

Application No: 12/2426C

Location: ELWORTH HALL FARM, DEAN CLOSE, SANDBACH, CHESHIRE,
CW11 1YG

Proposal: The Erection of 96 Dwellings together with Associated Works including
the Creation of Approximately 10 Hectares of Open Space and
Recreation Land (Phase 2), and the Amendment of Plots 16 and 17
Previously Approved under Reference 10/2006C (Phase 1)

Applicant: Rowland Homes Ltd

Expiry Date: 21-Sep-2012

SUMMARY RECOMMENDATION

- **REFUSE**

MAIN ISSUES

Planning Policy And Housing Land Supply
Affordable Housing,
Highway Safety And Traffic Generation.
Contaminated Land
Air Quality
Noise Impact
Landscape Impact
Hedge and Tree Matters
Ecology,
Design
Amenity
Open Space
Drainage And Flooding,
Sustainability
Education

REFERRAL

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

1. SITE DESCRIPTION

The site lies on the northern edge of the settlement of Elworth. The site comprises agricultural land which has predominantly been used for grazing in recent years. It is located off Dean Close and Wrenmere Close, two minor cul-de-sacs off Grange Way and Lawton Way in Sandbach, approximately 1500m east of the centre of Sandbach. The surrounding urban area is predominately residential in character and includes a variety of forms, architecture and materials.

The site originally formed part of a larger agricultural holding. The site of these buildings, extending to around 1 hectare is an ongoing construction site where planning permission has previously been granted for 25 dwellings (Phase 1). This approved development is accessed by a private driveway between Nos. 14 and 16 Dean Close, which serves 4 of the dwellings currently under construction with the remainder served from an extension of Wrenmere Close. At the time of the submission of the application, the construction of this first phase has progressed with a number of the dwellings under construction. The roads and sewers have been constructed with the former being laid to base course.

The Phase 2 area comprises of the remaining agricultural holding extending to some 13.6 hectares (33.7 acres). This comprises an area of fallow agricultural land divided into a number of field parcels. These fields are separated by a mix of post and wire fencing and established trees and hedgerows.

2. DETAILS OF PROPOSAL

Full planning permission is sought for the construction of 88 two, three and four bedroom, 2 storey detached, semi-detached and terraced dwellings together with eight 1 bed apartments on the site. The application also seeks consent for associated works including roads, sewers, pumping station, drainage works and balancing pond. Only a small parcel of land closest to the Phase 1 development and the existing urban area is proposed for development, with the remainder retained for open space or recreational uses.

2. RELEVANT PLANNING HISTORY

09/3245C	2008	Partial demolition of the existing site (including modern agricultural buildings and the existing dwelling) the conversion of the remaining existing buildings to form 8 dwellings and the erection of 13 additional dwellings within the curtilage of the existing residential property - Withdrawn
10/1765C	2010	The partial demolition of the existing site (including modern agricultural buildings and existing dwelling) conversion of the remaining existing buildings to form 7 dwelling and the erection 11 additional dwellings within the curtilage of the existing residential property. - Approved
10/2006C	2010	The Demolition of the existing Buildings (including agricultural buildings and existing dwelling) and the redevelopment of the site with 26 dwellings and associated works. – Refused / Appeal Allowed

11/ 4396C	2012	Variation of the approved plans condition to allow for the substitution of the "Belgrave" house type for the "Atherton" house type of Plots 5, 12 and 20 and the handing of the house on Plot 15. – Resolution to approve subject to Section 106
12/0281C	2012	Change Of House Type On Plot 16 From Bonham To Bonnington And Re-Siting Of Plot 17 Marlborough House Type. – Refused / Appeal Dismissed

3. PLANNING POLICIES

National Planning Policy Framework

Local Plan Policy

PS8 Open Countryside
 GR1 New Development
 GR2 Design
 GR3 Residential Development
 GR5 Landscaping
 GR6 Amenity and Health
 GR9 Accessibility, servicing and provision of parking
 GR14 Cycling Measures
 GR15 Pedestrian Measures
 GR17 Car parking
 GR18 Traffic Generation
 GR21 Flood Prevention
 GR 22 Open Space Provision
 NR1 Trees and Woodland
 NR2 Statutory Sites (Wildlife and Nature Conservation)
 NR3 Habitats
 NR5 Habitats
 H2 Provision of New Housing Development
 H6 Residential Development in the Open countryside
 H13 Affordable Housing and Low Cost Housing

Regional Spatial Strategy

DP4 Make best use of resources and infrastructure
 DP5 Managing travel demand
 DP7 Promote environmental quality
 DP9 Reduce emissions and adapt to climate change
 RDF1 Spatial Priorities
 L4 Regional Housing Provision
 EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
 EM3 Green Infrastructure
 EM18 Decentralised Energy Supply
 MCR3 Southern Part of the Manchester City Region

Other Material Policy Considerations

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

Interim Planning Statement: Affordable Housing (Feb 2011)

North West Sustainability Checklist

4. OBSERVATIONS OF CONSULTEES

Environment Agency

- The Environment Agency has no objection in principle to the proposed development, However, in order to ensure that the requirements of the approved Flood Risk Assessment (Ironsides Farrah Ltd, 3890/SRG, June 2012) are incorporated into the development we would request that the following planning conditions be imposed on any planning approval as set out below.
 - o Submission / approval / implementation of a scheme for the provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the Local Planning Authority.
 - o Submission / approval / implementation of an assessment into the potential for disposing of surface water by means of Sustainable Drainage Systems (SuDS)
 - o Submission / approval / implementation of a scheme for the management of overland flow from surcharging of the site's surface water drainage system . The scheme shall include details of the proposed ground levels and proposed building finished floor levels.
- The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to ensure that the landscape within the site is managed in such as way as to protect and enhance the ecological value of the site including the ditches and ponds.
 - o Submission / approval / implementation of a landscape management plan. The scheme shall include the following elements:
 - *detail extent and type of new planting (NB planting to be of native species)*
 - *details of maintenance regimes*
 - *details of any new habitat created on site*
 - *details of treatment of buffers around water bodies*
 - *details of management responsibilities*
- There are records of water vole and great crested newt in the area.

United Utilities

- United Utilities will have no objection to the foul connection of Phase 2 area of this development at Manhole 1602 on Vicarage Lane

Environmental Health

- The hours of demolition / construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs; Sundays and Public Holidays Nil
- All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; Sunday and Public Holidays Nil
- Submission / approval and implementation of a piling method statement to include the following details:
 1. Details of the method of piling
 2. Duration of the pile driving operations (expected starting date and completion date)
 3. Prior notification to the occupiers of potentially affected properties
 4. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
- Submission / approval and implementation of an Environmental Management Plan. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of;
 - Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
 - Waste Management: There shall be no burning of materials on site during demolition / construction
 - Dust generation caused by construction activities and proposed mitigation methodology.
- Insufficient information has been submitted with the application relating to the air quality impacts in order to assess adequately the impact of the proposed development having regard to air quality. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.
- This section has no objection to the above application subject to the following comments with regard to contaminated land:
 - This site is located on a known landfill site or area of ground that has the potential to create gas.
 - The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
 - The reports submitted with the application include a comprehensive investigation and proposes remedial measures are carried out.
- As such, and in accordance with the NPPF, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:

- Prior to the development commencing, a Detailed Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority (LPA). The remedial scheme in the approved remediation statement shall then be carried out.
- A Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.
- The Phase II contaminated land report and remediation strategy submitted recommend that remedial measures are carried out to address the actual contamination risks at the site.

Public Rights of Way

- The Landscape Masterplan in the application describes informal footpaths which would provide options for circular walks. The desire for circular walks close to people's houses was identified through research for the ROWIP and the plans for such paths are therefore welcomed. It is assumed from the title 'informal footpaths maintained' that these routes are not intended to be dedicated as public rights of way, but will be in effect permissive paths and will be maintained by the open space management company. The routes should be promoted, through signage, interpretation boards and leaflets to residents of the proposed development and the adjacent Lawton Way housing estate in order that their existence is known and use encouraged.
- The Landscape Masterplan in the application also describes 'existing informal footpaths maintained to allow informal links to adjacent footpaths / roads'. It appears that the connecting footpath / road onto Cookesmere Lane is outside of the development site boundary and are not recorded as public rights of way or public highways. The public does not have a right of access over this route and therefore the claim that the informal footpaths within the open space provide links to adjacent footpaths/roads would be challenged. However, if such a link could be regularised and secured as a public right, the route would provide a sensible and direct pedestrian and cyclist link from the development site to Sandbach town centre avoiding the Middlewich Road, thereby potentially increasing the sustainability of the site.

Education

- Based on this development being for up to 90, 2+ bed dwellings then the development is expected to generate 15 primary aged pupils and 12 secondary.
- The primary schools and the secondary schools within 3 miles of this proposal and includes the net capacities, numbers on roll and current forecasts.
- The local primary schools currently have 75 unfilled places. However forecasts indicate that from 2013 there will be more pupils seeking a school place than spaces available within the local schools. Where applicable a Section 106 contribution has been sought from other developments within Sandbach. Therefore a contribution of $15 \times 11,919 \times 0.91 = £162,694$ will be required towards primary education.

- The local secondary schools currently have 33 unfilled places and are forecast to have 100 unfilled places by 2018. However, developments at Albion Inorganic Chemicals, Fodens, Fodens Test Track and Canal Fields are expected to generate in excess of 100 secondary places. 2 of these developments have now started on site. In light of the forecasting and the aforementioned development sites then a secondary contribution of $12 \times 17,959 \times 0.91 = \text{£}196,112$. NB. The local secondary schools are both academies which further complicates matters.

Archaeology

- The application is supported by an archaeological desk-based assessment, which has been prepared by Nexus Heritage. This has considered data held in the Cheshire Historic Environment Record and other readily-available sources of information and notes that the eastern part of the proposed development area was formerly occupied by Elworth Hall (CHER 7030). The building, which was demolished early in the second half of the 20th century, appears to have been of 18th and 19th-century date but the documentary evidence suggests that earlier halls are likely to have occupied the site from the 14th century onwards. The area immediately to the north of the hall appears to have contained a number of earthworks associated with the gardens, including a possible ha-ha and prospect mound. In addition, the township boundary between Sandbach and Bradwall lay immediately to the north of the house.
- Evidence of these past uses is likely to have survived within the application area but it must be acknowledged that the use of the site for landfill over the last forty years and the substantial earthmoving that has occurred are likely to have severely disturbed any remains. I do not think, therefore, that it would be reasonable to advise that the site should be subject to any further pre-determination work or subject to formal excavation.
- Instead, I advise that the relevant parts of the site should be subject to a carefully targeted watching brief with the specific aim of recording traces of the hall and any earlier predecessors and obtaining a record of the garden earthworks and boundary noted above. I appreciate that the past use of the site for landfill and the nature of the remediation works may impose constraints on what can be achieved but, having discussed matters with the archaeological consultant, I feel sure that it should be possible to observe works in relevant areas and record deposits present. A report on the work will also need to be produced and the mitigation may be secured by the condition given below:
 - *No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.*
- The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (*Conserving and Enhancing the Historic Environment*) of the new *National Planning Policy Framework*. The Cheshire Archaeology Planning Advisory Service

does not carry out commercial fieldwork and the applicant will need to appoint an archaeological contractor to organise the archaeological mitigation. I will be able to supply a brief for the work and a list of archaeological contractors who work in the area on request. Alternatively, I will be able to discuss the details of the archaeological mitigation with the applicant's existing archaeological consultant.

Cheshire Gardens Trust

- Does not have any further information on the former Elworth Hall site to add to the excellent archaeological report
- Support a condition requiring a watching brief that includes recording any surviving features from the former gardens and associated boundaries and their relationship to the Hall and to the wider landscape and would be interested to hear of any new information that arises from this.
- The relationship of surviving trees and perhaps other vegetation such as hedges to the former layout may also be informative so they would like to see these assessed from a historical as well as an arboricultural perspective and, if they were part of an earlier landscape retained and restored as far as possible in the new development even if not presently TPO'd. Water features similar should be assessed from a historical as well as drainage point of view and retained and restored where possible
- Generally, keeping as much continuity and legibility of the former design in the new layout as possible would be desirable since Elworth hall is an ancient site and must have been locally fairly significant. As its loss was post WW2, it will still be remembered by older inhabitants of the area. The site is located on the edge of the countryside and new development should be compatible with local character and of a design that conveys a sense of place that is worthy of this locally sensitive site.
- In terms of future landscape, the old OS maps show orchards around the hall, as was common in Cheshire and they would recommend that an orchard is re-established on the site as part of the green space for the new development, for the benefit of the wider community as well as the new residents. The Cheshire landscape Trust could advise on propagation of any remaining fruit trees or select Cheshire varieties for new planting.

Sustrans

If this land use is approved by the council's planning committee our comments are as follows:

- 1) A site of this size should contribute to the physical improvement of walking/cycling routes to Sandbach railway station, local primary schools and local facilities.
- 2) The design of the estate should restrict vehicular speeds to less than 20mph.
- 3) The design of any smaller properties should include storage areas for residents' buggies/bicycles.
- 4) Travel planning with targets and regular monitoring should be set up for the site.

Amenity Greenspace

With reference to the plans for the erection of 96 one, two, three and four bedroom dwellings together with associated works including the creation of approximately 10 hectares of Open Space and Recreational land the following Streetscape comments and observations are made.

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 standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. The application includes the creation of approximately 10 hectares of Open Space and recreational land to include the following detailed on the Landscape Masterplan :

- 2 Wildflower Meadows with targeted grass cut
- Existing pond with marginal planting and a small jetty for educational use
- Informal footpaths
- Woodland planting adjacent the brook
- Existing informal footpaths maintained to show internal links to adjacent footpaths
- Tree planting
- Existing boundary planting enhanced with native hedgerow planting
- Woodland nature trail, native hedgerow planting
- Woodland planting and understorey shrub planting

Whilst it is appreciated this promotes bio-diversity 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.

Greenspaces would strongly recommend that a detailed management plan for the Public Open Space including maintenance schedules with frequencies and costings be undertaken by a suitably qualified Countryside Management Company at the Developer's expense. Given that there are only 96 dwellings this is a large area of Open Space and we would want to seek assurances that the Management of the Public Open Space is sustainable.

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development

The plan indicates the inclusion of a LEAP sized play area located centrally within the central public open space. This should include at least 5 items incorporating DDA inclusive equipment, using play companies approved by the Council. We would request that the final layout and choice of play equipment be agreed with CEC, the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works. A buffer zone of

a least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

As with the amenity greenspace it is also recommended that the children's play area is transferred to a management company.

Streetscape would respectfully ask to be notified of any observations you may have regarding these comments, and to be informed of any changes that are made to the initial proposals as soon as you are aware of them.

Highways

Introduction

Wrenmere Close is on the northern fringe of the existing residential estate north of the A533 Middlewich Road, Elworth. The estate is accessed from Middlewich Road by Grange Way, which with Lawton Way forms an internal distributor road loop through the estate. A second access point to Middlewich Road is provided by St Peter's Rise, off Lawton Way. Both access points are likely to be used by development traffic.

Issues for consideration are

- adequacy of Wrenmere Close for proposed traffic
- visibility at the Wrenmere Close/ Grange Way junction
- general safety issues on the estate
- adequacy of the junctions onto Middlewich Road
- general highway capacity issues in the Sandbach area
- sustainability, i.e. access to facilities by modes such as foot, cycle and public transport
- Travel Plan
- internal site layout

Adequacy of Wrenmere Close

Wrenmere Close is built to a standard of 5.5m carriageway with two 2-metre footways. The Borough's Highway Design standards are currently those included in the former Cheshire C.C. guidelines, which define a road of this standard as being a 'minor residential road', suitable for serving up to around 100 houses, or a 'major residential road' suitable for up to around 300 houses. They differ in that for the 'major' category, an off-carriageway cycle facility must be provided.

The total number of properties that would be served by Wrenmere Close will be 125 dwellings, including the small number of existing houses and the development now underway. This would suggest that its standard ought to be that for the 'major' residential road. However, there are no segregated cycling facilities on either Grange Way or Lawton Way, so Highways do not consider this lack would preclude Wrenmere Close being deemed acceptable in standard for serving a total of 125 houses.

Junction of Wrenmere Close with Grange Way/ Lawton Way

Visibility to the right for traffic emerging from Wrenmere Close is acceptable, but visibility to the left is restricted by the alignment of Grange Way and the cartilage of frontage properties. On-site measurements at the junction showed, for a viewpoint 2.4 metres back on Wrenmere Close, the available visibility to the left was

to the nearside kerb of Grange Way = 23 metres
to the centreline of Grange Way = 37 metres

For the speed information supplied by the applicant, the required sight distance should be 35 – 40 metres, according to *Manual for Streets*. This distance should also be measured to the nearside kerb, unless there is good reason to assume drivers will adhere to their correct side of the road. Whilst it is possible for drivers to be on the wrong side of the road, for example to manoeuvre past parked cars, Highways feel the need to maintain their own forward visibility should result in their keeping to the outside of the bend and so they would have a sighting distance of 37 metres or more to emerging vehicles. The traffic data indicates that flows past Wrenmere Close are very light – approximately 20 vehicles/hour two-way, and this will be unaffected by the development. Thus Highways do not consider the junction to be unacceptable in safety terms for the likely traffic levels it would experience.

General Safety Issues

Accident data within the existing estate shows that there were no personal-injury accidents on Grange Way, Lawton Way or St Peter's Rise in the five years 2007 – 11. These are the routes that would be used by traffic from the development. Whilst it cannot be said that any road is perfectly safe, it does indicate that there are no particular problems within the area which would be exacerbated by development traffic.

Traffic data for the two junctions with Nantwich Road do not show any particular pattern or unduly high incidence.

Adequacy of the junctions with Middlewich Road

An assessment of the capacity of the junctions of Middlewich Road with St Peter's Rise and Grange Way has been undertaken. This includes traffic on Nantwich Road from committed developments in the Sandbach area and expected background growth to 2018.

Expected movements are

Wrenmere Close, predicted site traffic			
AM		PM	
in	out	in	out
17	42	41	25

All these trips are expected to continue to Middlewich Road, giving the following increases in turning movements there:

Grange Way, excluding site				Grange Way, including site			
AM		PM		AM		PM	
in	out	in	out	in	out	in	out

36	141	147	82	49	172	177	101
St Peter's Rise, excluding site				St Peter's Rise, including site			
AM		PM		AM		PM	
in	out	in	out	in	out	in	out
59	117	154	111	63	128	164	117

The majority of movements are expected to be to and from the Sandbach direction.

The capacity assessments show these junctions to have adequate capacity for the forecast movements including this and committed developments.

General Highway Capacity Issues in the Sandbach Area

The level of background traffic in the Sandbach area gives rise to considerable congestion and delay. To ensure that this is not unduly worsened by development, of which a large number of sites are either committed or expected to be approved, the Strategic Highways Manager has been seeking a contribution of £3,000 per proposed dwelling to put toward highway improvements in the area. This is seen as appropriate for this application, as from its location and proximity to the M6 motorway it will generate a relatively high number of trips on the most congested part of the network. It is also considered appropriate for some of this to be addressed to improving the facilities for non-car users as described below.

Sustainability

The site is approximately 2 kilometres from Sandbach town centre, so putting it within acceptable walking distance for some, though not all, of future residents. Sandbach railway station is within about a ten minute walk of the site. There are shops and schools within acceptable walking distances and accessible without the need to cross Nantwich Road. Overall, therefore, the site has fairly good walking accessibility.

A bus service runs hourly off-peak along Lawton Way and Grange Way, connecting with Sandbach town centre. More frequent bus services are available on Middlewich Road, about a ten minute walk.

The distances to the facilities mentioned above will probably result in walking being preferred to cycling for them. For trips in longer distance ranges, the levels of traffic on the A533 will deter some potential cyclists, and options to avoid this road are limited. Although Cookesmere Lane, to the north of the site, would provide alternative walking and cycling routes into Sandbach avoiding the main road the applicant does not have control over the intervening land. However, a cycling route to Middlewich and Holmes Chapel could be provided by upgrading Sandbach FP36/ Bradwell FP3, a track running west of the railway line and accessed from Marsh Green Road. Other cycle facilities that would be highly desirable are upgrading the footpath route from Brookmere Close, opposite Wrenmere Close, through the estate to the primary school and supermarket, and upgrading the link from the development via Dean Close to Vicarage Lane so to be available to cyclists.

There is an almost complete lack of pedestrian crossing facilities on Middlewich Road in the vicinity. This creates hazards for pedestrians accessing bus stops on the far side of

Middlewich Road, and also the employment areas to the south. For cyclists it severs the site from a number of potential routes. Highways consider that to maximise the sustainability of the site crossing facilities should be provided by the developer near the desire lines to the railway station and to Abbey Road. Controlled crossings here would also help break up the traffic streams along Middlewich Road, which should also assist motorists egressing from St Peter's Rise and Grange Way.

I consider that it would be appropriate for the requested S106 contribution to be used in part on addressing these issues.

Travel Plan

It appears no Travel Plan has been submitted. Highways would expect one to be promoted for a site of this size, especially as there is considerable scope for the promotion of sustainable alternatives to car travel.

Internal Site Layout

I have no objection to the submitted layout, but would comment that the proposed 'Home Zones' would require a plethora of signs to meet legislative requirements, and so are better treated as just an informal variation on the highway extents.

Conclusions

Subject to a S106 contribution of £288,000, and the following standard conditions, Highways have no objection to the proposal.

- The development hereby permitted shall not be occupied until the parking and vehicle turning areas have been constructed in accordance with the details shown on the approved plans. These areas shall be reserved exclusively for the parking and turning of vehicles and shall not be obstructed in any way.
- No development shall commence until full constructional details of all roads to be provided within the application site have been submitted to and approved in writing by the Local Planning Authority. No development shall be carried out otherwise than in accordance with the approved details unless the Local Planning Authority has first agreed to any variation in writing.

5. VIEWS OF THE PARISH / TOWN COUNCIL

OBJECT on the following grounds:

- i. Development on the site will increase existing Floodrisk
- ii. Unspecified extent of the land contamination.
- iii. Proposals will generate significantly increased traffic in an area with existing congestion issues.
- iv. Wrenmere Close is unsuitable as access for further development.
- v. This is a speculative development on Greenfield site.

- vi. The land identified in the application is situated outside the current area for housing development in the town.

6. OTHER REPRESENTATIONS

Resident's Letters

128 letters have been received from local residents objecting to the application on the following grounds:

Principle of development

- Loss of another green field outside of the Sandbach settlement zone.
- This development is more than 3 times larger than the policy guideline of UP TO 30.
- This is in addition to the 25 houses which are already built.
- This development is rampant commercialism and not managed sustainable growth for the benefit of the environment and the local community.
- The land has not been included in any past or current local plan.
- Although the local plan is not in place, this area in the draft plan is not designated for housing.
- Rowland Homes should not be permitted to exploit the current situation faced by Cheshire East Council due to its failure to have structures in place for managing developments.
- Currently Cheshire East Council is in the process of developing its Five Year Plan. It would make sense to place a moratorium on any new developments until this plan is in place and local guidelines have been drawn up.
- Cheshire is being targeted as an easy place because there is no 5 year plan and the builders just move in
- Developments can obtain planning approval by default due to lack of a plan. A default approval would be in appropriate and should withheld until such a local plan is in place which reflects the needs of the local community

Loss of Agricultural Land

- The site is Grade 3A Agricultural land and should be used for agriculture
- This means it is versatile for either livestock or arable farming.
- The loss of this land reduces our potential for economic sustainability and ability to produce food at a time when all of the major supermarkets are increasing and promoting their UK sourced produce.
- The existing development was granted largely because of its previous use for farm buildings.
- In contrast the new proposal is to use agricultural land appropriate for grazing, arable uses etc. It has been used for agricultural purposes in the last decade.
- This development is building by stealth and previous applications have already revealed the long-term intentions of the developer

Need for Housing

- There is sufficient land for housing uses in the draft plan.

- There are a number of developments in the local area which should provide ample short term capacity until a development plan has been put in place.
- There are thousands of houses already in the pipeline in countless locations in just Sandbach let alone other parts of the borough.
- There are already large housing developments planned in Elworth
- There is no compelling evidence / statistics which support the need for additional homes on this scale in Elworth or indeed Sandbach or a shortage of properties in the area.
- There are sufficient brown field sites available for house building (for example Foden's testing site, RHM and WBB Minerals sites at Moston)
- If these remain undeveloped they will cause eyesores.
- The NPPF encourages development of Brownfield sites before the development of Greenfield sites.
- Surely the Council can insist on so called developers tackling the difficult brownfield land first.
- There is no local demand for the high value, large houses which are proposed.
- Do not want Sandbach to be like Ireland with housing developments built with no buyers.
- There are currently 407 properties for sale in the CW11 postcode. Prices range from £44,000 to £1.8M with a further 75 for rent (source; rightmove.co.uk 25.7.12). This demonstrates that Sandbach already has a broad breadth of house types and costs to meet its needs & does not take into consideration additional availability in neighbouring postcodes. NO MORE are required.
- The majority of these developments' houses will be marketed at the largest volume house band that currently exists in Sandbach. To sell these houses people will need to move from outside of the area, therefore not resolving any issues of fulfilling local needs.
- Due to the lower overheads of new builds on a Greenfield sites they are able to offer greater incentives to buyers than individual private sellers with mortgages. This will lead to a glut of existing houses that will not be able to be sold. In order for private sellers to try & keep their costs to a minimum to compete, the amount of investment to upkeep homes will reduce so declining the general quality of housing in the area.
- There are 400 houses being built off Moss Road.
- Planning permission is also being sought for new houses on Hind Heath Road and on Abbeyfields
- This will result in buyers coming from outside
- If this planning application anticipates some future demand, then it should fit in with East Cheshire development plans, in draft or final forms, or this planning application should be rejected.
- Why does Sandbach need so many new houses?

Landscape / Visual Impact / Effect on Character of Area

- Proposal would have a significant impact on the landscape character of the area, and pose a large scale intrusion into the open countryside.
- The surrounding area of the proposed site has public footpaths which are very popular
- The proposed development would significantly impact the beauty of this area
- Why has the Council let lovely green land be used to build so many houses?

- National policy in Planning Policy Statement 4 Planning for Sustainable Economic Growth (PPS4) says that the countryside should be protected for the sake of its intrinsic character and beauty.
- Similarly Planning Policy Statement 7 Sustainable Development in Rural Areas (PPS7) requires the quality and character of the wider countryside to be protected.
- At a local level, Policies PS8 and H6 in the Congleton Borough Local Plan identify the type of new development that will be permitted in the open countryside and this planning application does not comply with these policies.
- This development would turn Elworth into a giant housing estate, merging with Sandbach.
- Sandbach is known nationally and promoted as an historic market town if this goes ahead it will become an urban sprawl.
- We are in danger of giving away our heritage and best selling point
- Development goes against the grain of this nice size estate
- Development is destroying the beautiful old historical town of Sandbach!
- Use of the site for housing would represent a serious invasion of an existing green lung and an extension of the existing settlement boundary.
- Could this not be taken into consideration when builders put in plans for a large development like this which will have no benefit for the people who live here or even the proposed residents?
- What attracted residents to Sandbach was a semi rural location with the benefits of the M6 being close by and good rail links -it was a desirable place to live.
- Residents live in fear constantly whose farmland, whose view is going to be taken next ?
- Residents appear to have no rights and are told there are no green belts in this area, its all disappearing to housing development after housing development once this has gone it's gone forever.
- We could focus on the outskirts of Sandbach, expanding the area this way which doesn't effect people directly
- Why do we feel the need to develop so close to existing properties taking every inch of greenery away
- Continual housing sprawl will have an adverse effect on the way of life.
- People would like to stay in Sandbach but will now move to somewhere similiar, without hopefully as many "planning proposals". The appeal of the area is being eroded forcing residents to seek less populated areas to recapture the quality of life they have lost.
- It is very, very sad, especially for those people who have been born and bred here. A lot of changes, unfortunately not for the good.
- There used to be easy access to the countryside, something which should be available to all residents of this town.
- What possible reason could there be to take this away.

Proposed Public Open Space

- The application cannot be effectively judged without knowledge of the applicants' intended use of the remaining land in their ownership.
- There is no indication of ownership/management of the proposed open space.
- Since the building started on Phase 1 the remaining farm area has not been managed by the developer, so how can we assume that the developer will be able to manage

viable open space and recreational land? The maintenance of this existing Greenfield land could become a major burden to the town and borough council. With the plans drawn as they are with no enclosure there is every reason to expect a Phase 3, once a phase 2 has been completed.

- Why would a developer buy 14ha of land and then plan to give more than 70% away?
- Do the rate payers of Sandbach want 10ha of land?
- If that is the proposal, residents of Sandbach are entitled to know what the on-going costs of this are before accepting it.
- Small pockets of open space elsewhere on the estate have recently been disposed of and residents have increased their gardens so are the rate payers of Sandbach in the market for taking on the financial responsibility of additional public open space.

Concerns over the integrity of the firm involved

- Another significant annoyance is the apparent subterfuge employed by the applicants in sneaking through a vast planning application for an entire estate on the grounds of what was originally an initial "conversion of existing farm buildings to about 10 large houses with outlying garages".
- The developer has admitted that it has previously misled the local community, Cheshire East planning officers and the Planning Inspectorate in its original planning application and appeal
- Plans for Phase 1 were submitted with building layouts proposed which the developer now claims within the planning appeals process that they never intended to build.
- They stated "It was never the developers intention to build the garages shown on the planning application as this would prevent access to the surrounding land".
- This illustrates that the plans were originally submitted only with the goal of misleading the local residents and the planning committee in order to minimise objections and thereby maximise the likelihood of approval for Phase 1. Having obtained approval for Phase 1, but with the intention of never building to the proposal the subsequent variation submissions and appeal (and their associated costs) were inevitable.
- They have also misled by repeatedly changing plans in order to facilitate their plans for this further development of 96 homes when they originally stated that there would not be further development.
- Rowland Homes deliberately kept in reserve their intentions to submit an additional planning application for a further 96 homes while they applied to construct the 26 properties as part of their first phase to develop the site.
- Residents enquired to Rowland Homes about "Phase 2" as this planning application is billed on their brochure and were told that Rowland Homes would not be going ahead with this!
- They compound this 'mislead the community' attitude by stating in section 8.23 of the appeal document submitted to the Planning Inspectorate that 'the site lies currently on the urban fringe between the surrounding currently open countryside and the dense residential development. The creation of an opening with views through to the surrounding countryside creating a softer and less urbanising environment are real benefits to the proposed development. This better responds to the context of the development than the previously approved scheme.'
- This statement was immediately proved false on 22 June 2012 when this planning application was submitted.

- Throughout the planning and development of Phase 1, Rowland Homes seem to have shown a lack of consideration to the local residents.
- There are many inaccuracies and omissions within the current Phase 2 proposals. Whether these are again attempts to mislead the public and planners, is open to debate. If intentional the developers are not to be trusted, if not intentional the developers might be considered incompetent and are therefore not to be trusted.
- If they have lied once where will it stop? How many more phases will there be?
- The same Developer has now applied for 96 houses to go on the area not 100+ to lessen the headlines and impact of the overall planned development of at least 3 phases.
- The builder went to public consultation on 13.4.12 – 23.4.12. The site plans on this showed a very contentious 3 story block of flats that overlooked number of bungalows. The proposed site layout map that has been submitted with this application was drawn on 28.2.12 but has been updated at various points since. However, the location of the apartment block was moved on 28.3.12, over 2 weeks prior to the public consultation taking place.
- The developer only treated the consultation as a paper exercise rather than a genuine process of working with local residents.
- Residents highlight the poor relationship that the developers have with the local community, during phase one of this development they have been antagonistic and unhelpful and have caused much stress to many of their neighbours, many of whom are elderly.
- What incentives are these builders offering that would influence our town planners? Whatever they are, the sacrifices we would make cannot be justified.
- Uncaring and profiteering encroachment by builders
- When considering this application, the Council should think carefully whether the developer can be trusted to perform required undertakings in a suitable and professional manner.

Ecology

- There would be a decrease in wildlife
- The wildlife must be very distressed by phase I – it is bad enough for humans!
- The environment needs green fields, trees and natural habitat for wildlife as well as humans, we need to keep open spaces.
- There are various wildlife species which would be seriously threatened.
- There is currently a diverse ecosystem of wildlife including but not exclusively, Wild Birds – e.g. Woodpeckers, Jays, Buzzards, Owls, Pheasants; Mammals – e.g. Bats, Foxes, Hares, Rabbits; Insects/Amphibians – Food sources for the above
- All of this will be lost by Phase 2 including trees with TPOs.
- The proposed development includes the creation of a man made pond, which is fed by surface water. This must present a serious risk of flooding to animals.
- In addition the development proposes that the land around will have uncontrolled public access, this will undoubtedly lead to the animals being disturbed and could well result in the animals being forced to abandon the part of the site that they haven't already been removed from by the developers.
- The creation of the development as proposed will involve the felling of a number of mature trees. Many of these trees provide roosting for bats and nesting birds.

Highways

Wrenmere Close

- All traffic entering or leaving the development must do so via Wrenmere Close, which is totally unsuitable for this level of traffic and is the smallest Close on the estate
- It was built to serve just 8 dwellings and never intended for such a large development.
- The access to the development via Wrenmere Close is insufficient, there should be at least one other road in and out
- The Fire Service would only have one small entrance to get to a fire
- Two vehicles have difficulty passing – especially heavy equipment or lorries associated with construction
- Phase 1 should never have been passed due to the narrow road causing a lot of distress to local residents.
- The Junction of Wrenmere Close turning into Grange Way has a blind bend. It was designed as an entry to a small cul de sac it was not designed to cope with the volume of traffic generated by over 120 additional houses (Phases I & II).
- The safety of this junction is also compromised by its restricted visibility and the speed of vehicles travelling along Grange way.
- The number of pedestrians would significantly increase on and around this junction if the development was to go ahead.
- With a large number of children en route to the Elworth Hall Primary School this does not make for a good combination.
- The proposed site will significantly add to the already high volume of traffic on the Wrenmere Close junction at peak times
- There is normally a selection of vehicles parked on Grange Way / Lawton Way to the east of the entrance of Wrenmere close.
- Vehicles frequently are passing on the wrong side of the road to pass these parked vehicles.
- Elderly people who live in Brookmere Close, already feel threatened by so much traffic.
- The application includes alteration to the footways in phase 1. This will have a material impact on the residents of Wrenmere Close as it will permit additional traffic to pass their homes. The residents of Wrenmere Close were not notified under neighbourhood notification
- The car parking proposed within the POS is provided for additional transient visitors. Attracting additional vehicular visitors in this manner (dog walkers etc.?) is inappropriate for a development with the single access point as noted above.
- The entrance to the site via Wrenmere Close will be heavily congested
- It would be an accident waiting to happen
- Any alternative access via Dean Close would be equally problematic
- There are only two occasions when roads from cul-de-sacs meet Grange / Lawton Way opposite each other, the junction of Budworth Close and Taxmere Close and the junction of Wrenmere and Brookmere Close
- All the other cul-de-sac's (21 in total) are staggered. The largest one serving about 24 properties.
- The Taxmere / Budworth junction services 21 properties, has a clear open aspect, is on a straight stretch of highway and at the beginning of the access to the estate The properties are set back from the road and there is a wide verge and visibility is excellent.

- The Wrenmere / Brookmere junction serves 157% more properties, is built up and very tight and lies between bends in the road. The proposed development of an additional 96 properties has no option but to use Wrenmere creating an unacceptable and dangerously large cul-de-sac in the depths of the estate.
- This cul-de-sac would service over 430% more homes than any other on the estate, is totally unacceptable, unsafe and adds nothing positive to the people already living in Elworth.
- 2 car families will mean an additional 400 entry / exit journeys a day at the junction which is 104,000 per year without allowing for social journeys, visitors, children's cars, deliveries etc.
- In addition, there would be 10ha of public open space for sport, recreation, education all accesses via Wrenmere.
- The developers state that the site currently has no active frontage to either Dean or Wrenmere Close. The original farmhouse was served by its own driveway off Dean Close and the Farm buildings, although adjacent to Wrenmere Close were access from within the farm.
- This is in direct contrast to their Appeal Statement of April 2012, the developers state that the principal access to the farm was from Wrenmere Close which principally served the agricultural buildings.

Lawton Way / Grange Way / St. Peter's Rise

- People have to reverse out of drives to enter Grange Way.
- children have to cross Grange Way to walk to the primary schools.
- Grange Way is already treated as a race track by some drivers.
- Ellesmere Close is on a slight curve in the road and it is currently very difficult to drive out on to Grange Way
- Given the fact that they cannot even get the road name correct in their submission the transport statement should be given very little credence.
- There are currently a lot of young children who cycle around the estate as most of the roads are linked by paths
- Grange Way was intended as a small narrow feeder road for the original houses NOT a main thoroughfare for an EXTRA 200 plus houses. This should not be allowed.
- Grange Way and other pre-existing estate roads were not built to cope with the increase in traffic that the new development would create as it would be the only access to the development.
- The roads on the existing Elworth estate are already congested with traffic and double parking, and were never intended for the current volume of traffic.
- Children live on the estate where all the additional traffic will have to pass through.
- Residents chose to live on Grange Way because it was a safe estate for children to play.
- Elworth Hall estate has a number of areas used by local children for playing including football and other sport. The increased level of potential car movements will make the estate significantly more dangerous and there is a high risk that a child would be seriously injured.
- With current parking arrangements on Grangeway there will be an increased level of danger as car movements negotiate the parked cars.

- Concern about the industrial traffic that this development will bring i.e. works vehicles and delivery trucks,
- Since work was started by the developer, Grange Way has been covered in dust, sand and mud creating a dangerous road surface. Residents have complained to the Council fortnightly since April but this has made little difference. If the road is in this state for a small development, who knows what the state of the road will be going forward.
- Residents already have large delivery lorries being unloaded in Grange Way by forklift which is a very dangerous thing to do and probably illegal as most forklifts will not be licensed for the public highway.
- If the development were to go ahead it would lead to large and heavy construction traffic using the small and narrow estate roads over a long period, undoubtedly leading to damage to the roads necessitating spending by the council to repair them, in addition to the disturbance to local residents and possible damage to structures of nearby houses.
- The conditions of the road and the lack of concern from this developer puts residents safety at risk
- With no alternative route there is inadequate capacity on Grange Way,
- The quality our local roads with current traffic are rapidly deteriorating. A part Grange Way has previously collapsed & has redeveloped subsidence
- The built in winding nature and narrow width of Grange Way and Lawton Way was intended to restrict traffic flow to preserve a sense of domestic scale to the estate

Middlewich Road

- Middlewich Road is already heavily congested during the school rush hour meaning that it can take over ½hr to currently travel from Elworth to the M6 junction 17.
- Travel times of up to 20 minutes can be expected to travel the 1 mile from Grange Way to the A534 junction at the Waitrose roundabout.
- It moves like a glacier during week day rush hour.
- It is the only route into town and on to the M6 for traffic coming from the new development.
- Many children and parents cross Middlewich Road to get to 2 primary and 2 high schools. One of these has a nursery and there is also a nursery on Middlewich Road
- This traffic will have to join the procession of cars already on Middlewich Road when it emerges from either St Peter's Rise or Grangeway.
- Existing residents have to queue at peak times to get onto Middlewich road from St Peters Rise because of the high amounts of traffic on the A533 Middlewich Road.
- During term time queues of at least 3 cars waiting to turn right out of St Peter's Rise can be seen on at least 3 days out of every 5 week days.
- An additional 96 homes, generating between 96 and 150 additional vehicles travelling at commuter times will increase the queues and waiting time to turn onto Middlewich Road
- The road network from Elworth to Sandbach Town Centre is already overloaded during peak times, the additional volume of traffic from the proposed site will add to this
- Traffic will develop 'rat runs' through Platt Avenue and Offley Road (past another school!).
- At the junction of St Peters Rise & Middlewich Road there is a drain that has been crumbling since the last frosts, with the current traffic levels this has nearly collapsed.

Highways have recognised this and cornered this off at a busy junction for at least the last 8 weeks reducing visibility & with no attempt at repair. Incidents like this will increase with the additional traffic from this development, potentially turning our local roads into obstacle courses.

- Middlewich Road is generally crumbling away, particularly at all the junctions leading off this busy road. This can only get worse with more traffic flowing onto it, creating greater repair costs.
- There are several significant pot holes between The Fox pub and the Grange Way
- The 30mph limit is rarely enforced

Traffic Impact Assessment

- A traffic assessment has been presented with the application.
- The developers estimate only 59 car journeys off this development a day. There are 205 car parking spaces detailed and most of the houses have 3 or 4 bedrooms. The figure of 59 car journeys bears no relation to the reality of modern life.
- This development will add upward of 200 more vehicles onto local roads.
- It has to be said that the Rowland Homes study into traffic movements defies logic and common sense.
- It cannot seriously be claimed that a development of 96 houses, mainly high value 3 and 4 bedroomed dwellings will add less than 60 car movements at peak times, especially when the majority of these houses will be bought by people who work well outside Sandbach.
- A comprehensive traffic study is required at peak travel times especially when the schools are open time (rather than school holidays when traffic will naturally be lighter) to see the real effect. The results need to be made available to the population of Sandbach should Rowland Homes want to be accepted as a responsible developer
- The assessment is baffling on numerous counts, but the number of inaccuracies within the report may well explain the simply unbelievable conclusions that are drawn; viz. end queue of vehicles at the junctions with Middlewich Road at peak times being a maximum of 1 vehicle. Queues exceed this even at non-peak times.
- The traffic assessment provided is also inaccurate as it claims the footpaths on Grange Way, Wrenmere Close and Dean Close to be 2 metres wide, inferring a degree of safety.
- There is only one section of Grange Way where the footpath is 2 metres wide, and only on one side of the road, and extends for less than 100m. No other road has a footpath more than 1.6m wide.
- The developers estimated minimal effect on traffic and safety to be unrealistic considering the increase in the number of actual traffic movements we can expect.
-

Strategic Highway Impact

- There is already a significant level of congestion at peak times on routes between the proposed development and junction 17 of the M6, especially on Middlewich Road (A533). This development will exacerbate to this problem.
- The slip road at M6 J17 is massively overloaded at peak times, leading to dangerous maneuvers being undertaken to avoid the queues - this has already caused road traffic accidents

- This development, if approved will add to the traffic from the houses already approved for Fodens works site, Albion works and Prings Factory site.
- A few adjustments to the motorway junction as planned will have no alleviating effect at all if we then immediately allow a massive increase in traffic trying to use it.

Impact on Infrastructure

- Proposal would place increased pressure and strain on already overstretched local services.
- This situation will be totally unmanageable once all the approved developments are completed.
- This new development does not include any additional amenities to serve the new residents.
- The fire service is mostly part time staff, if there was ever a major incident we would have to wait for assistance from other teams who are at least 15 minutes away.
- The police station serving Sandbach and surrounding area is not manned full time, and is a joke – “telephone Congleton”!
- The limited Police presence has to cover Middlewich, Sandbach, Holmes Chapel, Alsager, and Congleton. This is why there has been increased noise from sirens as officers have to rush from one town to another to cover incidents.
- The local area already has problems with anti social behaviour which the police struggle to cope with as they too are over stretched
- Ashfields medical centre is at capacity and it can take up to 3 weeks to see a doctor to see the dermatology specialist patients wait up to six weeks for an appointment,.
- Leighton hospital already has to support a much larger population than it was originally designed for. It takes at least 6 to 8 weeks to get an appointment following a referral.
- The number of houses proposed will also in all probability bring families looking for schools both primary and secondary. The excellent reputation of Sandbach’s schools will no doubt be an attraction
- Local schools are oversubscribed
- There are two excellent secondary schools in the area who admit that they cannot guarantee school places if the population increases.
- This does not only effect primary schools it will also affect secondary education.
- The boy’s school has already stated that it cannot guarantee places for boys once the leaving age is raised to 18 in 2013
- Pre-application advice given to the applicant by the Education Officer confirms that primary schools and secondary schools are oversubscribed or up to capacity based on already planned development.
- It will be more difficult for parents to give their children and environment for learning that involves their local friends and no requirements for extra travel (another strain on local resources)
- Will lead to oversized classes
- The figures quoted in Rowland Homes planning application with regard to school demand is unrealistic. Most of the houses have 3 or 4 bedrooms – common sense dictates that children will be occupying these rooms.
- All the local primary schools are full or nearing capacity.
- Local children whose's family has lived in Elworth for generations are being turned away from their local school as there is no room for them. One such case is a local

child who has been told that they have to attend a school at Macclesfield which is an hours journey away.

- Local reception children were only accommodated this year (Sept 2012 intake) because Wheelock school was allowed to increase its intake.
- Several parents were not happy with their allocated place who were told they could send their 4 year old to Macclesfield, Congleton or Holmes Chapel.
- Also, there are housing developments locally already under construction whose occupants will require school places.
- Wheelock School is having to build extra classrooms as there are not enough school places for all the children in Sandbach.
- Is there any joined up thinking? Or is this a classic case of departments not speaking to each other?
- For 2012 the 6 Sandbach primary schools received 205 1st preference applications for 185 available places (source; Strategic Director – Children, families & Adult services C.E.C). The Brownfield developments at the former Fodens site, Prings Wire Works, Albion Chemical works along with completion of such sites as Phase 1 of Elworth Hall Farm, Farriers Green - Wheelock, Homebase development will all compound the issue not only for primary schools but also for secondary schools bearing in mind the increase in education age coming into force in 2 years time.
- The water board has stated that all this extra heavy traffic over Grange Road can cause damage to underground water pipes such as leaks and brown water – residents have already experienced this
- The soul of the town has changed and is rapidly losing its heart.

Availability of Employment / Sustainability of Location

- There are not the jobs in the local economy to support it and thus will put the local road Infrastructure, particularly along Middlewich Road, through the town and onto the M6 under greater strain with commuter traffic.
- Local roads are already a disgrace without the additional traffic.
- This also flies in the face current green thinking, we should be looking to reduce commuter traffic not encourage it
- What about future national energy/fuel consumption? Petrol may become more scarce/expensive.
- At a time of rising petrol and rail/public transport costs and a recession which will not easily be resolved, it seems again nonsense to be building houses on greenfield sites away from where jobs are.
- Surely this is against the government's proposals for future development of housing needs
- The Office of National Statistics indicates that outside London, two thirds of commuters travel more than 30 minutes to work and that only 9% use any form of public transport. In addition the ONS indicated those on higher salaries tend to work further away from home than their lower paid counterparts.
- This puts into question the value of the close proximity of bus and train transport in the developers argument for constructing Phase 2 .
- Although Sandbach rail station is within walking distance experience shows that many people would be likely to drive there and the car park there has insufficient spaces for the current level of users with cars often parked inconsiderately on local roads.

- The local area has very few jobs on offer and most of these are for low skilled workers who will not be able to afford the £250k + price tag of the new properties.

Amenity

- The developer's statement that 'The properties on the Vicarage Lane and Dean Close boundary of the site were mainly two story dwellings', is not correct.
- All the affected properties in Vicarage Lane/Dean Close are bungalows and all the proposed buildings are 2 storey detached houses.
- Neighbouring residents do not want a development almost in their backgardens
- They will be overlooked in bedrooms, living rooms and conservatories, effecting the reasonable privacy and enjoyment of homes.
- The proposed development will be located on land that is approx. 5ft higher than the properties on Boothsmere Close.
- As a result, if the development is allowed the new houses will be higher which will give those occupants visibility into the upstairs of houses on Boothsmere Close as well as having a significant reduction in available light to the rear gardens of Boothsmere Close.
- This will be a significant reduction in sunlight as the houses face North Westwards at the rear.
- The level of moss in back gardens will increase as the level of natural light will reduce by this development.
- The first phase has been hell for many old people in Deans Close and Vicarage Lane. Do they have to go through phase II as well?
- Residents have suffered for the last 18 months with Phase I.
 - o Disruption to daily lives,
 - o vibration,
 - o damage to properties,
 - o Heavy plant being left abandoned in the Close blocking off all access.
 - o Driveways being blocked off
 - o Wrenmere itself was closed
 - o How are people supposed to Live their lives with this amount of disruption for the next 3 or more years.
 - o It is affecting resident's health and well being.
- This has been happening since January and Phase 1 (25 houses) is far from complete. Phase 2 would be 4 times as bad and would take 4 times as long)
- Many neighbouring residents are retired and the garden is the main opportunity to enjoy being outside.
- The tall gable end of the proposed house on Plot 69 would overshadow gardens. It would be both oppressive and out of character with existing properties on Vicarage Lane. The gable end is shown to be on the boundary line ten metres from a bungalow
- The new houses and a car park would be built directly behind Boothsmere Close. This means that privacy would be ruined
- At present the boundary fence at the rear of gardens in Boothsmere Close which overlook agricultural land is typical post and rail / wire fence, the most basic and simple form of agricultural enclosure. It is about 12.2m away from the houses and the level of the field is about 1.6m above the floor level of the houses.
- The Design and Access states that brick screen walls will be built where the level of privacy and amenity is particularly high between public spaces such as highways and

private rear gardens. These would be at 1.8m high, 3.4m above floor level and 0.9m above bedroom window level, and would be only 12.2m from rear windows.

- Residents in Dean Close, have already suffered through bad development having my houses overlooked by the original phase 1 development. Now this application is proposing to put a public footpath for the site to run within 5 feet of lounge windows, slightly higher, so residents will have passers by looking directly into the house.
- Some residents are senior citizen who now cannot get out much, and spend many hours in their front room. They do not want people walking right past the window, within a few feet and able to look straight in the house. This is a total invasion of privacy.
- A six foot high fence outside the lounge window would be as bad. The new fence has already blocked out views of the street. One resident spent 5 years serving in Burma, he never thought he would be imprisoned in his own home.
- Resident's small voice will not be heard because this is a world for the big people but there was one man in 1939 who thought he could rule the country but we beat him!

Crime and Disorder

- This development will promote an increase in crime;
- The development of this site also pays no regard for the safety and security of the existing local residents.
- By encouraging the public to enter this development – car park provided- with escape routes on foot across fields, it will be a prime venue for the hooligan and criminal fraternity to gather.
- The safety & privacy of the houses with any gardens that back onto either phase 2 or the created public access land will be seriously compromised with no protection.
- The development includes a number of semi secluded areas, including car parks which would encourage criminal activity and/or hooliganism.
- Because of the proposal's intricate structure of roads and pathways, the safety and confidence of existing residents would be compromised.
- As a result of the labyrinth of roads and pathways, the safety and security of existing residents would be compromised. The development layout makes the rear of many existing homes vulnerable to burglary and hooliganism and will provide a means of escape via the roads and paths as well as across the remaining open country side
- The proposed layout would make the rear of 8 existing properties and 4 proposed properties vulnerable to burglary and vandalism.
- Boothsmere Close would be much more susceptible to crime: The site map shows an open car parking area directly facing the rear of the houses. This will allow for direct criminal/ anti-social activity to take place against these houses as has historically been seen on the Co-Op car park in Elworth, with no means of control. The developers will also provide access for escape routes onto open fields with links to other estates.

Contaminated Land

- The proposed development would be built on land that has previously been used as a waste tip / landfill site.
- It is well known that numerous dangerous substances such as asbestos, methane, CO₂, polycyclic aromatic hydrocarbons, carcinogens and various chemicals were dumped there.

- The survey completed by the developer has not identified all the risks and it is incomplete as many areas were not inspected.
- It is known that high levels of methane concentration have been found on the site,
- there could be significant risks to any new residents on this development as well as the disturbance of such materials impacting upon the health of existing local residents.
- The contamination issues need to be very carefully assessed by an independent surveyor before any permission should be given for the above development.
- Landfill was suspended due to complaints about the manner of the operations being undertaken, and landfill sites have been highlighted as requiring further consideration under Part IIA of The Environment Protection Act 1990 due to information from Cheshire County Council which suggests the licence conditions were breached.
- The report has concluded that: "the Made Ground within the central and eastern sector of the site is not considered suitable for use within the upper 600mm of residential gardens" and "the localised areas of historical landfill (denoted within the REC plan) area not considered suitable for use within the context of the proposed residential end use when considering the following:
 - o Presence of biodegradable material which has been established as a known source of potentially hazardous ground gasses within the areas historical landfill; and,
 - o The deleterious content is not considered physically or chemically suitable for use within a residential garden."
- Residents have no confidence that Rowland Homes is able to implement suitable and acceptable remedial works and work to an appropriate Materials Management Plan
- there is no assurance that it would be safe for building operatives,
- There is no duty of care in the proposed plans.
- The report is sketchy in the extreme and makes basic errors - including listing the Planning authority as Cheshire West with Chester Council!
- The findings, even given their cursory nature, mean this land cannot be considered fit for human habitation;
- There are grave concerns that development of the site could "stir up" currently contained hazards.
- Parents do not wish children to be exposed to any dangerous substances.
- Both the front and rear of existing properties have experienced a persistent fall out of dust and debris from the first phase of the development so residents are highly aware any dangerous chemicals present may very well make their way over surrounding homes and gardens
- On Dean Closes which borders the development site there has been a high incidence of Cancer
- Has a full survey of the site been carried out? If no, why not and it should be and communicated and open to consultation to the public. If it has, why hasn't this been shared with the public?
- Japanese Knotweed has been buried close to the rear gardens of no.16-20 Dean Close. This would have to be removed and could cause further contamination.

Unstable land

- Concerns raised regarding the stability of the land in question.
- The Environmental report prepared for the developer has highlighted that the area has in the past been used for landfill and wild brine pumping.

- Compensation events have been recorded for subsidence, and sink holes across the site have been observed.
- Residents can attest to land movement and “shaking” of houses during the building works of the Phase 1 development
- this is indicative of the general ground instability of the area.
- The land has a history of brine pumping connected to the salt mines.

Drainage and Flooding

- The land has poor drainage and flooding issues and a high water table.
- This would mean that the houses could be liable to local flooding, possibly causing undue damage and increasing insurance costs.
- The field often has a covering of mist in the mornings.
- The existing sewerage system and pumping station that serves the existing housing off Grange Way is already unable to cope with the current level of sewage and rainwater
- The local area has been subject to flooding of sewage on a number of occasions indicating a lack of capacity in the sewage system into which the proposed development would discharge.
- One property has been flooded by raw sewage on no less than 5 occasions in 3 years as a result of the inadequacy of the sewerage system.
- United Utilities have confirmed that they have no plans to upgrade the system before 2015. It would therefore be inappropriate to increase the load on the existing sewage system.
- The land to the south west of the proposed development slopes down towards the existing homes on Vicarage Lane. This results in flooding to the boundaries of 66 and 68 Vicarage lane in winter.
- The addition of additional hard standing such as roads and paths etc. will undoubtedly make this situation worse.
- The grange way housing estate already has a known problem with foul water drains overflowing. This results raw sewage flooding the gardens of a number of houses on the estate.
- The land in question is quite a bit higher than Boothsmere Close and residents are concerned that if it is built on that there will be surface water and flooding issues.
- This year has seen a huge increase in the amount of rain and because of climate change this may increase. At the present time, residents are investigating whether a recent heavy rain storm caused a back up of the drains causing some damage of concern in houses.
- Surely before more houses are built there should be a feasibility study on the capacity of the local drainage system to take not only normal waste, but excess waste caused by heavy rainfall.
- The south western corner of the proposed site slopes
- Vicarage lane already suffers from flooding due to insufficient drains which were suppose to have had £100,000 spent last year on rectifying the problem but has not made any difference.
- The Knotweed has been buried in a pond thus choking normal drainage, hence the rain will not have a natural reservoir. In this area is a large Alder Tree. The consultant expressed surprise to see where it was growing. Its normal environment is beside rivers and streams. Building in this area will interfere with the watercourse.

Trees

- Trees with TPOs have been severely pruned without permission or the use of qualified tree surgeons.
- The application presents a drawing (R063/1) showing the proposed site layout. The drawing has a key on the right hand side which suggests that trees that will be removed are marked on the layout drawing. There is, however, at least one tree which has a Tree Preservation Order (TPO) that has not been marked on the layout that will have to be removed in order to build the houses outlined on the plan.
- On further investigation of the documentation submitted with the planning application, the tree and its TPO status has been identified within the Tree and Vegetation Report prepared for the developer.
- The tree is marked on the survey plan Appendix 3 as No. 32; and is depicted as a large element
- The tree is a tall, mature tree with an impressive canopy which can be seen over the tops of the existing houses when approaching from Grange Way.
- However, within Appendix 2 this beautiful tree has been woefully misrepresented; no details of its height, stem diameter, or age have been given – the TPO has been stated as applying to a group of young trees with poor status. Conveniently for the developer No. 32 has been categorized “U” (UNSUITABLE FOR RETENTION CATEGORY - Trees which should be removed and should not be a consideration in the planning process) – despite the tree fitting into none of the statements that would fit it for this category.
- Residents object to the development as the plans require the removal of trees (some of which are known to have TPOs attached) given that the plans are not clear regarding which trees are to be retained and which trees are to be removed.
- The house planned for plot 69 of the proposed development appears to be built on top of a 40 foot mature tree which is not mentioned by the developers – it is healthy and can be seen and enjoyed by all the residents of Vicarage Lane / Dean Close.
- This is a mature and substantial Alder which a qualified tree surgeon has confirmed is in good condition. This appears to contradict the information supplied by the developer in the planning application.
- The design and access statement says that trees will be retained wherever possible – what does this mean.

Positioning of affordable housing

- The pre-application advice given to the applicant states that the Housing Officer indicated that affordable housing provision should be “pepper-potted” through the site.
- This represents good social planning
- In the plans for Phase 2 the positioning of the affordable housing when compounded with that within Phase 1 creates clear zoning of the housing stocks in clear contravention of the principle of “pepper-potting”

Other matters

- This proposed phase 2 development has not been through a public consultation although it is dated February 2012. A proposed plan was exhibited in the local library in April 2012 which was a different layout.

- This development is not needed but is genuinely unsustainable and to quote the Rt Hon Greg Clark MP Minister for Planning in his forward of The National Planning Policy Framework:
 - *“Sustainable development is about change for the better, and not only in our built environment”.*
 - *“Our natural environment is essential to our wellbeing”*
 - *“So sustainable development is about positive growth – making economic, environmental and social progress for this and future generations”.*
- This development does not achieve this and I feel has been contrived against the spirit in which this document was created, for the sole benefit of the developer.
- Residents would like their council tax reduced if this goes ahead
- The proposal to construct a three story apartment block is totally out of keeping with the outlying skyline and totally inappropriate.

Action Group

A report has been submitted on behalf of Elworth Hall Farm Action Group which concludes as follows:

- *“We wish to see Sandbach grow in a way that enables it to retain and develop its unique character. This proposed development does not support this vision. Sandbach is currently being targeted by many developers who recognise that they can profiteer in the area. Many of these appear unconcerned by the level of local opposition or how the town will be affected in the long term. The majority of development taking place at the moment is not matched by the growth in local jobs and is resulting in the creation of a town occupied by commuters who play no part in the community and have no affinity with their environment. This cannot be sustainable or desirable in the long term and will ultimately result in the destruction the very thing that makes the town attractive, its character. It is thus contrary to the requirement of the National Planning Policy framework which looks for sustainable development, and significant weight must be afforded by the Authority to this issue.*
- *The proposal to construct 96 Dwellings, associated works and alterations to Phase1 at Elworth Hall Farm together with community lands by Rowland Homes Ltd., is considered to be inappropriate and should not be approved by Council.*
- *The proposal is contrary to PPS3 on several points in that it proposes to build in the open countryside. The land is considered unsuitable for development in accordance with the Draft Sandbach Town Strategy, contains aggressive contaminants and the underlying ground conditions are exceptional. Of particular concern is the disturbance that would be caused to neighbouring residents and property should any development take place. Evidence from the current phase 1 development by Rowland Homes Ltd., has confirmed the unacceptable levels of vibration and disturbance transmitted to the surrounding area by the works and is considered similar to, but more continuous than, the recently highlighted fracking process. The proposed development is also considered not to be the most effective use of land and to be unsustainable in accordance with national government policy.*

- 96 dwellings proposed outside the settlement zone line would represent a suburban encroachment into the open countryside that would detract harmfully from its rural character, in conflict with Policies PS8 and H6 in the Local Plan and national policy in PPS4 and PPS7.
- This application is contrary to local plans and as such contrary to national guidelines. It seeks to remove Trees with preservation orders for no good reason, and will be out of keeping with the locality and character of the area. It is littered with inaccuracies and inconsistent in places.
- It seeks to build on contaminated land, land where the potential risk is unknown due to surveys being incomplete. The fact that the proposed site had previously been used as a landfill site, with uncertainty on what was dumped, should immediately cause concern relating to potential hazards that could be disturbed. The preliminary geo environmental assessment has already identified carcinogenic substances present, which should ring health and safety alarm bells. The best way forward for the site would be to leave previous uncertain hazards undisturbed and reject building dwelling on the site. Furthermore it potentially opens up the Authorities to future risk if planning permission is approved, in full knowledge of the risk presented. Furthermore, it is anticipated that from April 1st 2013, responsibility for Public Health matters will transfer from the disbanded Primary Care Trusts and Strategic Health Authorities, to the Local Authorities for each area. It is therefore possible that should any resultant public health issues be exposed from this applicant, the liability for this could fall upon the already stretched resources of Cheshire East Council
- In addition, the land required to provide adequate visibility at the junction of Wrenmere Close and Lawton Way lies outside the site outline. The entrance road to the proposed site, Wrenmere Close, has a insufficient visibility splay according to the Department of Transport's own design rules. This makes it unsafe for such a large proposed development. This is on a junction used by Children and adjacent to a residence for Elderly people, some of whom have restricted mobility.
- It proposes only one point of access and exit to the site, which is inadequate according to national highways guidelines in terms of the visibility splay, a fact confirmed by the applicants own traffic survey which highlighted average speeds way in excess of that necessary for the road visibility and safe sight distance to be even borderline sufficient.
- The proposal, as presented, does not properly demonstrate the impact of traffic generated by the proposed development on the existing transport network.
- Furthermore, it will create a wholly unacceptable loss of privacy and light on many residents, and as such will be unacceptably imposing on a number of properties. This has been a point raised during the consultation period, and one which residents have tried to resolve through discussion with the applicant, who has not been willing to entertain any such dialogue.
- The proposal to transfer land to the Council for community use is an unnecessary burden and liability on the Council and residents of Sandbach.

- *The land proposed for this development is agricultural land – not brownfield- once built on it will never be farmed again. As our town representatives we trust you will restrain development in Elworth, to conserve its character and prevent development encroaching into the surrounding countryside.*
- *This proposed development is unwanted by the local community because it further erodes countryside that is an important part of their local environment. It is not part of any local plan and is such contrary to the ethos and makeup of the National Planning Policy Framework.*
- *We strongly oppose any further development on Elworth Hall Farm. We feel that the points made above not only show that this development is not needed but is genuinely unsustainable. The National Planning Policy Framework sites that “The purpose of the planning system is to contribute to the achievement of sustainable development”*
- *This application does not achieve this and has been contrived against the spirit in which The NPPF was created, for the sole benefit of the developer. Not only does it not achieve such but this document clearly highlights “Significant and Demonstrable” impacts which would burden the locality should this application be passed.*
- *The proposal is premature as it does not comply with the indications of the potential housing units set out in the Strategic Housing Land Availability Assessment. Furthermore it is considered unsuitable within the Draft Sandbach Town Strategy, which as a more recent document must be afforded more weight. Also it must be remembered that the SHLAA would have been put together prior to being in receipt of key information such as the land Geo-Environmental and Transport Assessment reports and as such can only be afforded limited weight.*
- *This application is opposed by the Sandbach Town Council, objected to by United Utilities, and, as the weight of objections from local residents highlights, is unwanted by the people of Sandbach. Granting approval for such a proposal on the basis of the lack of a local plan would be contrary to the aims and ethos of the National Planning Policy Framework, which as the Minister said in his forward “we are allowing people and communities back into planning.”*
- *The strength of opposition from all parties in Sandbach therefore has to be given significant weighting under NPPF guidance, thus there is no other option the Authority can take than refuse this application.”*

A further letter from the Action Group has been received which concludes as follows:

- *In summary, there are significant, demonstrable and very real impacts of this development that have not been addressed by JASP Planning and Rowland Homes, which demonstrates beyond any doubt these are issues which cannot be resolved and thus must be given significant weight. In its responses to other points we believe that JASP Planning, Rowland Homes and the agencies working under its instruction have missed many of the detailed and significant points raised by our group, and rather than resolving our objections have merely attempted to divert the discussion away from the real issues.*

- *Despite our group highlighting the issues around the one main benefit that JASP state the application will provide, that being the inability of Rowland Homes to effectively manage open space land, this has not been rebutted nor addressed in any form. We would thus suggest that such open space, given Roland Homes recent demonstrable mismanagement of open space land would actually become a burden on the locality, become a burden for the Council, and a blight on the area, should it go ahead. It is not a benefit; it is one of many significant and demonstrable reasons why this application should be refused.*

Persimmon Homes

A letter has been received from Persimmon Homes objecting to the development. On the basis of the following points Persimmon consider the application should be revised as the fundamental principle of the development proposed is unjustifiable:

- The application submitted is opportunistic and the principle of the proposed does not conform with the value placed by the NPPF on planning being genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans
- Recent Inspector and Secretary of State reports regarding the proposed development of land off Abbey Road agreed such opportunistic and ad-hoc development would jump-the-gun, thereby prejudicing the fairness and effectiveness of the LDF process
- From recent high profile appeal decisions relating to strategic sites in Sandbach it should be understood strategic sites must be considered together through the plan making process, especially given that the Elworth Hall Farm, site is not supported for housing through the locally developed Town Strategy.
- Land supply is only one factor in the determination of an application and should not exclusively dictate the appropriateness of a scheme. This is demonstrated by the Adderbury Appeal decision, which identified a proposal for 65 dwellings as strategic and gave weight to the fact than the settlement was faced with a range of possible options of both the scale and location of future development in the village and a decision of the appeal scheme in isolation may well pre-empt those local decisions.
- A proposal consisting of approximately 100 dwellings is certainly strategic relative to the settlement of Sandbach (however such a level of development may not be considered strategic in the context of Crewe). Therefore the flexibility applied to the recent Crewe Road, Alsager application (which consisted of only 65 dwellings), in that it broadly accorded with the spirit of the IPP cannot be applied here.
- The determination of the application, in coordination with other recent decisions in the area represents an opportunity for the Council to cement a robust planning argument for countering the uncoordinated and ad-hoc development of major Greenfield edged of settlement sites.

CTC – Working for Cycling

Should this application be approved then perhaps developer contributions can be used for some of the below items.

1. Crossing at Middlewich Road/Abbey Road/the co-operative food shop/Turnpike Court

A pedestrian count justified a signalised pedestrian crossing in 2007 [1]. This would enable those schoolchildren of Elworth Hall Primary School who live on the west side of Middlewich Road to cross the road more safely. In return it would enable children on the proposed estate for example to reach the new Sandbach United Football Centre. It would also enable access to the bus stops, the nursing home Turnpike Court and the co-operative food shop. This is a challenging location with car traffic joining from five sources.

Collisions involving pedestrians have not occurred yet but the location has been specifically highlighted in the developer's transport assessment: "There is a cluster of accidents on the opposite side of Middlewich Road at Abbey Road." One collision involved a cyclist. Four of these five collisions involved a car turning right out of Abbey Road on to Middlewich Road. A pedestrian crossing would help here too by occasionally breaking the flow of traffic on Middlewich Road, thereby allowing space and time for this manoeuvre.

2. Sandbach Footpath 36, Bradwall FP3

This is a good farm track that could be upgraded for cycle use, allowing access to the countryside.

3. Footpath conversions to cycle tracks

The area bordered by Lawton Way and Grange Way has two long footpaths, north-south and east-west, resulting in numerous, good, car free connections. Would it be possible to upgrade some junctions and/or paths for cyclists? As an example please see the junction where the two cul-de-sacs Bollin Close and Cumbermere Drive are divided by one of the above mentioned footpaths.

4. Proposed pedestrian/cycle link through onto Dean Close

This is welcome and should be a minimum width of 3 metres, unaffected by street furniture etc.

5. The proposed pedestrian link through the site onto Vicarage Lane

This should be upgraded, so cyclists too can benefit from the most direct access to Middlewich Road.

6. Cycleway/footway Lawton Way to Grange Way

The transport statement says: "There is also an off-road cycleway/footway which runs from Lawton Way past the Primary School and terminates at Grange Way, beyond the Co-op store". This is not correct and should be challenged. It is only a footpath. However would welcome upgrading this to cycle track.

7. Cycle Parking at Sandbach Railway Station:

The Transport Statement mentions: “4.13 At Sandbach Railway Station there is some cycle parking in the form of Sheffield stands. There is car parking at the station however it appears that this is usually full to capacity. This will encourage future residents to walk or cycle to the railway station instead.”

As the existing 5 racks are never used by more than one, single bicycle it is doubtful that new residents would suddenly use them. Instead illegal parking around the station is a known problem. Furthermore Northern Rail have last month secured a grant to triple the capacity of the station car park, thereby reducing the motivation to walk or cycle there. To promote cycling suggest installing a cycle shelter

7. APPLICANT’S SUPPORTING INFORMATION:

- Waste Management Plan
- Utilities Statement
- Geo-Environmental Statement
- Flood Risk Assessment
- Development Concept Plan
- Design and Access Statement
- Transport Assessment
- Section 106 Proforma
- Agricultural Land Classification
- Open Space Assessment
- Affordable Housing Statement
- Planning Statement
- Ecological Survey
- Tree Survey
- Architectural Analysis

8. OFFICER APPRAISAL

Policy Position

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

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

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

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy".

Housing Land Supply

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012, the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. This document is to be considered by the Strategic Planning Board on 8th February and the Portfolio Holder on 11th February 2013.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However, for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly, once the 5% buffer is added, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

However, given that Cheshire East can now demonstrate a five year supply of housing land it is not considered that policies H6 and PS8 which protect Open Countryside is not out of date and the provisions of paragraphs 49 and 14 do not apply in this case.

Emerging Policy

The Sandbach Town Strategy considered a number of development options around the town. These were subject to consultation which closed on 2 April 2012. All comments were considered and the Strategy document was revised accordingly. A total of 263 representations were received on the draft Sandbach Town Strategy, along with a petition of 152 signatories. The application site was included in the Strategy consultation as part of ‘Site E: Land to North of Marsh Green Road’. Site E was listed as a potential development area

discounted by the Stakeholder Panel. The consultation did not directly ask consultees for their views on discounted sites, but several respondents voiced objections:

- to development at Elworth Farm;
- to development beyond the settlement boundaries of Elworth;
- to any development which risks eroding the separation between Elworth and Sandbach.

Although the Town Strategy was agreed by Sandbach Town Council on 21 August 2012 subject to alterations to the infrastructure priorities, the Town Council concluded that 'further robust evidence is required to demonstrate a need for any additional housing allocation' prior to validation of the Development Strategy section.

The Cheshire East Development Strategy approved by Strategic Planning Board and Cabinet for consultation until 26 February 2013 and as a material consideration, directs additional housing in Sandbach to two strategic sites: land adjacent to Junction 17 of the M6 to the south east of Congleton Road (700 homes) and the former Albion Chemicals site (up to 375 homes).

These sites have now been carried forward into the Draft Local Plan (development strategy) now the subject of consultation. The NPPF consistently underlines the importance of plan – led development. It also establishes as a key planning principle that local people should be empowered to shape their surroundings. Regrettably, the Secretary of State has often chosen to give less weight to these factors within his own guidance – and comparatively more to that of housing supply. These inconsistencies feature within the legal action that the Council is taking elsewhere.

In the recent Secretary of State decisions in Doncaster MBC (APP/R0660/A/12/2173294 refers), it was found that a development was to be premature even though the Development Plan was still under preparation. Important to this decision was the finding that a five year supply of housing land was available. There is nothing in national guidance to suggest prematurity and housing supply should be linked in this way, and logic might question how the two are interlinked, but this factor was evidently influential in this case. Given that the Council now has a 5 year supply of housing, it is considered that a pre-maturity case can be defended in this case.

Conclusion

- The site is within the Open Countryside where under Policy PS8 and H6 there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

- The 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.
- The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The North West Sustainability Checklist is supported by Policy DP9: Reduce Emissions and Adapt to Climate Change of the Regional Spatial Strategy for the North West, which states that:

“Applicants and local planning authorities should ensure that all developments meet at least the minimum standards set out in the North West Sustainability Checklist for Developments (33), and should apply ‘good’ or ‘best practice’ standards wherever practicable”.

The Regional Spatial Strategy for the North West currently remains part of the Development Plan for Cheshire East.

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

interrogated in order to provide the answer to all questions. The results of an accessibility assessment using this methodology are set out below.

Category	Facility	ELWORTH HALL FARM
Open Space:	Amenity Open Space (500m)	0m
	Children's Play Space (500m)	0m
	Outdoor Sports Facility (500m)	743m
Local Amenities:	Convenience Store (500m)	1084m
	Supermarket* (1000m)	2359m
	Post box (500m)	394m
	Playground / amenity area (500m)	537m
	Post office (1000m)	2702m
	Bank or cash machine (1000m)	1027m
	Pharmacy (1000m)	856m
	Primary school (1000m)	814m
	Secondary School* (1000m)	1944m
	Medical Centre (1000m)	2285m
	Leisure facilities (leisure centre or library) (1000m)	1944m
	Local meeting place / community centre (1000m)	2553m
	Public house (1000m)	724m
	Public park or village green (larger, publicly accessible open space) (1000m)	0m
	Child care facility (nursery or creche) (1000m)	573m
Transport Facilities:	Bus stop (500m)	633m
	Railway station (2000m where geographically possible)	721m
	Public Right of Way (500m)	185m
	Any transport node (300m in town centre / 400m in urban area)	185m
<i>Disclaimers:</i>		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

Rating	Description
	Meets minimum standard
	Fails to meet minimum standard (Less 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).
	Significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).

On the basis of the above assessment the proposal does not appear to be sustainable. However, at an appeal in Clitheroe, an Inspector stated that

“accessibility is but one element of sustainable development; it is not synonymous with it. There are many other components of sustainability other than accessibility. The concept includes such matters as meeting housing needs in general and affordable housing in particular; ensuring community cohesion; economic development; ensuring adequate provision of local health facilities and providing access for recreation in the countryside”.

Policy DP9 of the RSS relates to reducing emissions and adapting to climate change. It requires:

- proposals to contribute to reductions in the regions’ carbon dioxide emissions from all sources;
- take into account future changes to national targets for carbon dioxide and other greenhouse gas emissions
- to identify, assess and apply measure to ensure effective adaptation to likely environmental social and economic impacts of climate change.

RSS (Policy EM18) policy also necessitates that, in advance of local targets being set, large new developments should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable.

The Council’s Urban Designer has commented that the approach to sustainability is quite weak, especially given the rural edge location. The site could be achieving more through passive environmental design which should be influencing layout and house type selection/design. Climate change adaptation should also be a key principle alongside mitigation. There is no specific mention of either in relation to the scheme. The approach to renewables is considered to be wholly unambitious given the Feed-in Tariff (FIT) and Renewable Heat Incentive (RHI). The documentation specifies that the scheme will achieve Code for Sustainable Homes level 3. This is also considered to be an un-ambitious target given that the proposal is in outline. Localised plot by plot measures could be used to supplement the strategic Sustainable Urban Drainage Scheme (SUDS). For example, living boundaries/roofs to sheds etc. could be incorporated into the scheme.

The Developer has responded by stating that the scheme already exceeds both the policy and Building Regulation requirements. Whilst clearly the scheme could aspire to achieve more, they consider that it is neither reasonable nor necessary to do so. Reference is made to FIT and RHI. Moreover, the government is reducing FIT making this less attractive to developers and future occupants. RHI is “aimed at any householder looking to replace their current heating with renewable heating kit” and any future changes to the scheme are at present unclear so it would not be reasonable for the developer to commit to anything at this stage. In any event, the approach on this site has been through improvements to the built fabric which are considered to have much greater long term benefits than short term gains from other technologies.

The comments of the developer are noted and, whilst it is regrettable that the site does not achieve more in terms of sustainable credentials, the current policy requirement is limited to

that of RSS Policy EM18 and detailed scheme to achieve this could be secured through the use of conditions.

With regard to the issue of economic development, an important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) issued by the Minister of State for Decentralisation (Mr. Greg Clark). It states that *“Government’s clear expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy.”*

The Statement goes on to say *“when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.”* They should:

- consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;
- ensure that they do not impose unnecessary burdens on development.

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

Similarly, the NPPF makes it clear that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21, *“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

In summary, in terms of its location, and accessibility, the development is fundamentally unsustainable. However, previous Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development, which this proposal will help to do. Therefore, the current lack of a five year housing land supply, the fact that this site is located predominately within the infill boundary line, and the economic growth benefits are considered, on balance, to outweigh the limited conflicted with local plan policy in terms of

the scale of development, and the lack of sustainability in locational terms, the adverse impacts of which are not considered to be significant or demonstrable.

Loss of Agricultural Land

Policy NR8 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.

The applicant has submitted an agricultural land classification study which concludes that the proposal, would involve the use of Grade 3a land with some non-agricultural land. Therefore, it is necessary to consider the other criteria in the policy. These are:

- the circumstances and need for development are supported in the local plan; and
- the development cannot otherwise be accommodated using
 - another site which is suitable and available for the proposed use
 - derelict or non-agricultural land
 - land of a lower agricultural quality (grades 3b, 4 or 5 based on the ministry of agriculture, fisheries and food land classification); and
- the proposal does not break up a viable agricultural holding or holdings.

In this case, as has been set out above, the circumstances and need for development are not supported in the local plan but this is overridden by the provisions of the NPPF. There are insufficient brownfield sites, or sites of lower land classification, available to accommodate housing need and, as Elworth Hall Farm itself has already been redeveloped, the proposal does not break up a viable agricultural holding or holdings.

Affordable Housing

The Councils Interim Planning Statement for Affordable Housing states that we will seek affordable housing on all sites with 15 units or more, and the general minimum proportion of affordable housing for any site will be 30% of the total units.

The Strategic Housing Market Assessment (SHMA) 2010 shows that for the sub-area of Sandbach, there is a requirement for 75 new affordable homes per year between 2009/10 – 2013/14. This is made up of an annual requirement for 21 x 1 bed, 33 x 2 bed, 7 x 3 bed, 4 x 4/5 bed and 10 x 1/2 bed older persons accommodation.

In addition to the information taken from the SHMA 2010, information from Cheshire Homechoice, which is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, indicates that there are currently 87 applicants on the housing register on Cheshire Homechoice who have selected Elworth as their first choice. These applicants require 17 x 1 bed, 38 x 2 bed, 23 x 3 bed and 3 x 4 bed accommodation. 12 of the applicants who require a 1 bed and 8 of the applicants who require a 2 bed would consider a flat.

Consequently, as there is affordable housing need in Sandbach, there is a requirement that 30% of the total units at this site are affordable, which equates to a requirement for 29 dwellings.

The Affordable Housing Interim Planning Statement (IPS) also states that the tenure mix split that the Council would expect is 65% rented affordable units (either social rented dwellings let at target rents of affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2010.

The affordable housing provision being offered is 29 dwellings, with 19 provided as affordable rent and 10 provided as intermediate tenure. This meets the required provision of affordable dwellings in terms of total number of dwellings and the tenure split. However, Housing Officers would like to see provision for the rented affordable dwellings to be provided as either social rent or affordable rent to provide flexibility. This can be secured through the Section 106 Agreement.

The types of dwellings being offered as affordable housing are 8 x 1 bed apartment & 11 x 2 bed houses as affordable rent and 2 x 2 bed houses & 8 x 3 bed houses as intermediate tenure. This mix of affordable housing is acceptable as it will contribute towards meeting some of the affordable housing need in the area.

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

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

It also goes on to state that:

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

Contaminated land

The Council's Environmental Health officers have commented that the application is for new residential properties which are a sensitive end use and could be affected by contamination which is known to be present. As such, a Phase II study has been submitted with the application which recommends that mitigation is undertaken. Environmental Health have

examined the submitted study and raised no objection subject to appropriate conditions to secure the submission, approval and implementation of remedial works and the submission of a validation report to verify that the work has been completed.

Therefore, whilst the concerns of residents are noted, in the absence of any objection from Environmental Health it is not considered that a refusal on contaminated land grounds could be sustained.

Air Quality

The Council's Environmental Health officers have commented that insufficient information has been submitted with the application relating to the air quality impacts in order to assess adequately the impact of the proposed development. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.

The developer has been made aware of this and has commented that they are unsure what impact, if any, the proposals will have on air quality. There was no issue with air quality on the first phase and they cannot see what issues might exist on the second. The site is not in, or adjacent to, an AQMA; the only one in Sandbach being at the junction of A534 (Old Mill Road / Congleton Road) and A5022 (Holmes Chapel Road) including only a small number of properties around the junction. This is on the opposite side of Sandbach on the other side of the M6 and logic would suggest that the proposed development will have a negligible or nil impact at this junction. The only source of air pollution arising from the development could be dust from the construction phase and from vehicles once occupied. Bearing in mind the findings of the Transport Assessment, there is unlikely to be any significant impacts on air quality following completion of the development. During the course of construction, there are sufficient other controls to address any potential dust issues, but if it was a matter that was of concern then this could be mitigated through a Construction Environmental Management Plan which could be conditioned.

The Council's Environmental Health officers have responded by stating that any development has the potential to cause adverse effects on local air quality as a result of increased transport emissions. In turn this can lead to negative health impacts.

The application proposes 96 dwellings, which is considerably more than those proposed during the first phase of development. An air quality impact assessment is required as the number of houses is above the threshold where we would require such a report, irrespective of whether it is within an AQMA or not. Regarding the AQMA, it may be a distance away from the proposed development site but there has been evidence from other applications within the area that there may be impacts on the AQMA.

The applicant has been made aware of this and has supplied an air quality assessment undertaken by REC Ltd on behalf of the applicant. This confirms that there are no significant issues arising from operation or construction phases.

Environmental Health have examined the report and commented that the refusal on the grounds of insufficient information can now be removed.

The report considers both the construction and operational impacts of the proposed development.

The assessment uses ADMS Roads to model nitrogen dioxide (NO₂) impacts from the predicted additional road traffic associated with this proposal and other permitted developments. However, the assessment has not been scoped prior to completion with Environmental Health. There has also been no receptor locations considered within the vicinity of the site.

As it stands, the report predicts that all receptors modelled will experience negligible increases in NO₂. However, when examining the results, one receptor is predicted to experience NO₂ concentrations close to the objective at 39.48µg/m³ when taking emission reductions in future years into consideration. At the worse case of no emission reduction in future years, this receptor is predicted to exceed the NO₂ objective and lead to the potential designation of an Air Quality Management Area (AQMA).

As such, mitigation should be adopted in the form of direct measures to reduce the impact of traffic associated with the development. As such, Environmental Health have recommended that a Travel Plan be associated with the development which outlines measures, targets and appropriate reporting mechanisms aimed at encouraging and incentivising Low Carbon Travel Options which would be useful in offsetting any impact is secured by condition.

There is potential for dust generated during the development to have an impact in the area, and, as such, the report outlines suitable mitigation. It is recommended that the developer agree with the LPA an Environmental Management Plan (EMP). The EMP shall identify all potential dust sources and outline suitable mitigation. The plan should be implemented and enforced throughout the construction phase. This can also be dealt with by condition.

Noise Impact

The site is surrounded by existing residential development to the south and open countryside to the north. It is not in close proximity to any major highways or railway lines and therefore Environmental Health Officers have not raised any concern with regard to the impact of noise on the development. Various conditions have been recommended however to protect neighbouring occupiers from noise and other amenity impacts during the construction phase.

Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). It concludes that:

- The site is located within Flood Zone 1 with a low probability of flooding.
- The risk of flooding from all sources is low.
- Attenuation can be incorporated into the surface water drainage layout such that the flows from the site are limited to less than the existing rates.
- There is no surface flooding from the surface water sewerage system on the site in the 1 in 30 year event or in the 1 in 100 year event plus climate change allowance of 30%.

- At the present time, the drainage layout has generally been detailed to suit the requirements of Sewers for Adoption 6th Edition, including a detention basin but the future regime could provide for alternative drainage features. Where possible, SUDS measures in accordance with CIRIA Report C697 should be included in the drainage layout. Due to the topography of the site, it is not considered to be practical for the outfall to the basin to be swales or other open SUDS features due to the depth.

The report recommends that:

- SUDS facilities should be incorporated in the drainage network where possible and should be designed in accordance with CIRIA Report C697.
- Further detailed site investigations should be undertaken to provide the design parameters for infiltration techniques.
- Flows from the site should be limited to less than the existing runoff rates; the proposed drainage should include an allowance for future climate change.
- The external levels shall be designed to ensure overland flood routes exist through the development for use in exceptional circumstances.

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

Built Heritage / Archaeology

The site is the location of the former Elworth Hall and grounds. Whilst no above ground remnant survives, there is the potential for underlying archaeology. The Council's Archaeologist has commented that it would not be reasonable to advise that the site should be subject to any further pre-determination work or subject to formal excavation. However, he does advise that the relevant parts of the site should be subject to a carefully targeted watching brief with the specific aim of recording traces of the hall and any earlier predecessors and obtaining a record of the former Elworth Hall Farm, garden, earthworks and boundary. This could be secured by condition.

The nearest above ground asset is a locally listed terrace of cottages, probably associated with the former Elworth Hall approx 30 metres to the west of the site. These buildings are visually separated from the site by intervening trees and hedging and it is not therefore considered that there would be any significant adverse impact on their setting which would warrant a refusal on conservation grounds.

Urban design and layout

The Council's Design Officer has assessed the application and commented that the site is generally low lying, sitting within a shallow bowl with a gradual slope from west to east. A public right of way runs approximately 100 metres from the site to the North West. Whilst views from this are screened by topography and the hedgerow for much of its length, the site is visible from a key location at the point where the land begins to fall away to the north of the site.

Mature trees define the north western corner and eastern boundary of the site whilst groups of trees also exist within the application site to the south east and with a couple of mature trees in the south western part of the proposed extended site (immediately to the north of recently constructed housing). A stream/ditch runs alongside the site along the eastern boundary. A pond lies to the north east of the site.

The proposal, seeks to extend the housing area presently under construction. The extent of the site is partly defined on the northern boundary by a hedge line/field boundary, although it is very visible and exposed on this edge from the public right of way to the north west (Sandbach FP2).

There have been several iterations/revisions to reduce the impact of the road. It also entails the modification of the approved layout for the first phase to deliver the layout for this scheme.

Within the proposal, extensive naturalised and amenity space is to be provided to the north east and east of the site. A further area of open space is also provided within the site to the south east, around a belt of trees.

The scheme proposes a mix of house types including a 2 storey block of apartments. Whilst there are several terraces and pairs of smaller dwellings, the majority of the housing comprises larger detached dwellings. All housing is 2 storey. According to the D and A statement, the net density of the housing is 28 dwellings per hectare.

The layout has gone through several amendments through the course of pre-application discussion. However, this has primarily focused on de-formalising street design rather than broader urban design objectives.

The design and access statement could do more in evidencing the design process from inception. There appears to be a lack of analysis underpinning the initial masterplan and the clarity of the design vision for the site is also questionable as a consequence. Whilst the principle of rounding off this part of the town seems reasonable from a design perspective, it could be argued that the edge adjacent to open countryside could be even lower density and/or the site extent reduced at the north eastern corner, which presently seems to protrude beyond a logical development line. It makes this part of the development more visible, protruding further into the landscape. The initial Masterplan shown in the D & A (6.3) indicates a more restrained incursion (albeit the difference is modest).

Turning to the relationship to areas of open space and the rural fringe, the northern edge of the site is part orientated with plots backing onto trees and hedges, as is the eastern edge of the site. Usually a layout would be designed to orientate out toward the adjoining countryside and open space rather than backing onto hedging, trees and, on the eastern side, a watercourse.

With regard to connectivity and surveillance of streets and spaces, the footpath connection to Dean Close is not fully surveyed. The quality of this pedestrian route is also of poor quality. This limits the connectivity between the site and neighbouring streets. There is limited surveillance over the route in the south east corner of the site given the level of fenestration on the house type occupying this corner.

There does not appear to be any compelling evidence that building placement and legibility objectives have led the layout design rather than highway design. The design and access statement does not successfully explain the townscape and place making strategies. There is discussion within the D & A about the scheme having a sense of place but this is inadequately evidenced or explained in the Design and Access Statement (particularly in a pictorial way)

The road layout is less formal than that of the development under construction, particularly the limbs off the central principal access. There is scope to de-formalise further and shared surface and home zone principles could be used. The western limb could be designed as a home zone, as could the loop off the eastern limb. The street design should be led by public realm/landscape design rather than highway engineering principles and thought should also be given to the public realm detail of streets (kerb heights, pedestrian crossing points, integration of pavements, street furniture etc.) The street connecting to the main access in the southern part of the site is dominated by frontage parking and will have a poor, vehicle dominated character. The parking should be broken up by landscaping. There is a danger that integral parking could result in a lot of cars being visible in streets unless landscape is used to help soften and screen frontage parking.

The developer has stated that they note the comments of the Urban Design Officer, and the fact that he considers that the proposals represent a reasonable rounding off of the settlement. Reference is made to the visual impact of part of the north eastern corner of the site. The development in this area has been designed to front outwards overlooking the proposed extensive areas of public open space to the north. Provision is made effectively for a transition zone where the front gardens of properties will provide a softer landscaped area reducing the impact of the proposed houses. There is a further landscaped area between the road and the proposed public open space which can incorporate additional planting. Further planting is proposed within the open space to the north. Reference is made to visibility of this part of the site from the public footpath to the north west. However, it is considered that the proposed landscape approaches will largely screen views from the wider open countryside with existing boundary hedge planting protected and reinforced as appropriate.

As indicated above, development fronts the open space to the north. This provides overlooking and natural surveillance to the proposed informal recreation area. A different approach has been taken to the boundaries where there is more substantial existing landscape screening. Here the existing natural hedge and tree screening will be protected and reinforced with back gardens abutting it. To the east, this reflects the pattern of development to the south and ensures that there are robust and defensible boundaries which will prevent further encroachment. This is considered entirely reasonable and consistent with the context of the site and the adjacent development.

The developer has argued that the footpath link to Dean Close will be lit and will provide an attractive and useable connection into the existing highway network. Whilst there is a short section which is not directly fronted onto by the adjoining development, the arrangement is such that the space is wide and there are windows overlooking the path. This combined with sensible lighting will ensure that this is a direct, safe and convenient route. Reference is made to the materials outside the existing properties off Dean Close but these were agreed with the Council as part of the previous application.

The developer has stated that this layout has evolved from a detailed analysis of the site, the opportunities and constraints of the site and the linkages to the phase 1 development and surrounding area. They have responded to the issues raised previously and consider that the revised proposals represent an appropriate design solution. The highway arrangement has followed extensive discussions with Council Highways Officers and it is considered that this is an acceptable form of development which pays due regard to Manual for Streets and the requirements of the Council. Careful choice in materials and soft landscaping will achieve the aims of the urban design officer. It is not considered that the bulk of the streets are dominated by car parking and there is ample opportunity within the layout to provide significant soft landscaping. This could also be secured by condition.

The application proposes extensive areas of open space to the north and east of the development site. Within the site an area of space is proposed in the south eastern corner, in association with an established tree belt. A 'Landscape Masterplan' has been prepared for the surrounding landscape open space but the level of detail for within the development itself is inadequate to be able to assess landscape quality or to steer detailed landscape design.

There is concern about the practicality of delivering certain elements of landscape suggested on the site layout, and, in particular, trees within the highway, trees close to dwellings and trees in rear gardens. The Design Officer has queried whether the extensive landscaping indicated within residential curtilages could be protected in the long term. This could have a major influence on the long term character of the scheme, but is particularly vulnerable to the future decisions of individual householders. The layout in the south west corner proposes that an existing tree be located in a private garden rather than in a public space where it can contribute to sense of place and terminate the view in the street. Side boundaries visible in streets and from footpaths should be either brick walls or green boundaries such as green screens or hedges, as opposed to timber fencing.

However, a full detailed landscaping scheme will be the subject of a planning condition and can be agreed in due course with much of the information requested provided as detail with that submission. This will build upon the landscape strategy plan and provide all the details to demonstrate an acceptable and appropriate landscaping scheme both within the development and the public open space. In addition proposed boundary treatments can be similarly agreed.

Architecture/House Type Design

The Council's Design Officer has commented that there is no evidence of a character study to properly inform the development of house types. These are standard, off the peg designs. General issues with some of the detailing include:-

- Some house types are overly fussy but others are extremely plain.
- Little evidence of wider local character integrated within the designs
- The apartment block is especially weak in detail and architectural terms.
- 'Tack on' details on some designs such as the bays and porches on some types – they do not read as integral elements within the design
- The balance of solid and void, fenestration and overall form of some designs could be improved

- No indication of where utility cabinets are likely to be sited.

However, the developer has responded by stating that in terms of the design of the proposed development, the house types proposed on this phase are the same as those already approved on the first phase. These were discussed at length with the Council during the consideration of that application and submitted amended plans to address those issues. This second phase is no different. In terms of character analysis, the adjoining development which is referred to correctly as post war, was built in the 1970's, 80's and 90's. As you are aware, it is a mix of styles and designs, none of which are distinctive or provide for a vernacular which need be slavishly copied.

The Design Officer has also commented that the layout and size of accommodation of some of the smaller house types could limit their liveability and ability to adapt to the changing demands of occupants. Key issues are:

- Lifetime Homes principles have not been mentioned, therefore this has not influenced the internal configuration / design (e.g. future proofing someone who develops severe mobility issues such as a wheelchair user).
- Storage is also an issue. No indication has been given in respect to provision of outside storage, which could lead to garaging being used for storage, and more cars within the street scene. Smaller units have limited storage opportunities both within and outside the dwelling

The developer has responded by stating that the development has not been designed to achieve Lifetime Homes, but that is not to say that parts of the layout do not achieve its requirements nor that some of the houses could not also meet the standards. This is not a policy requirement.

They go on to say that in terms of storage, this situation is no different than the first phase which was found to be acceptable to the Council and on appeal. There is ample room within the properties for storage and there is space around the proposed dwellings for sheds if they are needed and for bins. Provision has been made within the dwellings for attics as most of the properties are traditional two storey. Rear access is provided to each dwelling as you would expect and consequently there is little prospect of the front gardens becoming overly cluttered.

The Design Officer also considered that it would have been helpful in assessing the architectural quality to see groupings of buildings as street scenes to assist evaluation of their success in place making terms. These have now been provided and are considered to be acceptable.

Having considered the comments of both the Urban Design Officer and the applicants, it is considered that the detailed design of the proposed dwellings is acceptable and that a refusal on design grounds could not be sustained.

Open space

The application includes the creation of approximately 10 hectares of Open Space and recreational land which will considerably exceed the minimum requirement for informal public

amenity space requirements as set out in the adopted Local Plan policies and supplementary planning guidance. Consequently, the Council's Greenspaces Officer has raised no objection subject to the POS being transferred to a private management company. They have also requested that a detailed management plan for the Public Open Space be submitted and approved. The plan indicates the inclusion of a LEAP sized play area located centrally within the central public open space. This should include at least 5 items incorporating DDA inclusive equipment, using play companies approved by the Council. Greenspaces have requested that the final layout and choice of play equipment be agreed with CEC, the construction should be to the Council's satisfaction. All of these requirements could be achieved through the provisions of the Section 106 Agreement.

Amenity

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.

- Approximately 21m will be achieved between the flank elevation of plot 69 and the existing dwellings on Vicarage Lane.
- Over 35m will be maintained between the rear elevations of the existing dwellings in Vicarage Lane and Plots 64 -68.
- 21m will be achieved between the rear elevation of Plots 72-75 and the gable elevation of the recently constructed dwellings in Deans Close.
- Over 13m can be achieved between the gables of Plot 76 and 95 and the flank elevation of the recently constructed dwellings on Phase 1.
- A distance 15m will exist between the front elevations of plots 97 and 98 and the gable elevation of the Phase 1 property on the opposite side of the access road.
- Approximately 25m will be maintained between the flank elevation of plot 16 and the existing dwellings in Boothsmere Close.
- A distance of between 8m and 18m will be shown between the rear elevation of plot 15 and the flank elevation of the nearest property in Boothsmere Close.

Whilst this is, in part, below the recommended standard, notwithstanding the difference in ground levels in this location, given that the two elevations are not directly opposing, it is not considered that any adverse impacts on amenity would occur. The proposal is therefore considered to be acceptable in terms of its relationship with existing residential development.

To turn to the standards of amenity within the site, the recommended minimum distance standards, set out in the Supplementary Planning Document, will be achieved, with the exception of two locations, between the front elevations of plots 37 to 41 and 32 to 36 as well as the front elevations of plots 90/91 and 61/62. This is in accordance with modern urban design principles, as set out in Manual for Streets, which encourage the tightly defined streets and spaces, with parking to the rear to avoid car dominated frontages. The reduction of separation distances between front elevations helps to achieve these requirements. On this basis, it is considered that, where it is desirable in order to achieve wider urban design objectives, a reduction could be justified.

The Council's SPG advocates the provision of 65sq.m of private amenity space for all new family dwellings. All of the proposed plots will include significantly more than 65sq.m with the exception of the 13 "Waddington" house types, which have approximately 40sqm. However, they will also have small gardens to the front, although it is acknowledged that these will be of limited amenity value. Notwithstanding this point, it is considered that a smaller area of amenity space can be justified for these dwellings, as they are much smaller, two bedroom properties, and are therefore less likely to be occupied by families with children.

A limited amount of communal amenity space is provided for the proposed apartment block. However, as with the two bedroom houses, this is less likely to provide family accommodation. Furthermore, given the substantial amount of public open-space within the development, it is not considered that a refusal on the grounds of inadequate communal and private amenity space could be sustained.

Countryside and Landscape Impact

The Council's Landscape Officer has examined the proposals and commented that much of the site is currently grassland. It is bounded in part by mature hedgerows with hedgerow trees and contains several individual mature trees, a copse of trees to the north of Boothsmere Close, a large pond surrounded by trees to the north east, and a stream running through the site along a hedge line.

The submission includes a Landscape Assessment dated June 2012 and a Landscape Masterplan Rev A.

There are discrepancies between the proposed site layout RO63/1G and the Landscape Masterplan and the quality of the plans submitted does not allow in depth analysis of the detailed design, boundary treatments etc. Although this appears to be a full application with no reserved matters, no detailed hard or soft landscape proposals have been provided. Nevertheless, these issues could be addressed through appropriate conditions.

The development would clearly result in loss of open agricultural land to housing and the urban edge of Elworth would be extended out into open countryside. Views from adjoining residential properties which currently enjoy an open aspect over agricultural land would change and from the public footpath leading to the north from Vicarage Lane to Cookesmere Lane in particular, the development would intrude into views of the edge of Elworth and wider views of the landscape.

The potential visual prominence of proposed dwellings to the north of the site is a concern. In the existing context, it is anticipated that Plots 45-61 would be particularly prominent in the landscape. In addition, the existing northern boundary hedgerow and trees have not been managed recently and would not provide a secure boundary for residential properties. The landscape officer anticipates the integrity and screening value of this feature could be weakened in the proposed setting. However, additional screen planting could be secured by condition as part of the landscaping scheme.

The submission indicates that there would be opportunities to enhance the biodiversity and character of the area and the Landscape master plan shows indicative proposals which include tree planting on the plots, supplementary boundary planting and the layout of the

public open space. Additional tree planting is shown to the north of the site which may help to mitigate the impact of the development and in principle, additional woodland planting could be considered. Until any additional planting matured, the development would be visually intrusive when viewed from the north in particular and with deciduous planting, screening would be reduced in winter. For a number of existing adjacent residential properties, there would be limited opportunities for landscape mitigation.

Subject to appropriate detailed design and layout and a mechanism for future management, it is accepted that the proposed public open space has the potential to provide opportunities for landscape and nature conservation enhancement. The layout could be adapted to include a greater proportion of woodland but this could also be secured through condition / management plan within the Section 106 Agreement.

Levels vary across the site and there are areas where variation in levels between existing properties retained landscape features and proposed development could result in conflict. For example, several properties at the end of Dean Close are at a higher level than a former pond area to the south west of the site. In order to ensure a satisfactory relationship between existing and proposed properties, it is recommended details of existing and proposed levels with cross sections are required by condition.

Should the development be deemed acceptable, formal measures would need to be secured to ensure the establishment and the future management of the proposed open space, nature conservation, education, and sport and recreation areas, together with full details of landscape proposals.

Arboricultural Impacts

The Council's Landscape Officer examined the application from an arboricultural perspective and made a number of initial observations of the detail supplied and layout.

These issues were brought to the attention of the developer who provided a detailed response to the Landscape Officers comments responding as appropriate and updating the previous assessment. This included with it an amended plan which addressed all the issues raised earlier.

This additional information and revised plan has been examined by the Landscape Officer who has commented that the original proposed site layout plan (Rev G) identified the loss of both a mature Sycamore T32 and group 29 (5 Sycamores) in order to facilitate the construction of three plots numbered 13-15. Whilst the loss of the group was accepted by virtue of condition and value (Cat C) T32 was retained as part of phase 1 with a construction off set established in accordance with the BS relevant at the time (2005). The amended layout (Rev H) retains T32 within a single plot (15) with the construction footprint associated with the build and the access road/parking bays according with the requirements of current best practice BS5837:2012.

The Oak identified as T33 is subject of an incursion within its identified Root Protection Area (RPA) across the northern extremity. Whilst it is accepted that this is not significant, it will be important to establish the viability of a no dig construction that accords with the requirements of what is assumed to be an adopted highway. The updated report concludes that an above

ground construction can be specified as a planning condition along with protective fencing. The Landscape Officer is comfortable to include this condition it will be up to the applicant to provide the details in accordance with best practice and highway requirements.

T34 is a large mature Sycamore which stands directly south to a block of properties identified on the original site layout plan as Plots 73-76. The original concerns were based on the trees size, canopy spread and orientation, and the negative impact this would have on the properties in terms of rear habitable rooms and utilisable garden space, given the species involved. The updated report suggest that the impact on the properties can be mitigated by tree surgery and purchasers of properties that contain trees of this nature is a matter of personal choice. It is accepted that a moderate amount of selective pruning will improve the situation. In order to address these concerns the revised layout plan has moved the building footprint of the plots now identified as 72-75, with the southern build elevation now located outside the trees RPA, the additional 2 metres makes an acceptable difference.

There is still a difference of opinion in terms of the value of T36 the mature Alder located within the western corner of the site. Whilst it is accepted that the tree is not clearly visible from existing public vantage points, phase two of the development opens up the potential for greater views of the tree, which certainly exceeds the low C2 category designated within the supporting arboricultural information. No signs of decline were noted, with a confidence that the trees future life expectancy would exceed 20 years. The justification to offset mature trees by large numbers of trees to be planted is unwelcome especially when the majority of those to be planted within the estate have limited potential to establish into mature specimens the size of which the Alder has achieved . In order to address the un-acceptable loss, the revised site layout plan omits one of the plots leaving the Alder within a large garden area associated with plot 69. Construction details accord with the requirements of current best practice.

The revised detail provided in respect of Plot 64 does not address the concerns expressed in the original communication. It has been noted previously that the buyer be where scenario does not work in terms of the impact of mature trees, continued growth exasperates a perception. It is accepted that the trees on the western boundary face directly onto a blank gable elevation but it is the accumulative mass in relation to both the garden utilisable space and the rear habitable rooms which will be directly affected. The concession in terms of this same scenario in respect of T34 was to move the build line away from the tree, this has not been facilitated in respect of this plot. The trees are already under pressure from the offsite resident in relation to a potential building plot within the open ground to the west. Some pruning including the removal of the hung up limb will improve the situation but maintenance and pressure to approve additional works will be an ongoing factor.

The issues in terms of T42 and T43 have been resolved with the Alder now shown for retention.

The majority of the issues identified within the initial comments have now been resolved, with trees identified for removal now being retained and build plots amended to accommodate long term growth potential. The only plot where there is still a potential for foreseeable conflict relates to Plot 64, with no amendments made to the original submission. Some mitigation can be achieved in terms of pruning, and on balance looking at the development as a whole the Landscape Officer is comfortable to proceed with the revised layout subject to the conditions relating to submission, approval and implementation of Tree Protection, a Construction

Method Statement (for the adoptable highway and access footways which extend within the Root Protection Areas as defined within BS5837:2012) a Tree Pruning/ Felling Specification, a Levels Survey as existing and proposed and measures for protection of existing hedges.

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales : The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

The Council's ecologist has examined the assessment and commented that, no evidence of Great Crested Newts or ponds that are likely to support breeding populations of this species been recorded during the surveys. However, no detailed assessment of the pond within the grounds of the property known as 'The Barns' has been undertaken and he recommends that this pond is assessed for its potential to support GCN prior to the determination of the application. If the pond is found to have potential to support breeding GCN a full survey undertaken in accordance with Natural England guidelines may be required to inform the assessment of the potential ecological impacts of the proposed development. The

outstanding information has been requested from the developer and a letter has been submitted from their ecologist which concludes that:

The general appearance of the pond and its location within such a formal garden landscape suggests that this is an ornamental fish pond. Such ponds typically have low GCN value on account of the levels of predation generated by fish.

The value for GCN is diminished further if significant numbers of waterfowl use the pond.

The pond has no significant age and isn't a historical feature (former marl pit etc.), and wasn't in existence prior to 1992. Reference to the 1992 O.S. indicates that all of the surrounding ponds, with the exception of Pond 1, had been lost by 1992. Pond 1 would have been new at that time.

Three separate studies have indicated that Pond 1 is unlikely to support GCN.

Given the high levels of disturbance to the landscape locally including the loss of ponds, the likelihood of a GCN population surviving and colonising the subject pond (if suitable) is considered to be low.

The actual 'true' status of GCN in the subject pond cannot be determined, however based on all of the points raised above, I consider GCN potential at the pond to be low.

The Council's Ecologist has commented that, although only a cursory inspection has been carried out, as the pond seems to be a garden pond which is unlikely to offer significant habitat for newts he does not consider that a survey more detailed survey is justified in this instance.

Evidence of significant activity by other protected species has been recorded on site. Whilst the core area of activity including the habitat will be retained the implementation of the proposed development will require the relocation of some of the species under the terms of a Natural England license.

The submitted report recommends that a 30m buffer is allowed around all of the remaining habitat and this appears feasible for much of the site. However, from the submitted plans there appears to be a potential conflict between the proposed development and the proposed buffer in one location. The Council's ecologist therefore recommends that the applicant provides a detailed plan showing the relationship between the proposed development and the buffer zone in this area. This has also been requested and was awaited at the time of report preparation.

The Council's Ecologist considers that *the proposed landscaping for the site and open space areas is likely to lead to* an overall gain for nature conservation. However he recommends that no additional planting is undertaken along the banks of the stream. The streams nature conservation value appears to be limited by over shading trees and scrub so additional planting may be counter productive. This can be secured by condition.

Conditions will also be required to secure the following:

- Detailed design and planting specification for habitat creation within open space areas including detailed design of the new pond.
- Submission of landscape and habitat management plan
- Implementation of recommendations made by the submitted badger report.
- Breeding bird conditions.
- Provision of bat and bird boxes
- Submission of proposals to safeguard the stream.

Education

The Council's Education Officer has examined the application and concluded that the development is expected to generate 15 primary aged pupils and 12 secondary aged pupils.

The local primary schools currently have 75 unfilled places. However forecasts indicate that from 2013 there will be more pupils seeking a school place than spaces available within the local schools. Therefore a contribution of £162,694 will be required towards primary education.

The local secondary schools currently have 33 unfilled places and are forecast to have 100 unfilled places by 2018. However, developments at Albion Inorganic Chemicals, Fodens, Fodens Test Track and Canal Fields are expected to generate in excess of 100 secondary places. Two of these developments have now started on site. In light of the forecasting and the aforementioned development sites then a secondary contribution of £196,112 will be required.

These contributions can be secured through the Section 106 Agreement.

Highway Safety and Traffic Generation.

A Transport Assessment has been submitted with the application which states that:

- *Based on up to 100 dwellings, the proposed additional dwellings could generate a total of 59 traffic movements in the morning peak and 66 in the evening peak. This traffic will be split over the network onto both Grange Way and Lawton Way and then to St Peters Rise and Grange Way. The maximum impact of the development traffic at either of these junctions is just 2.1%.*
- *The junctions of Wrenmere Close/Lawton Way, St Peters Rise/ Middlewich Road and Grange Way/ Middlewich Road have been tested with traffic flows from committed development for a future year of 2018. Whilst there is a small amount of queuing during the busiest 30 minutes, overall both junctions operate well with the additional traffic. There will be no capacity issues arising as a result of the additional dwellings.*
- *The site has been demonstrated to be in an accessible location, close to the railway station, bus stops, two Primary Schools, a nursery and two convenience stores. There are also a range of shopping, leisure and education opportunities within Sandbach Town Centre, approximately 2km from the site.*
- *Bus services along Middlewich Road run up to four times an hour to and from Sandbach and other locations. The close proximity of the railway station, with two to*

three trains per hour in each direction to Crewe and Manchester provide an excellent alternative for residents to commute further afield by rail.

- *For the reasons set out above, there are no highway, traffic or transport reasons to withhold consent for residential development on this site.*

The Strategic Highways Manager has considered the submitted Transport Assessment at the time of report preparation and has concluded that the internal site layout is acceptable. He also considers that Wrenmere Close, it's junction with Grange Way / Lawton Way and the other roads through the existing housing estate which would provide access to the development are acceptable to serve up to 125 dwellings. He has also concluded that the capacity assessments show that the junctions with Middlewich Road have adequate capacity for the forecast movements including this and committed developments.

The site is sustainably located in respect of facilities such as shops, schools, stations and bus routes although the Strategic Highways Manager has commented that no Travel Plan has been submitted, which he would have expected to a site of this size. However, this could be secured through condition. He has also commented that Section 106 contributions would be required towards crossing points and cycle route upgrading.

The proposal does have the potential to impact on wider congestion issues in the Sandbach area, in particular through the town centre and towards Junction 17 of the M6. To mitigate against this the Strategic Highways Manager has recommended a commuted sum of £288,000. This can be secured through the Section 106 Agreement.

The NPPF clearly states that “*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*” Whilst the concerns of local residents are noted, in the light of the above, and in the absence of any objection from the Strategic Highways Manager it is not considered that a refusal on highway safety grounds could be sustained.

9. CONCLUSIONS

The site is within the Open Countryside where under Policies PS8 and H6 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.

The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.

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

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

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

Whilst the proposal will result in the loss of some grade 3b agricultural land, this is not the best and most versatile agricultural land and it is considered that the benefits of the delivering the site for much needed housing would outweigh this loss, given that the site does not offer a significant quality of land.

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside and as a result the proposal is considered to be unsustainable and contrary to Policy PS8 of the local plan and the provisions of the NPPF in this regard.

10. RECOMMENDATION

REFUSE for the following reason:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**

