

Application No: 14/3054C

Location: Land off Crewe Road, Alsager

Proposal: Outline application for the erection of up to 70 dwellings

Applicant: Hollins Strategic Land LLP

Expiry Date: 24-Sep-2014

**SUMMARY:**

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities. The proposal would provide policy compliant levels of affordable housing (for which there is significant demand), as well contributions to education. In addition it would also provide appropriate levels of public open space both for existing and future residents.

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

An appropriate quality of design can be secure at reserved matter stage as can any impacts on amenity.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon, amenity, flood risk, drainage and landscape.

However there is an environmental impact in the locality due to the loss of open countryside and agricultural land and the proposal will have an adverse impact on highways and ecology.

The scheme therefore fails to represent a sustainable form of development and the planning balance weighs against the development and accordingly it is recommended for refusal.

**SUMMARY RECOMMENDATION:**

**REFUSE**

## **PROPOSAL**

Outline planning permission is sought for the erection of up to 70 dwellings with open space and associated infrastructure. All other matters, including appearance, landscaping, layout and scale are reserved for a subsequent application.

## **SITE DESCRIPTION**

The application site is in two parts, both comprising of agricultural fields of a total of some 4.3 hectares.

## **RELEVANT HISTORY**

There are no relevant previous decisions.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005).

### **Policies in the Local Plan**

PS3	Settlement Hierarchy
PS6	Settlements in Open Countryside
PS8	Open Countryside
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
GR23	Provision of Services and Facilities
H1 & H2	Provision of New Housing Development

H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
NR1	Trees & Woodland
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

## **National Policy**

National Planning Policy Framework

## **Other Material Policy Considerations**

Interim Planning Statement: Affordable Housing (Feb 2011)  
 Strategic Market Housing Assessment (SHMA)  
 Strategic Housing Land Availability Assessment (SHLAA)  
 North West Sustainability Checklist  
 Article 12 (1) of the EC Habitats Directive  
 The Conservation of Habitats and Species Regulations 2010.

## **Cheshire East Local Plan Strategy – Submission Version**

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

PG2 – Settlement Hierarchy  
 PG3 – Proposed Green Belt  
 PG5 - Open Countryside  
 PG6 – Spatial Distribution of Development  
 SC3 – Health and Wellbeing  
 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, Hedgerows and Woodland  
 SE9 –Energy Efficient Development  
 IN1 - Infrastructure  
 IN2 – Developer Contributions

## **CONSULTATIONS**

**Environment Agency:** no objection subject to the development being implemented in accordance with the submitted FRA and mitigation measures detailed within the FRA concerning finished floor levels, 8m buffer strip to watercourse, all development to be within Flood Zone 1, Surface water discharge rates from the site to be limited to current 'greenfield' rates with any subsequent attenuation requirement designed to accommodate 100-year plus climate change rainfall event. A scheme to create adequate exceedence flood flow paths and

routing across the site has been submitted to, and approved in writing by, the local planning authority. Scheme to determine safe finished floor levels, and contamination of the site

**United Utilities:** No objection to the proposal providing that the recommended conditions are met.

**Strategic Highways Manager:** Refuse on the ground that further major residential sites would only increase the level of congestion at the major junctions in Alsager.

**Environmental Health:** Conditions suggested in relation to hours of operation, environmental management plan, external lighting, noise mitigation measures to protect future residents from railway/road traffic noise), travel plan, dust control and contaminated land (phase I report).

**PROW Improvement Team:** The proposed construction of a footway to link the westernmost access of the development site to the existing footway provision towards the centre of Alsager would improve the accessibility of the site for pedestrians. Consideration should also be given to providing a means of crossing Crewe Road for pedestrians accessing the site.

The Masterplan indicates, by means of a dashed line, a path connecting with Public Footpath No. 7 which is the entrance track to the Poacher's Pocket. A more sensible route for this path would be directly on to the entrance track opposite the path from the southwest corner of the adjacent development in order to offer more direct connections between these two residential areas. The legal status, specification and maintenance of the proposed paths within the public open space of the site would need the agreement of the Council as Highway Authority and the developer would be expected to include the future maintenance of any such routes within the arrangements for the management of the public open space.

The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes.

**Education:.** A development of up to 70 dwellings is expected to generate 13 primary (70 x 0.18) aged pupils and 9 secondary (70 x 0.13) aged pupils.

Primary schools within a 2 mile radius and secondary schools within a 3 mile radius of the site have been considered for capacity. Once approved sites and secured S106 contributions have been taken into account the primary schools are anticipated to be cumulatively over subscribed whilst there would be sufficient capacity in the local secondary school.

Therefore the following sum will be required in lieu of primary education:-

$13 \times 11919 \times 0.91 = \text{£}141,002$

**Public Open Space and Childrens Play 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 deficit in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study. A LEAP comprising 8 pieces of equipment would be required.

**Strategic Housing Manager:** No objection subject to the provision of 30% affordable housing in a 65% affordable rent: 35% intermediate tenure split to be secured by S106 Agreement in accordance with the Council's IPS on Affordable Housing.

**HSE:** No objection subject to conditions concerning the height of the buildings and the use of brick and tile materials

**Alsager Town Council** - Objection on the following grounds:

- No development should take place on greenfield sites (including this one) in Alsager before all brownfield sites are exhausted, to ensure that greenfield sites that have access to the countryside are protected and preserved against residential development.
- Loss of more sites such as this will have a negative visual effect on the character of the town affecting its openness
- The site is not allocated within the Local Plan or the Alsager Town Strategy.
- The proposed highway access onto Crewe Road is considered unsafe for vehicles and pedestrians and unacceptable given the number of access point .
- The Town Council has considerable concern about the environmental impact of flora and fauna on the site. Residents use the site the site recreationally
- The land identified in the application is situated outside the current area for housing development in the town.

## REPRESENTATIONS

Circa 18 representations of objection have been received to the application raising the following points;

### Principle of the development

- Loss of Greenfield land
- Loss of open countryside
- Contrary to the SHLAA
- Alsager is an area of housing restraint around Stoke-on-Trent, which is why we should have a SMALLER than average housing allocation - but this application would increase still further an already excessive allocation.
- Because Alsager has less parkland than average, our surrounding countryside is our necessary "heart and lungs". This continues the slow strangulation that the council is imposing on us.

### Highways

- Increased traffic congestion
- Highway safety
- There is no footpath on this south side of Crewe Road, and the plans propose none, endangering pedestrians. At the very least, a footpath is required from its current end point to the Plough, and preferably extended to the Radway Green Trading Estate.
- Crewe road is very dangerous, particularly at junctions (Close Lane / "The Point" apartment complex - terrible junction / Cranberry Lane / Hassle Road etc).

### Infrastructure

- Existing schools are full
- Doctors and local dentists are full
- No employment opportunities in Alsager so proposal will result in more out commuting

#### Ecology

- Impact upon protected species
- Loss of habitat
- Loss of Trees and hedgerows

#### Amenity

- Loss of recreational value to community of the site
- Disruption from building work
- Building on this side of Crewe Road would extend the perceived size of the town, causing yet more harm to its rural nature
- light pollution
- pollution from more cars

#### Other issues

- No demand for new houses
- Affordable housing for local needs catered for by committed developments
- Increased flooding from the site

### **APPRAISAL**

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, open countryside, 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 and health provision.

#### **Principle of Development.**

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8, and PG5 within the Submission Version of the Local Plan Strategy state that, inter alia, only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

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

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

The most important material consideration in this case is the NPPF which 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.

The development plan is not “absent” or “silent”. The relevant policies are not out of date because they are not time expired and they are consistent with the “framework” and the emerging local plan. Policy GR5 is not a housing land supply policy. However, Policy PS8, whilst not principally a policy for the supply of housing, (its primary purpose is protection of intrinsic character and beauty of the countryside,) it is acknowledged has the effect of restricting the supply of housing. Therefore, where a 5 year supply cannot be demonstrated, Policy PS8 can be considered to be out of date in terms of its geographical extent and the boundaries of the area which it covers will need to “flex” in some locations in order to provide for housing land requirements. Consequently the application must be considered in the context of paragraph 14 of the Framework, which states:

*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision taking means:*

- *approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - n *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
  - n *specific policies in the Framework indicate development should be restricted.”*

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14.

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

**an 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

**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

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

## **SOCIAL SUSTAINABILITY**

The first dimension to sustainable development is its social role. In this regard, the proposal will provide up to 70 new family homes, including 30% affordable homes, on site public open space and residents would use local education and health provision.

### ***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.

The 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.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

On the basis of the above, the provision of housing land is considered to be a substantial benefit of the proposal.

### ***Affordable Housing***



The applicant in their affordable housing statement has confirmed that 30% of the total dwellings will be provided as affordable. This equates to 21 units to be provided, with 14 as social or affordable rent and 7 as intermediate tenure. The applicant has not confirmed what tenure split the units will be provided as. It would be my preference that the tenure split in line with the IPS is secured in the s106 agreement.

Although the applicant has suggested that this should be secured through condition, the Council would seek to secure this via a legal agreement.

Given the identified need, the provision of affordable housing is also considered to be a substantial benefit of the scheme.

### ***Public Open Space***

Initial concerns were raised about the use of the amenity greenspace as both amenity space and as an ecological area. Amended plans have been submitted showing an area of public open space separate to the ecological mitigation area. This was considered to be an improvement, although the amount of Useable Amenity greenspace required in accordance with Policy is 1680m<sup>2</sup> and the scheme is still deficient.

The Amenity Greenspace Area plan demonstrates that the developers are providing some 20,076sq m of amenity greenspace (AG) and the developers do not consider that all of this needs to be 'usable'. The Open Space Interim Policy Note (IPN) defines AG as "*informal recreation spaces and green spaces in and around housing*". Nevertheless, they have split the AG into two areas: accessible AG and AG that has deterred access (this is to deter people from disturbing the Great Crested Newt pond). The accessible AG measures some 14,597sqm and the AG with deterred access is some 5,479sqm.

A further plan has been submitted which demonstrates that the LEAP can provide 400sqm of amenity space as required. It is also adjoined by an area of 'informal play space' (amenity greenspace) which measures some 1,025sqm.

Following further discussions the developers have confirmed the following:

- That the equipment will be sited on level ground and not on the slope
- That the equipment will be sited outside the tree canopy
- That the area labelled 'grassed play area' in which the equipment is to be sited (excluding the informal play space) will be eradicated of the vigorous vegetation and resown with an Amenity mix which will be cut on a regular basis
- That there will be a seat/ bench on level ground for supervising adults/children

The developer has confirmed that all of the above can be achieved, and at the request of the greenspaces officer, the plan for the LEAP has been amended to illustrate the requirements above.

### **Management and Maintenance**

The master plan also shows new and existing ponds. Whilst it is appreciated this promotes biodiversity and complies with regulatory requirements it has never been 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. The Management and Maintenance plans need to be submitted to the LPA for approval.

Accordingly, Greenspaces have confirmed that this has addressed their concerns.

### ***Infrastructure***

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the emerging Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools has advised that there will be an impact upon primary education provision in the locality and has requested a commuted sum of £141,002 to mitigate for the impact.

## **ENVIRONMENTAL SUSTAINABILITY**

### ***Landscape***

The site is currently mainly in agricultural use although a section of grassed roadside verge on the Crewe Road frontage with occasional mature trees is included. There are well established hedgerows to several of the boundaries. A number of mature hedgerow trees are located around the periphery and a copse of trees stands around the centre and rear of the larger portion of the site.

The tree lined Valley Brook runs to the south, outside the site boundary.. The land falls at a gentle gradient from north to southThe application does not include a Landscape and Visual Assessment or appraisal.

The application includes an Indicative Masterplan which indicates the built area of the development behind an extensive tree belt along Crewe Road and the boundaries to the rear of the site and accordingly, the Councils Landscape Architect is of the view that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals.

### ***Amenity***

The Environmental Health Officer has requested a condition in relation to noise during construction, pile driving and contaminated land. In terms of Air Quality, conditions concerning electric vehicle charging and travel planning are requested. These conditions could be attached if planning permission were approved.

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

The layout and design of the site are reserved matters. However, given the size of the site the indicative layout demonstrates that up to 100 units could reasonably be accommodated on the site given the appropriate mix of flats and smaller units within the overall scheme, whilst maintaining these minimum distances between existing and proposed dwellings and the open spaces

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. This would be a matter of detail dealt with at reserved matter stage. It is therefore concluded that the proposed development could be accommodated in amenity terms and would comply with the requirements of Policy GR1 of the Local Plan.

## ***Ecology***

### Grassland Habitats

Semi-improved grassland habitats cover a significant proportion of the application site. Based upon the further botanical surveys undertaken on site the council's ecologist has advised that the grassland habitats on site are unlikely to be of sufficient quality to qualify as UK Biodiversity Action Plan Priority habitat. As discussed below these habitats do however offer opportunities for protected species.

### Woodland Habitats

There is an area of woodland within the application site which appears on the UK BAP Inventory of priority habitats. Habitats of this type are a material consideration during the determination of this application and would meet the site selection criteria for designation as a Local Wildlife Site. Historical mapping suggests that although this woodland has been affected by episodes of clearance in the past, there is a recorded history of woodland cover in this area of the site since at least 1777. The council's ecologist has stated that he will continue to investigate the recorded history of this woodland and will provide an update if he is able to identify and further useful information.

Based upon the figures provided by the applicant, the current revised proposals which seek now seek to retain a portion of the woodland would result in the loss of 0.57ha of this woodland habitat. 0.40ha of woodland habitat would be retained under the current proposals. To compensate for the loss of woodland habitat the applicants has proposed additional tree planting of 0.62ha.

The Council's ecologist has advised that woodland planting is very poor compensation for the loss of UK BAP/Priority woodland habitat consequently the woodland planting proposed as part of this development is inadequate as a means of compensating for the loss of established UK BAP/Priority woodland. The current proposals would therefore result in a significant loss of priority habitat with an associated loss of biodiversity.

To avoid this impact he recommends that the proposals be amended to retain the existing area of woodland, otherwise the application should be refused on this basis.

### Great Crested Newts

A medium sized great crested newt population has been recorded breeding at a pond within the application site. In the absence of mitigation the proposed development would result in the loss of a significant area of great crested newt terrestrial habitat, pose the risk of killing or injuring newts during the construction phase and present an increased risk of post development interference with the pond.

To mitigate the potential impacts of the proposed development on great crested newts the applicant is proposing to retain and enhance the core area of terrestrial habitat associated with the breeding pond and provide an additional two ponds. It is also proposed that the risk of great crested newts being killed or injured during the construction phase of the development be mitigated by removing and excluding newts from the work areas under the terms of a Natural England license.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

In this case the proposed additional ponds will be of significant benefit for great crested newts as the existing pond is quite isolated and is now potentially deteriorating due to the presence of excessive shade and invasive non-native species.

The Council's Ecologist does, however, advise that the importance of the woodland habitats on site for great crested newts has been undervalued by the original ecological reports. These habitats are likely to provide significant opportunities for great crested newts in terms of providing foraging and suitable sites for shelter and protection. The distance of these habitats from the known breeding pond is not considered great enough to limit their usage by this species.

To mitigate the loss of woodland habitats for great crested newts the applicant has amended their previous proposals to include the construction of an extensive network of hibernacula constructed from the timber of the trees felled as part of the clearance of the woodland discussed earlier. The Ecologist advises that this approach is acceptable to mitigate the potential impacts associated with the loss of woodland upon great crested newts. However, as discussed above this woodland is of sufficient value in its own right to warrant its retention. In respect of great crested newts the retention of the woodland would be preferable to seeking compensate for its loss as retention of the existing habitat is much more certain to be successful compared to the proposed compensation.

The submitted great crested newt mitigation strategy proposed that the potential risk of great crested newts being killed or injured outside the core habitat areas be mitigated by the implementation of 'Reasonable Avoidance Measures'. This approach is acceptable outside those areas where GCN are considered reasonable likely to occur. However the applicant should provide more details of the proposed measures in the form of an outline method statement.

### Valley Brook

Valley Brook located along the southern boundary of the application site has the potential to support protected species and has value as a linear habitat in its own right.

It is recommend that if planning consent is granted a condition be attached to ensure no development, including footpaths, takes place within 10m of the top of the bank of the brook. This would be adequate to maintain the nature conservation value of the brook corridor and avoid any potential impacts upon protected species.

### Reptiles

Grass snakes are known to occur in Alsager. The Council's Ecologist advises that the application site has the potential to support this species. Whilst there is no evidence of this species on the application site it is advised that the presence of this species, on at least a transitory basis, cannot be entirely ruled out.

It is also advised that the mitigation proposed for great crested newts (subject to agreement of detailed reasonable avoidance measures discussed in the GCN section) would be adequate to mitigate the risk of grass snakes being killed or injured during the construction phase and that this species is also likely to benefit from the proposed new ponds.

### Hedgerows

Hedgerows are a UK BAP priority habitat and hence a material consideration.

There is likely to be some loss of hedgerow associated with proposed access to the site. It is recommended that if outline planning consent is granted any unavoidable losses of hedgerows be compensated for through the provision of appropriate replacement planting at the detailed design stage.

### Badgers

Badgers are active on site, however the only sett recorded on site was inactive at the time of the submitted survey. The Council's Ecologist that the proposed development will result in the loss of some foraging habitat utilised by badgers, but this would be partially mitigated for through the retained area of great crested newt habitat.

As badger activity can change over time it is recommended that an updated badger survey be undertaken to inform the determination of this application.

If planning consent is granted a condition be attached requiring any future reserved matters application to be supported by an updated detailed badger survey and revised mitigation/compensation proposals.

### Barn owls

Barn owls are known to occur within 300m of the proposed development. Whilst the application site is not optimal for foraging barn owls, evidence of small mammals was evident during my site visit, and consequently the loss of grassland habitat at this site may have an adverse impact upon foraging barn owls. The retention of the Great Crested Newt mitigation area may help to mitigate this impact. However, in my view barn owl foraging activity is likely to be reduced as a result of the proposed development. It is advised that, in the event that planning consent is granted the residual impact of the proposed development on barn owls should be offset by means of the payment of a commuted sum payable to the local barn owl group. This should be secured through a section 106 agreement associated with the development of the site.

The commuted sum would be used to implement barn owl conservation work in the borough. It is suggested a sum in the region of £2,000 would be appropriate.

### Breeding Birds

The application site is likely to support a number of breeding bird species including more widespread Biodiversity Action plan priority species which are a material consideration for planning. If planning consent is granted standard conditions will be required to safeguard breeding birds.

### Hedgehog

This UK BAP priority species may potentially occur on site. If planning consent is granted a condition should be attached to ensure that any garden fences proposed as part of the detailed design of the scheme incorporate a suitable gap to facilitate the movement of this species.

### ***Urban Design***

The application is outline form 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. An indicative layout has been provided with circa 70 individual units indicated in two development zones each accessed off a single central road from Crewe Road.

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 landscape of the area is considered to be the priority consideration in the overall design of this site. The site levels elevate in a northerly direction and there are a number of mature and attractive trees within the site and to its periphery. Hedgerows also predominate. Two areas of open space are provided indicatively which could be enhanced in the end layout to address other issues such as ecology.

Although matters of detail are reserved, in principle, it is considered that an appropriate design and layout can be achieved whilst ensuring that the landscape is the primary influence.

### ***Flood Risk and Drainage***

The site does not lie within a flood zone and as such, flooding is not a consideration in this instance.

United Utilities were consulted with regards to drainage. UU have subsequently advised that they have no objections to the scheme, subject to a condition requiring the prior submission of a scheme for the disposal of foul and surface waters for the entire site.

In addition, it is recommended that a separate water metre to each unit should be provided at the applicant's expense. All pipework must comply with current water supply (water fittings) regulations 1999. Should the application be approved, the applicant should contact UU regarding connection to the water mains.

As such, subject to the implementation of this condition and informatics, it is considered that the proposed development would adhere with Policy GR20 of the Local Plan.

### ***Access to facilities***

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

The 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 toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- public right of way (500m)

A failure to meet minimum standard (with a significant failure being 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:

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

- post box (640m),
- post office (1287m),
- pharmacy (1270m),
- medical centre (1448m)
- local meeting place / community centre (1126m),

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan. Owing to its position on the edge of Alsager, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Indeed this is not untypical for suburban dwellings. However, all of the services and amenities listed are accommodated within Alsager and are accessible to the proposed development on foot or by bus from Crewe Road and therefore it is considered that this site is locationally sustainable.

### **Highways**

Further to the previous comments on this application, the applicant has submitted a further technical note that assesses the traffic impact of the development on all of the major Crewe Road junctions within Alsager which CEC identified as being congested.



The conclusions of the Technical Note 3 was that the traffic impact of the development would be able to be accommodated at all of the junctions with the exception of the Crewe Road/Sandbach Road North/Lawton Road junction that had a marginal impact. It is the applicants view that the development impact is not considered severe as is the relevant test in the NPPF. Notwithstanding this view, the applicant was willing to provide a financial contribution to the CEC improvement scheme at the Crewe Road/Sandbach Road North/Lawton Road junction or a bespoke improvement on Sandbach Road South that would provide an additional approach lane to the junction.

There has been a considerable number of residential developments that have come forward in Alsager that are not planned Local Plan sites, the effects of which needed to be assessed on the local road network. The Highway Authority has undertaken an Alsager study that assesses the capacity of the principal road junctions in Alsager considering a number of scenarios.

- Local Plan sites
- Local Plan + Committed Sites
- Local Plan + Committed Sites + Unplanned Sites

This study has assessed the cumulative impact of the adding each residential development application on the road network, it is clear from the capacity results that a number of junctions would be operating over capacity with just Local Plan sites and already committed sites. Further major residential sites would only increase the level of congestion at the major junctions in Alsager.

On this basis the Strategic Highways Manager recommends refusal of the application due to the cumulative impact on the highway network.

### ***Trees & Hedges***

The latest Masterplan presents a more compatible layout in terms of the relationship and social proximity of dwellings and garden plots to the TPO woodland. The removal of Plots 69 and 70 shown in the Revision A drawing; their relocation to the south of Plot 66 and the routing of the internal access arrangement around the south western edge of the protected woodland generally addresses arboricultural concerns.

Tree losses (part Compartment B, H and I and Group G9, G33 and G45 Appleton Tree Report Rev. C) are required to enable Plots 58-65 and 66-69. Group G9 comprises of 3 low category early mature Goat Willow (one of which is dead), the remaining part of Compartment B affected by the development footprint is predominantly low quality young Birch regeneration (Comp B) and young low quality Hawthorn, Goat Willow and Elder 'scrub' (Comp H and I). A mature multistemmed B category Sycamore (T28) located on a mound within Comp I will require removal to facilitate the access arrangements to Plots 58 and 59.

Whilst the tree is of moderate quality and is a distinctive feature and some collective landscape value its arboricultural merit is reduced due to its multistemmed form and potential weak included forks. Compartment I also includes a number of dead trees specifically Trees 38-42 (Willow, Oak, Hawthorn and Sycamore) which are shown for removal to accommodate Plots 58-59.

Para 6.7 of the Arboricultural Report sets out the estimated loss (in ha) of trees and UK BAP priority habitat in relation to Revision A and must presumably include Compartment B (although not specifically referred to). The north east section of Compartment B which comprises of Birch regeneration is now shown on Revision D drawing as a retained area connecting into the protected woodland and is an improvement in terms of tree loss from that proposed in the earlier schemes

### Hedgerows

Whilst hedgerows within the site have been assessed under the Archaeological and historical criteria of Part II Schedule I there appears to be no evidence submitted under Wildlife or Landscape Value (Paragraph 6, 7 and 8). Hedgerows must be evaluated against **all** the criteria specified within the Regulations.

The hedgerow assessment (Appleton Group Report dated 17/2/14) identifies 4 hedgerows; along the lane from Crewe Road to The Old Mill; along the length of Valley Brook (length B-C) and from the footbridge over Valley Brook to The 'Wacky Warehouse' (length C-D) and the hedgerow bordering Crewe Road Hedgerows H1-H3. These have been identified as forming an integral part of the field system pre-dating Enclosure Act, therefore meeting the criteria for determining an Important Hedgerow (Paragraph 5).

Para 5.1 of the Hedgerow Report refers to the hedgerow on Crewe Road on the field parcel to the north east (currently being developed) was not considered as part of an Integral part of a field system pre dating the Enclosure Acts. Clearly there is some ambiguity at this point in the two assessments which requires further clarification.

It is intended that the hedgerow fronting Crewe Road will be breached in two locations for the purposes of provision of access, resulting in the degradation of this Important hedgerow. Such losses, if unavoidable need to be adequately compensated elsewhere in the application site.

Subject to the above considerations should planning consent be granted The Councils Arboricultural Officer recommends a condition requiring the submission of an Arboricultural Impact Assessment including the evaluation of tree constraints a draft tree protection plan (in accordance with para 5.4.3 of BS5837:2012) and Arboricultural Method Statement to provide certainty of outcome to test feasibility of the detail.

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. Based upon the submitted indicative plan most of the existing hedgerows on site are likely to be retained, there also appears to be opportunities for suitable replacement planting to be incorporated into the proposed layout to compensate for any hedgerows lost. The Hedgerow Assessment confirms that the Hedgerows are not historic.

## **ECONOMIC SUSTAINABILITY**

### ***Supporting Jobs and Enterprise***

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

*'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'*

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning should recognise:

*'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'.*

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

*'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings'*

The economic benefits of the development include, maintaining a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### ***Agricultural land***

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. Policy SE2 of the Submission Version of the Local Plan concerns the efficient use of land and states that development should safeguard natural resources including agricultural land.

In addition, the National Planning Policy Framework, states that:

*"where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality".*

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 the site comprises 3 hect of Grade 3a land with the remainder of the site being in non agricultural use.

Previous appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land and does not provide a reason for refusal in itself. However, as in the Audlem Road, Stapeley Secretary of State case, where the loss of the best and most versatile agricultural land makes the scheme less sustainable and counts against the scheme in the overall planning balance. The proposal is therefore considered to be contrary to policy SE2 of the provisions of the NPPF in respect of loss of agricultural land.

### ***Section 106 Agreement / Community Infrastructure Levy (CIL) Regulations***

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

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

As explained within the main report, POS and children's play space, education contribution and highways contribution would help to make the development comply with local plan policies and the NPPF.

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

### **PLANNING BALANCE AND CONCLUSION**

The proposal is contrary to development plan policies PS8 (Open Countryside) GR1, GR18 (Traffic Generation) NR1, NR3, NR4 (Nature Conservation) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which 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.

It is therefore necessary to consider whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14.

In order to do this, the decision maker must reach an overall conclusion, having evaluated the three aspects of sustainable development described by the framework (economic, social and environmental) as to whether the positive attributes of the development outweighed the negative in order to reach an eventual judgment on the sustainability of the development proposal.

In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of

jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

Balanced against these benefits must be the loss of a significant area of best and most versatile agricultural land, impact on highway safety, loss of open countryside and impact on ecology.

Previous open space and tree concerns have now been resolved and can be addressed through appropriate conditions, and it is no longer considered that these provide sustainable reasons for refusal.

On the basis of the above, it is not considered that the proposal represents sustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan. Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits and that the proposal represents sustainable development. Accordingly it is recommended for refusal for the reasons set out below.

## **RECOMMENDATION**

**MINDED TO REFUSE** for the following reasons:

1. Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that the development is unsustainable because of the unacceptable environmental impact of the scheme on the intrinsic character and beauty of the open countryside and woodland which appears on the UK BAP inventory of priority habitats and is identified as Broad Leaved Woodland on the Habitat Survey submitted by the applicant in support of the application. There would also be an unacceptable, social, economic and environmental impact, in terms of increasing the level of congestion at the major junctions in the town which would already be operating over capacity as a result of the cumulative impact of other committed development in Alsager. Furthermore, there would be an adverse environmental and economic impact resulting from loss of best and most versatile agricultural land. These factors significantly demonstrably outweighs the economic and social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such, the proposal is contrary to Policy PS8, GR1, GR18, NR1, NR3, NR4 of the adopted Congleton Borough Local Plan First Review and Policies PG5, SE2, SE3, SE5 of the Cheshire East Local Plan Strategy Submission Version as well as the provisions of the National Planning Policy Framework

**RESOLVE** to enter into a Section 106 Agreement in respect of the forthcoming Appeal to secure the following:

- Affordable housing:
  - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)

- **A mix of 2 , 3 bedroom and other sized properties to be determined at reserved matters**
- **units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.**
- **constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).**
- **no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.**
- **developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.**
- **Provision of shared recreational open space and the provision of on site children's play space to include a NEAP with 8 pieces of equipment**
- **Private residents management company to maintain all on-site play space, open space, including footpaths, hedgerows and green spaces in perpetuity**
- **Education (primary) contribution of £141,002**

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