

Application No: 14/4010C

Location: Land to the east of HASSALL ROAD, ALSAGER, CHESHIRE

Proposal: Outline application for proposed residential development of up to 60 dwellings with access and all other matters reserved.

Applicant: Gladman Developments Ltd

Expiry Date: 26-Nov-2014

SUMMARY

The proposed development would be contrary to Policy PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and LEAP, the provision of a small car park for users of Borrow Pit Meadows which currently does not have any parking provision, improvements to the PROW infrastructure in the area and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Alsager.

The development would have a neutral impact upon education, protected species/ecology, drainage, highways, trees residential amenity/noise/air quality/contaminated land and landscaping could be secured at the reserved matters stage.

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

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. As such the application is recommended for approval.

RECOMMENDATION

Approve subject to conditions and a S106 Agreement

PROPOSAL

This is an outline planning application for up to 60 dwellings. Access is to be determined at this stage with all other matters reserved.

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

The development would consist of a mix of house types varying from 2-5 bedroom units with a density ranging from 20-40 dwellings per hectare. The development would include 0.27 hectares of public open spaces, 0.39 hectares of habitat creation, a LEAP and a car park.

This land to the south-east is subject to application 12/4872C which was refused in March 2013. An appeal was lodged and dismissed. However this appeal decision was quashed and was re-heard at a Public Inquiry in December 2014. This site is also subject to a second application under reference 14/3919C.

SITE DESCRIPTION

The site of the proposed development extends to 2.57 ha and is located to the north of Alsager. The site is roughly rectangular in shape and is located within the open countryside. To the north of the site is the Borrow Pit Meadows which is a Protected Area of Open Space/Recreation Facility. To the south are residential properties which front onto Hassall and Heath End Road. To the west of the site is agricultural land to the opposite side of Hassall Road. To the east is agricultural/grazing land which is subject to planning application 14/3919C for up to 130 dwellings and an appeal application 12/4872C which is up to 155 dwellings.

The land is currently in agricultural use and there are a number of trees and lengths of hedgerow to the site boundaries. The site includes an existing pond to the north-west corner of the site. There are two Public Rights of Way adjacent to the site; the first runs to the south-east of the site, and the second runs to the north of the site.

RELEVANT HISTORY

The application site itself has no planning history. The following planning history applies to the land to the south-east of the site.

14/3919C - Proposed residential development for up to 130 residential units with associated infrastructure and access with all other matters reserved – No decision made at the time of writing this report.

12/4872C - Proposed residential development for up to 155 residential units with associated infrastructure and access with all other matters reserved – Refused for the following reasons:

1. *The proposed residential development is unsustainable because it is located within the Open Countryside partly on Grade 2 Agricultural Land, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, the principles of the National Planning Policy Framework and would create 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, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*
2. *The proposed development does not provide any mitigation for the junction of Sandbach Road North/Crewe Road which would operate in excess of capacity as a result of the proposed development and the Transport Assessment does not include an assessment of the impact of the Twyfords development which has a resolution to approve subject to the completion of a S106 Agreement. Furthermore there has been no assessment of the interaction between the junctions of Chancery Lane/Hassall Road and Hassall Road/Crewe Road. The development would result in increased congestion at these junctions and as a result the transport impact of the development would be severe and the development is not considered to be sustainable development. The proposal is contrary to the NPPF and Policies GR9 (Accessibility, Servicing and Parking Provision) and GR18 (Traffic Generation) of the Congleton Borough Local Plan First Review (2005) which seek to maximise sustainable transport solutions.*
3. *Insufficient survey information has been submitted in relation to a number of protected species (Great Crested Newts, Bats and Reptiles) and as a result it is not possible to determine the potential impact upon these species which are known to be present in the area. Without this information to give details of the impact and any necessary mitigation, it has not been demonstrated that the proposed development conserves and enhances biodiversity. Therefore the proposal would not be sustainable and would be contrary to the NPPF and Policy NR4 (Non-statutory sites) of the Congleton Borough Local Plan First Review (2005).*
4. *Part of the application site has a history of landfill use and as a result the land has the potential to be contaminated and there may be ground gas being generated on this site. No Phase II Site Investigation or Gas Risk Assessment has been submitted with the application and as a result it is not possible to determine whether there will be an adverse effect from pollution on the health of the future occupiers of the proposed development. The development is therefore contrary to Paragraph 120 of the NPPF and Policies GR6 and GR7 of the Congleton Borough Local Plan First Review (2005).*

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

6. *The proposed development would result in a harmful encroachment into the open countryside. The development would adversely impact upon the landscape character and does not respect or enhance the landscape when viewed from the local footpath network and the Salt Line Way. Therefore the proposed development is contrary to Policies GR1 and GR5 of the adopted Congleton Borough Local Plan First Review and guidance contained within the NPPF.*

It should be noted that following the submission of additional information Reasons for Refusal 2, 3, 4 and 5 were withdrawn with authority from SPB

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

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

The relevant Saved Policies are:

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

NR1 - Trees and Woodland
NR3 – Habitats
NR4 - Non-statutory sites
NR5 – Habitats
H2 - Provision of New Housing Development
H6 - Residential Development in the Open countryside
H13 - Affordable Housing and Low Cost Housing
RC2 – Protected Areas of Open Space

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
CO1 Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE 13 Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions

Supplementary Planning Documents:

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

CONSULTATIONS

Environment Agency: The Environment Agency has no objection in principle to the proposed development but suggests a condition in relation to contaminated land.

United Utilities: No comments received.

Strategic Highways Manager: No objection subject to a contribution of £46,154 towards a scheme of improvements at the junction of Hassall Road/Crewe Road.

Environmental Health: Conditions suggested relating to construction hours, piling hours, dust mitigation, noise mitigation, travel plan, electrical vehicle infrastructure, contaminated land and an environmental management plan.

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

CEC Drainage: No objection subject to the imposition of a condition relating to the disposal of surface water.

NHS England: No comments received at the time of writing this report.

Ansa (Public Open Space): Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission there would be a surplus in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

A LEAP should be provided and should include at least 5 items incorporating DDA inclusive equipment, using play companies approved by the Council.

It is recommended that the management and maintenance of the equipped play area is transferred to a management company.

Natural England: This proposal does not appear to affect any statutorily protected sites. In relation to protected species reference should be made to the Natural England Standing Advice.

Archaeology: The Council's Archaeologist concurs with the submitted report's conclusion that no further archaeological mitigation will be necessary. Work was advised on the site to the east but this was to monitor works affecting the stream, which is not affected by the current application.

Public Rights of Way: The development will affect Public Footpath No's 1 and 2 Alsager and an advisory note should be attached to any planning permission.

Countryside Service Development Manager: The proposal to include a car park which would help provide parking to the Borrow Pit Meadows and adjacent Salt Line is welcomed. This is particularly welcome in view of the recent introduction of the 2 x yellow lines at the access to the Borrow Pit Meadows off Hassall Road.

In order to ensure a viable tree screen between the development site and CEC recreational land, an off-site landscaping provision for woodland management works should be costed and included in and as part of a 106 agreement.

Countryside Access Team: The draft s106 heads of terms proposes contributions towards on site and possible off site footpath improvement schemes. These contributions would be required to upgrade the current infrastructure to accommodate the increased footfall arising as a result of the proposed development and to make the paths as accessible as possible to the community.

Education: A development of up to 60 dwellings would be expected to generate up to 11 primary aged pupils and 9 secondary aged pupils.

This development has been considered against already committed development which will result in the need for a primary contribution. However there will be sufficient space in the local Secondary School to accommodate the pupils of this age.

Primary School contribution required: $11 \times 11919 \times 0.91 = £119,309$.

SUSTRANS: Would like to make the following comments:

- The proposed estate greenway should be designed to connect into the new residential areas so it is easy for residents to make use of the facility.
- Sustrans would like to see the development contribute to the creation of a foot/cycle route directly from the estate greenway above at Hassall Road to the Salt Line avoiding any traffic.
- At the eastern end of the site the estate greenway should connect into provision being made in the adjacent site, subject to planning permission.
- The design of the estate should restrict vehicle speeds to less than 20mph.
- Sustrans would like to see cycle parking under cover for any smaller properties without garages.
- Sustrans would like to see travel planning set up for the site with targets, monitoring, and with a sense of purpose.

VIEWS OF THE PARISH COUNCIL

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

The site is not contained for development within the approved Alsager Town Strategy or within the emerging Local Plan. Alsager Town Council has gone through the Town Strategy process and followed the correct approach and strategy to this process and Cheshire East Council and HM Government should recognise this 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.

The application is an intrusion into the surrounding countryside and no development should take place on greenfield sites in Alsager before all brownfield sites are exhausted, to ensure that greenfield sites, which gave access to the countryside, are protected and

preserved against residential development. 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 enough brownfield sites in Alsager to meet the towns future needs.

A number of the roads in Alsager are already operating above capacity and this development would put further undue pressure on Alsager's highways. The access to this site off Hassall Road is in close proximity to a sharp bend.

The application area has a history of landfill use. Therefore, the land may be contaminated and the new residential properties could be affected by any contamination present.

Betchton Parish Council: No comments received

REPRESENTATIONS

Letters of objection have been received from 26 local households raising the following points:

Principle of development

- The site is outside the settlement boundary
- Brownfield land should be promoted over the use of Greenfield land
- There are various brownfield sites in Alsager which could be used for development
- Intrusion into the open countryside
- Loss of greenfield land
- Gladman have not justified the claims that the Council does not have a 5 year housing land supply
- The development would result in urban sprawl
- Alsager will merge with nearby towns/villages
- Cheshire East has recently issued a 5 year Housing Land Supply Statement which identifies that the Council has a 5 year supply of housing
- The Housing Land Supply Position Statement and the Alsager Town Strategy were recently presented as part of the examination of the Local Plan.
- The emerging Local Plan and Town Strategy should be given some weight in the determination of this application
- The site is not considered to be sustainable
- Erosion of the open countryside causing harm to its character and appearance
- Previous applications have been rejected on the adjacent site
- The MMU and Twyford's sites should be developed first
- In the last year 1267 dwellings have been approved in Alsager
- The application should be considered alongside the scheme on the adjacent site 14/3919C
- Alsager residents are suffering from planning fatigue as the comments are ignored and the decisions are not made in Cheshire
- The site is not identified for development in the Alsager Town Strategy or the Cheshire East Local Plan
- The proposal is contrary to the NPPF
- Approving the development would set a precedent for further intrusion into the open countryside

- There is no employment in Alsager to support the new housing development
- Loss of agricultural land
- Alsager is being unfairly targeted for development
- Landscape impact of the development
- Alsager is an area of housing constraint
- The proposed open space conflicts with the current unofficial parking area for the Borrow Pit Meadows
- Loss of Green Belt
- Loss of agricultural land
- Impossible to judge the application when the application is in outline form

Highways

- The highway network does not have capacity for the additional dwellings without an adverse impact
- The development would impact upon the junctions of Sandbach Road North/Crewe Road and Radway green Road/Crewe Road which are already at capacity as stated within the submitted TA
- Increase in traffic using residential streets such as Hassall Road and Pikemere road
- The local road network experiences problems during school drop off times
- Further strain on Alsagers highway infrastructure
- The TA does not take into account the developments at Hassall Road (30 dwellings) and Sandbach Road North (130 dwellings)
- The site access is located at a sharp bend in the road with poor visibility
- The proposed access would be dangerous
- The site is not in a sustainable location and would services and facilities would not be accessible by foot/cycle
- Hassall Road is narrow and winding and is not suitable for a further access point
- Large vehicles use Hassall Road when visiting the Sewage Treatment Plant and the Recycling Tip
- The submitted TA is misleading

Green Issues

- The site is prone to flooding
- Impact upon wildlife
- Impact upon protected species
- Detrimental impact upon the Borrow Pit Meadows
- Loss of grassland habitat
- Loss of hedgerow
- The development will not result in a net gain in biodiversity as stated by Gladman
- The impact upon the trees/hedgerows which form the boundaries to the site
- The wildlife corridors will not replace the existing site
- Deficiencies in the landscaping of the proposed development

Infrastructure

- Increased pressure on local schools
- Impact upon local health provision
- Sewage and drainage infrastructure cannot cope with further development

Amenity Issues

- There are contamination issues on the site due to the former land fill on the site
- There is methane gas on the site
- Disturbance of the nearby recreational areas
- Loss of privacy
- Visual Intrusion
- Loss of light
- Increased noise pollution
- Disturbance to local residents during the construction phase of the development

Other issues

- The development will be visible from PROW and will degrade the amenity value
- Over development of the site
- The density does not respect the adjacent residential areas
- Residents are unable to sell their homes in Alsager

An e-mail has been received from Cllr Hough requesting that the application is referred to Strategic planning Board and not Southern Planning Committee due to the proximity of the Sandbach Road North planning application.

An objection has been received from Fiona Bruce MP which raised the following points:

- There are already plans for around 1000 houses along the line of Hassall Road to Crewe
- The effect of a large number of additional houses along Hassall Road will exacerbate existing traffic problems
- The access is located on a dangerous stretch road
- The land proposed for development was initially meant as a buffer between the dwellings and the methane from the former landfill site which is burnt off behind the current recycling centre

APPRAISAL

The key issues are:

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

Principle of Development

The site lies largely in the Open Countryside as designated by the Congleton Borough Local Plan 2005, where policies PS8 and H6 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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

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

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

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

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

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

SOCIAL SUSTAINABILITY

Affordable Housing

There should be provision of 30% of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% intermediate. This is the preferred tenure split identified in the SHMA 2010, SHMA Update 2013 and highlighted in the Interim Planning Statement on Affordable Housing (IPS). Based on 60 units this equates to a requirement for 18 affordable dwellings on this site, with 12 provided as social or affordable rent and 6 provided as intermediate tenure.

The Socio-Economic Impact of New Housing Development by Regeneris shows all the affordable properties to be 2 and 3 bedroom houses. The Strategic Housing Manager would like to be able to review this mix at reserved matters stage as the various factors that affect housing need at a local level could change between now and when the reserved matters application has been submitted.

Public Open Space

The indicative layout shows that an area of POS would be located along the northern boundary of the site and to the north-west corner of the site. The indicative layout shows that the following would be provided:

- Public open space (0.27Ha)
- Habitat Creation (0.39Ha)
- Equipped children's play space

The level of open space has increased since the previous application and is considered to be acceptable and would be maintained by a management company.

In terms of children's playspace, the Public Open Space Officer has requested an on-site LEAP with 5 pieces of equipment. This would be secured as part of a S106 Agreement.

The developer is offering the provision of a car park to the Borrow Pit Meadows to improve access by the local community. This would be secured as part of the S106 Agreement and management would need to be carried out by the Local Authority.

The requests to provide additional tree planting within the Borrow Pit Meadows would not meet the CIL Tests and will not be secured as part of this application.

Education

In terms of primary schools, there are five which would serve the proposed development (Excalibur, Cranberry, Alsager Highlands, Pikemere and St Gabriel's) and the proposed development would generate 11 new primary places which cannot be accommodated. As there are capacity issues at these local schools the education department has requested a contribution of £119,309. 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 no capacity issues at this school and there is no requirement for a secondary school contribution.

Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. At the time of writing this report a consultation response from NHS England was awaited and an update will be provided in relation to this issue.

Location of the site

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

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

- Amenity Open Space (500m) – 50m
- Children’s Play Space (500m) – To be provided on site
- Primary School (1000m) – 512m
- Public House (1000m) – 310m
- Leisure Facilities (leisure centre or library) (1000m) – 885m
- Secondary School (1000m) – 885m
- Child Care Facility (nursery or crèche) (1000m) - 310m
- Public Right of Way (500m) – Adjacent to the site

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

- Community Centre/Meeting Place (1000m) – 1304m
- Pharmacy (1000m) – 1733m
- Bank/Cash Point (1000m) – 1538m
- Post Box (500m) – 620m
- Bus Stop (500m) – 566m
- Railway Station (2000m where geographically possible) – 2200m

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

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

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

In terms of the surrounding residential properties, these are mainly to the south of the site. The application is outline and there is no reason why adequate separation distances could not be provided to the adjacent properties.

Noise

The applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from the Hassall Road Household Waste Recycling Centre (the activities on site and the associated traffic).

The mitigation recommended in this report states the need for acoustic ventilation in order for the standard thermal double glazing to be effective especially with the windows open. In addition there is a required for a buffer zone between the recycling site and the proposed properties and also an acoustic fence to further mitigate any noise from the Household Waste & Recycling Centre.

Taking into consideration these proposals and the fact that specific attenuation is required at different aspects of the site the Councils Environmental Health Officer requires a scheme of noise mitigation to be secured through the use of a planning condition.

The impact upon the adjacent dwellings due to noise during the construction period would be controlled through the use of planning conditions.

Air Quality

The applicant has submitted an Air Quality Impact Assessment (AQIA) in support of this application.

The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic.

There is a concern that the cumulative impact of developments in the area will lead to successive increases in pollution levels and thereby increased exposure.

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. 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.

The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions. However it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern ultra low emission vehicle technology (such as electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new modern properties. Subject to planning conditions regarding dust control, electric vehicle infrastructure and dust control the Councils Environmental Health Officer has raised no objection to this development.

Contaminated Land

The adjacent site has a history of landfill use (inert, industrial, commercial, household, special waste and liquid sludge wastes). This issue did form a reason for refusal on a previous application on the adjacent site but was withdrawn prior to the public inquiry.

The applicant has submitted a contaminated land report in support of this application which has been considered by the Councils Environmental Health Officer who raises no objection subject to the imposition of a planning condition.

Public Rights of Way

Public Right of Way Alsager FP1 and FP2 are located in close proximity to the boundaries of this site.

There have been a number of requests for improvements to the footpath network within the vicinity of the site with the following items requested:

- The upgrade of Alsager Footpath No 2 to Heath End Road
- Improve surface to Alsager Footpath No 1 within the Borrow Pit Meadows Countrypark

The contributions required would be £3,430 for the upgrade of Alsager Footpath No 2 to Heath End Road and £13,125 to improve the surface to Alsager Footpath No 1 within the Borrow Pit Meadows Countrypark. This gives a total of £16,555 which could be secured as part of a S106 Agreement should the application be approved.

An improvement to the access furniture to Borrow Pit Meadows will be secured via a planning condition.

Highways

This is an outline application for up to 60 dwellings with all matters reserved except for access. There is one proposed access point taken off Hassall Road and is shown as a priority junction on the submitted plans.

The site is located to the north of Alsager and is an undeveloped green field site; it does have one footway on the development side of Hassall Road that links the site to the general footpath network. The current location of the access falls just outside the existing 30 mph limit and it is proposed to extend the 30mph speed limit northwards beyond the bend in Hassall Road.

In regards to the submitted access design, it is technically accepted that it can serve a development of up to 60 units. The visibility splays provided have been determined from a speed survey carried out at the proposed access point; the speeds indicate that the appropriate SSD's can be met (the speed surveys show the 85th percentile wet weather speed of vehicles was found to be 30.5mph for northbound vehicles and 28.5mph for southbound vehicles).

A small car park is proposed for Burrow Pit Meadows in the North West corner of the site; this has its own access and does not raise any highway issues.

With regard to the traffic impact of the development, it stated that the scope of impact has been agreed with CEC and also the committed developments that need to be taken into account. The junctions assessed by the applicant are below:

Hassall Road/Pikemere Road
Sandbach Road North/Pikemere Road
Hassall Road/Church Road/Dunnocksfold Road
Sandbach Road North/ Crewe Road
Sandbach Road/Chells Hill
Radway Green/Crewe Road

A number of the junctions assessed are local junctions to the site and do not have capacity problems associated with them. The main junctions that are under stress and that will be directly affected by this development proposal are the junctions of Crewe Road/Hassall Road and the Crewe Road/Sandbach Road North/Lawton Road junctions.

In this case the developer has provided an amended Transport Assessment to address the concerns of the Councils Strategic Highways Manager. Subject to a contribution of £46,154 towards the junction improvements at Hassall Road/Crewe Road the Strategic Highways Manager raises no objections to the proposal.

Trees

A tree survey has been submitted with this application which grades the trees as follows;

Grade A (High Quality and Value) – Four trees
Grade B (Moderate Quality and Value) – Six trees
Grade C (Low Quality and Value) – Five trees and four groups of trees

The Arboricultural Report refers to the need for a no dig construction for the car parking area in relation to two trees. However, there is no detail in relation to the existing and proposed land levels. These details would be provided at the reserved matters stage.

At the Reserved Matter stage the developer would need to demonstrate that the site can accommodate the proposed development (up to 60 dwellings) together with POS and habitat creation without causing future pressures to remove the trees on the site/or result in future pressures to remove the trees which are on/or adjoin the site.

Hedgerows

Other than the access point there would be no hedgerow loss on this site. Therefore the impact upon the hedgerows on the site is considered to be acceptable.

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.”

The developable area of the proposed dwellings (as shown on the development framework plan) would be of a higher density than the areas to the south and on the whole this would be 32 dwellings per hectare. In this case there are concerns over the proposed density and whether the site could accommodate the number of dwellings together with the requirements for POS, habitat creation and constraints such as trees/RPA's and the pond. In this case the development is described 'up to 60 dwellings'. As such the issue would be dealt with at the Reserved Matters Stage.

To the site entrance the dwellings should be set behind a hedgerow which would act as a green buffer to the proposed development. According to the development framework plan, the open space would be located to the north-west corner of the site and along the northern boundary. This would act as green corridor along the northern boundary of the site. There is no reason that an acceptable design could not be secured at the Reserved Matters stage.

Landscaping

The application site is a relatively level field, bound by Hassall Road to the west, beyond which is the wider agricultural landscape. To the north of the application site is Borrow Pit Meadows, a restored landfill site which is screened from the application site by a mature hedge, hedgerow trees, as well as an area of woodland within the application site and a large block of more recent woodland planting just to the north of the application boundary. To the north west of the application site is the Household Waste Recycling Centre and Sewage Works, located further north along Hassall Road.

To the south the site is bound by the residential properties located along Hassall Road and Heath End Road, there is some intermittent vegetation along this boundary. Footpath 2 Alsager is located just beyond the eastern boundary of the application site, this boundary has a double hedge and so views further to the east are restricted.

As such considered it is considered that this site is seen in its own context unrelated to the adjacent site at Sandbach Road North which has been defended by the Council on landscape grounds.

As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it has been undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment (GLVIA), Third Edition, 2013. This identifies the national and regional landscape character of the application site and surrounding area. The Cheshire Landscape Character Assessment identifies that the application site is wholly located within the boundary of the Lower Farms and Woods Landscape Type, and specifically within the Barthomley Character Area (LFW7). The application site forms part of a finger of this character area that extends from the larger more extensive area covered by this particular character area to the west. The Higher Farms and Woods landscape type lies just beyond the northern boundary and is largely screened from the application site by the surrounding vegetation, a feature that distinguishes this site from the field to the east, where there are views across the valley into the Higher farms and Woods Landscape Type.

The Councils Landscape Officer broadly agrees with the Landscape and Visual Impact Assessment that has been submitted, but feels that consideration should be given to the possibility of providing additional planting to the woodland block to the north of the application site. This has a large element of Ash (*Fraxinus excelsior*), and although this appears healthy, it may succumb in time to Ash dieback (*Chalara fraxinea*), in which case the ability to screen the development from the wider landscape would be reduced.

Ecology

Oakhanger Moss

Oakhanger Moss which is designated as a SSSI and Ramsar site is located 2.2km away from the proposed development. Considering the nature and scale of the proposed development, the nature of the intervening land use and the distances between the Moss and the proposed development site, the Councils ecologist advises that the proposed development is unlikely to have a significant adverse effect upon the features for which either the SSSI or the Ramsar were designated. No further action is required under either the wildlife and Countryside Act or the Habitat Regulations in respect of Oakhanger Moss.

Great Crested Newts

Great Crested newts have been recorded at a number of ponds within the close proximity of the proposed development. The various surveys record a SMALL population of Great Crested Newts utilising three ponds and a MEDIUM sized population at the third pond. In the absence of mitigation the proposed development is likely to result in an adverse impact upon Great Crested Newts as a result of the loss of an area of lower quality terrestrial habitat. The proposed works would also pose the risk of killing or injuring any animals present on site during the construction process.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

To mitigate the risk of Great Crested Newts being killed or injured during the construction phase the applicant proposes to remove and exclude Great Crested Newts from the footprint of the development using standard best practise methodologies. This would be undertaken under license from Natural England. To compensate for the loss of terrestrial habitat it is proposed to enhance an area of 0.7ha which includes the on-site pond.

The Councils Ecologist advises that the proposed mitigation and compensation is adequate to maintain the favourable conservation status of the local Great Crested Newt populations.

If outline planning consent is granted the Councils Ecologist recommends that a condition be attached requiring any future reserved matters application to be supported by an updated ecological assessment and mitigation strategy which is informed by the recommendations of the submitted Ecological appraisal dated October 2014.

Reptiles

Grass snakes are known to occur in the broad locality of the proposed development. The Councils Ecologist is satisfied that the proposed development is unlikely to result in the loss of any significant reptile habitat. The habitat retention proposed to mitigate the impacts of the proposed development upon great crested newts would also be beneficial for grass snakes.

To avoid the risk of any reptiles being killed or injured during the construction process the applicant proposes to remove and exclude reptiles for the development footprint. This would be undertaken simultaneously with the proposed Great Crested Newt mitigation. The Councils Ecologist advises that this approach is acceptable.

Bats

Two trees on site (T3 and T5) have been identified as having potential to support roosting bats. Based on the submitted illustrative masterplan it appears feasible for both of these trees to be retained within the open space area of the development. The Councils Ecologist advises that based upon the submitted illustrative layout plan the proposed development is unlikely to have a significant impact upon roosting bats.

Other protected Species

The application site does not appear to be of significance for other protected species. However, as the status of other protected species on a site can change within a short timescale. The Councils Ecologist recommends that if outline consent is granted an updated survey should be submitted in support of any future reserved matters application.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration in addition hedgerow H4 located on the western boundary of the site has been identified as being Important under the hedgerow regulations. Based upon the submitted illustrative layout it is likely that the proposed development will result in the loss of sections of two hedgerows including a section of hedgerow 4. The submitted ecological assessment recommends the provision of suitable replacement planting to mitigate for the loss of hedgerows associated with the development.

The Councils Ecologist recommends that if outline planning consent is granted suitable replacement hedgerow planting and enhancement is secured to compensate for the loss of hedgerow. This matter should be dealt with by means of an appropriate condition.

Hedgehog and Polecat

These two priority species may occur within the broad locality of the proposed development and may occur on the application site on at least an occasional basis. The submitted great crested newt mitigation scheme may assist with mitigating the potential impacts of the proposed development upon these species. In addition the Councils

Ecologist recommends that if outline consent is granted a condition could be attached to mitigate this impact and provide gaps in any boundary treatment.

Breeding Birds

The use of the standard conditions would mitigate the impact upon breeding birds on this site.

Flood Risk

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.

In terms of flooding the submitted FRA states that the site has been shown to be outside the flood envelope for all sources of flooding and the development is suitable in this location.

The management of storm water will be the principle risk of flooding. The FRA identifies that the management of storm water will be the principle flood risk to this development but in this case the development would provide a reduction in the peak run-off with a discharge based on the Greenfield run-off rate. At this stage it is anticipated that a below ground attenuation tank would be the most appropriate form of mitigation

In terms of foul drainage this would be connected to the existing sewer and the applicant has discussed this issue with United Utilities.

The Environment Agency and the Councils Flood Risk Manager have been consulted as part of this application and have raised no objection to the proposed development (no comments have been received from United Utilities). As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications subject the imposition of the suggested condition.

Archaeology

A supporting Archaeological Assessment has been submitted with this application and this has been assessed by the Councils own Archaeologist. No further archaeological work is required on this site.

Agricultural Land Quality

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

In this case a survey of the site has been undertaken and this identifies that 0.9 hectares of the site (38%) is classified as Grade 2, 1.5 hectares is Grade 3a (67% and 0.1 hectare is Grade 3b (5%).

In this case the loss of BMV agricultural land will form part of the planning balance.

Impact upon the Regeneration of the Potteries

This issue has been raised in the objection from Newcastle-under-Lyme and the letters of objection. The issue has been raised as part of a number of appeals but has not been a determinative factor. As part of the recent letter from the Inspector following the Examination of the Cheshire East Local Plan the Inspector stated that:

'there may be some concern about the impact of new housing development on the southern fringe of Cheshire East on the regeneration of the Potteries (which seems to be a longstanding policy stemming from the former RS), but there seems to be no specific or recent evidence to justify such a restriction. To artificially restrict housing land risks a mismatch with the economic strategy and principles of sustainable development, and could undermine the national policy of significantly boosting housing supply'

ECONOMIC SUSTAINABILITY

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

CIL Regulations

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

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

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

The development would result in increased vehicular movements at the junction of Hassall Road and Crewe Road which is already at capacity. In order to mitigate this impact a contribution is required towards improvements at this junction. This is considered to be necessary and fair and reasonable in relation to the development.

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

The PROW contribution is required to improve the PROW in the vicinity of the site which are in a poor state of repair. The development would result in increased use of the PROW and upgrades are required. The pedestrian links to the Borrow Pit Meadows Countrypark would enable residents of the new development to have greater access to this amenity area as there would be limited provision on the site. As a result the contributions are necessary, directly related to the development and fair and reasonable.

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

PLANNING BALANCE

The proposed development would be contrary to Policy PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS provision and the proposed LEAP this is considered to be acceptable. The provision of a LEAP would provide a facility for future residents and other residents in this part of Alsager.
- The development would provide a small car park for users of Borrow Pit Meadows which currently does not have any parking provision.
- The improvements to the PROW infrastructure in the area would be a benefit to future and existing residents.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Alsager.

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

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

- Subject to the provision of additional landscaping to screen the development it is not considered that there would be a detrimental impact upon the wider landscape.

The adverse impacts of the development would be:

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

The impact upon medical infrastructure will form part of an update report.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. As such the application is recommended for approval.

RECOMMENDATION:

APPROVE subject to completion of Section 106 Legal Agreement to secure the following:-

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 2. Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company**
- 3. Provision of a car-park (minimum of 14 spaces) to serve Borrow Pit Meadows to be maintained by Cheshire East Council**
- 4. Primary School Education Contribution of £119,309**
- 5. Highways Contribution of £46,154**
- 6. PROW Contribution of £16,555**

And the following conditions:-

- 1. Standard Outline**
- 2. Submission of Reserved Matters**
- 3. Time limit for submission of reserved matters**
- 4. Approved Plans**
- 5. Construction Method Statement for any piling works**

6. Dust control measures
7. Noise Mitigation Measures
8. Electric Vehicle Infrastructure
9. Contaminated land
10. Reserved Matters applications to include an updated ecological assessment and mitigation strategy which shall be informed by the submitted Ecological Appraisal dated October 2014
11. The Reserved Matters application to include detailed proposals for the enhancement of the on-site pond
12. Submission of 10 year habitat management plan.
13. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
14. The reserved matters application shall include retention of the boundary hedgerows
15. Submission of an updated badger survey in support of any future reserved matters application.
16. Reserved matters application to include details of existing and proposed levels
17. Prior to the commencement of development details of improved access furniture to the Borrow Pit Meadows shall be submitted to the LPA for approval in writing. The approved details shall be provided before first occupation of the development.
18. Reserved Matters application to include an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree protection Plan
19. Submission of detailed proposals for the disposal of surface water

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company
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