery Planning dated 26<sup>th</sup> November, in relation to the Public Rights of Way, are acceptable. The proposed diversion of Public Footpath No. 10 Alsager, referred to in the heads of terms for the s106 agreement, would be subject to public consultation through the Highways Act 1980 public path diversion process.

**Network Rail:** No objection – general comments made in relation to asset protection and access.

**Ramblers Association:** No comments received.

## **VIEWS OF THE TOWN COUNCIL**

**Alsager Town Council:** Alsager Town Council strongly objects to this application for the following reasons:

- This planning application should be viewed in addition to those development sites identified in the emerging Local Plan and would take Alsager significantly over its development limit.
- Alsager Town Council expresses concern regarding the procedure used for this application. The Town Council considers this to be a completely new application and the procedure employed by Cheshire East Council Planning should be in accordance with this.
- Alsager Town Council is seriously concerned regarding the effect of this development on flooding and its impact on the environment in particular upon the flora and fauna. The site is located in a flood zone and is much waterlogged. Alsager Town Council has written to the Environment Agency regarding Valley Brook and the cumulative impact of development in this area on flooding.
- Alsager Town Council strongly objects to the removal of mature trees on this site which would have a detrimental effect on flood management in the area and also upon noise management as they act as a sound buffer for residents between the housing estates and railway.
- Alsager Town Council expresses significant concern over access to the site and the effect of the development on traffic management in the area. The housing density of this development is a real concern as it will impact significantly on traffic access and egress to the site and the effect upon residents parking. Further to this there is concern regarding the ability of emergency vehicles to access the development.
- Councillors are concerned that the site is located within the blast zone for BAe Systems factory at Radway Green.
- Further comments include concern over installation of an unattractive galvanised fence; the houses backing on to railway would need obscured windows at the rear; those houses without garages would need cycle storage provision; the developer should pay for dog fouling bins on the footpath close to St Gabriel's School and the play area needs updating and upgrading.
- Alsager Town Council strongly advises a site visit.

## **OTHER REPRESENTATIONS**

Letters of objection have been received from 59 households raising the following points;

### Principal of Development

- Lack of employment within Alsager
- There are a number of brownfields sites available (MMU and Twyford)
- The development is contrary to the Alsager Town Plan
- The development is not needed or wanted

- Alsager is a zone of restraint for housing to protect the regeneration of the Potteries
- Loss of countryside
- The development is just family homes and there are many family homes available in Alsager
- There should be a greater level of bungalows on this development
- Loss of open space
- The outline permission is only for 109 dwellings and this application is for 128 dwellings
- The application site is a well used open space
- The site is not identified within the current Local Plan
- The development is premature

#### Design issues

- Visual impact
- Impact upon the landscape
- The density of the development would be too high
- The proposed three storey development is out of character
- The development is too close to the railway line

#### Highways

- Increased traffic congestion
- Increased traffic flows on Hall Drive
- Highway safety
- Pedestrian safety
- Lack of parking provision on the proposed development
- Existing problems of on-street parking along Hall Drive
- Traffic problems at the junction of Crewe road and Hall Drive
- Hall drive is narrow and is not suitable for increased traffic
- The access to the Lake View Estate running from the southern end of Hall Drive over the brook and under the railway line needs to be maintained
- Safety of children walking to school due to the increased traffic
- Existing speeding problems along Hall Drive
- Junction improvements are required at the junction of Hall Drive and Crewe Road
- Parked cars obstruct the visibility splays at the junction of Crewe Road/Hall Drive
- Alsager is gridlocked when there is an accident on the M6
- There should be an additional vehicular access via Poppyfields
- Mud will be deposited on the highway during the construction phase of the development
- Poor cycle provision and connectivity within Alsager
- The development should provide footpath improvements along the northern boundary of the Brook
- The traffic surveys are out of date

#### Infrastructure

- The electric infrastructure cannot cope with any further development
- Lack of school places in Alsager
- Medical infrastructure is at capacity

#### Amenity

- Increased pollution – air quality
- Impact upon living conditions of future occupiers due to the noise and disturbance from Radway Green
- Loss of outlook

- Loss of privacy
- The developer is providing minimum standards in terms of private amenity spaces
- Noise pollution
- Increased disturbance

### Green issues

- Impact upon the stability of the river bank
- Landscape impact
- Loss of trees on the site
- Impact upon wildlife habitat
- Impact upon local ecology
- Impact upon protected species
- Tree T18 should be retained as it is a memorial to a boy killed in an accident

### PROW

- Impact upon the PROW
- The site is well used by walkers and ramblers
- The improved PROW to the rear of Swettenham Close will not be maintained
- There is no benefit in improving the footpath link to the rear of Swettenham Close
- The improved PROW will be used by motorbikes and create anti-social behaviour
- There has been a lack of consultation about the upgrade to the PROW
- The existing footpath can be upgraded through surfacing improvements only
- The dimensions of the proposed PROW seem inappropriate
- The PROW improvement is not wanted or needed by local residents
- The footpath improvements would result in the loss of flood plain
- The footpath improvements would result in the loss of open space
- The proposed PROW improvements would sever the existing area of POS into 2 small areas

### Other issues

- Increased drainage problems
- Increased risk of flooding
- The development will be in a flood plain
- It is not clear how surface water will be disposed of
- Loss of a view
- The site is in close proximity to the blast zone at Radway Green
- Impact upon the flood plain
- Concerns over the maintenance of the proposed park
- The development will result in increased anti-social behaviour at the play park opposite the site
- The affordable housing is sited close to the railway line
- Lack of neighbour notification about this application
- Archaeological issues on this site around the dwelling which is to be demolished
- Increased erosion of the river bank
- No response was received from the developer following the pre-application consultation
- Lack of affordable housing provision
- Loss of BMV agricultural land
- Safety from children from the new site trespassing on the railway line

An objection has been received from the Hall Drive Action Group (HDAG) which raises the following points of objection:

- This application is an increase on the original approval for 109 dwellings
- This application would result in a larger, denser and less attractive form of development
- There are inconsistencies between the original FRA and the FRA submitted as part of this application
- The application site is subject to flooding
- It is very difficult to calculate the greenfield run-off rate and a cautionary approach should be taken
- Concern over the increased discharge into the brook
- There is standing water on the application site
- Increased pressure on the existing flood plain
- The drainage system is not sustainable
- The Alsager Traffic Study identifies that the highway network is over capacity
- Increased congestion at the junction of Crewe Road/Hall Drive
- The impact upon the junction of Crewe Road/Hall drive is not assessed within the current application
- Serious concerns over access to the site for construction traffic and HGVs due to poor visibility and the narrow nature of Hall Drive
- Inadequate pre-application consultation
- Loss of mature trees on this site
- The trees that would be lost are important for water absorption on this site
- The proposed development is out of character with the existing Hall Drive estate
- The proposed two and a half storey development is not consistent with the character of the area
- Lack of bungalow provision on this site
- The proposed trees within residential curtilage's will not be retained
- The improvements to the PROW will be ecologically and aesthetically detrimental
- The majority of the dwellings will be executive homes. There is a greater need for starter homes.
- Swept path analysis is required for the level crossing to the railway bridge
- The development will encroach into the 8m buffer zone to Valley Brook
- There are protected species on this site which have been filmed by local residents

An objection has been received from Cllr Deakin raising the following points:

- It is unnecessary that such a large piece of Green Belt is being threatened when there are three vacant brownfield sites which have been earmarked for development
- The original outline permission is for 109 dwellings and this development would result in an increase of 17% and the current application is different in size and scale to the original plans
- There is a disparity between the house types which are required in Alsager and those proposed as part of this current application. Alsager needs a greater level of affordable units (1-2 bedrooms) and elderly/disabled housing
- Part of the proposed housing is located within a long line of mature trees – which result in the loss of trees, the loss of water absorption and impact upon the integrity of the banks of Valley Brook. New fencing will erode the rural character of the landscape.

## **APPRAISAL**

The key issues are:

- Loss of open countryside
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Landscape Impact
- Amenity of neighbouring property
- Highway safety

- Impact upon local infrastructure

## **Principle of Development**

The site lies largely in the Open Countryside as designated by the Congleton Borough Local Plan 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, affordable housing and limited infilling within built up frontages.

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*”.

In this case the principle of development has already been accepted following the appeal decision on this site as part of application 13/4092C which gave approval for 109 dwellings.

## **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework (“the NPPF”) requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements.

This 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 (“the NPPG”) indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The last Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector published his interim views based on the first three weeks of Examination in November 2014. He concluded that the Council’s calculation of objectively assessed housing need is too low. He also concluded that following six years of not meeting housing targets, a 20% buffer should also be applied.

Given the Inspector’s Interim view that the assessment of 1180 homes per year is too low, officers no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Examination of the Plan was suspended on 15th December 2014.

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 in the

form of the “Cheshire East Housing Development Study 2015 – Report of Findings June 2015” produced by Opinion Research Services, has now taken place.

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.

The definitive methodology for buffers and backlog will be resolved via the Development Plan process. However the indications from the work to date suggest that this would amount to an identified deliverable supply target of around 11,300 dwellings.

This total would exceed the total deliverable supply that the Council is currently able to identify. As matters stand therefore, the Council remains unable to demonstrate a 5 year supply of housing land. On the basis of the above, the provision of housing land is considered to be a substantial benefit of the proposal.

**Housing Mix**

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing. In this case the development would provide the following mix:

- One bedroom – 4 units
- Two bedroom – 16 units
- Three bedroom – 49 units
- Four bedroom – 58 units
- Five bedroom – 1 unit

This mix is acceptable as the majority of the development will be smaller family homes and would not be dominated by larger executive dwellings.

**SOCIAL SUSTAINABILITY**

**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 results of an accessibility assessment using this methodology are set out below:

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

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

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Alsager, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development to the east of the site. However, all of the services and amenities listed are accommodated within Alsager and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this site is within a sustainable location..

## **Public Open Space**

In this case the level of open space that would be required is 4,220sq.m. The submitted plan shows that the area for the open space that would be provided to the south west corner of the site would measure 11,300sq.m. As a result there would be an overprovision of open space as part of this development.

In terms of children's play space this would be provided on site and the applicant has indicated that they are willing to provide a NEAP with 8 pieces of equipment as requested by the POS Officer.

The POS and NEAP would be managed by a management company and this would be secured as part of a S106 Agreement.

## **Affordable Housing**

The site falls within the Alsager sub-area for the purposes of the SHMA update 2013. This shows a net requirement for 54 affordable homes per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 38 x 2 bed, 15 x 3 bed and 2 x 4+ bed general needs units and 5 x 1 bed older persons accommodation.

It should also be noted that information taken from Cheshire Homechoice shows there are 54 people asking for a one bed property, 63 people asking for a two bed and 38 people asking for a three bed properties.

The Interim Planning Statement: Affordable Housing states that for both allocated sites and windfall sites the Council will negotiate for the provision of a specific percentage of the total dwelling provision to be affordable homes. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%.

There is currently a shortfall of affordable housing delivery in Alsager, and the affordable housing requirements for this application as per the Interim Planning Statement: Affordable Housing are the provision of 38 affordable dwellings with 25 provided as either social or affordable rent and 13 as intermediate tenure.

The applicants are offering the provision of 38 affordable housing units (4 x 1 bed units, 16 x 2 bed units and 18 x 3 bed units). These dwellings are dispersed across the site to form 7 small groups and the location of the affordable housing units is considered to be acceptable.

At the time of writing this report the Councils Strategic Housing Manager has raised concerns in relation to the location of the affordable housing units showing the tenure split and the size of the units. Negotiations are continuing at the time of writing this report and this issue will be dealt with as part of an update report.

## **Education**

The education department has stated that local primary and secondary schools are forecast to be cumulatively oversubscribed. The Education Department has stated that this development will generate 24 primary school pupils and 19 secondary school pupils and has requested that contributions are sought in the town on a per pupil basis (£260,310.96 for primary education and £310,511.11 for secondary education).

In this case the outline application (13/4029C) for 109 dwellings included a contribution of £206,080 for primary school education and no contribution for secondary education.

The latest projections for Alsager have been provided by the Councils Education department and are set out in the table below (it should be noted that this table does not include 3 additional developments which would total 452 houses and are expected to yield 81 primary and 51 secondary pupils which would create negative figures).

Primary Schools	NET CAP	Any Know	UNFILLED PLACES	PUPIL FORECASTS based on October 2014 School Census						
	May-15	changes		2015	2016	2017	2018	2019		
Cranberry	210	315	35	184	202	236	249	252		
Excalibur	210	210	-5	217	234	248	260	270		
Alsager HighFields	315	315	26	301	321	321	324	328		
Pikemere	210	210	1	212	217	217	220	223		
Rode Heath	210	210	9	209	217	217	219	220		
St Gabriel's	210	210	32	218	223	223	228	231		
<b>OVERALL TOTAL</b>	<b>1365</b>	<b>1470</b>	<b>98</b>	<b>1341</b>	<b>1414</b>	<b>1462</b>	<b>1500</b>	<b>1524</b>		
OVERALL SURPLUS PLACES PROJECTIONS				24	-49	-97	-135	-159		
OVERALL SURPLUS % PROJECTIONS				1.76	-3.59	-7.11	-9.89	-11.65		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised N				129	56	8	-30	-54		
OVERALL SURPLUS % PROJECTIONS based on Revised NET CA				8.78	3.81	0.54	-2.04	-3.67		
Secondary Schools	NET CAP	Any know	UNFILLED PLACES	PUPIL FORECASTS based on October 2014 School Census						
	May-15	changes		2015	2016	2017	2018	2019	2020	2021
alsager	1125	1125	64	1048	1041	1048	1107	1109	1112	1125
<b>OVERALL TOTAL</b>	<b>1125</b>		<b>64</b>	<b>1048</b>	<b>1041</b>	<b>1048</b>	<b>1107</b>	<b>1109</b>	<b>1112</b>	<b>1125</b>
OVERALL SURPLUS PLACES PROJECTIONS				77	84	77	18	16	13	0
OVERALL SURPLUS % PROJECTIONS				6.84	7.47	6.84	1.60	1.42	1.16	0.00

The primary school education contribution is considered to be acceptable and would be increased from the CIL compliant contribution requested as part of the outline planning permission.

In this case it should be noted that at secondary school level there are a number of pupils who attend Alsager High School who travel to Alsager from outside the catchment (including Staffordshire and Stoke-on-Trent). The website [www.schoolguide.co.uk](http://www.schoolguide.co.uk) provides a map to show where pupils who attend Alsager High School are travelling from; this uses National School Census Data 2015 and states that 'many' children who attend Alsager High School live in Kidsgrove and are travelling to Alsager High School from outside the 'catchment'.

The Department of Education website also provides local authority cross-movement tables based on the January 2015 National School Census data and this shows that for secondary schools there are 345 pupils from Staffordshire and 48 pupils Stoke-on-Trent attending schools in Cheshire East (with 41 pupils from Cheshire East attending schools in Staffordshire and 49 pupils from Cheshire East attending schools in Stoke-on-Trent). At this time the Education Department have been unable to provide figures for the number of pupils attending Alsager High School who live in Staffordshire

In should also be noted that there are two secondary schools in Kidsgrove which have spare capacity University Academy is 3.9 miles from the application site and has 216 vacant spaces and Kings School which is 3.8 miles from the application site and has 462 spaces (giving a total of 678 vacant spaces). These figures have been taken from the Department of Education website and are based on January 2015 National School Census data.

This situation has similarities to the appeal decision at Audlem Road, Audlem (13/2224N) which generated 16 secondary school pupils and Brine Leas School which was 4 miles from the site was oversubscribed. As part of this appeal decision the Inspector found that

*'in this case there seems to be little doubt that the effect of the introduction of new children from the development to Brine Leas would displace out of catchment area children wishing to come to the school. However, I note that about a mile further away at Malbank School the EPDS study indicates 317 surplus places with an additional 364 extra places available at Shavington High School. However, these two schools are not as popular as Brine Leas their OFSTED performance being less favourable. As a result at Brine Leas nearly 39% of children on roll live outside the catchment area'*

The Inspector then went onto state that:

*'The proposed contribution is not to accommodate the 16 children from the development but to accommodate 16 new children without impacting negatively on the existing pattern of parental preference in the area. The Council has a statutory duty to comply with parental preference unless it would prejudice the provision of efficient education and the efficient use of resources and to increase opportunities for parental choice. In considering applications for entry to Brine Leas, the school can assess the impact of increasing its intake on the provision of efficient education and use of resources. Some of those children applying will almost certainly live in the catchment area for the other nearby schools where there is significant capacity'*

*'Parental preference may be the responsibility of the Council but not of the appellant company. The raw data indicates Brine Leas school could overtime accommodate the 16 children generated by the development. Presumably the Council are working to improve standards at the other two nearby schools which would seem to be the obvious solution to changing parental preference. This would utilise available school places without the need for children to travel to schools outside of their own catchment area'*

*'Therefore, it is for this reason that I consider it has not been shown that the contribution towards education is necessary or justified to mitigate the effects of the new development in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. Consequently, it is not reasonable to take this aspect of the UU into account'*

As a result there are concerns over whether the requested secondary school contribution is CIL compliant and can be included within the S106 Agreement. A further written update on this matter will be made to Members prior to the meeting.

## **Health**

Concern has been raised over the potential impact upon health infrastructure in Alsager. The NHS choices website confirms that 7 local doctor's surgeries within 3 miles of the application site are accepting new patients. This suggests that there are no capacity issues and the impact upon health infrastructure is considered to be acceptable.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Landscape**

The site consists of 6.2 hectares of agricultural land located off Hall Drive, on the southern edge of Alsager. The area to the immediate north of the site is residential and this is separated from the site by the Valley Brook, which meanders along the site boundary. To the south is the Crewe – Stoke-on-Trent railway, the boundary fence of which forms the southern boundary of the site. The Lodge, which is to be demolished, is located along the southern boundary of the site and an access track that leads to The Lodge leads also to a small tunnel under the railway line, and then to the area to the south. The site itself is open farmland with a pattern of hedgerows. The play area to the west of Hall Drive has a small woodland area associated with it and there are also a number of trees along the northern boundary in particular, as well as a single mature Oak located in the central part of the site.

This application site has an extant permission for the development of 109 dwellings, and this application seeks to increase the number of new dwellings by an additional 118, and also proposes the demolition of The Lodge, which is located along the southern boundary of the application site. It is not considered that the proposals will result in more adverse landscape or visual impacts than the already permitted development.

### **Highways Implications**

There is a current outline permission for residential development for 109 dwellings on this site using Hall Drive as the main access to the site. The impact of the proposed residential development on the local infrastructure including Hall Drive was considered in the outline application and was considered acceptable subject to financial contributions to off site highway works.

This is a full detailed planning application for 128 dwellings, a further 19 units on the site. The units are located within the land allocated on the outline approval and there are no major changes in the internal layout of the site.

### Traffic Impact

The applicant has submitted a Transport Statement in support of the application and has predicted the additional traffic associated with the increased number of units, the number of trips will increase by 11 in the peak hours with the 128 units proposed. Since the outline application was approved there has been a number of other residential applications approved in Alsager and CEC has undertaken a cumulative traffic impact study to assess the overall impact of development in Alsager. In regard to this particular application, it is not appropriate to consider cumulative impact as there is already a valid planning permission granted and the additional traffic associated with the further units is minimal.

The additional units proposed do not represent a severe impact and no objections are raised, although the highway contribution in the S106 needs to be revised to take account for the additional units in this application. As a result a contribution of £171,449.60 will need to be secured as part of a S106 Agreement for this application.

### Highways Conclusion

In conclusion the proposed development would not represent a severe impact and the Head of Strategic Infrastructure has raised no objection to this application. It is therefore considered that the highways impact of the development would be acceptable and comply with the NPPF which states that:

*'Development should only be prevented or refused on transport grounds where then residual cumulative impacts of development are severe'*

## **Amenity**

A number of the objection letters refer to the proximity to the proposed dwellings and the impact upon residential amenity.

In this case the Congleton Borough SPG requires the following separation distances:  
21.3 metres between principal elevations  
13.8 metres between a non-principal and principal elevations

In this case the separation distances between the proposed dwellings and the existing dwellings are above 44 metres and exceed those set out within the SPG. As such it is not considered that the proposed development would have a detrimental impact upon adjacent residential amenity through loss of light, privacy or overbearing impact.

The proposed development would provide adequate separation distances within the site and an adequate level of private amenity space for each dwelling.

## **Air Quality**

An Air Quality Impact Assessment has been submitted in support of the planning application. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows.

The assessment uses ADMS Roads to model NO<sub>2</sub> and PM<sub>10</sub> impacts from additional road traffic associated with this development and the cumulative impacts of committed developments in the area.

The report concludes that there will be a negligible increase in pollution levels at all receptors modelled. Taking into account the uncertainties associated with air quality modelling, the impacts of the development could be significantly worse.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is considered appropriate that mitigation should be sought in the form of direct measures to reduce the traffic associated with the development and safeguard future air quality, irrespective of whether the development would lead to a declaration of an Air Quality Management Area.

It is considered that conditions in relation to electric vehicle infrastructure and dust control measures would mitigate the air quality impact of this development.

## **Noise**

The proposed development lies close to the main railway line, and is also subject to industrial noise from nearby BAE systems. As such there is a possibility that future residential occupants will be subject to levels of noise likely to give rise to significant harm and loss of residential amenity.

Noise levels within habitable rooms (living and bedroom) and also external amenity areas should achieve those outlined in BS8233:2014. The nature of railway noise (high peaks of noise with periods of quiet) requires a calculation to be done to average the single event levels.

An acoustic report submitted with the application makes an assessment of the noise from BAE systems and the railway line. The assessment confirms that internal noise levels will achieve the required standards with ordinary, high quality thermal glazing, with no additional ventilation requirements.

It is the view of Environmental Health that a worded suitable condition can be attached to require the developer to submit a scheme of glazing and ventilation in order to achieve satisfactory noise levels in bedrooms of properties closest to the railway line to allow occupants to achieve satisfactory ventilation levels with windows closed. There are readily available acoustic trickle ventilation systems that would readily achieve this.

### **Contaminated Land**

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site. A combined Phase I and Phase II geo-environmental assessment has been submitted in support of the planning application however the report does not include the whole planning application boundary – it is noted the area currently occupied by The Lodge on the south of the site has not been included within the assessments to date.

Although the site investigation does not identify any particular concerns from the soil samples which were analysed, it appears the made ground at one location was not sampled. Although it appears from the geotechnical section of the report that this material is proposed to be removed, its future placement on site or disposal route will in part depend on its chemical suitability.

It is noted that for some properties, precautionary gas protection measures have been recommended within the report. However elsewhere it also states that this potentially gas generating material will be removed from this location. This Environmental Health Department has requested clarification on this matter once a decision has been made, and risks to proposed properties from the re-location of this material should be addressed if necessary. A condition will be attached in relation to contaminated land.

### **Trees and Hedgerows**

The application is supported by an Arboricultural Implication Study. The site edged red apart from a single tree identified as T2 is predominantly former agricultural land with the predominance of trees located around the periphery of the sites northern aspect.

The application identifies the loss of 10 individual trees and 2 groups, the majority of which are categorised as low (Category C) specimens, with only 3 moderate value (Category B) specimens noted. The categorisation of the trees in terms of current best practice BS5837:2012 is accepted.

Located to the south of Swallow Drive and the adjacent stream but outside the site edged red stands a large copse of TPO trees, mainly Crack Willows. The AIA identifies the removal of the adjacent trees T11, T12 and G13 (All Crack Willows) again probable TPO'd for safety reasons. This species is not considered suitable for retention within an urban residential setting given the hazard potential associated with the species especially at maturity. In this case the AIA rates the trees as follows:

- T11 (Crack Willow) – Grade C – estimated life span less than 10 years – over mature specimen, severe crown asymmetry, major deadwood, substantial lodged hanging branches, multiple leaning and subsiding stems
- T12 (Crack Willow) – Grade C – estimated life span less than 10 years – over mature specimen, compact ascending crown form, multiple stems, major deadwood, substantial lodged hanging branches, potential weak main forks
- G13 (Crack Willow) – Grade C – estimated life span less than 10 years – over mature specimen with two satellite stems/trees leaning to the south, large torn wound on satellite stem, multiple stems, major deadwood, substantial lodged hanging branches, leaning and subsiding stems

In this case replacement planting will be secured for the trees that are lost as part of this application.

The principle of development on the site has already been accepted. The retained tree aspect of the development including the only high value tree T2 can be protected in accordance with current best practice. The EA easement establishes a reasonable and practical social proximity from the majority of the retained trees preventing post development issues associated with social proximity.

A number of the letters of objection refer to the loss of a tree which includes a memorial plaque. This tree (T18) would be retained as part of this proposed development.

As a result the Councils Tree officer has raised no objection to the development subject to the imposition of a planning condition.

## **Public Rights of Way**

Public footpaths Alsager FP8 and FP10 cross the application site. In this case both PROW would be retained in their current positions on the site and both would benefit from good natural surveillance as part of this proposed development. A standard informative would be attached to the decision notice to ensure that the PROW are maintained as part of the development.

As part of this development the PROW Alsager FP8 would be upgraded and this is welcomed by the Councils PROW team. This upgrade will involve the widening and resurfacing of the PROW and this would be controlled by the use of a planning condition.

The PROW team have also requested off-site improvements to PROW Alsager FP10. This has been subject to a number of objections from local residents. However the proposed diversion of Public Footpath No. 10 Alsager, referred to in the heads of terms for the s106 agreement, would be subject to public consultation through the Highways Act 1980 public path diversion process. This is the appropriate stage for local residents to engage with the PROW team regarding the diversion/upgrade. The commuted sum of £40,950 will be secured as part of the S106 Agreement.

## **Design**

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.”*

The positive and externally orientated perimeter blocks are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The scheme would also provide the benefit of natural surveillance to the areas of open space and the play area which is located to the rear of dwellings fronting Swallow Drive, Hall Drive, Dunham Close and Swettenham Close. These existing areas of open space particularly the Swallow drive play area suffer from anti-social behaviour and this development will help to combat such issues.

The density of 20 dwellings per hectare is appropriate due to the urban fringe location of the site.

The majority of the proposed development would be two-storey which is consistent with the surrounding dwellings in this part of Alsager. The development does include 8 two and a half storey units which would be located towards the centre of the site and would add a variety to the roof-scape of the development. The inclusion of these units is acceptable.

The layout plan includes accessibly located open space and includes additional planting for the trees which would be lost as part of the proposed development. The residential properties would be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are obscured from view.

Avenue tree planting is proposed to reinforce the streets within the site. This is positive in terms of place making.

In terms of the detailed design the proposed dwellings include canopies, brick banding, plinth detailing, sill and lintel details. The design of the proposed dwellings and their scale is considered to be acceptable and would not detract from this part of Alsager.

## **Ecology**

### Oakhanger Moss SSSI

The application site is located within the consultation zone for Oakhanger Moss SSSI and Ramsar site. In this case Natural England have been consulted and have raised no objection to this development in terms of the impact upon the SSSI. An ‘Assessment of Likely Significant Effects’ has been undertaken by the Councils Ecologist in respect of the Ramsar site and no further action under the habitat regulations is required.

### Bats, Great Crested Newts, Reptiles, Water Vole and Otter

Following the submission of an updated protected species assessment the Councils Ecologist is satisfied that these species are not reasonable likely to be affected by the proposed development.

### Breeding Birds

Yellowhammer a ‘red’ listed bird species was recorded in scrub located on the sites ‘north western’ boundary during the initial ecological survey and subsequently at other locations around and adjacent to the site.

The Councils Ecologist advises that the proposed development will have a localised impact upon this species. In order to mitigate this impact the applicant's consultant has proposed that the western and south western boundaries of the site be enhanced for this species through the retention of a narrow band of unmanaged vegetation and additional scrub planting. This would require a slight amendment to the submitted landscaping scheme.

The Councils Ecologist recommends that if planning consent is granted a condition should be attached requiring the applicant to submit a revised landscaping plan annotated to incorporate the proposed yellow hammer mitigation strategy.

If planning consent is granted standard conditions will be required to safeguard all other breeding birds.

### Other protected Species

A further survey has been undertaken following reports from local residents of other protected species being active on site. The latest survey has recorded evidence of other protected species moving through the site. Movement is mostly along the western and northern boundaries of the site. The site does not appear to be used significantly for foraging purposes and no setts were recorded on site. Based upon the current level of activity on the site the proposed development will result in a localised impact on the ability of other protected species to move across the site. Mitigation proposals to address this impact have been included with the submitted report.

As other protected species activity on a site can change within a short timescale the Councils Ecologist advises that if planning consent is granted a condition should be attached requiring an updated survey and mitigation strategy to be submitted prior to the commencement of development.

### Valley Brook

Plant species have been recorded along the banks of the Valley brook that are indicative of long established habitats. The Councils Ecologist advises that the brook and a suitable buffer of semi-natural vegetation should be retained and safeguarded during the construction phase.

The submitted layout plan includes an 8m EA easement adjacent to the brook the area of the easement is proposed to be sown with a wildflower seed mix.

The Councils Ecologist advises that the Environment Agency easement is sufficient to safeguard the brook. However the semi-natural habitats adjacent the brook should be retained and protected rather than replaced with a wild flower seed mix.

If planning consent is granted a condition must be attached requiring the submission of a method statement for the safeguarding of the brook and associated 8m undeveloped buffer during the construction phase.

The proposed development includes a crossing over the brook. To ensure that the road crossing does not present a barrier to the movement of wildlife along Valley Brook it is necessary for the applicant to submit a detailed design for the road crossing.

A condition will be attached to secure a method statement for the removal of Himalayan Balsam on the application site.

## **Flood Risk and Drainage**

In support of this application a Flood Risk Assessment has been submitted in support of the application. The watercourse which runs along the northern boundary of the site is classed as a main river and the site includes areas which are identified as being with Flood Zones 2 and 3 with the majority of the site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps.

The submitted FRA has undertaken detailed hydraulic modelling of Valley Brook which has established the 1:100 year flood levels and flood plan and also the 1:1000 year flood levels and floodplain (0.1% annual exceedance probability event). The modelling also included the climate change effects.

This modelling has been used to inform the proposed masterplan and to ensure that no dwellings are located within an area of high risk or medium risk. The submitted site layout shows that the proposed dwellings lie outside the flood plan and within Flood Zone 1 (which is defined as low probability – land having a less than 1 in 1,000 annual probability of river or sea flooding).

The submitted FRA states that in accordance with EA standing advice that the proposed finish floor levels should be set a minimum of 600mm above the modelled flood levels for the 1:100 year + climate change event.

In terms of land levels the FRA states that on the eastern parcel of land the area affected by the maximum modelled flood level has an existing topographical level of 1.7m higher than the predicted flood level for the 1:100 year + climate change event. On the western parcel of land the area affected by the maximum modelled flood level has an existing topographical level of 800mm higher than the predicted flood level for the 1:100 year + climate change event.

In terms of drainage the site is greenfield and to ensure that the site does not contribute towards surface water flooding it is required that the site does not exceed existing pre-development greenfield run-off rates. This will ensure that the existing run-off is maintained and the receiving watercourses or water bodies do not receive increased flows.

A preliminary surface water drainage strategy has been formulated for this site and this incorporates SuDs in the form of flow controls, attenuation pipes and above-ground storage to limit flows to Valley Brook. This is proposed to form two separate systems serving the west and east parcels of the site with each having a separate outfall to Valley Brook. The preliminary surface water drainage strategy demonstrates that an appropriate system could be provided which manages surface water run-off and ensures pre-development greenfield run-off rates are not exceeded. The final details of the drainage system will be secured through the use of a planning condition.

The foul water from the site is proposed to drain via gravity to a new pumping station located towards the northern boundary of the site. The new pumping station will then pump foul water to the existing foul water sewer in Hall Drive.

The CEC Flood Risk Manager, the Environment Agency and United Utilities have been consulted on this application and have raised no objection to the development on flood risk or drainage grounds.

Therefore the development is considered to be acceptable in terms of its flood risk and drainage impact.

It should be noted that the Environment Agency has objected to the grounds on a technical ground due to the proximity of two plots (65 and 66) to Valley Brook. Amended plans have been received and this issue will form part of an update report.

## **Archaeology**

Earlier application (Ref 12/4150C and 13/4092C) for the development of this site were subject to comments from the Councils Archaeologist, when it was recommended that aspects of the development should be subject to a developer-funded watching brief. These aspects were defined as works involving disturbance to the stream at the northern boundary of the site, in order to record structures that would be removed and to investigate any early sediments.

In this case it should be noted that further informal advice was provided to the applicant's archaeological consultants concerning a project design which had been prepared to address the archaeological condition attached to the earlier planning consents. This document, which was prepared by L-P Archaeology, has been updated and submitted in support of the present application and the Councils Archaeologist advise that, if planning permission is granted, the proposed scheme of archaeological mitigation will address the requirements of the advised archaeological condition.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Alsager including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **Loss of Agricultural Land**

The proposed development would result in the loss of agricultural land. In relation to this issue the NPPF states that:

*'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. 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'*

An agricultural land classification study was submitted as part of the last application and this concluded that there is an area of Grade 4 land along the northern edge of the site, including the northern part of the eastern field. The remaining land is likely to comprise a mix of Grades 3b and 3a, the latter confined to a strip of higher ground alongside the railway line.

The proposal does not break up a viable agricultural holding or holdings, and given that only a very limited amount of 3a land is involved and that Inspectors have previously attached only very limited weight to the matter of agricultural land, it is considered that the loss of agricultural land in this instance is acceptable.

## **Impact on Radway Green**

The Health and Safety Executive have been consulted in relation to this application and have confirmed that the site falls within the outer (band 3) consultation zone of the nearby licensed explosives facility. The Explosives Inspectorate has confirmed that they have no objection to the development provided that it is no more than three storeys (12 metres) in height and is of a traditional brick construction.

The proposal does not involve the provision of any “vulnerable” development such as hospitals, or multi-storey, curtain wall’ buildings, large open plan, unframed structures, buildings with extensively glazed roofs or elevations. As a result the development is considered to be acceptable in terms of the impact upon the hazardous installation at Radway Green.

## **Impact on Level Crossing**

The site is located adjacent to a level crossing, which carries a public right of way over the Crewe-Stoke Railway line. The proposed development has potential for increasing the level of foot traffic. However Network Rail have confirmed that they have no objection to this application.

## **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.

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

The requested secondary school education is still to be considered as stated within the education section above.

The development would result in increased vehicular movements at the Hassall Road/Crewe Road junction and the signal junction in the town centre at Sandbach Road/Crewe Road which are already at capacity. In order to mitigate this impact a contribution is required towards the Councils scheme of improvements to these junctions. This is considered to be necessary and fair and reasonable in relation to the development.

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

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

## **PLANNING BALANCE**

The site is within the Open Countryside where under Policy PS.8 there is a presumption against new residential development. Following the recent appeal decisions the Council can no longer demonstrate a 5 year housing land supply it is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

The principle of development has already been accepted following the outline approval on this site.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS provision and the proposed NEAP this is considered to be acceptable. The provision of a NEAP would provide a facility for future residents and other residents in Alsager.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the area.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- The development would not have a severe impact upon the highway network subject to mitigation
- The landscape impact of the development

The adverse impacts of the development would be:

- The loss of open countryside
- The loss of agricultural land

The adverse impacts in approving this development and would not significantly and demonstrably outweigh the benefits of the development. As such the application is recommended for approval.

## **RECOMMENDATIONS**

**APPROVE** subject to the completion of a S106 Agreement to secure the following:

**1. A scheme for the provision of affordable housing (38 units) – 25 units to be provided as social rent/affordable rent and 13 as intermediate tenure. The scheme shall include:**

- **The numbers, type, tenure and location on the site of the affordable housing provision**
- **The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
- **The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**

- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. LEAP including at least 8 items of equipment. Specification to be submitted to and agreed by the Council.
  3. Provision for a private residents management company to maintain the on-site amenity space / play area / public footpaths and all incidental areas of open space not within the adopted public highway or domestic curtilages
  4. Detailed management plan for the above Open Space be submitted and approved.
  5. Highways contribution of £171,449.60 in mitigation at Hassall Road/ Crewe Road junction and the signal junction in the town centre at Sandbach Road / Crewe Road.
  6. A contribution of £40,950 towards the upgrade of Alsager FP10

And the following conditions:

1. Standard Time
2. Plans
3. Archaeology
4. Submission / approval and implementation of works to improve and enhance footpath no.8 / 10
5. Provision of signage within the site for cyclists and pedestrians
6. Piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
7. Submission, approval and implementation of a piling method statement
8. Submission, approval and implementation of an Environmental Management Plan
9. Prior to the development commencing the applicant shall submit and agree with the LPA a scheme of acoustic mitigation to ensure that noise levels within bedrooms do not exceed levels within BS8233:2014. The acoustic integrity shall not be affected by the need to open windows to achieve trickle ventilation.
10. Provision of a 2.0m acoustic boundary treatment to the residential gardens as described in the acoustic report submitted with the application.
11. Dust Control details to be submitted and approved
12. Provision of Electric Vehicle infrastructure on the properties
13. Submission and approval of a Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority (LPA)
14. Implementation of the approved landscaping scheme
15. Compliance with the submitted FRA
16. Submission of a drainage strategy for the site
17. Submission of a scheme for on and off site drainage works
18. Submission of a detailed design and management plan for the surface water drainage using sustainable drainage methods
19. Site to be drained on a separate system with only foul drainage connected into the public foul sewerage system.
20. Submission of a method statement for safeguarding the brook
21. Submission of a scheme for the removal of Himalayan Balsam on the application site
22. Detailed designs for the crossing over Valley Brook to be submitted and agreed
23. All arboricultural works to be in accordance with the submitted Arboricultural Implication Study

- 24. No works in bird nesting season without survey**
- 25. Provision of features for breeding birds**
- 26. Submission and approval of facing materials**
- 27. Submission and approval of boundary treatment**
- 28. Existing and proposed land levels to be submitted for approval**
- 29. Yellowhammer mitigation strategy to be submitted and approved**
- 30. Updated protected species survey/mitigation to be submitted and approved**

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

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

- 1. A scheme for the provision of affordable housing (38 units) – 25 units to be provided as social rent/affordable rent and 13 as intermediate tenure. The scheme shall include:**
  - The numbers, type, tenure and location on the site of the affordable housing provision**
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
- 2. LEAP including at least 8 items of equipment. Specification to be submitted to and agreed by the Council.**
- 3. Provision for a private residents management company to maintain the on-site amenity space / play area / public footpaths and all incidental areas of open space not within the adopted public highway or domestic curtilages**
- 4. Detailed management plan for the above Open Space to be submitted and approved.**
- 5. Highways contribution of £171,449.60 in mitigation at Hassall Road/ Crewe Road junction and the signal junction in the town centre at Sandbach Road / Crewe Road.**
- 6. A contribution of £40,950 towards the upgrade of Alsager FP10**
- 7. Contribution of £260,310.96 towards primary education**

