

Application No: 13/4627C

Location: Land off, Dunnocksfold Road, Alsager, Cheshire, ST7 2TW

Proposal: Erection of up to 95 dwellings and formation of access point into the site to serve the development (Resubmission of 12/4146C)

Applicant: The Morris Family & P.E. Jones

Expiry Date: 29-Jan-2014

SUMMARY RECOMMENDATION

Approve subject to S106 Agreement and conditions

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 3.12 ha and is located to the north west of Alsager. The site is within open countryside. To the south and west is residential development.

To the north is agricultural land. The former sports grounds of the MMU campus is located to the east of the site. A public footpath (Alsager No 3) runs to the north and east of the site.

The land is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site.

1. DETAILS OF PROPOSAL

This is an outline planning application for up to 95 dwellings. Access is to be determined at this stage, with all other matters reserved.

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

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

This application is a resubmission of application 12/4146C.

2. RELEVANT HISTORY

12/4146C - Outline Application for the Erection of up to 95 Dwellings and formation of access point into site to serve the development – Refused 22nd May 2013. Appeal Lodged. Public Inquiry to commence on 11th February 2014.

The application was refused for the following reasons:

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.

1. Insufficient information has been submitted with the application to determine if the proposal would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Policy NR3 of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development. Therefore the scheme is contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review and guidance contained within the NPPF.

Following the receipt of additional hedgerow information and at the meeting of the Strategic Planning Board on 9th October 2013. The Strategic Planning Board resolved to contest reason for refusal on the following basis:

The proposal would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Policy NR3 of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development. For the reasons stated in reason for refusal 1, in this case there are not considered to be any overriding reasons for allowing the development and the proposal is therefore contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review.

3. 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

Other Considerations

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

4. 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. The submitted Flood Risk Assessment prepared by RSK suggests that the disposal of surface water will be via infiltration where feasible. This is considered acceptable in principle. If following further investigation, surface water is to discharge to watercourse and a single rate of discharge is proposed, this is to be the mean annual runoff (Qbar) from the existing undeveloped greenfield site. 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. As such the EA request that the following planning conditions are attached to any planning 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 comments received but as part of the last application they stated that:

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.*

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

Strategic Highways Manager:

Following advice regarding development proposals that should be considered for the purposes of cumulative impact it has been concluded that the traffic impact of this site will not be severe. There are some concerns over the design of the site access and whether the visibility splays are appropriate. Should Members be minded to approve this application, conditions are suggested relating to collection of speed data in accordance with standards and an appropriate Road Safety Audit to properly inform site access design and visibility splays.

There are also concerns over the sustainability of the site and a contribution should be secured towards improving the frequency of the bus service. The travel plan submitted includes no firm proposals to significantly improve the sustainable credentials of this development proposal.

If Members are minded to approve this development proposal we would recommend the following conditions;

1. Prior to construction that details of provision of a footway along the entire frontage of the development are provided to the SHM to ensure a continuous footway along the highway and to avoid potential future gaps in the network.
1. Prior to construction details of provision of dropped kerb crossing points with tactile paving at the crossing points indicated on the site access drawing 6733-001 to provide for safe and convenient crossing of pedestrians.
2. Prior to construction that the applicant undertakes speed surveys, revised access design, and a road safety audit to the satisfaction of the SHM in order that a safe access to the development is provided.

The Strategic Highways Manager would also recommend that if Members are minded to approve this application that the applicant put forward a suitable costed set of measures and an agreed contribution to them as part of a S106.

Environmental Health: Conditions suggested in relation to hours of operation, pile foundations, an Environmental Management Plan, dust control, electric vehicle charging infrastructure, Travel Plan and contaminated land.

Public Open Space: Following an assessment of the existing provision of Amenity Greenspace 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.

As a result there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. Based on 95 dwellings the amount of open space required would be 2280m². The actual amount of Public Open Space illustrated on the layout plan is not quantified. If the actual amount of Public Open Space is less than the minimum requirement then a financial contribution for the shortfall will be required.

Due to the additional liabilities and maintenance implications associated with the mature hedges and hedgerow trees it is recommended these areas of POS be transferred to a management company.

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.

The layout design shows an area of play Space measuring 700m² but does not show an equipped play area on the village green in the form of a LEAP which was shown on the previous application.

The play area should be of a LEAP size and should include at least 5 items of equipment, using play companies approved by the Council. The final layout and choice of play equipment be agreed with CEC, the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved in writing prior to the commencement of any works. A buffer zone of at least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

As with the Amenity Greenspace it is recommended the play area be transferred to a management company.

Natural England: SSSI – no objection. For advice on protected species refer to standing advice.

Public Rights of Way: The proposed development would affect Public Footpath No.3 Alsager. An advisory note should be attached to any approval.

Any variation to the above will require the prior consent of the PROW Unit. If the development will permanently affect the public right of way, then the developer must apply for a diversion of the route under the TCPA 1990 as part of the planning application.

If the development will temporarily affect the public right of way then the developer must apply for a temporary closure of the route (preferably providing a suitable alternative route). The PROW Unit will take such action as may be necessary, including direct enforcement action and prosecution, to ensure that members of the public are not inconvenienced in their use of the way both during and after development work has taken place.

The route appears on the ground as a well-used footpath with a rural feel, and forms part of a circular route that local residents will have devised and value as a facility. The development should therefore retain this link and ambience, for example by the accommodation of the footpath within a wide green corridor with natural surveillance from the fronts of houses, as is proposed in the Illustrative Site Layout. The width of this corridor would be required to be a minimum of 3 metres. A maintenance schedule would be required to be included within the open space management plan to include the cutting of vegetation on the surface and sides of the path. Details of any changes to the footpath will need prior approval from the Public Rights of Way team.

The public footpath currently has stiles as furniture for the crossing of the field boundaries of the site and along its length. The development proposal would add considerable footfall along this path and therefore the furniture on the path should be upgraded to accommodate the increased traffic and to make the route more accessible for prospective and existing residents. We would therefore request that the current stiles on the public footpath at each side of the site are replaced with two-way gates to British Standards. The PROW team would seek a contribution towards the replacement of stiles with gates along the entire footpath between Dunnockfold Road to Hassall Road for the same reason, landowner agreement permitting.

In addition, logged under the Rights of Way Improvement Plan is a request from members of the public that this footpath be upgraded to a bridleway so that cyclists and horse riders can use it in

addition to pedestrians. If the length of the route were upgraded this would create a sensible travel link across the town and towards the Salt Line Country Park leisure and transport route, whilst avoiding the roads in the old campus area of the town. The route could provide a key link between the National Cycle Network route 5 to the north of the site and Regional Route 70 at the western end of Dunnocksfold Road. The developer could readily upgrade the section of the route within the site boundary and contribute to the upgrade of the rest of the route, landowner agreement permitting.

However, the southern 120m of the path (which is outside of the proposed development site) is not suitable for upgrade to public bridleway as it is a narrow enclosed path alongside a garden and continues down a driveway.

Therefore a pedestrian/cyclist/horserider facility, either on or off-road could be provided on an alignment within the proposed development site, connecting Dunnocksfold Road at the east side of Sunnyside Farm to link up with the footpath at the site's northern-western edge. Such a route could form a key spinal active travel route for the proposed development, thereby increasing its sustainability and permeability for non-motorised users. The existing public footpath would need to be retained on its current alignment.

The developer, should consent be granted, should be required to provide destination and distance signage for pedestrians and cyclists travelling to local facilities and also to provide information on local leisure walking and cycling routes within the home owners' information pack.

The Site Entrance – Preliminary Arrangement Drawing contained within the application shows the vehicular access into the site. Little detail is available as to how pedestrians would emerge from the footway/pavement alongside the estate road, and how they would then cross Dunnocksfold Road, although the Indicative Site Layout plan may depict a footway/pavement being provided along the road edge of the development. Consideration should be given to this as the pedestrian footway/pavement along the road is on the southern, opposite side to the development, as was noted in the public consultation responses.

Education: A contribution will be required towards primary provision on the basis of 95 dwellings = 16 primary aged pupils.

$$16 \times 11919 \times 0.91 = \text{£}173,540$$

No contribution is required for secondary school education.

Sustrans: If this land use is approved by the council's planning committee Sustrans comments are as follows:

- For a site of this scale Sustrans would like to see separate entrances for pedestrians/cyclists to local roads away from traffic, and improvements to the Dunnocksfold bridleway.
- The design of any smaller properties should include storage areas for residents' buggies/bikes.
- The design of the estate road should restrict vehicle speeds to 20mph.
- Sustrans would like to see travel planning with targets and monitoring for the site.

5. VIEWS OF THE PARISH COUNCIL

Alsager Town Council: Alsager Town Council strongly objects to the proposed development on the following grounds:

- The application is a significant intrusion into a currently undeveloped area and the surrounding open countryside and extends out from Alsagers settlement boundary. No development should take place on greenfield sites in Alsager or just beyond its boundary, before all brownfield sites are exhausted, to ensure that greenfield sites, which give access to the countryside, are protected and preserved against residential development. It should be noted that in the recent Appeal on Sandbach Road North, the Planning Inspectors Appeal Decision details *'there would be serious harm resulting from the impact of the proposal on the character and appearance of the countryside, and consequent conflict with the development plan policies noted earlier, which carry significant weight. This harm to character and appearance is significant and is demonstrable. Such harm is not to be taken lightly and has, in my judgement, been underestimated by the Appellant.'*
- A fundamental aim of greenfield sites is to prevent urban sprawl by keeping land permanently open. Their essential characteristics are openness and permanence and as such greenfield sites safeguard the countryside and prevent joined up settlements.
- The Town Council contend that once greenfield sites are developed they are gone forever, and therefore greenfield sites should be saved in order to protect our local environment, open spaces and wild life. This site is a refuge for flora and fauna and this natural habitat should be preserved as such.
- Cheshire East Council have consulted with neighbouring authorities on the 1000 house contained within the draft strategy, Stoke on Trent and Newcastle Under Lyme Councils have made it clear that they have significant reservations in relation to development close to the common boundaries with South East Cheshire which may have a detrimental impact on the regeneration of their areas. This proposal is in addition to the 1000 houses and could further compromise their efforts. It should be noted that in the recent Appeal on Sandbach Road North, the Planning Inspectors Appeal Decision, on the subject of 'impact of adjoining authorities' it details 'it would seem wise, in this part of the Borough, not to proceed with development which would go beyond the draft strategy at the stage. This matter is not determinative in its own right, but is a matter which adds caution to the process of decision making.'
- The site is not contained for development within the recently approved Alsager Town Strategy which reflects the wishes and aspirations of its residents. The Strategy was subject to a widespread democratic consultative process which built a consensus in the Town. This Strategy clearly accepts the need for housing growth but strongly emphasises the fundamental principle of ensuring brownfield sites should be fully utilised before greenfield sites are considered for development. This principle is fully in line with NPPF 17. It is the Town Council's policy contained in the Alsager Town Strategy that sustained development should take place on existing brownfield sites and there are sufficient brownfield sites in Alsager to meet the town's future needs. The Town Strategy is being used as an evidence base to inform Cheshire East Council's developing Local Plan and consequently the Development Strategy endeavours to reflect the approved documents and consultation responses as far as possible. Cheshire East Council and HM Government should recognise the Alsager Town Strategy is of key importance and give weight to it as a material planning consideration with particular regard to the Localism Act, which empowers local people to have a say in the development of their local area. This site is not contained in the current Draft

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

- Alsager is unsustainable as a Key Service Centre as it has only been identified as the equivalent of a Local Service Centre in terms of the proportion of jobs available. Alsager requires an appropriate balance between employment and residential development. Any development above Alsagers housing allocation would further reduce the proportion of jobs available. It is also noted that Alsager does not satisfy the criteria of a Key Service Centre on infrastructure grounds, as a number of the roads in Alsager are already operating above capacity. It was reported by Cheshire East at the Strategic Planning Board meeting held on 9th December that there is in fact no scope to widen or increase the capacity of Alsagers road network. The mini roundabout at Dunnockfold Road/Hassall Road/Church Road has been identified in the Draft Infrastructure Delivery Plan as a cause for future concern.
- This particular application when taken in conjunction with other current large residential development applications in Alsager, if approved, would have a serious detrimental impact for the town's highways infrastructure, education, doctors' surgeries, medical centres, local facilities and amenities. Such applications, if approved, would be a threat to the character and atmosphere of the town as a whole and would place unsustainable pressure on the towns infrastructure and services.
- Close lane is as described 'a lane' with considerable stretches without pavement and some parts being so narrow that they are only single track. This continues along a majority of Close Lane and onto Dunnockfold Road. Two very sharp bends are also in close proximity to the site where the north end of Close Lane joins Dunnockfold Road. At the South of Close Lane is its junction with Crewe Road, Crewe Road although is classed as a 'B' road it is a major feeder road to the A500, M6 and the Radway Industrial Estate. When the M6 closes, traffic is rerouted along Crewe Road which only exacerbates the situation. Close Lane is already hazardous and in a state of disrepair and can be congested at school times and by commuters. The impact of this development, given the number of vehicles it would generate and the single access point, would be dangerous to pedestrians including school children. Dunnockfold Road is heavily used as a rat run to avoid Alsager Town Centre and associated traffic lights, cars follow the route along Close Lane, onto Dunnockfold Road and then Hassall Road/Church Road, the mini roundabout at Dunnockfold Road/Hassall Road/Church Road has been identified in the Draft Infrastructure Delivery Plan as a cause for future concern.
- The Town Council has serious concerns over the adverse impact of the proposed development on the immediate road network surrounding the site, especially at the junctions of Dunnockfold Road/Church Road/Hassall Road and Hassall Road/Lodge Road and its junction with Crewe Road. The Town Council supports residents' concerns that Dunnockfold Road itself is already a dangerous road due to its narrowness and the volume of traffic currently using it. This would be exacerbated by the additional traffic from the proposed development.
- The increase in traffic from this proposed development would add to the existing congestion at school opening and closing times.
- The Town Council draws attention to the fact that there is no pedestrian footpath on the north side of Dunnockfold Road and contends that it would not be possible to incorporate a footpath on that side of the road for the whole length of Dunnockfold Road, so adding to the safety risks.
- The sight is bordered by a mature hawthorn hedge which is of a significant age. This hedgerow could be protected and should not be removed.

6. OTHER REPRESENTATIONS

Letters of objection have been received from 132 local households raising the following points:

Principal of development

- The site is outside the settlement boundary
- Housing is being dumped on Alsager, Sandbach and Congleton
- Impact upon the regeneration of the Potteries
- The proposal is contrary to the NPPF which puts plan making first
- The Twyfords and MMU sites will deliver enough housing for Alsager
- The site is not identified for development in the Alsager Town Strategy
- The site will become an eye-sore
- The previous application was refused
- The proposal would not result in a sustainable community
- The proposal would be outside the settlement boundary
- Brownfield sites should be developed first
- Once lost Greenfield sites will be gone for good
- Alsager is not sustainable
- The proposal is an attempt to subvert the local plan and core strategy
- This site was rejected as part of the Town Strategy
- Speculative application
- The application has previously been rejected
- Cheshire East should defend the appeal decision
- Cardway Cartons should be redeveloped
- Most local people are against this development
- Alsager is an area of restraint due to the regeneration area status of the Potteries
- There are a number of empty properties in Alsager
- There are 160 properties for sale in Alsager
- This is another speculative housing application which is bombarding Alsager
- Loss of Greenfield land
- Approving dwellings on this site will not assist will exacerbate the deprived housing market in North Staffordshire.
- Speculative application
- There is no need for more housing in Alsager
- Lack of employment opportunities in Alsager
- First time buyers cannot finance new homes
- The proposal is contrary to the Congleton Local Plan
- The proposal is contrary to localism
- The views of the community are being ignored
- Alsager is only a key service centre
- Impact upon the regeneration of the Potteries
- The proposed development is not sustainable
- Alsager is becoming a commuter town
- There is a lack of employment in Alsager
- 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 inadequate

- Dunnocksfold Road is too narrow and in a poor state of repair
- Visibility is poor on Dunnocksfold Road
- Increased traffic congestion
- Increased traffic
- Increased traffic on the M6 and A500
- Cumulative impact with other developments in Alsager
- Cyclist safety
- Additional street lighting is required
- There is no footpath on the northern side of Dunnocksfold Road
- The road network in the area is not adequate
- Pedestrian access to the site is hazardous
- Increased danger to cyclists and pedestrians
- Dunnocksfold Road is used as a rat run
- Speeding traffic along Dunnocksfold Road
- Inadequate parking

Green Issues

- Open space should be protected to offset the pollution from the M6
- Loss of green land
- Impact upon wildlife
- Impact upon protected species
- Loss of trees
- The trees on the site should be protected
- Loss of agricultural land
- Loss of the boundary hedgerow
- Intrusion into the open countryside
- The impact upon the landscape
- Loss of habitat

Infrastructure

- Increased pressure on local schools
- Insufficient infrastructure in Alsager
- There are power cuts in this area
- The local schools are full to capacity
- Doctors and dentists are full

Amenity Issues

- Impact upon ramblers/walkers who use the site
- Impact upon air quality
- Loss of outlook
- Loss of light
- Overshadowing
- Noise from the M6
- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Contamination on the site
- Increased vehicle pollution
- Increased smells

Other issues

- Loss of agricultural land
- Impact upon property value
- Construction works will mean residents cannot sell their properties
- This area of Alsager is popular with walkers, cyclists, horse riders etc
- Health and Safety issues

7. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Design and Access Statement (Produced by Jones Homes)
- Planning Statement (Produced by The Emerson Group)
- Transport Assessment (Produced by Sanderson Ltd)
- Extended Phase 1 Habitat Survey (Produced by CES Ecology)
- Hedgerow Survey (Produced by CES Ecology)
- Stage 1 Road Safety Audit (Produced by Sanderson Associates)
- Travel Plan (Produced by Sanderson Associates)
- Archaeological/Historic Hedgerow Assessment (Produced by RSK)
- Services Appraisal (Produced by Chris Lord)
- Preliminary Tree Survey (Produced by Cheshire Woodlands)
- Flood Risk and Drainage Assessment (Produced by RSK)
- Consultation Report (Produced by The Emerson Group)
- Geo-Environmental Site Assessment (Produced by RSK)
- Agricultural Land Classification Report (Produced by ADAS)
- Air Quality Assessment (Produced by RSK)
- Affordable Housing Statement (Produced by The Emerson Group)
- S106 Heads of Terms

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site for residential development, having regard to matters of principle of development in respect of policy and housing land supply, sustainability, loss of agricultural land, affordable housing, air quality, residential amenity, drainage and flooding, design issues, open space, landscape impact, trees and forestry, ecology, education, highway safety and traffic generation and archaeology.

Principle of Development

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy concerns.

In addressing this, members should be mindful of the key principles of the National Planning Policy Framework

This highlights that the principal objective of the planning system is to contribute to sustainable development. As the Planning Minister states in his preamble:

“*Sustainable* means ensuring that better lives for ourselves don’t mean worse lives for future generations. *Development* means growth. We must accommodate the new ways by which we will earn our living in a competitive world.”

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

These roles should not be undertaken in isolation, because they are mutually dependent.

Housing Land Supply

The National Planning Policy Framework (NPPF) states at paragraph 47 that there is a requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%

(moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

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

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

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011, a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. . In October 2013 the Cabinet Member agreed the Cheshire East Local Plan Pre-Submission Core Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, an annual average of 1350 homes per year. This figure represents not only the objectively assessed need for housing based on the latest household projections but also a policy “boost” to allow for an enhanced level of economic development once the downturn recedes.

However the most up to date position on the Councils 5-year housing land supply figure is following the recent appeal decisions. As part of the consideration of the Congleton Road and Sandbach Road North decisions, the Inspector found that the housing land supply over 5 years is 5750 dwellings. It is necessary to add to this figure the existing backlog 1750 dwellings and a 20% buffer for a record of persistent under delivery which gives a total requirement of 9000 dwellings over 5 years or 1800 per annum. This calculation took account of the High Court judgement in the Hunston Properties case (subsequently reinforced at the Court of Appeal). For whilst the RSS has clearly been revoked, it remains the only examined housing figure for the current period and itself represented a step change in housing growth when it was adopted (reversing the previous policy of restraint). Accordingly the Appeal decisions published on 18 October 2013 all use the RSS base.

In terms of the existing supply the Inspector found that there is currently:

‘a demonstrable supply, taking the generous approach to Council estimates, which is likely to be in the region of 7000 to 7500 dwellings at most’ (Sandbach Road North Appeal)

This demonstrable supply therefore equates to a figure of 4.0 to 4.2 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:

- n 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*
- n specific policies in the Framework indicate development should be restricted.”*

As it has been found that Cheshire East cannot demonstrate a five year supply of housing land, the provisions of paragraphs 49 and 14 apply in this case. It is therefore necessary to carry out a balancing exercise in this case to assess whether the harm ‘significantly and demonstrably’ outweighs its benefits.

Emerging Policy

Clarification has been given on the weight which can be attributed to the emerging Local Plan as part of recent appeal decisions for Abbeyfields, Sandbach and Congleton Road, Sandbach and Sandbach Road North, Alsager. As part of the decision for the Abbeyfields site the SoS stated that:

‘As the emerging LP is still at an early stage the Secretary of State accords it limited weight in his decision making’

As part of the appeal decision for Congleton Road, Sandbach and Sandbach Road North, Alsager the Inspector found that:

‘There is a draft Local Plan, variously described as the Core Strategy and Development Strategy, which is moving towards a position in which it can be submitted for examination. The Council is seeking to achieve this in late 2013. The current state of the plan is pre submission. It is not disputed that there are many outstanding objections to the plan, and to specific proposals in the plan. Hence it cannot be certain that the submission version of the plan will be published in the timescale anticipated. The plan has already slipped from the intended timetable. In addition there can be no certainty that the plan will be found sound though I do not doubt the Council’s intentions to ensure that it is in a form which would be sound, and I acknowledge the work which has gone into the plan over a number of years.

Nonetheless I cannot agree that the draft Local Plan should attract considerable weight as suggested by the Council. There are many Secretary of State and Inspector appeal decisions which regard draft plans at a similar stage as carrying less weight. The Council’s own plan has been afforded little weight in the earlier months of 2013, and although the plan has moved on to an extent, it has not moved on substantially. For

these various reasons I consider that the draft Local Plan can still attract no more than limited weight in this case'

Since then the Council has published the Pre-Submission Core Strategy which is supported by fuller evidence and takes account of the 16,000 comments made during the two consultations in 2013. Accordingly its weight should correspondingly increase in decision making. Never the less, given the stance taken in the above appeals the emerging Local Plan can only be given moderate weight in the determination of this planning application.

Countryside Policies

As well as assessing housing supply, the decisions at Sandbach Road North and Congleton Road Sandbach are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“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”.

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zone lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was “*not sufficient directly related to housing land supply that it can be considered time expired for that purpose.*” Instead the Policy is “*primarily aimed at countryside & green belt protection*”. These objectives are largely in conformity with the NPPF and attract “*significant weight*”. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Conclusion

- The site is subject to Policy PS.8 (Open Countryside) where there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies for the supply of housing are out of date and there is a presumption in favour of development unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.
- Cheshire East has a housing land supply figure of in the region of 4.0 to 4.2 years
- Only moderate weight can be applied to the emerging Local Plan.
- As the Council cannot demonstrate a 5 year housing land and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

Impact on the Regeneration of the Potteries Conurbation

An objection has been raised by Newcastle-under-Lyme Borough Council (NULBC) on the grounds that it would undermine the delivery of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026. A recent report to their Planning Committee states:

In particular, given the strong economic links between this part of Cheshire and North Staffordshire, major greenfield development in this location could encourage further out-migration from the North Staffordshire conurbation. This view is borne out by the Transport Assessment accompanying the application, which emphasises that the site is accessible by road and rail to employment areas in Stoke-on-Trent. Such out-migration in turn would undermine the strategic aim and Policy SP1 of the adopted Core Spatial Strategy, detracting from the regeneration of the North Staffordshire housing market and economic base.

On 19 February 2013, Planning Committee endorsed a report by your officers on the draft version of the Cheshire East Council Local Plan: Development Strategy and Policy Principles consultations. This report raised concerns about the proposed scale of development to the south and south east of Crewe and suggested that sites to the north and west of Crewe would offer a more sustainable location for housing development. 1,100 new homes were planned for Alsager. The level and location of development at

Alsager did not appear to raise any significant issues for the borough. Cheshire East Council have now published for consultation purposes the 'Pre-submission Core Strategy,' and a report on this consultation document will be brought to the Planning Committee at its meeting in December. In the latest iteration of the Core Strategy Alsager continues to be identified as a 'Key Service Centre' but the proposed level of housing, on three strategic sites, has been increased to between 1,650 to 1,700 homes over the plan period 2010-2030. This represents an increase in the region of up to 55% beyond Cheshire East's previous stated position. The development of the site, south of Hall Drive would result in a further increase of 125 homes above this figure. Your officers are also aware of significant development pressure in and around Alsager, which officers at Cheshire East have indicated is likely to lead to additional speculative housing proposals being submitted in the near future. Individually these schemes may be of a small scale (in comparison to the proposed strategic site allocations) but their cumulative impact could be significant.

Cheshire East Council have recently lost several appeals on the basis that they do not have a five year housing supply, but nationally there have been appeal cases where Planning Inspectors have given weight to the potential adverse impact on a neighbouring authority under the 'duty to cooperate' legal requirements.

Your officers consider that the development of this site when considered together with the revised planned allocation of strategic sites at Alsager, is likely to result in a level of development that would have an adverse impact on the strategic objectives of the adopted Core Spatial Strategy and hence has the potential to both undermine the North Staffordshire housing market and encourage further out-migration from the conurbation.

This issue was considered at the recent inquiry relating to the proposed development at Sandbach Road North in Alsager. In that case, the Inspector concluded:

The adjoining Councils (Stoke-on-Trent and Newcastle-under-Lyme) have been consulted in relation to the draft development strategy and have made it clear that there are reservations in relation to development close to the common boundaries of a scale which might prejudice regeneration in their areas. However, there is no specific objection lodged to this particular proposal. I bear in mind that the final version of the CEC Local Plan has yet to be examined and the matter of the duty to cooperate with neighbouring authorities will no doubt form part of that examination. So whilst I cannot indicate that granting permission on this site would cause difficulties for regeneration elsewhere, it would seem wise, in this part of the Borough, not to proceed with development which would go beyond the draft strategy at this stage. This matter is not determinative in its own right, but is a matter which adds caution to the process of decision making.

The Dunnockfold Road case differs from that considered by the Inspector as there has been a specific objection lodged to this proposal. However, like the Sandbach Road North case it does go beyond the draft strategy, which in the view of the Inspector is a point which weighs against the proposal in the planning balance but is not determinative. Therefore, whilst there is sympathy with the concerns of NULBC, given that, as will be demonstrated below, there are no other grounds for objection to this scheme, it is not considered that they are sufficient in themselves to provide a sustainable reason for refusal. Furthermore, where cases are finally

balanced, the general thrust of the NPPF makes it clear that the presumption should be in favour of the development.

Location of the site

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

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

- Amenity Open Space (500m) – Open space would be provided on site
- Children’s Play Space (500m) – A LEAP would be provided on site
- Primary School (1000m) – 680m
- Leisure Facilities (leisure centre or library) (1000m) – 870m
- Community Centre/Meeting Place (1000m) – 820m
- Secondary School (1000m) – 870m
- Public Right of Way (500m) – Located on 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 amenities are:

- Post office (1000m) – 1800m
- Bus Stop (500m) – 870m
- Child Care Facility (nursery or crèche) (1000m) - 1480m
- Pharmacy (1000m) – 1460m
- Medical Centre (1000m) - 2100m
- Railway Station (2000m where geographically possible) – 2140m
- 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 amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned.

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

The highways officer has suggested that a contribution of £120,000 should be secured to provide an improved bus service to the site. Given that the site is considered to be sustainable, it

is not considered to be reasonable to secure this contribution as it would not comply with the CIL tests.

Landscape

The application site is an irregular shaped field of approximately 3.12 hectares of agricultural land located along the western part of Alsager, bound to the south by Dunnocksfold Road, south of which is a large area of residential housing. To the west is a smaller triangular area of residential housing and kennels. To the east is a field, the central part of which has been developed and east of this another area of residential development. To the north is an extensive area of agricultural land.

There are no landscape designations on the application site and the landscape is located within the boundary of Character Type 11: Lower Farms and Woods, specifically in the Barthomley Character Area (LFW7) as defined by the Cheshire Landscape Character Assessment. This is a landscape of strong contrasts with many local variations, and in places the relatively dense settlement pattern is very obvious. In many places the relatively flat topography and low field boundaries means that the landscape appears quite open.

The application site is an attractive, relatively level agricultural landscape, characterised by hedgerows and a number of mature hedgerow trees, but influenced by the surrounding residential developments. The site has the landscape capacity to accommodate future residential development, providing that this is well planned and designed and takes due account of the existing landscape characteristics and features of the site. This is providing that the following measures are secured at the Reserved Matter stage:

- The development should respect existing landscape and townscape characteristics of the site (principally the mature trees and hedgerows)
- The development should 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;
- The development should 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 to the existing surrounding properties.

The issue of landscape was accepted as part of the last application and this issue did not form a reason for refusal.

Affordable Housing

The Council's Interim Planning Statement (IPS) 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 (SHMA) Update 2013 shows that for the sub-area of Alsager, there is a requirement for 54 new affordable units per year, made up of a net need for 38 x 2 bed units, 15 x 3 bed units, 4 x 4+ bed units and 5 x 1 bed older persons units.

There are currently 225 applicants on our housing register applying for social rented housing who have selected one of the Alsager re-housing areas as their first choice, these applicants require 94 x 1 beds, 78 x 2 beds, 40 x 3 beds and 7 x 4 beds. (6 applicants have not specified how many rooms they need).

Therefore as there is affordable housing need in Alsager there is a requirement that a minimum of 30% of the total units at this site are affordable, which equates to up to 29 dwellings. According to the Planning Statement and Affordable Housing Statement the applicant is offering 30% affordable housing which is in line with the IPS.

The IPS also states that the tenure split the Council would expect is 65% rented affordable 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 SHMA 2010 and the SHMA Update 2013. The tenure split should therefore be 19 dwellings as rented affordable homes, which can be provided as either social rent or affordable rent and 10 provided as intermediate tenure.

The IPS 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%.

Highways Implications

The proposed access is by means of a simple priority junction with Dunnocksfold Road which is a 30mph road. The applicant has provided a speed survey and, although the highways officer considers that the sample is not great enough, the results do show that the mean speed in the eastbound direction is 31.2mph and in the westbound direction it is 30mph. Based on these results visibility splays of 2.4m x 50.1m to the right and 2.4m x 44.3m to the left out of the site are required by Manual for Streets and can be achieved according to the submitted plan.

The submitted plan does not show footways along the site frontage which has been requested by the Strategic Highways Manager. However, it is considered that such detail can be dealt with through the use of a planning condition to secure the details at the Reserved Matters stage. The benefit of doing this is that if an application comes forward on the adjacent MMU site in the mean time, it would be possible to ensure that the link between both sites is secured.

As part of this application, the applicant has submitted a Transport Assessment to assess the traffic impact of the proposed development. There are three committed developments in Alsager (12/0893C - 65 units off Crewe Road), Twyford's site (335 dwellings) and Hassall Road (30 dwellings). Whilst Hall Drive (125 dwellings) has now received a resolution to approve, subject to the completion of a S106 Agreement.

The submitted TA includes an assessment of the following junctions:

- Dunnocksfold Road/Hassall Road/Church Road
- Crewe Road/Hassall Road
- Church Road/Crewe Road/Station Road
- Sandbach Road/Lawton Road/Crewe Road
- Crewe Road/Radway Green

Dunnocksfold Road/Hassall Road/Church Road

Although the highways officer has questioned the future years of assessment for this junction, the TA is clear that the junction would still operate with spare capacity if the development is approved.

Crewe Road/Hassall Road

The TA states that the *'predicted development traffic flow at this junction is such that a request for capacity analysis would be unreasonable and the model would be unlikely to distinguish any material difference between the traffic flow scenarios with and without the development'*. The Strategic Highways Manager accepts that the development is unlikely to have any significant traffic impact at this junction.

Church Road/Crewe Road/Station Road

The development will have some traffic impact at this location with an additional 25 to 27 development vehicles passing through the junction in the AM peak hour and 26 to 31 vehicles in the PM peak hour. This impact is not considered to be severe.

Sandbach Road/Lawton Road/Crewe Road

The additional traffic flow from this development is just 3 peak AM movements and 10 peak PM movements. As a result, the impact cannot be considered to be severe.

Crewe Road/Radway Green

The additional traffic flow from this development is just 14 peak AM movements and 7 peak PM movements. As a result, the impact cannot be considered to be severe.

As a result of the above it is not considered that the highways impact of the development will be severe which is the test contained within the NPPF. The proposed development is therefore acceptable in terms of its highway implications and this issue did not form a reason for refusal as part of the last application.

Amenity

In terms of the surrounding residential properties, these are mainly to the south and west 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 an environmental management plan and travel plan to minimise the impact from the development in terms of the site preparation and construction phases. Due to the distance to the M6 there would be no noise issues which would affect the future occupiers of this site.

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

There are a number of trees to the boundaries of the site. A Tree Survey has been produced and this identifies 7 individual trees and 6 groups of trees. Of the individual trees, 2 are graded Grade A (High Quality and Value), 3 are Grade B (Moderate Quality and Value) and 2 are Grade C (Low Quality and Value). The groups are rated 1 as Grade A, 1 as Grade A & B, 1 as Grade A-C and 3 as Grade C.

The applicant has stated that all trees would be retained as part of the proposed development and it is accepted that the site can accommodate 95 dwellings outside the Root Protection Areas (RPAs) of the trees on the site. As this application is in outline form, this issue will be assessed in more detail at the Reserved Matters stage.

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.

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 an additional Hedgerow Regulations Assessment was considered by the Strategic Planning Board on 9th October 2013. The submitted report confirms that all the hedgerows on site are Important under the Regulations - Schedule 1, Part 11 Criterion 5 which relates to boundaries forming an integral part of a field system pre-dating the Inclosure Acts. The development would result in the loss of a section of 'Important' hedge to the create access. This is a material consideration.

In this case there would be hedgerow loss to the Dunnocksfold Road frontage of the site (all other hedgerows would be retained). The Strategic Planning Board has previously accepted that the Council contends the appeal on the following basis:

'The proposal would involve the removal of an "important" hedgerow as defined in the Hedgerow Regulations 1997. Policy NR3 of the adopted Congleton Borough Local Plan

First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development. For the reasons stated in reason for refusal 1, in this case there are not considered to be any overriding reasons for allowing the development and the proposal is therefore contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review.'

Given the position in relation to the 5-year housing land supply in Cheshire East it is considered that there are overriding reasons for allowing the development and this issue is now outweighed. This is consistent with the stance taken at Hind Heath Road, Sandbach.

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 all sides of the site a boundary hedgerow would be provided/retained to act as a green buffer to the open countryside and surrounding residential properties. According to the indicative plan the open space would be located to the centre of the site with the LEAP which would be well overlooked by residential properties.

There have been minor changes with alterations to the indicative layout to split up the affordable housing on the site. 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

The submitted report identifies the site as having some potential to support species which are Biodiversity Action priorities and hence a material consideration (hedgehog, polecat and some bird species). The Councils Ecologist advises that provided the existing hedgerows and mature trees around the site are retained, there is unlikely to be any significant ecological impacts on these species associated with the proposed development of this site.

The mature trees have however been identified as having potential to support roosting bats and the applicant has confirmed that these trees would not be removed as part of the proposed development. A condition is required to ensure the trees and hedgerows are retained as part of any finalised layout.

If planning consent is granted conditions are required to safeguard breeding birds and ensure some additional provision is made for nesting birds and roosting bats.

Public Open Space

The indicative layout shows that an area of POS would be provided centrally within the site. The Open Space Officer has stated that if the development is approved there would be a deficiency in the quantity of provision and the requirement for the site is 2,280sq.m. The indicative layout shows that this amount would be provided.

In terms of children's play space, the Public Open Space Officer has requested the provision of a 5 piece LEAP. This would be provided centrally and secured as part of a S106 Agreement.

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

Public Rights of Way

Public Footpath No.3 Alsager runs along the north-west boundary of the site. There would be no need for the diversion of the PROW which would run along its existing line. The indicative layout shows that a green buffer would be provided to the PROW with the properties facing it to provide natural surveillance.

The proposed development would result in increased use of the footpath and the PROW Officer has requested that the two stiles on the site are replaced which would be controlled via a planning condition. Four further styles require replacing along this route and these would need to be secured as part of a contribution which would be secured as part of a S106 Agreement.

Education

In terms of primary school education, the proposed development would generate 16 new primary places. As there are capacity issues at the local primary schools, the education department has requested a contribution of £173,540. The applicant has agreed to make this contribution and this would be secured via a S106 Agreement.

In terms of secondary education, the proposed development would be served by Alsager High School. There are surplus spaces at this school and 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 submitted FRA makes the following statements:

- Due to the topography of the site and the site's location outside of any known fluvial (river) floodplain, the site is considered to have a low risk of fluvial flooding
- Tidal flooding is not considered a risk to the site, due to its inland location
- There is no evidence that overland flooding will directly affect the site or has done in the past. Flooding from this source is considered low but will be considered in the layout of the site ensuring that the development is not an increased risk and overland routes will be created within the design of the site to ensure properties are not at risk of flooding from this source
- In terms of groundwater flooding there are no records that are considered as having 'significant harmful consequences' within Cheshire East. The Cheshire East Preliminary Flood Risk Assessment (PFRA) and the Congleton Strategic Flood Risk Assessment (SFRA) do not illustrate any instances of groundwater flooding in the vicinity of the site or Alsager as a whole
- In terms of flooding from sewer the PFRA and data from United Utilities do not record any instances of sewer flooding within the vicinity of the site. On the basis that any new foul water sewerage and surface water systems for the development will be designed to meet the requirements of United Utilities this should ensure that the systems have sufficient capacity to prevent overloading and the risk of flooding from the sewers is considered to be low
- There is no risk from canals, reservoirs and other artificial structures
- Given the low risk of flooding to the site from all sources the implications of climate change on the site are minimal

The FRA then goes on to state that SUDs based systems will be used on site to attenuate and discharge the generated surface water from the impermeable surfaces. Should any discharge from the development flow offsite this will be limited to the pre-development green field rate and the design of the system will be determined at the detailed design stage.

The Environment Agency has been consulted as part of this application and United Utilities commented on the last application; both 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.

Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. In response to this issue there are 6 medical practices within 3 miles of the site and according to the NHS choices website all are currently accepting patients indicating that they have capacity. Furthermore no practices have closed their list and they are not being forced to accept new patients.

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.

An Agricultural Land Survey has been produced and this indicates that the application site is Grade 3b. As a result the loss of this land does not raise any issues.

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 requested highways contribution to provide improved bus services is not considered to meet the CIL tests as the application site is considered to be sustainably located.

The development would result in increased demand for primary school places in Alsager and there is very limited spare capacity. In order to increase capacity of the primary schools 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 development would also result in increased use of the local PROW network and the existing stiles along Public Footpath No.3 Alsager are in a poor state of repair. Due to the increased use it is considered that this contribution is directly related to the development and the sum involved is fair and reasonable.

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

The site is within the Open Countryside where under Policies PS8 and H6 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant housing policies are out of date and there is a presumption in favour of 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 proposed development would have a limited impact on the visual character of the landscape. However, this issue would be outweighed by the need for housing in Cheshire East.

It is considered that the development is acceptable in terms of affordable housing provision. Matters of contaminated land, air quality and noise impact can also be adequately addressed through the use of conditions.

The issue of highway safety and traffic generation is considered to be acceptable and the development would not have a severe impact.

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.

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

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

Policy requirements in respect of public open space provision can be met within the site.

A contribution has been secured to enhance primary school provision in the area to mitigate the proposed development.

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

Given the scale and location of the development, its relationship to the urban area and its proximity to other services, and no objections being raised by the relevant consultees, it is not considered that the adverse impacts significantly and demonstrably outweigh the benefits – and so accordingly the application is recommended for approval, subject to a Section 106 Agreement and appropriate conditions.

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 2,280sqm of Public Open Space and a LEAP to be maintained by a private management company
 3. Education contribution of £173,540
 4. PROW contribution of £1156 for replacement stiles

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 limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
7. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
8. Details of external lighting to be submitted and approved
9. Dust control measures to be submitted and approved
10. A scheme to limit the surface water run-off from the site
11. A scheme to manage the risk of flooding from overland flow
12. Provision of bird and bat boxes
13. Works should commence outside the bird breeding season
14. Access to be provided in accordance with the approved details prior to first occupation
15. Details of a footway to the front of the site to be provided as part of the Reserved Matters application
16. No construction over the public sewer which crosses the site
17. Reserved matters application to include details of existing and proposed levels
18. Tree protection
19. Tree retention
20. Details of external lighting prior to the commencement of development

Informative:

1. The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

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 Planning and Place Shaping Manager 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 be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

