

Application No: 13/4150N

Location: Land to West of, Close Lane and North of Crewe Road, Alsager, ST7 2TJ

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

Applicant: Muller Property Group

Expiry Date: 03-Jan-2014

SUMMARY RECOMMENDATION - REFUSE

MAIN ISSUES

Planning Policy and Housing Land Supply
Affordable Housing
Highway Safety and Traffic Generation
Landscape Impact
Hedge and Tree Matters
Ecology
Amenity
Open Space
Drainage And Flooding,
Sustainability
Education
Health
Other issues
Planning Balance

REFERRAL

The application has been referred to Strategic Planning Board because it is a large scale major development and a departure from the Development Plan.

The application is a also a resubmission of application 13/1305N, (update reported separately on this agenda) which is the subject of appeal due to be held by Public Inquiry from 26 April 2014.

1. SITE DESCRIPTION

The application site is located to the west of Alsager, adjoining the existing settlement boundary of Alsager. The site however is located in the Oakhanger ward and is covered by the Crewe and Nantwich Borough Local Plan, the boundary of Alsager being Close Lane. However, it is considered that the site is most closely related to the Alsager settlement and that possible residents of the site would utilise services and facilities within the Alsager area.

The application site is currently rough grassland subdivided into a number of small paddocks, abutted to the north by an area of woodland and to the west by the wider agricultural landscape and beyond this the M6 motorway. To the south the site is bound by the residential development at Delamere Court, Close Lane forms the eastern boundary of the site, to the east of which is an extensive area of residential development. Footpath 48 Haslington is located along much of the western boundary of the application site and links with Footpath 20 Haslington, which is located slightly further to the west.

The eastern side of Close Lane features the mixed 1960's onwards bungalow and housing development of Alsager.

The site contains two Tree Preservation Orders identified as CNBC (Delamere Close Lane Alsager) Area 1 located within the south eastern corner of the site with the Order served in 1984. A more recent Tree Preservation Order has been served in 2013, known as the (Alsager – Land to the west of Close Lane) incorporating a group of elder and oak to the northern periphery of the site and three individual oak trees, 2 of which are to the Close Lane frontage.

1. DETAILS OF PROPOSAL

The application is a resubmission of a previously refused, identical application which is currently under appeal. This seeks outline planning permission for 76 family (1 to 4 bed) dwellings and 56 dwellings for the over 55's (1 and 2 beds) with all matters reserved. A single access onto Close Lane is indicated, however, internal street layout is not being applied for. An illustrative site layout is provided in support of the application which indicates access to Close Lane.

The illustrative masterplan indicates development zones for the 76 family sized units of which 23 are required to be affordable/shared ownership homes (one to three bed) adjoining the existing modern developments in Delamere Court and Kensington Close. A further zone of sheltered market and affordable units is indicated to the north of the site.

Overall there is 1.28 ha of open space, including a play area. An undeveloped zone comprising the Yew Tree Farm Local Wildlife Site (formerly Site of Biological Importance) forms part of the site adjoins the proposed Public Open Space and play area to the western part of the site.

A total of 30% of the dwellings and sheltered accommodation is proposed to meet affordable housing criteria in accordance with policy requirements.

Revised details have been provided which include the provision of a length of pavement along the site frontage and from Delamere Court to Nursery Lane and the submission of additional

Heads of Terms for the provision of funding of £250,000 over a 5 year period for an additional bus service along Close Lane.

2. RELEVANT PLANNING HISTORY

13/1305N Outline planning application for a mixed residential scheme to provide affordable, open market, and over 55's sheltered accommodation, open space (76 family dwellings comprising one to four bedrooms and 56 dwellings for the over 55's comprising 1 and 2 bedrooms) - all matters reserved – Refused 21 June 2013 (Currently under appeal)

4. PLANNING POLICIES

Crewe and Nantwich Local Plan Policy

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
NE.21 (Land Fill Sites)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing In The Open Countryside)
RT.6 (Recreational Uses on the Open Countryside)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Other Material Policy Considerations

National Planning Policy Framework

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

North West Sustainability Checklist

Strategic Housing Land Availability Assessment

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
 PG5 - Open Countryside
 PG6 – Spatial Distribution of Development
 SC4 – Residential Mix
 SC5 – Affordable Homes
 SD1 - Sustainable Development in Cheshire East
 SD2 - Sustainable Development Principles
 SE1 - Design
 SE2 - Efficient Use of Land
 SE3 – Biodiversity and Geodiversity
 SE4 - The Landscape
 SE5 – Trees, Hedgrows and Woodland
 IN1 - Infrastructure
 IN2 – Developer Contributions

4. OBSERVATIONS OF CONSULTEES

Environment Agency

No objection in principle to the proposed development but requests that the following planning conditions are attached to any planning approval.

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The submitted FRA demonstrates that the maximum discharge rate is to be restricted to approximately 5 litres/second, which is acceptable in principle. 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

- A 5 metre wide undeveloped buffer zone alongside the *watercourses* shall be provided
- A scheme to manage the risk of flooding from overland flow of surface water shall be approved
- The Indicative Masterplan indicates that access will be gained over the ordinary watercourses in several places. It is unclear if it is intended to use culverts.

The Agency seeks to resist the use of culverts. If culverting can not be avoided then it should be as short a length as possible. The plans should demonstrate to our satisfaction what impact the proposed culverting would have and how compensatory works would address this. Full details of working methods and timing, treatment of bed material would be required.

Greenspaces

Public Open Space

On site provision is located to the southern part of the site adjoining the local wildlife site, and in a linear strip through the central portion of the site.

It is not the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore it is recommended these areas of POS be transferred to a management company.

Children and Young Persons Provision

For a development of this size a LEAP as detailed below is required.

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 Greenspace Division would request that 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.

The future maintenance would require a management plan and regime. This would require a S106 Agreement.

United Utilities

No objection to the proposal subject to the following conditions:

- This site is drained using a total separate system with only foul drainage connected into the public sewerage system.
- Surface water should discharge directly in to the watercourse crossing the site which may require the consent of the Local Authority.

- For the avoidance of doubt, no surface water flows shall communicate with the public sewerage system via direct or indirect means.

Strategic Manager Highways

No objection subject to conditions and a financial contribution of £250,000 towards the delivery of an additional bus service to serve the site and Close Lane for a period of 5 years (£50,000 per annum)

Environmental Health

No objection subject to standard conditions including hours of development, air quality, contamination and the provision of acoustic 2m high fencing to those boundaries of the site and a scheme of acoustic ventilation to houses as detailed on the indicative plan as being closest to the motorway

Adult Services

No response but previously raised no objection to the provision of sheltered accommodation for the over 55's on application 13/1305N

Education

A development of 76 dwellings will generate 14 primary and 10 secondary aged pupils.

The primary schools within 2 miles and the secondary schools within 3 miles have been considered for capacity. The primary schools are showing that there are forecast to be 48 unfilled places by 2016 and 52 unfilled places by 2016. The secondary school is showing 166 unfilled places by 2019.

Currently there are a number of planning applications within the Alsager area, with an application on Crewe Road approved and generating 11 primary aged pupils and an application in on the former Twyford's site having a resolution to approve subject to conditions generating 54 primary aged pupils. By including these pupil numbers then a contribution will be required towards primary education. The required contribution is therefore $14 \times 11919 \times 0.91 = £151,848$

No contribution will be required towards secondary education as there is sufficient capacity in the local secondary school.

PROW UNIT

Footpath Haslington No 48 runs through part of the site.

Inclusion of the Public Footpath within the Public open space of the site would appear a sensible proposal should the development proceed. The route could be left as a grass-surface path to be maintained within the Open Space management arrangements. The suggestion of a line of trees on the boundary of the site adjacent to the public right of way is viewed with caution, as tree limbs and roots may impede on the public footpath and will require more management.

The link from Close Lane to the public footpath across the top of the site would be supported as it would provide both new and existing residents with a connection to the wider public rights of way network.

The proposal for pedestrian and cyclist access on to Close Lane be would match with prospective users' main desire lines to the town centre.

The legal status of new routes would require agreement with the Council as Highway Authority and the routes would need to be maintained as part of the Open Space Management arrangements.

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 / TOWN COUNCIL

Haslington Parish Council objects on the following grounds -

The majority of the proposed development site is still based on Grade 2 "best and most versatile land" which is outside the settlement boundary for Alsager and located in the open countryside of Oakhanger within the parish of Haslington.

The proposed development is in open countryside, is not infilling a small gap or essential for agriculture etc. and therefore contrary to Crewe & Nantwich Borough Council policy NE.2

The site is not identified in the 2012 SHLAA, it is not included as a development site in the agreed Alsager Town Plan.

The proposed development still includes properties very close to the existing dwellings in Delamere Close and Kensington Close contrary to policy BE.1 Amenity

The Landscape and Visual Impact report still contains photoviews showing what appear to be quite tall new houses, with the ground floor level somewhat above the existing road level. The houses appear to be very "boxy", they appear to be contrary to policy BE.1 Amenity and BE.2 Design Standards, they adversely impact the streetscene by reason of scale, height and proportions. The inclusion of hipped or half-hipped roof would reduce the impact on existing neighbours.

The proposed development is not in Alsager, but is in the rural community of Oakhanger, part of the parish of Haslington. The rural area is not in need of development on the proposed scale, the urban area of Alsager has available brownfield sites that should be developed before greenfield land in adjoining rural communities is considered for development.

The Flood Risk Assessment details several open and culverted ditches that accept water from surrounding land, road drains and a United Utilities (UU) pumping Station. The UU plans in Appendix 5 in the report show only foul sewers feeding the Close Lane pumping station, which has a consent to pass water into the adjoining ditch. Appendix 8 shows photographs of various ditches around the site, photo 4 shows the ditch closest to the Close Lane pumping Station with discoloured water flowing into the site. The implication is that this is overflow from the foul

sewerage pumping station i.e. untreated domestic sewage. The plans shown in Appendix 7 show the outfall from the pumping station to flow through the development via the area proposed for sheltered housing, alongside the SUDS and through the public open space and play area into adjoining fields.

The application proposes to run untreated sewage through most of the watercourses within the development which must be considered a health risk and unacceptable design.

The single access point to the proposed development would become the 5th road junction on Close Lane within 250m, adding to road safety concerns for pedestrians, cyclists and motorists.

The proposed location of affordable homes and those aimed at more elderly residents requiring sheltered accommodation, so far away from the main shopping, health services and schools which are located towards the centre of Alsager seems perverse and unsustainable being highly dependant on car travel.

Alsager Town Council

Strongly objects to the proposed development on the following grounds:

a. The application is a significant intrusion into a currently undeveloped area and the surrounding open countryside and extends out from 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.' It is the Town Councils considered opinion that this ruling equally applies when determining this application.

b. 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.

c. 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.

d. 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 allocated for Alsager and could further compromise their regeneration aspirations. 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.'

e. 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.

f. Alsager is unsustainable as a Key Service Centre as it does not even meet Cheshire East Council's own criteria for a Key Service Centre and 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 Alsager's 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.

g. 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 town's infrastructure and services.

h. It has been identified in the application that the water table across the whole of the site is persistently high, therefore Cheshire East Council should undertake their own assessment of the site and the possible risks of this development in relation to waterlogging and flooding.

i. The agricultural land classification report contained within the plan, details that of the 5.2ha of land, 2.9ha is Grade 2 'best and most versatile' land. The indicative layout shows that the majority of the housing development would be built on this prime land whilst the 'linear open space' falls on the least prime grade 5 land which is subject to waterlogging. The application details that the area of 'public open space' retains the potential to be returned to agricultural use.

j. 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 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. 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.

k. The proposed location of affordable homes and retirement dwellings for the over 55's are totally unsuitable as they are too far away from the main shopping, health services and other facilities in the centre of Alsager, leaving these residents isolated and the housing development totally unsustainable. Any residential retirement homes should be built close to all amenities and facilities to enable residents to stay socially active, with regular and frequent bus/transport facilities to cater for needs.

l. There is a problem on this site with discharge of sewerage from the nearby pumping station which is a serious health hazard. Tankers have previously been witnessed pumping sewerage out of the ditch on the site, therefore Alsager Town Council require Cheshire East Council to approach United Utilities to clarify the position with the utility companies existing dispensation to discharge sewerage into the ditch.

m. Noise levels from the M6 have been recorded above 72dB on Dunnocksfold Road which joins Close Lane. Planning Policy Guidance states that if noise exposure levels for new dwelling exceed 72dB then planning permission should normally be refused.

6. OTHER REPRESENTATIONS

Circa 450 individual representations to the original and revised schemes have been received making the following objections :

Principal of development

- Contrary to the Alsager Town Strategy policy
- There is sufficient brownfield land in Alsager to accommodate new houses that need to be built without any greenfield or open space being used
- The proposed development would not result in sustainable development
- Loss of Green belt land – do local peoples views count for nothing
- All new housing should be on brownfield land
- Impact upon the rural landscape
- Loss of good quality agricultural land
- There is no need for more housing in Alsager
- There is a lack of employment in Alsager
- 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
- Local infrastructure of services cannot cope with this additional development
- Priority should be given to brownfield sites

- Alsager is area of restraint to allow Stoke and Newcastle to develop. These Authorities have expressed concern at the level of applications in Alsager
- Footpath provision to Close Lane does not negate the road safety impact of this proposal
- Flooding and drainage problems already occur on Close Lane, this will further add to the existing problems

Lack of Need

- This proposed development is excessive in its use of green land, would produce excessive traffic nuisance on Close Lane and would create a precedent of free for all and reckless development of the Cheshire countryside.
- No different from previous refused application
- Plenty of empty houses and houses for sale in Alsager
- Proposed bus service is a sop which does not overcome the previously expressed objections to the lack of sustainability of the site by the local community

Infrastructure

- The local schools are full
- There impact upon local schools will be exacerbated by the approved developments in the area
- Lack of medical facilities in the village
- Doctors surgeries are full
- Sewage infrastructure is not adequate
- Impact upon electricity infrastructure
- The future elderly residents will be isolated due to lack of
- Insufficient medical services
- Sewage pumping station on Close lane is often overloaded
- The addition of a footpath alongside the proposed development, and from Delamere Court to Nursery Lane is a token gesture to the road safety issues along Close Lane - a rural roadway that is currently not fit for purpose and the addition of more vehicles from the development will create dangers for motorists and pedestrians. Any person using the suggested footpath will need to cross Close Lane and it can hardly be considered an answer to the roadway problems.
- The risk of sewage flooding has increased considerably thanks to the block of flats constructed by Muller Properties at the end of Close Lane.
There is also additional sewage generated by the Muller office located there.

Sustainability

- The area is also too far from the nearest facilities such as shops, pubs and post office, meaning residents would be reliant on cars
- Poor bus service on Close Lane limit opportunities for the residents of the any new development to travel by public transport.

- The 5 year contribution to the bus service is not sustainable , what happens after 5 years – people will be left on a limb. This is a short term proposal by the developer leaving a legacy of problems
- Too far from town amenities for a home for the elderly

Amenity

- Noise and disturbance during construction

Ecology

- The site is home to a diversity of wildlife including protected species, inc Great Crested Newts
- There are several healthy oak trees which deserve protection.
- The proposed development would restrict normal access to this corridor from open farmland/countryside, thus diminishing its attraction to such wildlife.

Compromises Road Safety / Traffic Generation

- Close Lane is a country lane that is badly in need of repair. There is no footpath in many parts including outside my own property. There are bad bends and in parts it is not possible for 2 vehicles to pass. I regularly walk in Close Lane and feel extremely vulnerable because of this. The road is used by residents of Close Lane, Dunnocksfold Road and all the Housing Estate behind these. It has never been adapted to accommodate the level of traffic pedestrians and children walking to school so how can this country lane possibly accommodate a new housing estate?
- Provision of footway from Delamere Court to Nursery Lane is token gesture which does not address the road safety concerns on Close Lane. Any person using the suggested footpath will need to cross Close Lane .
- Proposed access will unsafe being on the narrowest part of Close Lane

Civitas Planning Ltd, on behalf of Renew Land Ltd, the owner of White Moss Quarry object on grounds that the proposal has not addressed the previous reason for refusal with regard to sustainability.

The full content of the objections are available to view on the Councils Website.

7. APPLICANT'S SUPPORTING INFORMATION:

- Statement of Community Involvement
- Utilities Statement
- Geo-Environmental Statement
- Flood Risk Assessment
- Development Concept Plan
- Design and Access Statement
- Transport Assessment

- Agricultural Land Classification Assessment
- Open Space Assessment
- Affordable Housing Statement
- Alsager Housing Market Assessment
- Planning Statement
- Ecological Surveys
- Tree Survey
- Landscape and Visual Impact Analysis
- Updated Heads of Terms for Legal Agreement

This are all available to view on the case file.

8. 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 planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability and education.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the 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 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.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings/Goldfinch Close in Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies within the existing Plan.

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 the recent appeals in Cheshire East (mentioned above) have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by Inspectors decisions” 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 zones 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 (Congleton Road and Sandbach Road North) 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 that occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply and notwithstanding the housing supply position previously identified by Inspector Major, the appeal was dismissed.

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”.

Accordingly, 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. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time.

Sustainability

In addressing sustainability, 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.”

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 relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The Checklist 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 criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. The results of an accessibility assessment using this methodology are set out below.

The toolkit sets maximum distances between the development and local amenities.

These comprise of:

- post box (500m),
- local shop (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).
- secondary school (2000m)
- Public Right of Way (500m)
- Childrens playground (500m)

In this case the development site meets the following sustainability distances:

Amenity Open Space	on site
Children's Play Space	on site
Playground / amenity area	on site
Bank or cash machine	960m
Primary school	660m
Secondary School	1580m
Public house	1000m
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:

Convenience Store	900m
Outdoor Sports Facility	1580m
Supermarket	1650m
Dentist	1580m
Post office	2450m
Pharmacy	1900m
Medical Centre	2580m
Railway station	2650m
Nursery	1650m
Local meeting place / community centre	2350m
Library	2250m
Post Box	800m

Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development.

Two recent appeal decisions which were refused on locational sustainability grounds but were allowed at appeal:

- At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29th August 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and non-members. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement'*.
- At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12th December 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds'*

The Applicant has also sought to address the reason for refusal under application 13/1305N by providing an additional pavement along the site frontage and along Close Lane from Delamere Court to Nursery Lane.

Thereby creating a footpath link for the length of Close Lane to Crewe Road on at least one side of the road. This is a significant improvement to the sustainability credentials of this site, particularly given the comments of Inspectors detailed above.

The Applicant has also provided Heads of Terms to provide a contribution for funding of an additional bus service to travel along Close Lane in peak hours which, in conjunction with other contributions in the area will be able to subsidise an additional bus service along Close Lane for a period of 5 years. Five years is considered to be a sufficient time frame to allow a bus service to reach a level of patronage that can sustain itself after the subsidy is removed. These revisions are significant and are considered to address the locational sustainability criticisms of the scheme as originally submitted.

There are, however, 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.

According to the Design and Access Statement, the construction of these dwellings in accordance with the approach of the energy hierarchy will aim to reduce energy consumption and maximise energy efficiency. Dwellings will for the most part face south, south east or south west, SUDS will be used. The Over 55's units will be Lifetime Homes.

Whilst the above comments are noted, the Design and Access Statement does not provide any indication as to how these principles of sustainable development would be met within the development. Nevertheless, this is an outline application and it is accepted that a detailed scheme to achieve this could be secured through the use of conditions.

In conclusion, it is considered the Applicant has addressed the sustainability concerns as previously expressed and that in the light of the addition of a bus service to be part funded by this development and the completion of pavement along the length of Close Lane to Crewe Road by virtue of the proposed provision of a footway from Delamere Court to Nursery Lane which would allow for pedestrian access for the length without having to walk on verges or within the road and thereby providing access to the frequent bus service along Crewe Road to Alsager and Crewe.

These, when taken together with the wider interpretation of sustainability emerging within the Inspectors Appeal Decisions, it is considered that a refusal on the grounds of the sustainability credentials of the proposal can no longer be sustained.

Loss of Agricultural Land

Policy NE12 of the Local Plan states that proposals which involve the use of the best and most versatile agricultural land (grades 1, 2 and 3a based on the ministry of agriculture fisheries and

food land classification) for any form of irreversible development not associated with agriculture will only be permitted where all of a number of criteria are satisfied.

However, the National Planning Policy Framework highlights that the use agricultural 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.

The applicant has submitted an agricultural land classification study which concludes that 2.9 hectares of the site (5.2 hect in total) is an area of Grade 2 land along the northern edge of the site, including the northern part of the eastern field. The remaining land is likely to comprise a mix of Grade 5 and non agricultural land, the latter confined to a woodland and Local Wildlife site (formerly SBI) located within the site.

Given the proposal involves the loss of an element of Grade 2 land, it is necessary to refer to the other tests in Policy NE12. Given that the Council now has a housing land supply in excess of 5 years it is not considered that the circumstances and need for development are supported in the local plan.

Affordable Housing

The Council's Interim Planning Statement for Affordable Housing (IPS) 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 IPS also sets out that the preferred tenure split of the affordable is 65% social rent (affordable rent would also be acceptable in Alsager), 35% intermediate tenure, this tenure split was identified as part of the Strategic Housing Market Assessment 2010.

As the proposals for both the family dwellings and over 55's dwellings contain more than 15 units there is a requirement for affordable housing on both.

The site is located in Haslington ward. However it is directly adjacent to Alsager and the built up area of Haslington is physically remote from the site at the opposite side of the parish. The affordable housing need for Alsager has been considered;

The Strategic Housing Market Assessment Update 2013 identified a net requirement for 54 new affordable homes each year between 2013/14 – 2017/18, made up of a need for

38 x 2 beds

15 x 3 beds

2 x 4+ beds

5 x 1 bed older persons dwellings.

(The SHMA identified an over-supply of 6 x1 bed dwellings resulting in the net requirement for 54 affordable homes)

There are currently 423 active applicants on the waiting list with Cheshire Homechoice who have chosen one of the Alsager rehousing areas as their first choice, these applicants have

stated they require 155 x 1 bed, 140 x 2 bed, 74 x 3 bed & 19 x 4 bed properties (35 applicants did state how many bedrooms they needed).

The affordable housing requirements for this site are 30% of the family dwellings and 30% of the over 55's dwellings, based on the numbers on the application this would equate to a requirement for 23 affordable family dwellings, 15 of which should be social or affordable rent & 8 intermediate tenure and a requirement for 17 affordable over 55's dwellings, 11 should be social or affordable rent & 6 intermediate tenure.

The applicant has given an indicative mix of affordable housing as 6 x 1 bed and 5 x 2 bed social/affordable rented dwellings, 3 x 2 bed and 3 x 3 bed intermediate dwellings and 11 x 1 bed over 55's social/affordable rented dwelling, 6 intermediate over 55's dwellings. Although the SHMA 2010 identified a slight over supply of 1 bed dwellings in Alsager there are more applicants who require 1 bed properties than any other type in Alsager on the Homechoice waiting list and Housing Strategy Manager accepts with this indicative mix.

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%.

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

It is the Housing Strategy Managers' preference that the affordable housing is secured by way of a S106 agreement, which requires the developer to transfer any rented affordable units to a Housing Association and includes the requirement for the affordable house scheme to be submitted at reserved matters and also includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy. This is in accordance with the Affordable Housing IPS which states that

"the Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)"

It also goes on to state that

"in all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996"

In terms of the over 55's dwellings, the IPS recognises that some innovative models of private sector housing for older people have been developed, including retirement and extra care villages. These schemes are characterised by the availability of varying degrees of care, 24 hour staffing and ancillary facilities. The Council recognises that such models can contribute to

meeting affordable and special needs housing, thus the Council will seek an affordable housing contribution (30%) from these schemes. The Applicant considers that this part of the scheme adds weight in the planning balance, although the application details do not elaborate upon the nature of the sheltered accommodation.

Air Quality

The site is not located within or close to any designated Air Quality Management Areas. Nevertheless, given the proximity of the M6 and the size of the site at the request of Environmental Health Officers, an Air Quality Assessment has been submitted by the developer.

Flood Risk and Drainage

The majority of the application 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.

United Utilities and the Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

Design

The application is fully 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 /children’s play area. The properties located at corner plots have the potential for dual-frontages.

To the Close Lane frontage the dwellings would be set behind a hedgerow and mature high amenity trees along the frontage are retained to act as a green buffer to the proposed development. According to the indicative plan, the open space would be located centrally and along the stream which would act as green corridor along the eastern boundary of the site. The indicative layout is therefore considered to be an appropriate coverage of the site in principle.

Amenity

The layout and design of the site are reserved matters. 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, although this will need to be considered further via reserved matters, if the principal of development is accepted. It is therefore concluded that a development could be designed to be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

Landscape Impact

The site itself is open farmland with a pattern of hedgerows, a Site of Biological Importance and has a small woodland area associated with it and there are also a number of trees along the northern boundary in particular, as well as a mature Oak and a Pine located

There is no landscape designation on the application site. The baseline information does include reference to the National Character Areas as defined by Natural England in their revised study of the countryside Character Series (1998), where the application area is defined as Character Area 61; Shropshire, Cheshire and Staffordshire Plain.

The assessment also refers to the Cheshire Landscape Assessment 2008, adopted March 2009 which identifies that this site is located in Landscape Type 10: Lower Farms and Woods; within this character type the application site is located within the Barthomley Character Area: LFW7. As part of the assessment the area has been further characterised into a number of smaller character types including LCT 1: Settlement, LCT 2: Urban Edge Horticiculture Farmland, LCT 3: Mixed Agricultural Fringe, LCT 4: Transport Corridors, LCT 5: Peat workings and LCT 6: Undulating Rural Plain. The site is identified as being within the LCT 2: Urban Edge Horticiculture Farmland type.

There are a number of farmsteads and more isolated residential dwellings surrounding the site, including Yew Tree Farm, Moss End Farm, Orchard Cottage and Ashfields. Footpath 48 Haslington is located along much of the western boundary of the application site and links with Footpath 20 Haslington, which is located slightly further to the west.

The application site is an attractive relatively level agricultural landscape, characterised by hedgerows and a number of mature hedgerow trees and woodland, 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 an outline application and although an Indicative Masterplan has been included, the Landscape Architect has stated that in the site Masterplanning, a number of objectives should be addressed, namely:

- Respect existing landscape and townscape characteristics of the site (principally the mature trees and hedgerows);
- Conserve and enhance the vast majority of the existing mature trees and any notable hedgerows as an integral and structuring part of the Landscape Framework;

- Minimise any potential adverse landscape or visual effects through the application of best practice design principles and careful attention to design through all stages of the development process – particularly, attention to design and specification of landscape boundary treatments to the existing surrounding properties.

Overall, subject to the retention in important features and consideration of the sensitive receptors within the site (such as the PROW Haslington FP48) the site has the landscape capacity to accommodate future residential development of the scale indicated, providing that it is well planned and designed and takes due account of the existing landscape features of the site.

Trees and Forestry

There are a number of trees and lengths of hedgerow are within the site. Two high amenity value Oak trees and a high amenity Pine tree would be affected by the proposed site access.

The application is supported by a Tree Survey Report. The report indicates that the survey has been carried out in accordance with the recommendations of British Standard BS5837:2005 Trees in Relation to construction.

BS 5837:2005 has been superseded by *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*. The new standard now places an emphasis on 'evidence based planning' and accords with standard RIBA work stages. The standard now requires higher levels of competency and a more precautionary approach to tree protection. The Standard requires a greater level of robustness and confidence to ensure the technical feasibility of a development in respect of the successful retention of trees.

The British Standard identifies at para 5.2 *Constraints posed by Trees* that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed site layout plans. Above ground constraints should also be taken into account as part of the layout design

Following detailed discussions the revised submitted illustrative masterplan (Rev O) and particulars illustrate which trees are suggested for retention including those within the intended areas of POS. The re-positioning of the single main access onto the site away from the high value Category A Oak trees located on the Close Lane road frontage; removes any objection to this aspect of the scheme.

The current layout removes the contentious length of highway footpath which threatened the long term retention of the same specimen Oaks within the original application. The re-positioning of the access path within the site under a “no dig” engineered design solution can be accommodated by the existing ground levels, and also removes the need for an adoptable standard as required by highways. A “no dig” construction in accordance with section 7.4 of BS 5837:2012 can be conditioned and would ensure the continued well being of the trees, allowing them to be retained as an amenity feature within the street scene

As an over view the illustrative masterplan depicts the development occupying the areas presently represented by open pasture land grazed by horses, with the collective and individual presence of trees located either within projected POS areas, and private rear gardens. The key

to any successful future implementation subject to planning approval be granted will be an adherence to an arboricultural constraints plan, with adequate space provided to accommodate future tree growth potential.

For the purposes of any reserved matters application, the position of the closest build plot to the Oaks on Close Lane would have to be amended. Other pinch points associated with the sheltered accommodation block will also have to be reviewed. These elements can only be fully evaluated once a final site layout plan has been produced as part of reserved matters. However, these could be controlled by conditions.

Ecology

The site contains a non-statutory local wildlife site Yew Tree Farm Local Wildlife Site (formally known as Sites of Biological Importance). Policy NE8 states that permission will only be granted for development on such sites which adversely affect such sites will only be granted where the reasons for the development outweigh the nature conservation value and subject to appropriate mitigation

In this instance it is being proposed that the Local Wildlife Site be incorporated into the open space provision for the development. This approach is acceptable to the Council's Ecologist provided that the proposed usage of the open space is low key and restricted to informal foot paths or similar and secondly that outline proposals for the enhancement and ongoing management of the SBI are adhered to. These proposals could then be made the subject of a condition if consent was granted. Appropriate long term management may include low level grazing by traditional breed cattle. No tree planting should be proposed within the boundary of the local wildlife site.

Great Crested Newts

No evidence of this species was recorded during the submitted surveys and the Ecologist is satisfied that the proposed development is not reasonably likely to have an adverse impact on this species.

Reptiles

A grass snake has been recorded on site. This species is likely to range over much of the site, however only a certain proportion of the site is likely to provide habitat of any particular value. In the absence of mitigation the proposed development poses the risk of killing or injuring any animals present on site when the works are undertaken and the proposed development would also result in the loss of foraging opportunities for the species.

Reptile mitigation proposals have been submitted. Mitigation for the loss of foraging habitat be compensated for by the construction of a pond designed to provide breeding habitat for frogs, a major prey item of the species. A hibernacula and compost heap (for egg laying) should also be provided. The compost heap could potentially be created with grassland arisings generated by the management of the proposed open space area.

The reptile mitigation should be located adjacent to but not within the SBI.

Botanical Survey of field adjacent to SBI

After considering the survey information submitted in respect of this application the Ecologist is satisfied that this field is not of significant enough ecological value to present a constraint on the proposed development.

WaterVole

The submitted Phase One habitat survey identifies a ditch in the south eastern corner of the site as having potential to support water voles. To avoid the need for a full water vole survey is suggested that an undeveloped 8m buffer zone be provided along the ditch. This matter could be secured by condition

Hedgerows

Hedgerows are a Biodiversity Action plan priority habitat and hence a material consideration. The hedgerow along the western boundary of the site should be retained and enhanced and additional new native species hedgerows should be incorporated into any open space provision.

Breeding Birds

Standard conditions are required to safeguard breeding birds.

Highway Safety and Traffic Generation.

Policy BE3 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.*

A Transport Assessment has been submitted. The Strategic Highways Manager is of the opinion that the site can be appropriately and safely accessed via Close Lane .

This proposal as previously submitted under reference 13/1305N was refused, in part, for the following highway reason –

‘The proposed development by virtue of its isolated location and limited accessibility to bus services along Close Lane and the undesirable walking environment along Close Lane due to the lack of pavement on both sides of Close Lane, is likely to be a car dependant development and thereby comprises unsustainable development contrary to the NPPF.’

In the assessment of the previous application the locational sustainability of the site was considered poor and the site was considered to a undesirable walking distance from the facilities within the village and centre and local. Public transport provision in the local area is very infrequent and only limited destinations can be reached from Close Lane for very limited, off peak times of the day.

The bus service on Close Lane itself only runs after 10 am on a weekday until mid afternoon. Therefore, it is likely that this development, for residents who are working or going to school would be a car reliant development and is not consistent with policy concerning sustainable development.

However, for the purposes of this application, mitigation has been put forward by the developer to address the sustainability reason for refusal.

There are also improvements proposed to Close Lane to provide a footway on the western side from Nursery Road to Delamere Court. This will complete the provision of a pavement on at least one side of Close Lane for its length to Crewe Road. The developer has also undertaken to provide £50,000 per annum for a period of 5 years (total £250, 000) as a contribution to part fund an additional bus service to serve this development site along Close Lane.

The applicant has submitted a new access design which provides sufficient visibility in both directions on Close Lane. The design now incorporates a footpath which is set back from the frontage of Close Lane and connects to the junction with Delamere Court.

Previous highway comments on this application raised objections in relation to the sustainability of the site. The applicant has sought to address these concerns in this application by providing improved footpath links to the and also providing a contribution to improve bus services in the locality of the site. The bus service would be subsidised for five years and provide a peak hour service along Close Lane and linking to the town centre.

Although the traffic impact of the development was not previously considered to be severe in NPPF terms such as to warrant refusal on safety grounds, the traffic impact of the development has been re-examined in light of other committed residential development schemes that have recently gained permission in Alsager.

The Highways Department have completed a study of all of the major junctions in Alsager with all committed and Local Plan site allocation added to existing background flows. The results of the study show that the Close Lane/Crewe Road is not one that will have capacity problems and although some of traffic associated with this site will be distributed through junctions in

Alsager that have been shown to have problems, the number of trips cannot be deemed severe.

In summary, therefore, the provision of the improved infrastructure and financial contribution towards public transport would make it difficult to continue to support a sustainability refusal on the application. In these circumstances, the Strategic Highways Manager no longer raises sustainability objections to the application subject to a S106 contribution of £250,000 over 5 years and the provision of the off-site footway works to be the subject of a S278 Agreement.

HEADS OF TERMS

If the proposal were to be approved and for the purposes of the current appeal on this site, the following Heads of Terms comprising a s106 legal agreement would be necessary -

1 Provision of 48 (30%) affordable housing units – (31 units) 65% to be provided as social rent/affordable rent with (17 units) 35% intermediate tenure.

2 The provision of a LEAP (min of 5 pieces and public open space to be maintained by a Private residents management company. The private management company to maintain all Amentiy Greenspace, public footpaths and greenways within the site, play areas, and other other areas of incidental open space not forming private gardens or part of the adopted highway'

3. Education contribution in respect of primary provision of £151,848

4. Bus service contribution of £50,000 per annum for a period of 5 years from 1st occupation of the site

In most cases, where an Appeal is submitted, it is usually sufficient for the Appellant to submit a Unilateral Undertaking, to the Planning Inspectorate, with their Appeal paperwork to make the usual provisions for affordable housing, financial contributions to open space, highways, education etc.

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is 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 school places at the primary schools within the catchment area which have very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary education is required based upon the maximum units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space and the bus service contribution would help the scheme to comply with local plan policies and the NPPF.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

CONCLUSIONS

The site is within the Open Countryside where under Policy NE.2 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. The Council can now demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy NE.2.

The proposal would have a significant landscape and visual impact given that a rural landscape will change, however, a development could be accommodated provided that existing landscape features are sympathetically treated, particularly from within the sensitive receptors adjoining the site such as the PROW network and Close Lane. It is inevitable that the proposal would affect the visual character of the landscape by building upon it.

This proposal will be subject to an appropriate access being accommodated on Close Lane can safeguard trees that contribute to the amenity of the area.

In terms of sustainable design, the scheme does not demonstrate its performance in terms of climate change mitigation and adaptation. However, as this is an outline application, this could be dealt with by condition.

Subject to a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements and monies towards the future provision of primary school education.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, drainage/flooding. It therefore complies with the relevant local plan policy requirements for residential environments

The proposal will result in the loss of Grade 2 agricultural land. The sequential approach to the development of agricultural land as set out in the NPPF has not been complied with.

The site does not meet the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit for a significant number of those amenities/facilities. However, the scheme will provide for the completion of a pavement for the length of Close Lane to Crewe Road and a financial contribution to an additional bus service to serve Close Lane at peak times.

RECOMMENDATION

REFUSE for the following reason:

1. The proposed residential development is unsustainable because it is located within the Open Countryside involving the loss of agricultural land within the open countryside contrary to Policies NE.2 and RES.5 of the Crewe and Nantwich Replacement Local Plan 2011, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version 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.

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

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