

Application No: 12/3905C

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

Proposal: Outline application for up to 34 dwellings, including the creation of means of access to Hassall Road, Alsager

Applicant: Frank Evason & Mr Allan Key

Expiry Date: 10-Dec-2012

SUMMARY RECOMMENDATION

APPROVE subject to conditions and the completion of Section 106 legal agreement to secure the following:-

- 1. Provision of 30% affordable housing units – 65% to be provided as social rent/affordable rent with 35% intermediate tenure**
- 2. The provision of a Public Open Space to be maintained by a private management company**
- 3. A commuted payment of £65,078 towards primary school education**
- 4. A commuted payment of £45,789.83 towards offsite POS and play equipment**

MAIN ISSUES

Impact of the development on:-

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

REASON FOR REFERRAL

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

1. DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 1.42 ha and is located to the north west of Alsager, circa 2km from the town centre. The site is within open countryside. To the south and west is agricultural land. To the south beyond another field is an established children's play area and the former sports grounds of the MMU campus. To the east and north is Hassall Road with 20th century residential development beyond. A public footpath (Alsager No 3) runs to the south of the site.

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

2. DETAILS OF PROPOSAL

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

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

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

3. RELEVANT HISTORY

The site has no relevant planning history

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking
GR18 - Traffic Generation
NR1 - Trees and Woodland
NR3 – Habitats
NR4 - Non-statutory sites
NR5 – Habitats
H2 - Provision of New Housing Development
H6 - Residential Development in the Open countryside
H13 - Affordable Housing and low cost housing

Regional Spatial Strategy

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP7 – Promote Environmental Quality
L4 – Regional Housing Provision
L5 – Affordable Housing
RDF1 – Spatial Priorities
EM1 – Integrated Enhancement and Protection of the Regions Environmental Assets
MCR1 – Manchester City Region Priorities
MCR 4 – South Cheshire

Other Considerations

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

5. CONSULTATIONS (External to Planning)

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

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

Further details will be required at the detailed design stage to confirm that this watercourse is suitable for taking the runoff from the proposed development. The surface water regulation scheme should subsequently ensure that flood risk is not increased elsewhere as a result of the proposed development. If surface water is to discharge to mains sewer, the water company should be contacted for confirmation of the acceptable discharge rate. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. The following planning conditions should be attached to any approval:

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

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

- A public sewer crosses this site and United Utilities will not permit building over it. United Utilities will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.
- This site must be drained on a total separate system, with the surface water flows generated from the new development discharging directly to soakaway/watercourse and or to the public surface water sewer at a maximum discharge rate as determined by United Utilities.

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

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

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

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

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

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study. Whilst there is a requirement for new open space, the existing facilities are substandard in quality including a poor range of facilities for the needs of the local community. An opportunity has been identified for upgrading and enhancing the quality of an existing facility at Hassall Road Play Area. Given that an opportunity has been identified for upgrading the capacity/quality of Children and Young Persons Provision, based on

the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be:

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

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

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

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

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

The Transport Plan states in paragraph 2.10 that the Salt Line is a 27km linear off-road cycle route between Alsager and Sandbach. The Salt Line is in fact 2.5km in length, and offers a connection between these two towns when considered in tandem with the Wheelock Rail Trail which offers an additional 1.5km length. This route will offer residents of the proposed development a direct and traffic-free route to Sandbach and other service and employment locations. Improvements to the accessibility of the Salt Line for cyclists are being proposed at present and contributions towards this work would be sought from the developer to enable the route be more readily included within the transport plan options for residents.

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

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

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

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

Open Space Society: No comments received at the time of writing this report.

6. VIEWS OF THE PARISH COUNCIL

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

- This is an intrusion into the surrounding countryside and no development should take place on greenfield sites in Alsager before all brownfield sites are exhausted, to ensure that greenfield sites that have access to the countryside are protected and preserved against residential development.
- This site is not contained in the Congleton Borough Local Plan for residential development.
- Serious concern is expressed regarding the access being very close to a Z bend that already takes heavy traffic.
- Further investigation is needed into the Root Protection Areas of the trees along Hassall Road and the impact the proposed development will have, taking into account that half of the roots will already run under Hassall Road.
- There is a high-water table in this area and this field has standing water all year round. The centre of the field is constantly covered with water.
- Further investigation is needed in reference to the standing water on the field and the possible use of this field by amphibians and other wildlife.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 109 local households raising the following points:

Principal of development

- The site is outside the settlement boundary
- The Twyfords and MMU sites will deliver enough housing for Alsager
- The site is not identified for development in the Alsager Town Strategy
- The proposed development is not sustainable
- Loss of Greenfield land
- Impact upon the rural landscape
- There is no need for more housing in Alsager
- The proposal is contrary to the Congleton Local Plan
- There is a lack of employment in Alsager
- The application on the adjacent site has been refused
- The development will stick out like a sore thumb
- The proposal would harm the rural character of the site

- No benefit to the residents of Alsager
- Loss of Green Belt land
- There are numerous properties for sale in Alsager
- The development of this site was discounted as part of the local plan
- Priority should be given to brownfield sites
- The draft Town Strategy has identified that brownfield sites should be developed first
- The development would result in urban sprawl
- Loss of village life

Highways

- The access point is in a dangerous position on a bend in the road
- Increased traffic congestion
- Impact upon highway safety
- Pedestrian safety
- The proposed crossing would be dangerous
- Increased parking on the highway which is already a problem
- Poor public transport
- Increased danger to cyclists and pedestrians

Green Issues

- Loss of green land
- Impact upon wildlife
- Impact upon protected species
- Loss of trees
- Loss of agricultural land
- Impact upon Great Crested Newts
- There would be a high landscape impact as a result of this development
- Increased pollution

Infrastructure

- The site has a high water table and the development will increase flooding
- Increased pressure on local schools
- The local schools are full to capacity
- Doctors and dentists are full
- There is insufficient power with the power line being overloaded
- The sewage system is overstretched
- There is little in terms of leisure facilities

Amenity Issues

- Loss of a view
- Impact upon air quality
- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Impact upon privacy
- Overlooking
- Increased light pollution
- Loss of outlook for surrounding properties

Other issues

- Loss of property value

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Design, Access and Planning Statement (Produced by Cunliffe Planning Consultancy)
- Transport and Accessibility Statement (Produced by Richard Nickson Consulting Ltd)
- Extended Phase 1 Habitat Survey & Important Hedgerow Assessment (Produced by Rachel Hacking Ecology)
- Preliminary Tree Survey (Produced by Mulberry)
- Flood Risk Assessment (Produced by LK Consult Ltd)
- Phase 1 Desk Study (Produced by LK Consult Ltd)
- S106 Heads of Terms

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

The National Planning Policy Framework (NPPF) at paragraph 47 requires Local Planning Authorities to maintain a 5 year rolling supply of housing and states that LPA's should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011, a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

The SHLAA has put forward a figure of 3.94 years housing land supply.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly once the 5% buffer is added, the Borough has an identified deliverable housing supply of 3.75 years.

The NPPF clearly states at paragraph 49 that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

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

The forthcoming Cheshire East Local Plan will set new housing numbers for the area and identify sufficient land and areas of growth to meet that requirement up to 2030. The Submission Draft Core Strategy will be published for consultation in the spring of 2013. However, in order that housing land supply is improved in the meantime, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy allows for the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas, to support the provision of employment, town centres and community uses.

Although the site is not identified within the Development Strategy, the proposed development is of a small scale and is not considered to be strategic. Therefore this cannot form a reason for refusal.

With respect to the housing supply within Alsager specifically, there has been a low number of completions in the town, totalling only 54 between 1st April 2006 and 31st March 2011 (the last 5 years) which is an average of only 10 per year. There is also a low level of commitments – currently there are full planning permissions for 8 net dwellings. There are outline permissions for 2 net dwellings and on sites under construction there are 2 net dwellings remaining. There is also a number of applications subject to outstanding S106 Agreements (application 12/0893C - Crewe Road Alsager, an outline proposal for 65 dwellings, 11/4109C – Twyfords Bathrooms outline application for up to 335 dwellings and an application for 1 additional dwelling). At the time of writing this report none of these sites has a formal planning permission.

There are several contemporary appeals that also feed into the picture of housing supply in Cheshire East. These appeals include Elworth Hall Farm, Loachbrook Farm, Land off Hind Heath Road, Land off Rope Lane, Land off Warmingham Lane and Abbeyfields. At the time of writing this report decisions have been issued on all over the above sites apart from Abbeyfields (where a decision is expected by 17th January 2013).

Elworth Hall Farm

At Elworth Hall Farm in Sandbach, a proposal for 26 homes was allowed on a small site on the outskirts of the town. In this case the Inspector stated that:

'the proposal would harm the countryside in conflict with the Local Plan. However, the Council did not have a demonstrable 5 year supply of deliverable sites for housing. Given this, I have also concluded that, on the evidence before me, it has not been shown that this would not be a suitable site for new dwellings. In my opinion the weight to be afforded to this material consideration indicates that the proposal should be determined otherwise than in accordance with the development plan'

Land at Rope Lane

This proposal was an outline application for up to 80 dwellings at land off Rope lane. The site is located within the Green Gap and Open Countryside. In this case the Inspector found that there would be limited harm to the character and appearance of the area through the localised loss of openness, and the scheme would not materially affect the degree of separation between Shavington and Crewe. In this case, the Inspector concluded that

'I consider the limited harm to the character and appearance of the area does not significantly and demonstrably outweigh the acknowledged benefits of the proposed development'

Land off Hind Heath Road

This proposal was an outline application for the erection of 269 dwellings. The site is located within the Open Countryside. In this case the SoS found that that the proposal would cause material harm to the countryside protection policies of the local plan. Despite this the SoS considered that the lack of 5 year land supply is a material consideration that reduces the weight that he attaches to development plan policies for the supply of housing.

The SoS then goes onto make reference to the Core Strategy and the Town Strategy that had been undertaken in Sandbach and he states that:

'Secretary of State gives the CS Issues and Options Paper very limited weight as the CS is still at a very early stage of preparation. He notes that since the inquiry, a place shaping consultation has been carried out, but consultation on a draft CS is not expected until spring 2013. The Secretary of State notes that Sandbach is a neighbourhood planning front-runner; that a Sandbach Town Strategy (STS) has been prepared by the community to inform the CS; and that it does not identify the appeal site for development. The Secretary of State considers that although a material consideration, it is an evidence base document and does not have the status of the development plan. It has been prepared in advance of the finalisation of future housing needs for Cheshire East and cannot prejudge the contribution that Sandbach may make

to meeting those needs. For these reasons he considers that it should be given little weight at this stage'

In relation to the size of the site and potential issues of prematurity the SoS states that:

'The Secretary of State considers that the size of development proposed in this case is not so substantial, or the cumulative effect would be so significant, that granting planning permission would prejudice decisions about the scale, location or phasing of land for new development in the CS. The Secretary of State notes from the representations that other sites not yet the subject of planning applications may come forward, but as the district housing requirement has yet to be determined through the CS, he does not consider that there is a strong prematurity argument in this case'

The SoS then goes on to conclude that the development would be consistent with the objectives of the development plan.

Land off Warmingham Lane

This proposal related to an outline application for the erection of up to 194 dwellings. Although this relates to an appeal for non-determination and the principle of development was not disputed in this case the Inspector found that the housing shortfall is *'significant and serious'*. The Inspector then concluded that:

'There would be some adverse impacts, primarily through the loss of open countryside land and on the living conditions of residents opposite the site access, but these would be significantly outweighed by the benefits of the proposal, taken as a whole. In those circumstances, the guidance of the Framework is clear that development should be approved'

Loachbrook Farm

Members should also be aware of the recent appeal decision at Loachbrook Farm Congleton. In this case the inspector gave significant weight to the lack of a 5-year housing land supply and approved the development for up to 200 dwellings. In the Inspector's view, the site was within the open countryside and would not be in accordance with the local plan, the proposal would locally harm the character and appearance of the countryside and would result in the loss of the best and most versatile agricultural land. However, the Inspector found that these issues were outweighed by the need to secure a 5-year supply of deliverable housing land that would also contribute to providing affordable and low cost housing.

In terms of prematurity the Inspector found that it would not be premature or prejudice the development of other sites. The Inspector stated that;

'General Principles also indicates that applications should not be refused on the sole ground of prematurity and, taking account of Government advice, there is little justification for delaying a decision or, as the Council suggest, for considering other sites that the Council contend offer increased levels of sustainability'

The Council has sought leave to Judicially Review the Loachbrook Farm and Hind Heath Road above, and it is unknown at the time of writing this report whether the Legal Challenge will proceed further through the Courts.

From the above, it can be concluded that:

- The Council does not have a five year supply of housing – and the presumption in favour of sustainable development should apply.
- The site is not strategic in size.
- The appeal decisions at Loachbrook Farm, Hind Heath Road, Warmingham Lane, Rope Lane and Elworth Hall Farm indicate that significant weight should be applied to housing supply arguments.
- The NPPF is clear that, where a Council does not have a five year housing land supply, its housing supply relevant policies cannot be considered up to date. Where policies are out of date planning permission should be granted unless:
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
 - *specific policies in the Framework indicate development should be restricted.”*

Overall, housing supply is a very important consideration in the determination of this application and must be given considerable weight. The application turns, in officer's opinion on whether there are any significant and demonstrable adverse effects that indicate that the presumption in favour of the development should not apply and this is considered in more detail below.

Location of the site

The site is considered by the SHLAA to be sustainable.

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

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

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

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

- Post office (1000m) – 1950m
- Pharmacy (1000m) – 1950m
- Medical Centre (1000m) - 2100m
- Railway Station (2000m where geographically possible) – 2250m
- Public House (1000m) – 1300m

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

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

Renewable Energy

RSS (Policy EM18) policy also necessitates that, in advance of local targets being set, large new developments should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable.

No information is provided with the application concerning the contribution the development will make to on site renewable or low carbon energy supply. Given the layout proposed and the circumstances of the site, it is considered that it is viable and feasible to meet the requirements of the RSS policy and a detailed scheme should therefore be secured through planning condition.

Landscape

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

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

The application site is identified as Open Countryside in the Congleton Borough Local Plan. There are no landscape designations on the site and within the Cheshire Landscape Character Assessment the application site is located in the Lower Farms and Woods Landscape type 10, to the edge of the Bartholmley Character Area. The site is agricultural in character. Visually it is well connected to the wider agricultural landscape, rather than to the residential development on the eastern side of Hassall Road.

No assessment of the landscape or visual impacts that may accompany the proposed development have been included with the application.

The development would significantly change the character of the site. However, the key objectives of the Illustrative Masterplan should:

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

These issues can be dealt with at the Reserved Matters stage.

Affordable Housing

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

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

There are currently 130 applicants on our housing register applying for social rented housing who have selected Alsager as their first choice, these applicants require 44 x 1 beds, 43 x 2 beds, 25 x 3 beds and 3 x 4 beds. (14 applicants have not specified how many rooms they need).

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

The Affordable Housing IPS also states that the tenure mix split the Council would expect is 65% rented units and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2010. The tenure split should therefore be 7 dwellings as rented affordable homes, (which can be provided as either social rent or affordable rent) and 4 provided as intermediate tenure.

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

The Affordable Housing Interim Planning Statement requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of

open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

All the affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and not be segregated in discrete or peripheral areas.

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

Highways Implications

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

The key highways issues in this case are:

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

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

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

Amenity

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

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

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

Trees and Hedgerows

Trees

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

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

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

The submitted plans indicate that the proposed development would result in the loss of 3 trees along the north and eastern boundary with 1 tree lost along the western boundary. Of the trees that would be removed, one has major areas of dead wood and is identified for removal with the other tree located onto the frontage graded B/C and the Oak tree to the western boundary grade B.

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

Hedgerows

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

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

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

In this case, the extent of the hedgerow loss is considered to be minor and replacement planting could be secured. There are significant benefits of approving this development in terms of the 5-year land supply which would outweigh the harm caused by the loss of the hedgerow. As a result the development is considered to be acceptable.

Landscape

To the south of the application site residential development has been refused by the Strategic Planning Board under planning application 12/1670C for the following reason:

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

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

There is no national landscape designation on this site and any harm to the character and appearance of the open countryside would be at a local level. As can be seen in a number of recent appeal decisions (decisions made since the determination of application 12/1670C) the local impact upon the character and appearance of the open countryside does not outweigh the lack of a 5 year housing land supply.

As a result the impact upon the landscape and the character and appearance of the open countryside is considered to be outweighed by the housing need.

Design

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

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

"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic

considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

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

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

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

Ecology

Great Crested Newts

The submitted Phase 1 Habitat Survey states that the nearest pond to the proposed development is located roughly 250m from the proposed development. However a pond appears on the OS plan which is 231m from the boundary of the proposed development. A further assessment has shown that there is no pond in this location.

Consequently, there is not considered to be an impact upon Great Crested Newts.

Bats

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

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

Birds

The site is likely to support breeding birds, including the more widespread BAP priority species, which are a material consideration for planning. Well designed open space areas and the use of native species in the landscaping scheme would reduce the adverse impacts of the development upon birds. If planning consent is granted, conditions will be required to safeguard breeding birds and ensure some additional provision is made for breeding birds and roosting bats.

Grasslands

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

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

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

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

Hedgerows

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

Public Open Space

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

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

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

Education

In terms of primary schools, there are six which would serve the proposed development (Excalibur, Cranberry, Alsager Highlands, Pikemere, Rode Heath and St Gabriel's) and the proposed development would generate 6 new primary places. As there are capacity issues at

these local schools the education department has requested a contribution of £65,078. The applicant has agreed to make this contribution and this will be secured via a S106 Agreement.

In terms of secondary education, the proposed development would be served by Alsager High School. There are currently 104 surplus spaces and this will rise to 241 surplus spaces in 2018. Therefore, there is no requirement for a secondary school contribution.

Flood Risk and Drainage

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

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

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

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

Agricultural Land Quality

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

Although a survey of the agricultural land has not been provided the lack of a 5 year housing land supply would outweigh the loss of agricultural land on this site and a reason for refusal could not be sustained on these grounds. This is supported by a recent decision made by the Secretary of State at Bishop's Cleeve, Gloucestershire where two developments (one of up to 450 homes and another of up to 550 dwellings) were approved outside the settlement boundary with one being located on the best and most versatile agricultural land. The recent decision at Loachbrook Farm, Congleton also reinforces this point.

LEVY (CIL) REGULATIONS

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

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

The 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.

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

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

10. CONCLUSIONS

It is acknowledged that the Council does not currently have a five year housing land supply, which is a requirement of the National Planning Framework. Accordingly, in the light of the advice contained in NPPF, the relevant policies for the supply of housing should not be considered to be up-to-date. Therefore, paragraph 14 of the NPPF states that planning permission should be granted, unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF policies.

The site is located on the edge of the settlement boundary for Alsager and there is a range of facilities available within the town with many within walking distance of the site. The site is therefore considered to sustainably located.

In this case it is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits or there are any policies within the NPPF that indicate that development should be restricted. In this case the site is considered to be in a sustainable location and recent appeal decisions at Loachbrook Farm, Elworth Hall Farm, Hind Heath Road, Rope Lane, and Warmingham Lane also support the principle of housing in this location.

The proposal is also supported in principle by the Government's "Planning for Growth" agenda which states that Local Authorities should adopt a positive approach to new development, particularly where such development would assist economic growth and recovery and in providing a flexible and responsive supply of housing land. This proposal would do both. The Government has made it clear that there is a presumption in favour of new development, except where this would compromise key sustainability principles.

It is considered that the development is acceptable in terms of affordable housing provision.

The issues of highway safety are considered to be acceptable given the scale of the development and the design of the access.

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

the adverse visual impacts in this case. It is considered that through the use of appropriate conditions, significant trees can be incorporated into the development. The hedgerow to be lost is relatively limited in length and it is considered that the requirement for housing outweighs the loss of these small stretches of hedgerow. Furthermore, 12/3905c replacement planting will be secured as part of the reserved matters application(s).

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

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

Policy requirements in respect of public open space provision have been met within the site, with off-site contributions secured in this respect. A contribution has been secured to enhance primary school provision in the area.

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

It is therefore considered that the proposal would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy. Therefore there is a presumption in favour of the development and accordingly it is recommended for approval.

11. RECOMMENDATIONS

APPROVE subject to completion of Section 106 legal agreement to secure the following:-

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% 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. The provision of a Public Open Space to be maintained by a private management company**
- 3. A commuted payment of £65,078 towards primary school education**
- 4. A commuted payment of £45,789.83 towards offsite POS and play equipment**

And the following conditions

- 1. Standard Outline**
- 2. Submission of Reserved Matters**
- 3. Time limit for submission of reserved matters**
- 4. Approved Plans**
- 5. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 6. Pile driving method statement**
- 7. The developer shall agree with the LPA an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation. The plan shall be implemented and enforced throughout the construction phase.**
- 8. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.**
- 9. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.**
- 10. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.**
- 11. No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.**
- 12. Tree & Hedgerow Retention**
- 13. Tree Protection Measures**
- 14. The first reserved matters application to be supported by detailed proposals for the establishment and management of this grassland area will be required.**
- 15. Provision of bat and bird boxes**
- 16. Works should commence outside the bird breeding season**

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

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