

Application No: 16/4792N

Location: Land To The West Of, CLOSE LANE, ALSAGER

Proposal: Outline planning application for residential development and access, all other matters reserved

Applicant: C R Muller, Muller Property Group

Expiry Date: 02-Jan-2017

### **SUMMARY:**

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside as designated in the Local Plan.

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.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

It is accepted that the development would provide positive planning benefits such as the provision of a market and affordable dwellings which contributes to the social and economic arms of sustainability. Balanced against these benefits, however, must be the adverse impacts, which in this case would be the loss of Open Countryside, the lack of information about whether the site comprises Best and Most Versatile agricultural land, and the locational inaccessibility of the site.

In this instance, it is considered that the dis-benefits of the scheme, outweigh the benefits and that the proposal does not comprise sustainable development.

Accordingly the proposal does not comprise a sustainable development.

<b>RECOMMENDATION:</b> Refuse
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## **PROPOSAL:**

The proposal seeks outline planning permission and approval for access for up to 74 no. dwellings.

Access into the site would be obtained via the internal road network via the existing development which would lead from the approved scheme located directly east of the site, currently being developed. An emergency access point is indicated on to Close Lane.

## **SITE DESCRIPTION:**

The application site is located to the west of Alsager, adjoining the existing settlement boundary of Alsager. The site however is located in the Haslington ward and is covered by the Crewe and Nantwich Borough Local Plan, the boundary of Alsager being Close Lane. However, it is considered that the site is most closely related to the Alsager settlement and that possible residents of the site would utilise services and facilities within the Alsager area. The eastern side of Close Lane features mixed 1960's onwards bungalow and housing development of Alsager.

The first phase of a housing development comprising 74 units is currently being built by the Applicant, Stewart Milne Homes. Land to the immediate south of the site at Yew Tree Farm has recently been granted outline permission at appeal. The indicative plans show a residential layout of circa 40 units.

Public Footpath No 20 Haslington runs to the western periphery of the site and links with Public Footpath No 19 Haslington which runs outside the site along the northern boundary. The application site is agricultural land which comprises a wooded area to its centre. Existing farm buildings at Moss End Farm adjoin the site.

Close Lane, immediately adjacent to the site contains no pavement and is narrow. The closest pavement located on the Close Lane frontage is the pavement required by condition 14 on 16/3310N. This is circa 500m away from the mid point of this proposed development site, when utilising the existing pavement network within the wider development site. The closest bus stop is a hail and ride stop on Close Lane to the south of Delamere Close. This is circa 800m away from the mid point of this proposed development site using the existing footpaths within the development site

## **RELEVANT HISTORY:**

On the adjoining sites –

13/1305N – Outline planning application for a mixed residential scheme to provide affordable, open market and over 55s sheltered accommodation, open space and new access off Close Lane. Approved on appeal 29<sup>th</sup> July 2014 Subject to S106. This scheme indicated 76 family sized dwellings and 56 units for the over 55's and is being developed presently by Stewart Milne Homes This known as Phase 1

14/5114C - Reserved Matters (of 13/1305N) for 74 dwellings and associated works granted with conditions 09-Jul-2015 – This is being developed by Stewart Milne homes as phase 1

16/3310N – Variation of condition 14 (footpath link) on application 13/1305N – to be determined - Resolved to be approved Subject to Deed of Variation to S106 Agreement

16/2532N - Variation of condition 19 (renewable energy) on application 13/1305N – Resolved to be approved Subject to Deed of Variation to S106 Agreement

15/5654n Variation of Condition 27 (over 55's) on application 13/1305N – refused 8 August 2016 – Currently under appeal – this is known as phase 1B

16/2740N - Full Planning Application for the proposal of 21 dwellings (Phase 2), a mixed residential scheme to provide affordable and open market dwellings on land to the west of Close Lane, Alsager – Withdrawn by the Applicant 20<sup>th</sup> September 2016 – this is on Phase 1B

On land immediately adjacent –

15/3651N – land at Yew Tree Farm, west of Close Lane – Outline application for the residential development and access, all other matters reserved – Appeal granted 8-Jun-2016

16/4729n - Reserved Matters Application (of 15/3651n) for the erection of 40 dwellings comprising of 2, 3, 4 and 5 bedroom homes, open space and associated works – to be determined

16/4792N - Outline planning application for residential development and access, all other matters reserved – to be determined

## **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

### **Borough of Crewe & Nantwich Local Plan 2011**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which identifies that the site is within the Open Countryside.

The relevant Saved Policies are:

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

NE.20 (Flood Prevention)

NE.21 (Land Fill Sites)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
RES.5 (Housing in the Open Countryside)  
RT.6 (Recreational Uses on the Open Countryside)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

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

Policy MP1 – Presumption in Favour of Sustainable Development  
Policy PG 2 – Settlement Hierarchy  
Policy PG 5 - Open Countryside  
Policy SD 1 - Sustainable Development in Cheshire East  
Policy SD 2 - Sustainable Development Principles  
Policy IN 2 – Developer Contributions  
Policy SC4 – Residential Mix  
Policy SC5 – Affordable Homes  
Policy SE 1 – Design  
Policy SE2 – Efficient Use of Land  
Policy SE3 – Biodiversity and Geodiversity  
Policy SE4 – The Landscape  
Policy SE5 – Trees, Hedgerows and Woodland  
Policy CO4 – Travel Plans and Travel Assessments

### **CONSULTATIONS:**

**Alsager Town Council** - Objection on grounds of unsustainable location, cumulative highways impact and highway safety concerns, intrusion into open countryside, the emergency access point to Close Lane as indicated on the proposed layout is considered not feasible and unsafe, adverse impact on local infrastructure and schools

**Haslington Parish Council** - No comments received.

**Strategic Housing Manager** – No objection – Advises that 14 units should be provided as Affordable rent and 8 units as Intermediate tenure. Would like to see some of the 1 and 2 bedroom units to be for affordable rent so as to allow those single person and smaller household the ability to rent without undue expose to the Spare Room Subsidy or 'Bedroom Tax'.

**Education Services** - A proposal of 74 dwellings is expected to generate -

13 x £11,919 x 0.91 = £141,002 (£1905 per dwelling) primary  
11 x £17,959 x 0.91 = £179,770 (£2432 per dwelling) secondary  
1 x 50,000 x 0.91 = £45,500 (£615 per dwelling) SEN  
Total education contribution: £366,272 or £4952 per dwelling

No objection subject to the required mitigation

**Head of Strategic Infrastructure** - Objection on grounds of the inadequate locational accessibility of this site.

**Environmental Protection** – No objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission of an In addition, informatives relating to hours of construction and contaminated land are also sought.

**United Utilities** – No objections, subject to compliance with Flood risk Assessment

**ANSA Greenspace** – Considers the indicative layout of open space and play space on site to be poorly located but accepts that matter could be conditioned in reserved matters to ensure an acceptable layout of open space

**Flood Risk Manager** – No objection subject to conditions concerning drainage

## **OTHER REPRESENTATIONS**

4 Letters of objection have been received from or on behalf of local addresses have been received on the basis of the following issues -

- Alsager has met its allocation and cant cope with any more.
- Impact upon health and school infrastructure
- Previous developments are an effective rounding off – this is an incursion into open open countryside
- Loss of best and most versatile agricultural land
- Drainage issues on the existing development
- The Applicants locational accessibility assessment measures distances from the existing Close lane development – this site is 300 m further away from the existing Close Lane development
- Part of Close Lane has no footpath. The proposal will increase the volume of traffic on Close Lane which are already congested at peak times
- Resident within phase 1 objects on grounds of feeling cramped by the density of development and loss of privacy

## **APPRAISAL:**

### **Principle of Development**

The application site is a Greenfield site lying outside the settlement boundary. This represents a departure from adopted local plan policy. However, sites immediately adjoining have been granted permission on appeal for residential development.

Directly east of the site, residential development for 40 units was allowed under reference 15/3651N at appeal (Yew Tree Farm) , and directly to the east of Yew Tree Farm a scheme for 132 units ( 76 no. dwellings and 56 no units for the over 55's) was granted on appeal under outline application 13/1305N. Reserved matters approved under application 14/5114C for 74 family dwellings was approved and are

under construction. Nevertheless, this application proposes a further up to 74 no. dwellings as a further continuation beyond Yew Tree Farm.

The proposed development would not fall within any of the categories of exception to Policy NE.2 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.

## **LOCAL PLAN MAIN MODIFICATION /HOUSING LAND SUPPLY**

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that “*no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions*”. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council **still cannot demonstrate a 5 year supply of housing at this time** but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address

it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

### **Location of the site**

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

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

- Amenity Open Space (500m) – would be provided on site
- Children’s Play Space (500m) – within phase 1 of 13/1305N (400m from outer edge)
- Public Right of Way (500m) – located north and west of the site

The following amenities/facilities fail the standard:

- Bus Stop (500m) – approx. 660m
- Supermarket (1000m) – 2150m
- Outdoor Sports Facility (500m) – 2010m
- Convenience Store (500m) – 1300m
- Pharmacy (1000m) – 2300m
- Secondary School (1000m) – 2010m
- Medical Centre (1000m) - 3000m
- Child Care Facility (nursery or crèche) (1000m) - 2150m
- Community Centre/Meeting Place (1000m) – approx. 2850m
- Post box (500m) – 1300m
- Post Office (1000m) – 2880m
- Railway Station (2000m) – 3100m
- Public House (1000m) – approx. 1330m
- Public Park/Village Green (1000m) – approx. 1300m
- Primary School (1000m) – 1130m

The site fails against most of the criteria in the North West Sustainability Checklist. However, it has been accepted by the Council in previous applications and appeals that sites close to this (such as 13/1305N with the provision of a pavement link to Delamere Close allowing access to the hail and ride bus stop on Close Lane and £500,000 bus service contribution, and 14/4241C allowed on appeal for 8 dwellings) are generally locationally sustainable.

However, each application needs to be considered on its own merits and this proposal is materially different given the distances that any future resident within this site would have to walk through the existing housing estate (either currently being developed or as a future phase of the development) to access the hail and raid bus service to the south of Delamere Close. Additionally this site is for significantly greater scale (up to 74 units) as opposed to the 8 dwellings approved under 14/4241c.

The facilities are located towards and within the town centre. Alsager is identified as a key service centre in the emerging Core Strategy where development can be expected on the periphery, however that development needs to be accessible to a choice of means of transport to enable residents to avail themselves of those facilities.

Development on the edge of a town will always be further from facilities in town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur.

In his decision, the Inspector on appeal 13/1305N accepted in paragraph 104 that given the original sites proximity to local services and facilities, along with the proposed footpath link along Close Lane and the inclusion of a financial contribution towards the provision of a new local bus service to serve Close Lane for 5 years resulted in a sustainable location. The mid point of the proposed development site is circa 650m from that pavement to the Close Lane frontage required under 13/1305n, accessed through the existing development pavements.

There was no dispute between both parties during the appeal process that the original site (13/1305N) was sustainable in locational terms subject to the bus service, accessible to the site via the footpath link (both yet to be provided) being provided.

In respect of the Appeal under 13/1305N, the provision of a pavement link to the existing bus stop on Close Lane (condition 14) and the significant financial contribution to the bus service provision along Close Lane (£250,000 in total over 5 years) serving that bus stop was accepted.

On that basis, it was considered that the site (13/1305n) was going to be accessible to the newly provided bus service (peak hour extension to bus service that terminates before Delamere Close), subsequently this then would result in greater locational accessibility in that case and on that basis it was agreed that the appeal scheme would be locationally sustainable, notwithstanding the relative isolation of this site. It was on this basis alone that the Council's original objection to that application was withdrawn

However, this proposal is significantly further away and the only safe route for pedestrians will be through the approved housing layouts adjoining the site. The distances involved exceed the Guidelines and on that basis, it is concluded that this proposal for up to 74 additional dwellings will be a car dependent proposal. On this basis, this proposal is considered to be locationally unsustainable. This is considered to be a significant dis-benefit.

However, given the housing land supply situation, the proposal still needs to be assessed within the 3 strands of sustainable development, to reach a conclusion about whether this scheme comprises a sustainable form of development in the overall balance.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

The Environmental Health Officer has requested conditions in relation to the submission of an Environmental Management Plan, Piling Method Statement, Dust Suppression Statement, noise mitigation, gassing, travel planning, electric vehicle infrastructure

## **Air Quality**

Given the relatively small scale nature of the scheme, an Air Quality Assessment would not be required to accompany the application.

However, it is considered appropriate to secure the necessary infrastructure to allow home charging of electric vehicles given the use of Modern Ultra Low Emission Vehicle technology is expected to rise as well as travel planning.

This could be secured by condition.

## **Highways and Traffic Generation/ Locational Accessibility.**

This application is an outline form. Access is proposed via the existing developments (13/1305n and 15/3651N either under construction or to be built) The site's inner road layout details are not yet provided and would be dealt with via a reserved matters application. The Strategic Infrastructure considers this application should be considered in the light of the cumulative impact of the development in terms of the numbers of units that would be permitted. Having regard to the numbers approved under 13/1305n and 15/3651N, the number of units approved are 172 and this application would add the total number of units to 246 accessed via Close Lane.

Policy BE3 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

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

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

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.*
- *Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

A Transport Assessment has been submitted. The Strategic Highways Manager is of the opinion that the site can be appropriately and safely accessed via Close Lane through the on going development site. He also notes that the proposal also involves mitigation in the form of signalisation of the junction of Close Lane with Crewe Road in mitigation of the development, which he considers acceptable. However, the Strategic Highways Manager has significant concern about the locational accessibility of the site and the distances that future residents would have to walk through the under construction housing estate to the closest bus stop on the other side of Delamere Close, on Close Lane. The distances are circa 800m from the mid point of this development site

The locational sustainability of the site is considered therefore poor as the site is a considerable walking distance from the town centre and local facilities. Indeed information submitted on previous applications on the development site (13/1305N) from McCarthy and Stone in respect of application 15/5654n was that they were uninterested in the site for an older persons development because it was too far away from the town centre.

Public transport provision in the local area is very infrequent and only limited destinations can be reached. The bus service on Close Lane itself only runs after 10 am on a weekday until mid afternoon. Whilst the bus service contribution on 13/1305N was secured for 5 years at £50,000 per annum, this was reliant on other developments that have yet to come forward.

It is likely that this development would be a fully car reliant development and is not consistent with policy concerning sustainable development and

## **Character and Appearance**

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.”*

This scheme is submitted in outline form with only the means of access applied for at this stage. The indicative plan shows an extensive built form of development that extends to the boundaries of the site, two of which are sensitive PROW's. The emerging Urban Design Guide also requires developments to respect the characteristics of sites and their environment and a sensitive treatment would be required at reserved matters stage. The indicative layout is not considered to be a good example of site layout planning, and appears to have a preponderance of larger family dwellings on relatively small plots, which is a cause of concern in design terms. However, additional landscaping and a reducing in the amount of site coverage by built form could reduce the impact, particularly to the sensitive PROW boundaries of the site. However, given the outline nature of the site, a layout could be developed based on a greater mix of a range of housing sizes that will allow for greater amounts of open space and less urbanising form of development than indicated. Conditions could be imposed to require a greater mix of units and buffers to the PROW boundaries.

## **Agricultural Land Quality**

Policy NE12 of the Local Plan states that proposals which involve the use of the best and most versatile agricultural land (grades 1, 2 and 3a based on the ministry of agriculture fisheries and food land classification) for any form of irreversible development not associated with agriculture will only be permitted where all of a number of criteria are satisfied.

Paragraph 26 of the Natural Environment NPPG advises that Local Planning Authorities should seek to use areas of poorer quality land in preference of higher quality land for development.

The approved development on 13/1305N was classified as Grade 2 agricultural land. The Appeal Inspector, in his opinion, concluded in paragraph 99 of the appeal decision, that given the sites

relatively small size, its irregular shape, field boundaries, ownership and location on the urban fringe evidenced by its current use for horse grazing, the land to which the application site related was of limited agricultural value.

He further considered that given the above,

*“...along with the extent of best and most versatile land surrounding Alsager and the promotion of development sites in the emerging Local Plan which include agricultural land within this category, it is apparent that some areas of agricultural land would have to be developed if the Council’s housing targets are to be met.”*

He concluded therefore that the loss of the best and most versatile agricultural land afforded limited weight.

The Agricultural Land Classification system classifies land into five grades, with Grade 3 subdivided into Sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non food crops for future generations.

The applicant has submitted an Agricultural Land Classification report. This has concluded that in the opinion of the surveyor the land comprises Grade 3b agricultural quality. However, this is not based upon any resurvey of the site. There is accordingly a lack of information in this regard. This land is arable land and according to information submitted by neighbours has been producing a maize crop until relatively recently. The larger development site adjoining is known to have a preponderance of Grade 2 land, so whilst this site may be Grade 3 there is insufficient information concerning the sub – category to enable this matter to be factored into the planning balance.

Paragraph 26 of the Natural Environment National Planning Policy Guidance advises that;

*‘The National Planning Policy Framework expects local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land. This is particularly important in plan making when decisions are made on which land should be allocated for development. 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.’*

As insufficient information has been submitted, the Planning Authority is unable to factor this into the planning balance. This is a reason to refuse this application

## **Trees/Hedgerows**

This is an outline application with access with all other matter reserved, but an indicative layout has been provided. The site can be accessed without the loss of any significant trees, with the internal service roads and indicative layout maximising the existing open space pasture land.

Should this application proceed to reserved matters consideration should be given to moving the POS adjacent to the access road so it adjoins the adjacent POS depicted on indicative layout plan submitted as part of application 16/4729N; this enables the tree to be retained outside domestic gardens and managed as part of POS decreasing any post development pressure.

## **Landscape**

This development is dominated by the housing environment previously granted, Close Lane runs along the northern boundary, Close Lane also shares a route with Footpath 19 Haslington along the northern boundary. Moss End Farm is located along the north western boundary. A track, which is also the route of Footpath 20 Haslington runs along the western boundary of the site. The southern boundary is formed by a fence, to the south of which is farmland. The western boundary is adjacent to agricultural land with outline permission for dwellings (Phase 2). The M6 motorway is located approximately 250m to the west of the application site.

The submitted Landscape Visual Impact Assessment identifies both the national and regional landscape character of the application site; this site is located within the Lower Farms and Woods Landscape Type 10, and further, in the Barthomley Character Area (LFW7).

The submitted LVIA also offers a site specific character and area appraisal which identifies three local character areas, Small Scale Farmland (LCA1), Alsager suburban settlement (LCA2) and Open Farmland (LCA3). The assessment identifies that the application site lies within LCA1 and that it is of good value and of medium sensitivity, with a medium landscape susceptibility to change. The assessment indicates that there would be a medium adverse landscape effect at year 1 and that this would reduce to a low adverse landscape effect at year 15. The visual assessment identifies 11 receptors (Table 2), and indicates the visual effect at years 1 and 15. The visual assessment identifies that the effects of the proposed development may be large for locations immediately adjacent to the development site, but that with the establishment of mitigating planting, the magnitude of change for some of these viewpoints will have been reduced to Medium. Changes beyond the immediate locations are more limited as vegetation screens much of the site from more distant views.

While the Landscape Architect would broadly agree with the submitted LVIA, he does have some concerns about the illustrative layout. This is an outline application and the layout is therefore indicative, but the Landscape Architect considers that a development such as this should offer opportunities to create a high quality and robust new Landscape framework, including new open spaces, trees, structure planting, hedgerows and other mixed habitats, and particularly attention to design and specification of landscape boundary treatments. The National Planning Policy Framework (NPPF) highlights the importance of high quality design that also responds to local character and that reflects the identity of local surroundings, with appropriate landscaping. In this case, no such information is provided and the extensive distribution of built form throughout the site, as indicated, may be entirely inappropriate in landscape terms, notwithstanding the changes in the locality attributable to the current housing development being undertaken.

This can be achieved with appropriate design details and landscape proposals. This could be ensured through the reserved matters, appropriate conditions and the S106 agreement.

## **Ecology**

### Great Crested Newts

A number of ponds around the application site have been assessed for their potential to support great crested newts. A full survey of a number of ponds was also completed a few years ago that did not record any evidence of this species.

An additional appraisal has now been submitted to consider an additional pond not included with the original application.

Great crested newts are not reasonably likely to be affected by the proposed development.

### Watercourses and Water Voles

The submitted Phase One habitat survey report states that no evidence of water voles was recorded during the survey. In the event planning consent is granted a condition should be attached requiring the provision of a 5m undeveloped buffer from the top of the bank of the ditch.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. A number of hedgerows are located around the site boundary. The proposed access between this proposed phase and the consented phase 2 is likely to result in the loss of a section of hedgerow. It appears likely that the other hedgerows around the site could be retained but this is not clear from the submitted layout plan as the boundary features of the site are obscured by the red line drawn on the plan.

The ecologist recommends that the existing hedgerows be shown for retention on the submitted plans and that new hedgerow planting be proposed to compensate for that lost.

### Bats and Trees

The trees on site have been surveyed for their potential to support roosting bats. Most of the trees have been assessed as having negligible potential to support roosting bats, with a single tree having been assessed to have low potential to support roosting bats. Based upon the submitted plans I advise it is feasible for these trees to be retained.

The ecologist advises that provided the condition below is attached the proposed development would be unlikely to have a significant adverse impact upon bats. If planning consent is granted I recommend that a condition be attached requiring the lighting strategy for the site to be agreed with the LPA. The lighting strategy should be low level and directional and the design informed by the advice in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).

### Reptiles

Grass snakes have been recorded in this broad locality of this site. The habitats on this site are largely unsuitable for this species. The required condition detailed above would safeguard the habitats associated with the on site ditch which may offer some opportunities for this species.

### Suggested Conditions

In the event planning permission is granted the following ecology conditions are appropriate to mitigate ecological impacts

- 5m undeveloped buffer adjacent to watercourses
- Lighting scheme in accordance with Bat Conservation Trust to be submitted with reserved matters application
- Details of bat and barn owl boxes to be submitted with reserved matters application.
- Landscaping scheme including retention of hedgerows and provision of replacement planting to compensate for any unavoidable losses of hedgerow.
- Bat and bird boxes

### **Flood Risk**

United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to the imposition of planning conditions that the proposal shall be carried out in accordance with the recommendations set out in the submitted Flood Risk Assessment. The Flood Risk Officer has raised no objection subject to conditions.

### Environmental Conclusion

The proposal would result in the loss of a parcel of agricultural land allocated as Open Countryside and would cause harm to the rural character and appearance of the site and surrounding area. Whilst regard has been given to previous assessments of locational sustainability issues pertaining to the

adjoining sites, this site is considered to be more remote and the walking distances (at circa 800m from the mid point of this site to the 'hail and ride' bus stop on Close lane) are considered to be too far to be a walking distance that future residents would find desirable. The site is therefore considered to be locationally unsustainable. On this basis, it can not be concluded that the proposal is environmentally sustainable.

Other environmental considerations such as; landscape, flooding, ecology, trees and drainage are considered to be acceptable or neutral subject to conditions / mitigation.

## **Economic Role**

It is accepted that the construction of a housing development would bring the usual economic benefit to the closest facilities in Alsager for the duration of the construction of the site, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic benefit by virtue of new residents in up to 74 units spending money in the area and using local services. The proposal is considered to contribute to the economic arm of sustainability

## **Social Role**

The proposed development would provide open market and 30% social housing which in itself, would be a social benefit.

## **Affordable Housing**

The site falls within the Alsager sub-area for the purposes of the Strategic Housing Market (SHMA) Update 2013.

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy Submission Version outline that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all sites of 15 dwellings or more or than 0.4 hectare in size.

This is a proposed development of 74 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 22 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the Net demand in Alsager 2013/14 to 2017/18 is for 38x 2 bedroom, 15x 3 bedroom and 2x 4 bedroom for general needs plus **5x 1 bedroom dwellings for Older Persons**. The majority of the demand on Cheshire Homechoice is for 104x 1 bedroom, 96x 2 bedroom, 50x 3 bedroom and 14x 4 Bedroom dwellings therefore 1, 2 and 3 bedroom dwellings on this site would be acceptable with some of the units being made accessible for those with mobility issues and for older persons as a need is shown above.

The Strategic Housing Manager advises -

***14 units should be provided as Affordable rent and 8 units as Intermediate tenure. I would like to see some 1 and 2 bedroom units to be for affordable rent so as to allow those single person and smaller household the ability to rent without undue expose to the Spare Room Subsidy or 'Bedroom Tax'. I would also like to see in the Reserved Matters application the provision for Older Person's accommodation using bungalows, cottage style flats or lifetime homes.***

The Vulnerable and Older People Housing Strategy is showing the population in Alsager that are over 55 years old is 4357 persons.

The Strategy also mentions the following:

Cheshire East is due to experience a disproportionately acute accommodation demand for older people. The existing proportion of older people in Cheshire East is already above the national average and is set to rise at a heightened rate compared with the rest of England. The projected increase in the population over 65 by 2030 is 43% for England and 46% for Cheshire East whilst the population aged 75 and over is expected to increase by 70% in the same period.

The Affordable Housing IPS requires that the affordable units should 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 and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

### **Housing Mix**

This is an outline application; however, the indicative plan appears to show a preponderance of larger units. Policy SC4 of the Local Plan Strategy concerns housing mix and requires a range of sizes of units to meet the needs of all sections of the community. This policy is not subject to objection and can therefore be afforded considerable weight as a material consideration in this case. It is acknowledged that the application is in outline form, however, the indicative layout is not likely to provide a range of housing types to meet the needs of all sections of the community and this is a cause for concern. However, a condition could be imposed to ensure a range of sizes of units, particularly within the market sector to meet the needs of all sections of the community, not merely providing for 30% affordable units and the remaining units being almost exclusively 3/4/5 bed units which has been the predominant pattern of recent developments in this area.

### **Public Open Space**

Policy RT.3 requires that of 20 dwellings or more require a minimum of 15sq.m of shared recreational open space (informal recreational use/amenity green space) plus a further 20 sq.m shared children's play space (formal play) giving a total of 35sq.m per dwelling. It is acknowledged that a NEAP facility is being provided within 400m of the site therefore new residents could utilize this facility. Should planning permission be granted this development demands new informal recreational space of 1,110sq.m. In line with RT3, it should be provided in a single, open and supervisable location that is close to and safely accessible on foot from every family dwelling in the development. It should be provided in a structured way and the provision of numerous small areas should be avoided.

The applicant is proposing 2,600sqm located along the western and southern boundary. The open space on the western boundary is a dense wooded area and although may not contain actual ponds is very wet and inaccessible. This area is more akin to natural and semi natural area not informal play. It is recognised that this area is a potential constraint to the development but may contribute to habitat/ecological value however it appears to be SLOP (Space left over after planning) and should not be used as recreational space.

The POS to the south of the site contains a 1 meter wide brook with 1.5 – 2.5 m steep embankments on its periphery which is not ideal to encourage children to use as play space. The Planning Statement states no structures will be constructed within 8m of the watercourse.

Fields in Trust (FiT) standards for Planning and Design for Outdoor Sport and Play recommend that recreational space should be sited in open welcoming locations that are attractive integrated with other open space with accessible surfaces designed with DDA in mind.

Each application has to stand on its own merit however the awareness of surrounding development needs to be taken into account. Whilst this layout is indicative, the expert opinion of the Open Space Officer considers the POS would be better suited more centrally located adjacent to the proposed POS on Outline application 15/3651N giving a larger usable area. This would also help to reduce potential nuisance of ball games to the rear of plots 54 -57 (as indicated on the illustrative layout). The footpath connection shown on the wider context plan could be located in the south within the 8m watercourse buffer with safety measures.

As this is on the edge of Alsager within the rural parish of Haslington, it is essential that the full POS is on site. Previous applications have some POS but contain SUDS, rough grassland and woodland, ecological benefit therefore unsuitable to play informal ball games, tag etc.

### **Education Impacts**

The development of 74 dwellings is expected to generate:

13 primary children (11 x 0.19) 1 SEN  
11 secondary children (11 x 0.15)  
1 SEN children (11 x 0.51 x 0.023%)

The development is expected to impact on primary, secondary and SEN school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of primary and secondary school places still remains.

To alleviate forecast pressures, the following contributions would be required:

13 x £11,919 x 0.91 = £141,002 (£1905 per dwelling) primary  
11 x £17,959 x 0.91 = £179,770 (£2432 per dwelling) secondary  
1 x 50,000 x 0.91 = £45,500 (£615 per dwelling) SEN  
Total education contribution: £366,272 or £4952 per dwelling.

The Applicant has accepted this request. On the basis that a S106 Agreement could be completed, this impact would be neutral.

### **Social Conclusion**

It is therefore concluded that the proposal is a socially sustainable form of development and that the contribution to affordable and general housing does weigh in favour of the proposal.

### **S106 Matters**

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

(a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The current proposals will have an effect upon the education provision locally, where local schools are forecasting they are at or over capacity. Likewise the proposal will generate a policy requirement of affordable housing.

## **PLANNING BALANCE:**

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would bring positive planning benefits such as; the provision of a market dwellings, the provision of on-site affordable housing which is a significant social benefit given the lack of a 5 year housing land supply

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

In terms of sustainable design, the scheme does not demonstrate its performance in terms of climate change mitigation and adaptation. However, as this is an outline application, this could be dealt with by condition. Likewise the housing mix could be dealt with by condition to ensure there is a mix of market and affordable units across a range of units to comply with Policy SC4.

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

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

Balanced against these benefits must be the adverse impacts, which in this case relates to the isolation of the site and the lack of accessibility of future residents to a choice of means of transport other than the private car. This is a significant failing in terms of the environmental arm of sustainability.

However, the site does not meet the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit for a significant number of those amenities/facilities. Whilst the Checklist does not require full compliance, such are the distances involved, on a road that has only

limited bus services which is only accessible through the proposed housing estate, that all such facilities are considered inaccessible to site.

In this instance, it is considered that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development in social terms. In the circumstances of this application, the material considerations considered above do not justify making a decision other than in accordance with the development plan and the NPPF.

## **RECOMMENDATION:**

### **REFUSE FOR THE FOLLOWING REASON:**

- 1. The proposal will result in the loss of agricultural land within the open countryside. It is therefore contrary to Policy NE.2 (Open Countryside) and Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan 2011 and PG5 (open Countryside) of the Cheshire East Local Development Strategy Consultation draft March 2016. The proposed site is also an unacceptable housing site by means of its lack of accessibility and connectivity to the closest bus stop on Close Lane, and its isolation which will result in a car reliant form of development. Accordingly, the adverse environmental impacts of granting planning permission would significantly and demonstrably outweigh the social and economic benefits of the proposal. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent a sustainable form of development.**
- 2. Insufficient information has been submitted concerning agricultural land quality to demonstrate that this proposal will not result in loss of the best and most versatile agricultural land contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.**

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

Should this application be the subject of an appeal, authority is approved to enter into a S106 Agreement to secure the following Heads of Terms;

- **30% of the dwellings to be affordable in a 65:35 split**
  - Education contribution – £1905 per dwelling - primary**
  - £2432 per dwelling) - secondary**
  - £615 per dwelling) - SEN**
  - Total = £4952 per dwelling**

- **Detailed open space scheme, maintenance scheme and management agreement scheme for the open space/children's play to be submitted and approved and implemented in perpetuity.**

