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WALSINGHAM PLANNING

SPECIALIST PLANNING & DEVELOPMENT CONSULTANTS

Examination of Cheshire East Local Plan Site Allocations and Development Policies Document

Hearing Position Statement

Response to Inspector's Main Issues and Questions: Matter 2 Settlement Boundaries (Policy PG 9)

On behalf of Greene King Brewing and Retailing Ltd

SEPTEMBER 2021

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I INTRODUCTION

- I.1 Walsingham Planning (Agent ID 1186664) are appointed to act on behalf of Greene King Brewing and Retailing Ltd who own the public house known as The Plough and its adjoining land on Crewe Road, Alsager.
- I.2 By way of context, Walsingham Planning have submitted representation on behalf of Greene King in relation to land adjoining The Plough at all three consultations relating to the Site Allocations and Development Policies Document (SADPD) under **Representor ID 1186664**:
- First Draft SADPD consultation (October 2018) – Letter dated 18 October 2018;
 - Publication Draft SADPD consultation (August 2019) – Letter dated 30 September 2019; and
 - Revised Publication Draft Site Allocations and Development Policies Document (September 2020) – Letter dated 18 December 2020.
- I.3 Representations were also made to Council’s ‘Call for Sites’ consultation in 2017, which was a precursor to preparation of the SADPD.
- I.4 The basis of our representations is that the SADPD is unsound and not justified; is not effective and is inconsistent with national policy with regard to the settlement boundary of Alsager and specifically, with regard to land adjacent to The Plough on Crewe Road, Alsager. The land parcel in question should in our view be within the settlement boundary of Alsager and should not be designated as open countryside. There are a number of different reasons for this which are clearly set out in our various representations to the SADPD.
- I.5 We are of the view that the methodology adopted to define settlement boundaries has been designed with the clear and specific intention of trying to ensure that settlement boundaries are drawn as tightly as possible around settlements thereby preventing future windfall development sites.
- I.6 The methodology adopted is also fundamentally flawed as it fails to consider and question whether a particular parcel of land that is to receive an open countryside designation actually serves a purpose of open countryside and meets the underlying objectives of countryside protection as set out in Policy PG6 of the Cheshire East Local Plan Strategy.

- I.7 It is our view that to meet the test of soundness and for the plan to be justified, any land receiving an open countryside designation in the development plan should serve a purpose of open countryside and meet the objectives of such land. This is not the case for a number of parcels of land, including our client's land.
- I.8 In order for the plan to be sound, we consider that land adjacent The Plough on Crewe Road. Alsager should be included within the settlement boundary for Alsager.
- I.9 In the remainder of this statement, we respond specifically to questions 27, 28 and 29 of the 'Matters, Issues and Questions for the Examination – Part 1' which relate to Policy PG 9 'Settlement Boundaries' under Matter 2.

2 RESPONSE TO MATTERS, ISSUE AND QUESTIONS MATTER 2 – SETTLEMENT BOUNDARIES (POLICY PG9)

Question 27)

With particular reference to the Settlement and Infill Boundaries Review and the individual Settlement Reports:

(a) Is the methodology for the review and definition of detailed Settlement Boundaries robust?

- 2.1 The Council's methodology for reviewing and defining the boundaries around settlements is not considered to be robust. The approach adopted starts from a position whereby there is a presumption against including land within a settlement boundary and in the case of Alsager, retaining it as open countryside.
- 2.2 The approach adopted is also fundamentally flawed as at no point is the basic question asked as to whether a particular parcel of land serves a purpose as open countryside and meets the underlying objectives of countryside protection as set out in Policy PG6 of the Local Plan. Consequently, land like that adjacent to the Plough in Alsager, which serves no open countryside function and does not meet any of the objectives of open countryside protection is continuing to be designated open countryside by default.
- 2.3 The approach used by the Council appears to be more akin to a cross checking exercise rather than one which seeks to robustly examine whether particular parcels of land should be within a defined settlement or outside of it and designated open countryside.
- 2.4 The first stage of the process involves considering whether a site is allocated. This seems to be a pointless exercise as one would assume that when applying an allocation to land, consideration would be given at the same time to whether it should be within a defined settlement. Clearly if a site is allocated for development, by default it cannot be open countryside.
- 2.5 The second stage is described as "*considering the relationship of the boundary to the built-up area*". This is established by considering extant planning permissions; the functional relationship of physical form to the built-up area; and the functional relationship of the use to the built-up area.

- 2.6 In terms of planning permissions, sites are only considered for inclusion within the settlement boundary if they have an extant planning permission. This means that sites that have had planning permission that are now time expired or that have had planning permission refused are automatically excluded. This approach is much too simplistic and not robust, resulting in land that should logically and justifiably be included within a settlement, but which may not currently have planning permission, being excluded.
- 2.7 In the case of our client's land, planning permission was refused at appeal for the development of the site for housing. However, the reason for the appeal being dismissed was a detailed technical one and not because the principle of housing development on the site was considered unacceptable. The Inspector considered the matter of the sites open countryside designation in detail and commented as follows: *"the SoCG records agreement that the appeal site has the character of a greenfield site in the urban area. I accept that some sites on the urban edge can have the character of open countryside, but in this instance, I find the SoCG assessment reasonable..... for the above reasons I find the Council's concern about impact on the countryside is not fully borne out by the particular circumstances of the site, which as has been independently assessed on two separate occasions as having development potential, or by national policy"*.
- 2.8 The remainder of stage two is intended to identify sites containing physical development or existing uses which logically render them part of the built-up area of a settlement. The approach taken to determining whether a site should be included due to the presence of physical development, or its use is however not robust, not transparent and is not based on any clear criteria. Rather it appears based on an arbitrary and subjective assessment of whether land has a high or low level of previously developed land or built form and whether the use has a clear functional relationship with the settlement.
- 2.9 More concerning is the fact that the assessment does not include any consideration of the presence or absence of adjacent built development and whether the land is contained by existing built form that forms part of the settlement and urban area.
- 2.10 To demonstrate the point, our client's land contains numerous outbuildings and car parking. It also contains a public house which is well known locally and used by the residents of Alsager and thus a use related to the settlement. Finally, it is contained by built development on three sides: to the east by existing housing; to the west by employment development under construction consisting of a number of very large warehouse units (land allocated for employment); and to the north by further housing. The site has a clear functional relationship

with the built-up area and settlement Alsager, both physically and by virtue of the pub and adjoining employment development and yet it has been excluded from the defined settlement.

- 2.11 The exclusion of our client's land from the defined settlement of Alsager is illogical and the fact that it has been excluded based on the Council's methodology clearly indicates their approach is flawed.
- 2.12 Stage three involves considering the relationship of land to permanent and enduring physical features. The methodology for stage three is clearly sensible and logical, however the criteria do not appear to have been applied in practice.
- 2.13 In relation to our client's land, it has very clearly defined and permanent boundaries formed by Crewe Road to the north, an unnamed access road and housing to the east, Radway Green employment allocation and development to the west and Valley Brook to the south. Beyond our client's land to the south is the railway, the land beyond which is Green Belt. Arguably this represents an even stronger and permanent boundary.
- 2.14 A logical and common-sense approach would therefore be to remove all land from Crewe Road southwards down to the railway from the open countryside and include it with the settlement boundary of Alsager. This would also ensure a consistent approach to the southern edge of Alsager and provide a robust and defensible boundary which is likely to endure overtime.
- 2.15 To conclude, it is our view that the Council's approach and method for reviewing settlement boundaries is fundamentally flawed, is not robust and relies almost entirely on a subjective assessment of land against a vague and non-specific test. Furthermore, it appears to have been designed in such a way as to ensure that greenfield land with limited existing built development that doesn't have planning permission and is not allocated for development remains designated the 'Open Countryside'.
- 2.16 The Council's approach also fails to ask the most fundamental and basic of questions which is whether land serves a purpose of open countryside and meets the objectives of such land. Land that is not built upon and is greenfield should not be rendered open countryside simply by default. This approach is not consistent with National Planning which is concerned with delivering sustainable development.

(c) Are the proposed Settlement Boundaries justified on the basis of proportionate evidence

- 2.17 Settlement boundaries have not been justified on the basis of evidence, rather it appears that they have been drawn and then an attempt has been made to retrospectively justify them.
- 2.18 A number of stages within the Council's methodology involve a subjective assessment. To be robust and ensure a consistent approach, a criteria-based approach should have been used. For example, one stage of the process involves examining whether land has a high level of built form. Sites with a high level of built form will be included, but those that don't will be excluded. However, no criteria, threshold or explanation is provided as to what level of built form constitutes a high-level and justifies land being included within the settlement boundary.
- 2.19 The method the Council have used to justify the position of settlement boundaries also uses a very general, high-level and broad-brush approach. Critically, it does not look at the planning history and specifics of individual parcels of land. Not doing so means that all relevant and material evidence is not being considered and that decisions on the position of settlement boundaries is not based on robust evidence and is therefore flawed.
- 2.20 In the case of our client's land there are several pieces of evidence that have not been considered and / or have been put to one side.
- 2.21 Firstly, no consideration has been given an appeal decision relating to the development of the site for housing (Ref. 14/3054C). Whilst the appeal was dismissed, as has been explained above and within representations to the SADPD, the principle of the development of the site for housing was considered to be acceptable and the Inspector was clear that the land in question does not fulfil an open countryside function. Indeed, it was common ground that *"the site has the character of a greenfield site in the urban area"*.
- 2.22 The Council have also put to one side the fact that the land was allocated for residential development in an earlier version of the Local Plan. Paragraph 24 of the aforementioned appeal states *"The site was assessed during scrutiny of the draft LP, where it formed part of a larger proposed allocation that was only deleted because sufficient other land was available. But part of the allocation, as the most suitable greenfield site under consideration, was recommended to be placed on a reserve list of future housing sites. The site has again been considered under the CELPA examination process. The SoCG Addendum records that the recent studies prior to the resumption of the examination hearings identify the site as suitable for further consideration for inclusion in the*

later Site Allocations Document". Notwithstanding this background the Council have consistently declined to include the land within the defined urban area of Alsager.

Question 28)

Will the Settlement Boundaries defined on the Draft Policies Map be effective in enabling further windfall sites to come forward, to meet the remaining unallocated element of the indicative level of housing development at the LSCs, and elsewhere in the borough?

- 2.23 The methodology used to determine the position of settlement boundaries is such that it results in them being drawn very tightly around the existing built-up area of settlements with adjustments only generally occurring where land has been allocated for development in the Local Plan Strategy or SADPD or where there is an extant planning permission.
- 2.24 As no consideration has been given to whether individual parcels of land serve an open countryside function and meet the objectives of countryside protection as set out in Policy PG6, land on the edge of settlements that does not serve an open countryside function and that has the potential to deliver new housing, is being prevented from coming forward. This is because all land in Cheshire East outside of defined settlements that is not within the Green Belt is designated 'Open Countryside' by default and subject to restrictive Policy PG6 of the Cheshire East Local Plan Strategy relating to development in the open countryside.
- 2.25 It is also clear that the approach taken to reviewing settlement boundaries has been devised specifically to prevent the creation of windfall development sites on the edge of the built-up area. The settlement boundaries thus don't enable windfall sites, but rather are specifically drawn to prevent them.
- 2.26 In the case of our client's land, this has all the characteristics of a good windfall housing site. It is in a key service centre, a sustainable location, accessible to local facilities, adjacent to existing housing and within walking distance of employment opportunities. There has been interest from the market for housing, including specialist housing. However, its current "Open Countryside" designation means that the Council would be likely to refuse planning permission for a scheme for housing on the site on account of it being within the 'Open Countryside'.

Question 29)

Is there any substantiative evidence to demonstrate that any of the proposed Settlement Boundaries are not justified in defining the boundary between the built up area of settlements and the open countryside?

2.27 In the case of our client's land there is substantive evidence to demonstrate that the proposed Settlement Boundary to the south of Crewe Road in Alsager is not justified. There are seven reasons for this:

1. The site does not serve a purpose as open countryside, nor does it meet the underlying objectives of countryside protection as set out in Policy PG6 of the Cheshire East Local Plan and its supporting text. It serves no purpose in maintaining and protecting a gap between settlements to ensure separation (this role being fulfilled by the mainline railway line and Green Belt) nor does it serve a purpose of protecting the intrinsic character or beauty of the countryside.
2. In his decision letter, the Inspector appointed to determine the appeal against the Council's failure to determine an application for the development of land adjacent to The Plough for housing (Ref. 14/3043C) made it very clear that he did not consider the site to comprise open countryside but rather a greenfield site in the urban area.
3. At the time the land was designated as 'Open Countryside', all the land around it to the north of the railway and south of Crewe Road received an 'Open Countryside' designation (see Congleton Local Plan Proposals Map). Such a designation made sense at the time. However, it no longer makes any logical sense nor is it justified in planning terms given that land directly to the east has been developed for housing, land directly to the west is allocated and has planning permission for employment development (under construction) and to the north there is existing and new housing. The consequence is that the site has effectively become an isolated island within the built-up urban area, the development of which is prevented by its restrictive 'Open Countryside' designation. No justification has been provided for this.

4. Based on the Council's own methodology, and as has been explained above, it is our view that the land should have been included within the settlement boundary given the presence of the pub, the site's planning history, the land's level of containment and the presence of physical features that create strong defensible boundaries.
5. Following the 2017 'Call for sites' consultation, and prior to the preparation of the SADPD, the Council approached our client and requested support for the designation of the land for employment (see email included with representations dated 30 September 2019), presumed to form an extension to the Radway Green allocation. The mere fact that the Council wanted to allocate the land for employment development indicates that they considered the land's inclusion within the settlement boundary of Alsager to be appropriate and the land not to fulfil a function as open countryside.

Our client declined this offer as they were of the view that employment development was not appropriate given adjacent residential uses and interest from the market for housing. However, the fact that the site has not subsequently been included within the settlement boundary of Alsager, having regard to this background, illustrates that the Council are deliberately seeking to ensure potential windfall housing sites are not created as a result of changes to settlement boundaries.

6. In a draft version of the Cheshire East Local Plan, the land was initially allocated for housing, however this was ultimately deleted on account of the need being satisfied. This was noted in the aforementioned appeal decision relating to the land. The mere fact that the Council has previously considered allocating the land for housing clearly indicates that they do not consider it to serve as an open countryside function and provides a good reason for it to be incorporated with the defined settlement to enable it to come forward as a windfall site.
7. Finally, the land is in a highly sustainable location within the main urban area of Alsager, which is a 'Principal Town' and at the top of the settlement hierarchy. It is well related to local facilities and existing built development and well served by public transport. It is thus exactly the type of site that should be available to meet future development needs thereby protecting the open countryside and Green Belt. The site has some

constraints relating to trees and ecology, but these are not insurmountable and could be resolved as part of an application for planning permission to develop the land.

- 2.28 In order for the plan to be made sound we consider that land adjacent to The Plough should be included within the defined settlement of Alsager.