

Application No: 13/3032C

Location: LAND OFF CREWE ROAD, ALSAGER, CHESHIRE, ST7 2JL

Proposal: Outline application for residential development, comprising 110 homes, including 33 affordable homes to include an area of public open space and children's play area.

Applicant: Lucy Hawley, Persimmon Homes North West

Expiry Date: 21-Oct-2013

#### **SUMMARY RECOMMENDATION**

**Approve subject to conditions and a S106 Agreement**

#### **MAIN ISSUES**

**Impact of the development on:-**  
**Principal of the Development**  
**Planning Policy and Housing Land Supply**  
**Agricultural Land**  
**Impact Upon the Regeneration of the Potteries**  
**Affordable Housing**  
**Highway Implications**  
**Amenity**  
**Air Quality**  
**Trees and Hedgerows**  
**Landscape**  
**Design**  
**Ecology**  
**Open Space**  
**Education**  
**Flood Risk and Drainage**

#### **REASON FOR REFERRAL**

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

Members will recall deferring this application at Committee on 9 December 2013 for further information concerning electricity pylons, noise, dust and the highways issues/contributions. Information concerning noise, dust and the highways contributions are considered below which

now include additional conditions and Heads of Terms. Information relating to the pylons will be presented via the update report.

## **1. DESCRIPTION OF SITE AND CONTEXT**

The application site is located approximately 1.4 kilometres from the centre of Alsager and covers an area of approximately 3.477 hectares. The site is bounded to the south by Crewe Road, south of which is agricultural land. The east and north of the site is adjacent to the rear gardens of dwellings located along Close Lane, which lies on the westernmost edge of Alsager.

To the north west is agricultural land. White Moss quarry, a peat quarry, is located to the west of these. To the west of the southern field is Hollys House hotel.

The site itself consists of two fields with hedgerows along the southern, Crewe Road boundary, and along the western boundary. A hedge forms the boundary between the two fields, across the centre of the application site. The most significant feature on the site is the electricity pylon, located towards the southern part of the site and the overhead power lines that run diametrically across the southern field.

## **1. DETAILS OF PROPOSAL**

This is an outline planning application for up to 110 dwellings. Access is to be determined at this stage, with all other matters reserved.

The site is intended to be accessed via 2 separate points. The main vehicular access is via Crewe Road, the other being a pedestrian sized access point at Coronation Avenue. The site would include the provision of 30% affordable housing and public open space and a play area, at least 8 pieces of equipment are proposed with a LEAP. An existing electricity pylon traverses the public open space which is located within the central belt of the site

## **2. RELEVANT HISTORY**

There are no relevant previous planning applications relating to this site.

## **3. POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

PS3 – Settlement Hierarchy

PS4 - Towns

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  
Core Strategy Pre-Submission Document

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

**Environment Agency:** The Environment Agency has no objection in principle subject to conditions but would like to make the following comments:

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off ( $Q_{bar}$ ) from the existing undeveloped greenfield site. 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.

**United Utilities:** No objection subject to the following conditions being met:

- The site must be drained on a separate system with only foul drainage connected into the public sewerage system
- A public sewer crosses the site and UU will not permit building over it. An access strip with a width of 6 metres (3 metres either side of the centre line) will be required.

**Health and Safety Executive** – No objection provided buildings are of traditional brick construction and no more than 3 storeys high (12m) and be of brick construction

**English Nature :** Proposal is within 850m of Oakhanger Moss SSSI. English Nature are satisfied that if the development is undertaken in accordance with the submitted information that there will be no adverse impact upon the SSSI. Advises that 'in house' ecological expertise should be utilised and does not consider the development hits the thresholds to comment upon loss of agricultural land or soil quality.

**Strategic Highways Manager:** No objection subject to conditions and a S106 contribution of £189,794 towards highways improvements in Alsager.

**Strategic Housing Manager:** No objection subject to 30% affordable housing in a 65:35 split

**Environmental Health:** Conditions suggested relating to construction hours, piling hours, dust mitigation, noise mitigation and a residential travel plan, scheme for car charging points.

**Public Open Space:** No objection subject to the onsite Amenity Greenspace and the on site Locally Equipped Area of Play being transferred and maintained by a management company.

**Archaeology:** The application is supported by an archaeological desk-based assessment. The report concludes that the site is of generally low archaeological interest, although some limited potential for the presence of prehistoric remains is acknowledged in view of the proximity of former moss lands at the nearby White Moss and Cranberry Moss. The site is however relatively restricted in extent (c 3.5ha) when compared to other proposed 'green field developments' and the historic mapping, aerial photographic evidence, and detailed topography of the site do not suggest any particular locations where early settlement activity might be thought likely. In these circumstances, it is advised that further investigations would be difficult to justify and no further archaeological mitigation is advised.

**Public Rights of Way (Countryside Access Team):** A Public Right of Way, namely Public Footpath No. 49 in the parish of Haslington is adjacent to the proposed development site, being some 30m from its northwest extent. Research for the Council's statutory Rights of Way Improvement Plan has shown that people want circular walks close to their homes so that they can build a walk into their daily schedules. Were a footpath link to be provided from the proposed development site to this public footpath, as may be suggested through the identification of 'strategic footpath connections', prospective residents and existing residents would have access to circular walking options. Contributions to accessibility improvements on the Public Rights of Way in the vicinity would be then sought to make the routes suitable for as many new residents as possible and to accommodate the increased footfall.

The site is on the edge of the built up area; it is important that pedestrian and cycle links both within and to/from the proposed development site to the facilities of Alsager town centre are adequately assessed, designed and improved where necessary.

**Education:** The development would generate 20 primary aged pupils and 14 secondary aged pupils. There is sufficient capacity within the secondary school sector however local primary schools will be over subscribed. A contribution of £216,926 is required towards primary education.

**Newcastle under Lyme Borough Council:** Objects on grounds of the cumulative impact of housing proposals would have upon regeneration within their area.

## **5. VIEWS OF THE PARISH COUNCIL**

**Alsager Town Council:** Object to the proposal on the following grounds:

The site is not contained for development within the recently approved Alsager Town Strategy which reflects the wishes and aspirations of its residents. This Strategy clearly accepts the need for housing growth but strongly emphasises that the town's brownfields sites should be fully utilised before greenfield sites are developed. 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. Consultation on the Alsager Town Strategy was comprehensive and extensive and it provides a clear statement of the views and needs of the residents of Alsager, representing a democratic process which is of great importance to its residents. 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.

Cheshire East Council state that they have in excess of the required 5 years supply of land identified in the 2012 SHLAA document and this site is not contained therein.

The application is an intrusion into the surrounding open countryside and 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 gave access to the countryside, are protected and preserved against residential development. This application if developed would have 3 boundary sides facing open countryside.

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.

This particular application, 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 to the town as a whole.

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 Dunnocksfold Road. Two very sharp bends are also in very close proximity to

the site where the north end of Close Lane joins Dunnocksfold 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. Close Lane is already hazardous and in a state of disrepair and can be congested at school times. 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.

Location is unsustainable due to its distance from the Town Centre, local amenities and infrequent bus service.

## **6. OTHER REPRESENTATIONS**

Letters/electronic representations of objection have been received from 211 local households and from Newcastle Under Lyme Borough Council 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 and is contrary to the Strategy
- The proposed development would not result in sustainable development
- Loss of Greenfield land
- All new housing should be on brownfield land
- Impact upon the rural landscape
- Loss of agricultural land
- There is no need for more housing in Alsager
- Brownfield development should be the priority, the University is boarded up and a magnet for anti-social behaviour
- Alsager has a greater than 5 year housing land supply
- The land was not included in the Alsager Town strategy
- Allowing the development would conflict with the localism agenda
- There is a lack of employment in Alsager
- The development of the site will jeopardise brownfield sites from being brought forward
- Not needed or wanted by the community
- Brownfield development must be completed before Greenfield development allowed
- The proposal would harm the rural character of the site
- No benefit to the residents of Alsager
- Loss of Green Belt land
- Local infrastructure of services cannot cope with this additional development
- There are numerous properties for sale in Alsager
- The proposal is adjacent to the White Moss proposal for 700 or more houses. If the area required 1100 additional houses, then this number is already exceeded by the applications already in progress.
- Priority should be given to brownfield sites
- The projection for the Alsager area is to provide an additional 1000 houses by 2030. Areas already outlined as being the preferred sites are MMU and Twyfords which are both brownfield sites and should be used prior to any greenfield development areas. These 2 sites alone are providing between 700 and 800 houses and that goes without mentioning the site

agreed for planning already on Crewe Road between the Mill and Poppyfields. There is no need to build any houses on Rhodes field . The Alsager strategy is already fulfilled.

- The development would result in urban sprawl
- The site is within the blast zone for Radway Green
- The land was not included in the 2012 SHLAA document, was not added to the 2013 SHLAA on its revision and was not included in the 'additional considerations' subsequently put forward for consideration
- Development at the boundary of the borough will cumulatively adversely impact upon the regeneration of Newcastle Under Lyme

### Highways

- Close Lane/Crewe Road accident black spot
- Increased traffic congestion on Crewe Road
- Impact upon highway safety
- Future residents would be dependent on the car
- There is a lack of parking in Alsager Town Centre
- Pedestrian safety
- Poor public transport
- Narrow roads with poor pavements

### Green Issues

- Loss of green land
- Increased flood risk
- Increased water run-off
- Increased flooding during extreme weather events
- Impact upon wildlife
- Impact upon local ecology
- Impact upon flora and fauna
- Loss of agricultural land
- Impact upon Great Crested Newts

### Infrastructure

- The infrastructure in Alsager cant cope
- Increased pressure on local schools
- The local schools are full to capacity
- Proximity to the pylons on site
- The sewage system is overstretched
- The site itself plays host to pylons and high voltage power lines that the developers simply intend to build around. Is there really such a housing shortage that we have to resort to such extreme sites?

### Amenity Issues

- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Increased light pollution
- Overlooking to residents on close Lane
- Very near to the M6 and the Quarry both that generate noise and pollution – poor living conditions for future residents

## **APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents:

- Design and Access Statement
- Arboricultural Assessment
- Transport Assessment
- Extended Phase 1 Habitat Survey
- Affordable Housing Statement
- Planning Statement
- Landscape and Visual Assessment
- Noise Assessment Report
- Archaeological Desk Based Assessment
- Flood Risk Assessment
- Air Quality Assessment
- Utilities & Infrastructure Report
- Sustainability Strategy
- Renewable Energy Statement
- Statement of Community Involvement
- Soil Resources and Agricultural Use and Quality Report
- Supplementary Ecology and Arboricultural Information
- Socio-Economic Impact Report
- S106 Heads of Terms

These documents are available to view on the application file.

## **9. OFFICER APPRAISAL**

### **Principal 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 objection.

### ***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 December 2012 the Cabinet agreed the Cheshire East Local Plan Development 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, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

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 three 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:*

- 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.”*

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.

### **Conclusion**

- The site is within the Open Countryside which is also subject to Policy PS8 (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 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. These are now considered below:

### **Impact on the Regeneration of the Potteries Conurbation**

An objection has been raised by Newcastle-under-Lyme Borough Council 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 Crewe Road application differs from that considered by the Inspector as there has been a specific objection lodged to this proposal from NULBC. However, like the Sandbach Road North case this application site 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, the Inspector considers, 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 the objections 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.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*“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. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

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 toolkit sets maximum distances between the development and local amenities. These comprise of:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),

- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

In this case the development meets the standards in the following areas:

- leisure facilities – leisure centre Hassall Road (1700m)
- public park / village green – Cranberry Moss (250m)
- Post box (Corporation Street) 150m
- Local shop (Spar ) 160m
- The Plough public house, Crewe Rd ( 500m ),
- railway station Station Rd/Talke Road(2700m)
- bus stop outside site on Crewe Road
- Amenity Open Space - on site
- Children's Play Space - on site
- Bank or cash machine (Spar – corner of Close Lane and Crewe Rd) 160m
- Cranberry Primary school - 660m
- Alsager Secondary School - 1580m
- Public park or village green -950m

A significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m) exists in respect of the following:

- Alsager Post Office Lawton Road(1930m)
- Alsager medical centre (2100m)
- Pharmacy - at medical centre (2100m)
- Nursery (1650m)
- Local meeting place / community centre (2350m)

Owing to its position on the main road into Alsager, the site is well served by Bus Service 20 (Hanley to Leighton Hospital serving Alsager) along the main road , which runs past the site in each direction between 06:45 and 23:59 weekdays, 07:59 and 23:59 Saturdays and 08:51 and 22:51 Sundays, it is therefore considered that this site is sustainably located and is well served by a bus service to the centre of the village and beyond.

The Applicant has also provided an economic appraisal which describes the economic benefits of the development beyond the construction phase. Additionally, the development will bring in additional residents who will add to the economic and social sustainability of the area.

The NPPF makes it clear that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21, *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it states that, *“the Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.*

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. Future residents would also contribute to economic activity in Alsager.

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.”*

It is therefore appropriate to consider whether there are other impacts of this development which are so adverse in the planning balance that they **significantly** and **demonstrably** outweigh the benefits in the form of the additional housing development. These are considered below;

### **Loss of Agricultural Land**

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.

In this instance, 0.9ha (14%) of the site is classified as Grade 2, 1.66ha (48%) is Class 3a. Thus 62% of the site is considered to be the 'best and most versatile' agricultural land. The remaining 1.32ha (38%) is not considered to fall within the category of being the 'best and most versatile land'.

However, it is important to note that the area of best and most versatile quality land is not significant, measuring 1.66 ha. At present, the plot is divided into paddocks and is used for the keeping of horses. It is not in agricultural use at present. Due to its limited size and the existing site constraints (i.e. surrounded on 3 sides by development and separated from the larger open fields to the west), it does not offer a contribution to the high quality agricultural land in the area.

Thus, whilst the proposal would result in the loss of a small quantity of Grade 2 and 3A agricultural land, the loss would not be 'significant' and would not outweigh the benefits that would come from delivering this development and assisting with the Council's housing land supply situation helping to relieve pressure on less sustainable and preferential Greenfield sites elsewhere.

### **Landscape Impact**

The site lies within the open countryside and is governed by Policy PS8 of the Congleton Local Plan. This seeks to restrict development within the countryside apart from a few limited categories. One of the Core Planning Principles of the NPPF is to *"take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it"*.

Policy PS8 accords with the NPPF desire to recognise the intrinsic character of the countryside. The application, by developing and hence eroding an area of open countryside conflicts with Local Plan Policy PS8.

The application site is bound to the south by Crewe Road, south of which is agricultural land, to the east and north the site is adjacent to the rear gardens of dwellings located along Close Lane, which lies on the westernmost edge of Alsager. To the north west is agricultural land, with White Moss Quarry, a peat quarry, to the west of these. To the west of the southern field is Hollys House hotel.

The site itself consists of two fields with hedgerows along the southern, Crewe Road boundary, along the western boundary and a hedge forming the boundary between the two fields, across the centre of the application site. The site covers an area of approximately 3.477 hectares and is agricultural land located immediately adjacent to a residential area which is used for horse grazing. There are well established hedgerows and tree belts to several of the boundaries. The most significant dominating feature on the site is the High Voltage electricity pylon, located towards the southern part of the site and the overhead



power lines that run diametrically across the southern field through the central portion of the site. There are no landscape designations.

As part of the application a Landscape and Visual Assessment has been submitted, this identifies the baseline landscape of the application site and surrounding area. The Council's Landscape Architect would generally agree with the assessment as submitted.

The submitted Landscape and Visual Assessment assesses the landscape sensitivity as being of moderate sensitivity and identifies that *'with minimal removal of vegetation and retention of field boundaries, the overall input on landscape character resulting from the proposed development would be moderate adverse during construction to slight adverse upon completion of the development'*.

The assessment is based on the minimal removal of vegetation and retention of field boundaries, however, as this is an outline application there are no detailed landscape proposals. Nevertheless, provided the boundary vegetation is largely retained the Council's Landscape Architect would broadly agree with the landscape assessment.

The Council's Landscape Architect agrees with the viewpoints chosen as part of the landscape visual impact assessment submitted in support of the application, as well as the sensitivity and significance for each as identified in the study, namely that the impacts would range from moderate substantial adverse to negligible adverse during construction works and from moderate adverse to negligible adverse following completion from Public Rights of way and moderate substantial adverse during construction and following completion of works.

Hedgerows and periphery trees are proposed to be retained and the central belt of open space beneath the high voltage pylon is left as open space.

Subject to appropriate conditions which retains existing trees and hedgerows, it is considered that the proposal can be designed and housing screened to minimise landscape impact, which is presently dominated by the high voltage electricity pylons that traverse the site and would remain so.

## **Air Quality**

At Committee on 7 December, Members were concerned about the impact of dust upon future residents from the Quarry activities and required further information. The Environmental Health Officer has considered this matter and advises that there is currently an agreed 'dust control plan' on the planning permission for the aggregate recycling facility granted permission by the former County Council in 2008, 7/2008/CCC/8 which includes the control of dust beyond the White Moss site boundary. Accordingly, the Environmental Health Officer advises that dust impacts from the Quarry are already controlled in this area.

An Air Quality Assessment has been submitted which concentrates on traffic impacts. The proposed scale of the development is likely to change traffic patterns in the area. There is also concern that the cumulative impact of developments in the area will lead to successive increases in pollution levels, thereby increased exposure.

The assessment uses DMRB to model nitrogen dioxide (NO<sub>2</sub>) impacts from the predicted additional road traffic associated with this proposal and other permitted developments.

The report predicts that the sensitive receptor on the Crewe Road frontage is the worst case scenario and that is why the location has been selected. Any negative impact on air quality should be mitigated against to help safeguard future air quality irrespective of whether it would lead to an exceedence of an air quality objective or the designation of an Air Quality Management Area (AQMA).

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered that mitigation should be sought from the developer in the form of direct measures to reduce the impact of traffic associated with the development.

Mitigation to reduce the impact of the traffic can range from hard measures to softer measures such as the provision of infrastructure designed to support low carbon (and polluting) vehicles. The Environmental Health Officer has therefore, recommended conditions relating to provision of a Travel Plan, electric vehicle charging points and an Environmental Management plan, which could be added in the event of approval. Subject to these conditions they raise no objections.

## **Hedgerows/Tree Matters**

### Trees

An arboricultural impact assessment considers the trees and groups in the context of the proposed development indicated on the Illustrative Masterplan. Being a site that is a part of former agricultural fields traversed by an electricity power line and intersected by a non historic hedge, the indicative masterplan allows for the retention of the peripheral trees.

The Arborist considers that any detailed layout should be guided by a detailed arboricultural impact assessment which accords with the requirements of current best practice BS5837:2012. This will enable a suitable development footprint to be established, preserving the boundary planting and horticultural features.

### Hedgerows

Policy NR 3 of the CBC Local Plan refers to Important 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.

On this site there would be hedgerow loss in order to create the new access with visibility splays on Crewe Road. The Records Office confirm that the hedgerows are not of historic significance, whilst there would be a net loss of hedgerow, this can be mitigated by

replacement planting and would not impact on the historic field pattern of the exiting hedge line to the Crewe Road frontage. On this basis Policy NR3 is complied with.

### **Affordable Housing**

The Strategic Housing Market Assessment 2010 identified that for the Alsager sub-area there is a net need for 36 new affordable units per year between 2009/10 – 2013/14, this totals a requirement for 180 new affordable homes for the period and is made up of an annual requirement for -12 x 1 bed, 13 x 2 bed, 12 x 3 bed, 12 x 4/5 beds and 10 x 1/2 bed older persons accommodation. The gross affordable housing need is 47 units per year.

There are also currently 393 applicants on the housing register on Cheshire Homechoice who have selected one of the Alsager letting areas as their first choice. These areas were chosen as their first choice by 393 applicants. These applicants require 143 x 1 bed, 133 x 2 bed, 67 x 3 bed & 17 x 4 bed (33 applicants haven't specified how many bedrooms they require).

The applicant is offering 33 dwellings as affordable housing, with 21 provided as social rented and 12 provided as intermediate tenure, this meets the requirements of the IPS. They also suggest that the majority of the affordable homes will be provided as 2 & 3 bed properties but 4 bed properties could also be made available if there is demand for them and this is acceptable for the type of affordable housing to be provided. The SHM would also suggest that the rented affordable units are described in this way to allow for social or affordable rent to be delivered allowing the Registered Providers flexibility dependant on their ability to deliver either tenure in the future.

The applicant (Persimmon Homes) state that they will make their own shared equity product available (whereby they will sell properties as shared equity at 80% of market value). Whilst these properties will offer help to people who cannot buy at the full open market value, they should not be counted towards the planning policy requirement for 30% affordable housing as they do not meet the requirements of the Council's 'IPS: Affordable Housing' or the definition of affordable housing in the glossary of the National Planning Policy Framework. As such, the intermediate housing should be provided and transferred to a RSL.

### **Highways Implications**

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Paragraph 32 of the National Planning Policy framework states that:-

*'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;*

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*

- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.*
- *Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

The Transport Statement considers the accessibility of the site in terms of a choice of means of transport, including cycling, proximity to public transport facilities and walking and concludes that the site is highly accessible

Vehicular access is proposed via one main access to serve the site taken off Crewe Road and a further pedestrian access via Coronation Street.

The access is a priority junction access with 5.5m wide carriageway and two 2.0m footways, this road width is sufficient to serve a development of 110 units. Visibility is indicated as 2.4m x 120m in both directions from the proposed access point.

Although an indicative layout has been submitted, no comments have been made on the internal indicative as only the means of access is being determined in this application. This will form part of reserved matters.

The Strategic Highways Manager has considered the Transport Statement submitted with the application and considered the objections raised by respondents very carefully and reached the conclusion that the level of traffic generation which could be attributable to 110 additional dwellings does not produce a level of trips that can be considered material given the background traffic flows. The likely traffic generation of the site has been derived from a TRICS analysis, the proposed trip rates used are considered acceptable for the location of the site. The amount of development trips that a 110 unit would generate is 65 trips in the morning peak and 73 trips in the evening peak.

However, the Strategic Highways Manager is of the view that a number of local committed developments have been added to the base flows. These are the Hollins Site, the MMU site and the Twyfords site. There are other sites in Alsager that have planning applications submitted but are not yet approved, and as there is uncertainty regarding the approval of these applications the Developer has not been required to take these into account.

The scope of the traffic impact has been limited to a number of nearby junctions but has not included the junctions in Alsager that capacity issues such as Hassall Road and Sandbach Road North. The omission of these junctions may have been on the assumption that the development traffic would only have a small impact but cumulatively all the committed schemes will extent queues and congestion over and above the current capacity problems.

The junctions that have been assessed are Close Lane/Crewe Road, Crewe Road/Butterton Lane/Radway Green signal junction and also the site access junction. None of these junctions tested have shown to experience capacity problems with the development traffic added.

The accessibility of the site to non-car modes is considered acceptable, the site can be connected to the footway network and cyclists are within a short ride of a range of facilities.

There are a number of bus services that pass the frontage of the site on Crewe Road that are within a reasonable walking distance from the likely property locations within the site.

The impact of this site is modest on the local road network. This is mainly due to the location of the site and the positioning of the access. The majority of the development traffic would turn right out of the site travelling towards Crewe or the M6 motorway, trips turning left would pass through Alsager town centre junctions. Whilst, there were no capacity issues identified on the junctions assessed by the applicant there are concerns further afield that have congestion issues. Even though the amount of traffic added to the network is not a large percentage it will still cumulatively add to congestion levels.

Members previously expressed concern and required an update on the current situation in respect of highway issues and contributions in the area – particularly due to the cumulative impact of developments.

The Hall Drive development has provided contributions for two identified junction capacity improvements at Sandbach Road North/Crewe Road and Hassall Road/Crewe Road – which have been calculated as being £448,604. The advice previously given by the Strategic Highways Manager was on the basis of 3 developments locally, Hall Drive, Sandbach Road North and this application, however, since the appeal decision at Sandbach Road North was dismissed, the financial contribution required to mitigate the traffic impact upon local junctions by virtue of this development will have to increase. Accordingly and based upon the number of units in the development this would now equate to a contribution of  $\text{£}448,604/260 \times 110 = \text{£}189,794$ . (For reference the previous contribution was £70,290)

With regard to the access, although a priority junction would work within capacity it is taken off the principal route of Crewe Road to reduce delay in the future the Strategic Highways Manager considers that a right turn ghost island should be provided. This can be required by condition.

In summary, the level of development trips generated is not considered a severe impact as set out in the NPPF policy test. However, a financial contribution is necessary as the generated traffic does add cumulatively to flows using the congested town centre junctions. Subject to a satisfactory access design being submitted and a S106 contribution being provided to mitigate for the impacts of the proposal on the local highways network, the Strategic Highways Manager raises no objections to the application.

## **Amenity**

Environmental Health have requested a condition regarding a dust management plan to minimise the impact from the development in terms of the site preparation and construction phases. They have also requested a condition in relation to noise during construction and pile driving.

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21m between principal windows and 13m between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

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

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The indicative layout indicates that this can be achieved in the majority of cases. It is therefore concluded that the proposed development could be accommodated in amenity terms and would comply with the requirements of Policy GR1 of the Local Plan.

### **Contaminated land**

Environmental Health have commented that the application is an outline application for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, a Phase I desk study

The applicant has submitted a contaminated land report with the application, which shows a low potential for contamination to be present on the site.

There was a former tank across the road to the south of the site, if historical spillages occurred, there may have been migration of contamination onto the application site. As such, should any adverse ground conditions be encountered on the site, especially on the south east of the site, all work in that area should cease and the environmental health section be contacted for advice. No planning conditions are requested.

### **Noise Impact**

The Strategic Planning Board required further information with regard to noise from the Quarry and Radway Green with respect to noise for future occupiers.

Members were concerned about noise impact upon future residents by virtue of the sites location close to White Moss Quarry and BAE.

The Environmental Health Officer advises that there is sufficient control upon noise activities imposed upon the 2008 planning permission for the aggregate building at the quarry and that they have recently investigated an alleged noise nuisance from White Moss Quarry and which has since been resolved and there have been no complaints with regards to noise from BAE from residents in the vicinity of the application site. Any noise nuisance from either site would be investigated under the statutory nuisance provisions of the Environmental Protection Act 1990 if they did ever present concern as a result of any future residential use of this site.

The Environmental Health Officer considers that a scheme of mitigation for glazing and ventilation in accordance with 8233:1999 can be achieved and subject to the proposed mitigation for the gardens closest to potential noise sources will require the recommended design criteria of <55dB LAeq. This can be controlled by condition and the Environmental Health Officer is satisfied that this would maintain an adequate standard of noise environment for future residents on the site.

## 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 and the public open space.

According to the indicative plan, the open space would be located centrally in a corridor formation that generally follows the route of the overhead pylons which would act as green corridor. Housing is orientated to allow for passive surveillance of the open space. The indicative layout is therefore considered to provide an appropriate layout that makes the most efficient use of the site.

## Ecology

### Oakhanger Moss SSSI/Ramsar

The applicant has provided an assessment of the likely impacts of the proposed development upon the features for which Oakhanger Moss was designated as a SSSI and Ramsar site.

The assessment concludes that the proposed development is not likely to have any significant effects.

Natural England have considered the assessment and raise no objection. They advise that given that the Planning Authority is a ‘competent authority’ under regulation 61 of the Habitat Regulations. On this basis the Council is ‘adopting’ the submitted assessment in order to discharge its statutory duties under the regulations

### White Moss SBI

The assessment identifies the following potential impacts on the nearby SBI. Firstly, the nutrient enrichment and pollution of water run-off and ground water contamination during the construction phase. Outline mitigation proposals have been submitted to address this impact and Natural England are satisfied that these issues could be dealt with by means of a condition requiring the submission of a Construction Environment Management Plan.

### Great Crested Newts

The Council’s ecologist is satisfied that this species is not present.

## 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 26 new primary places of which 9 cannot be accommodated. As there are capacity issues at these local schools the education department has requested a contribution of £216,926 to primary education provision. The applicant has agreed to make this contribution and this will be secured via a S106 Agreement should the application be approved.

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 site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps, A Flood Risk Assessment (FRA) has been submitted as part of this application.

The FRA identifies that a drainage strategy shall be developed as part of the detailed working of any reserved matter. The FRA identifies that currently the site drains in the northwest quadrant and runs off to ponds to the western boundary and then to White Moss. The residual run off from the site is intercepted by existing network on Crewe Road and Close Lane.

The foul drainage will be domestic in nature and proposed discharge into the existing foul sewer in Crewe Road or Close Lane.

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

### **Open Space and Play Space**

In terms of Play provision, if this scheme were approved 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.

Consequently there is a requirement for new Children and Young Persons Play Provision to meet the future needs arising from the development.

An on site play area in the form of a LEAP will be required and is proposed as part of this scheme. This should include at least 5 items incorporating DDA inclusive equipment, using play companies approved by the Council. As the nearby play area known as Dickenson Way contains predominantly toddler equipment the Greenspace Manager has requested that items for all ages including ages 8+ are included in this LEAP.

They further request that layout and choice of play equipment be agreed. A buffer zone of a 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. This could form a reasonably worded planning condition



Both the play space and Amenity Greenspace are to be transferred to a Management Company. This can be controlled by condition.

## **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, the amount of traffic added to the local network will add cumulatively to junctions that are already congested and the required mitigation is directly related to the development and is fair and reasonable.

On this basis the S106 the scheme 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 and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should consider favourably suitable planning applications for housing.

In terms of sustainability, this proposal would satisfy the economic and social roles by providing for much needed housing adjoining to an existing settlement where there is existing infrastructure and facilities. With respect to fulfilling the environmental role, this proposal will safeguard the natural, built and historic environment.

The boost to housing supply is considered to be an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release. A suitable layout has been tabled which demonstrates how the provision of 110 units and public open space could be delivered on the site whilst respecting distances with boundary hedges, trees, adjoining properties and respect the character and appearance of the locality

The proposal will not have a significant impact on the landscape character of the area and will be in many respects adjoining existing areas of housing or urban development without resulting in an intrusion into the open countryside.

Whilst the proposal will result in the loss of some grade 2 and 3a agricultural land, it is considered that the benefits of the delivering the site for much needed housing and affordable

housing would outweigh this loss, given that the site does not offer a significant quantity of land. Recent appeals have also supported this interpretation.

Whilst the concerns expressed by Newcastle Under Lyme about the cumulative impact of developments in Alsager are legitimate issues and are finely balanced, in a case such as this, when the NPPF advises that sustainable development should be brought forward without delay, the balance lies in favour of sustainable development.

Subject to the required Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements and monies towards highway and pedestrian improvements.

## **11. RECOMMENDATIONS**

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

- **30% affordable housing (33no. units), split on the basis of 65% social rent and 35% intermediate tenure as per the requirements of the interim planning statement.**
- **Provision for a management company to maintain the on-site Open Amenity Space and LEAP (min 5 pieces of equipment)**
- **Provision of commuted sum of £216,926 towards primary education provision**
- **Highways contributions of £179,794 towards highways improvements in Alsager**

**And the following conditions**

- 1. Standard Outline Time limit – 3 years**
- 2. Submission of Reserved Matters**
- 3. Approved parameters Plan**
- 4. Submission of an Environmental Management Plan**
- 5. Hours of construction to be limited**
- 6. Scheme of noise mitigation for glazing and ventilation in accordance with 8233:1999 can be achieved and subject to the proposed mitigation for the gardens closest to potential noise sources will require the recommended design criteria of <55dB LAeq**
- 7. Provision of Right turn lane into access from Crewe Road**
- 8. Details of pile driving operations to be limited**
- 9. Submission of details of bin storage**
- 10. Details of drainage (SUDS) to be submitted**
- 11. Scheme to limit surface water runoff and overland flow**
- 12. Only foul drainage to be connected to sewer**
- 13. Dwellings to be no more than 12m (3 storeys) and be of brick construction**
- 14. Tree and hedgerow protection measures**
- 15. Buffer zone of 20m between houses and play space**
- 16. Arboricultural Specification/Method statement**

17. Landscape scheme to include replacement native hedgerow planting and boundary treatments
18. Implementation of landscaping scheme
19. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.
20. Implementation of a programme of archaeological work in accordance with a written scheme of investigation to be submitted
21. Landscaping scheme to retain existing hedging, where possible. When not, landscaping to provide replacement hedge planting.
22. Minimum 10% reduction in energy use through a building fabric first approach (enhanced insulation or construction technologies).

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.

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