

Application No: 13/1215C

Location: LAND SOUTH OF HIND HEATH ROAD, SANDBACH, CHESHIRE

Proposal: Reserved Matters Application for 10/2608C for the Appearance, Landscaping, Layout & Scale for Phase 1 to Include 68 Dwellings

Applicant: Bovis Homes

Expiry Date: 19-Jun-2013

#### **SUMMARY RECOMMENDATION**

**Approve subject to conditions.**

#### **MAIN ISSUES**

**Access**

**Design and Layout**

**Trees and Landscape**

**Affordable Housing**

**Amenity**

**Other matters**

## **1. SITE DESCRIPTION**

The application relates to 7.5ha of land, situated on the southern side of Hind Heath Road, approximately 1.6 miles south west of the centre of Sandbach. It is bordered by residential properties to its north and eastern side, the Trent and Mersey canal located to the south and an open field to the western side.

The site rises slightly from the front northern boundary to the southern boundary. There is quite a steep fall to the southern edge of the site, down to the canal. The west of the site has an access road to the water treatment works running along the boundary.

## **2. DETAILS OF PROPOSAL**

Outline planning permission has been granted at appeal for up to 269 family-led homes together with associated public open space, and highway improvements including the widening of Hind Heath Road at various points and the provision of traffic signals at the Hind Heath Road/Crewe Road junction.

Reserved matters approval has already been granted under delegated powers for 3 detached dwellings and a pair of semi-detached in the north-west corner of the site to form

the show complex. This reserved matters application relates to the first main phase of the development, which would take place in the north western quarter of the site and comprises 68 dwellings.

## **2. RELEVANT PLANNING HISTORY**

- 10/2608C      Outline planning permission for up to 269 family-led homes together with associated public open space, and highway improvements including the widening of Hind Heath Outline planning permission is sought for up to 269 family-led homes together with associated public open space, and highway improvements including the widening of Hind Heath Road at various points and the provision of traffic signals at the Hind Heath Road/Crewe Road junction. - Refused 28<sup>th</sup> October 2010 (Appeal Allowed)
- 13/0915C      Reserved matters following Outline Approval 10/2508C for the appearance, layout and scale for the show home area to include 5 dwellings – Approved 17<sup>th</sup> May 2013

## **3. PLANNING POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan Policy**

BE.1 (Amenity)

BE2 (Design)

BE.3 (Access and Parking)

## **4. OBSERVATIONS OF CONSULTEES**

### **Environment Agency**

- The Environment Agency has no objection in principle to the proposed development but requests that the following planning conditions are attached to any planning approval as set out below.
  - The development hereby permitted shall not be commenced until such time as a scheme for the provision of, and implementation of, a surface water regulation system (based on sustainable drainage principles) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed.
  - The scheme shall also include details of how the scheme shall be maintained and managed after completion.
  - The development hereby permitted shall not be commenced until such time as a scheme for the management of overland flow from surcharging of the site's surface water drainage system is submitted to and approved in writing by the

Local Planning Authority. The scheme shall include details of the proposed finished floor levels and ground levels.

- Pleased to see from the 'Landscaping Proposes' diagram that the applicant intends to place the open greenspace adjacent to the canal. This will help to establish the canal as a wildlife corridor improving its overall connectivity and creates a valued asset to the development.
- The applicant intends to use a balancing lake as part of the SuDS scheme. The balancing lake should be designed in a way that maximised benefits for both people and wildlife.
- The 'Drainage Strategy Plan' (SAND-O5-102) shows a drainage outfall from the site on the non-main tributary of the River Wheelock. Would like to make the applicant aware that there are records of water vole in the area and so the outfall construction may need a water vole survey.

### **Canal and River Trust**

No objections

### **Highways**

No objection

### **Environmental Health**

#### **No objection subject to the following conditions**

- Hours of demolition / construction
- Hours of piling
- Submission of piling method statement
- Submission of Travel Plan
- Scheme to minimise dust emissions
- Standard contaminated land conditions

## **5. VIEWS OF THE PARISH / TOWN COUNCIL**

Due to the on-going legal challenge relating to this site Members felt it inappropriate to comment on the details stated within the application but note their previous concern with regard to cycle and pedestrian path improvements on Hind Heath Road.

## **6. OTHER REPRESENTATIONS**

Representations have been received from neighbouring residents making the following points:

- Object to any of the proposed constructions being higher than 2-storey. This site is on rising ground with a general site level 2-3m above existing surrounding properties. 2.5

and 3-storey buildings will excessively dominate these properties and constitute a further outrage to their residents who already pay council tax to be protected from unplanned, unsustainable, opportunistic developments such as this, and have been badly served by CEC planners.

- These high rise buildings seek to cram as many shoe-box size rooms as possible onto the smallest ground footprint to maximise the obscene profits of landowners and developers. They are an abominable carbuncle on the landscape, a miserable accommodation for the occupants and must be rejected.
- There are issues with drainage of the site. Phase 1 is on the highest part of the whole site and the height of these houses will affect future phases. Land to the east of Phase 1 is on lower ground and water will naturally fall to these lower levels. Some of the existing properties on the east side of the development already suffer from water logging and there is concern that this development will worsen the problem.
- The proposed scheme does not appear to allow for adequate drainage.
- The reserved matters application for each phase of the development does not include full details of the amenity greenspace to be provided on site as part of that phase. or details of all proposed finished levels or contours, as required by the conditions imposed on the outline
- Does Wheelock really need all of the extra houses?
- Only recently Sandbach Girls/Boys schools have had massive cuts but are going to be expected to accommodate more children. There will be difficulties with school places for any new children
- Green site land should not be built on the local wildlife is losing its habitat.
- There must be more suitable locations with better supporting roads.
- The land proposed for development is agricultural land used for growing food crops, and is also an important area for wildlife badgers etc,
- Development is not sustainable as it erodes the "green lung" between Sandbach, Wheelock, Ettiley Heath and Elworth and would be a further step to undermining and destroying some of the unique features of these distinct and different communities.
- At the public inquiry for this development in February 2011, the developer made documented assurances that the new footpath/cycleway along the B5079 would be located BEHIND the existing hedgerow and that the existing hedgerow would be preserved. The Secretary of State classified the hedgerow as "important" and it's "loss would be undesirable" .
- There is no mention of the road improvements and foot/cycle way which must be completed prior to occupation of any houses as stated in the conditions of approval, determined by The Secretary Of State
- The present application does not identify or make reference to the mandatory road works along the B5079 Hind Heath Road which must be completed prior to habitation of any property.
- Hind Heath Road is already a very busy road in the morning and evening rush hours.
- Potentially 2 cars per new household for the first stage alone this could be in excess of 130 cars the current road can not handle this extra volume.
- During quieter times there is also an issue with speeding cars well in excess of the 30 mph speed limit which are a risk to children crossing this road. Some type of traffic calming should be provided.
- The idea of putting lights on Crewe Road and Hind Heath Road will be foolish as at busy times the traffic will be at a standstill due to tail backs.

- How can the road support all of this extra traffic?
- There are already developments including one near the canal at Ettiley Heath which will also add to current traffic volumes and which will cause severe traffic problems at Middlewich Rd and Crewe Rd and The Hall Lane,
- Telephone pole on Hind Heath Road opposite No. 46 needs to be set back 5 metres and road widened in order that lorries can pass. Currently lorries have to screech to a stop and mount pavement. This is a danger to children and pedestrians.
- Front houses in line on to Hind Heath Road need to be set back 5 metres to accommodate this road requirement.
- There have been a number of near misses involving cars, pedestrians, cyclists and animals on Hind Heath Road despite the reduced speed limit.
- There also have been a number of actual incidents or collisions on this road recently (the Cheshire Police Web site lists details). It is only through good luck and good judgement that these have not been more serious. These near misses and incidents occur on all stretches of Hind Heath Road, not just the areas adjacent to the proposed developments.
- Development of further dwellings will undoubtedly increase the risk of occurrence.
- There is nothing in the plans nor the possibility of anything in the plans which will mitigate the possibility of risk nor the seriousness of outcome
- The more near misses and low level incidents there are (which will increase with increased use) then the more certain that it is that there are serious incidents leading to serious injury and fatality.
- To allow further development off this road is to consciously and deliberately put increased risk on existing local residents and road users.
- A number of years ago any further development in this area was predicated on a relief road being constructed to completely remove through traffic. This it would seem is now not possible but without this development is contrary to the existing public good.
- Cheshire East Council is not mandated or elected to put existing residents at demonstrably higher risk for the sake of housing developments undertaken for private profit not the public good, especially when local plans are in place to cover all local housing needs for the surrounding area for the required term.
- The residents of the B5079 Hind Heath Road carried out a manual count (and therefore entirely accurate) of traffic movements during a typical 4 day period in October 2012 and compared the results with a previous traffic count, carried out using ATC methods by PTB Transport Planning in March 2010 on behalf of the developer Richborough Estates. Results and reports from all counts are available.
- In summary, traffic movements along the B5079 have increased from 15,848 over a 4 day period in March 2010 to 18,740 over typically the same 4 days in October 2012. This represents a massive 18.25% increase in traffic flow during the past 2 years, against a predicted annual increase rate of 1.036% as submitted by the developer. Furthermore, the numbers already exceed the developer's predicted figure for 2020 (based upon a 1.107% annual increase rate during 2014-2020).
- Adequate traffic calming and control measures must be implemented along the B5079 to accommodate traffic movements of 40,000/week. These figures EXCLUDE any future increases from housing developments viz. Old Fodens factory, Prings Wire Factory and emerging new housing developments e.g. Abbeyfields, Yoewood Farm, Elworth Hall Farm.

- As a minimum, a roundabout should be located at the entrance to the proposed site. This would help control traffic flow and reduce the speed of passing traffic.
- The overall site area is grossly overdeveloped with 269 dwellings.
- The houses running adjacent to the B5079 Hind Heath Road are too close to the road for both traffic and pedestrian safety reasons. They should be moved back by 4-5 metres.

## **7. APPLICANT'S SUPPORTING INFORMATION:**

- None submitted

## **8. OFFICER APPRAISAL**

### **Main Issues**

Given that the principle of development has been established by the granting of outline planning permission at appeal this application does not represent an opportunity to re-examine the appropriateness of the site for residential development. A recent High Court challenge by the Council against the decision of the Secretary of State to grant outline planning permission has now failed.

The key issues in question in this application, therefore, are the acceptability of the access, appearance, landscaping, layout and scale of the buildings, particularly in respect of residential amenity, their relationship to retained trees and the surrounding area.

### **Access**

The proposal involves the formation of the main access to the site mid-way along the Hind Heath Road frontage. The 5 proposed dwellings would be served from a shared private drive running at 90 degrees to the main access road parallel to Hind Heath Road. Each property would be provided with a minimum of 2 off road parking spaces, one of which would be within a detached garage.

The Strategic Highways Manager has examined the proposals and has raised a few points of a minor nature with the applicant in respect of the road layout. These are

- Where entering shared-use areas, footways must continue past the entrance block-paving demarker
- Turning heads on cul-de-sacs on western boundary need to accommodate refuse vehicles, so would require 6m radii (or confirmation through swept paths that acceptable)
- Footways sharply kinked in alignment and need to follow desire lines

He is confident, however, that all these points should be capable of resolution and he envisages a revised drawing being produced prior to determination which he can then confirm as acceptable. This was awaited at the time of report preparation, and a further update will be provided to Members prior to their meeting.

Subject to these minor amendments, it is considered that the proposal complies with Policy GR9 in respect of highways and parking.

Neighbours have raised various traffic and highway safety matters including traffic generation, the 30mph limit, the position of the existing telegraph pole, the need for road widening, a roundabout access, traffic calming, new/wider footways, as well as the concerns about the proposed traffic lights at the junction of Hind Heath Road and Crewe Road. However, access, highway safety and traffic were addressed at the outline stage and cannot be reconsidered as part of a reserved matters application.

## **Design and Layout**

The Principal Design Officer has examined the application and commented that some concepts discussed at outline have been diluted as the detailed design has developed, which will reduce the quality landscape infrastructure that would be the key attribute of the development. Specific key issues arising from the application are discussed below.

### ***House type design/materials***

Without the design rationale of a Design and Access Statement it is difficult to see how some of the elevational detailing of the proposed house types is particularly relevant. Whilst inevitably there will be the use of volume house types, and that the character will be equally determined by the landscape, it is important that the houses also reflect local characteristics and have a sense of quality. The apartment building is particularly disappointing and is likely to detract from rather than add to the sense of place within the development.

These concerns have been brought to the attention of the developers who have agreed to submit a Design Statement to provide the rationale for the approach that has been taken. Furthermore, they have agreed to make a number of improvements and modifications to the elevational detailing of the proposed dwellings, and, in particular, the apartment block. Revised drawings were awaited at the time of report preparation and a further update will be provided to Members prior to their meeting.

However, there are also positive aspects to the scheme, for example, that materials are being grouped. Given the proximity to barns opposite, there is the potential to use a natural slate or plain tile on properties on the frontage. This could be controlled by condition.

### ***Layout***

Compared to the layout of the illustrative Masterplan, there has been watering down of the urban design concept. The Masterplan had a layout that had a looser, less engineered character, where buildings and spaces more effectively determined layout. Within this layout, street arrangement and design has had a weakening, standardising impact, the departure from which is the inclusion of the feature spaces. The route linking through the site to the landscape to the edge of the canal was one of the strengths within the illustrative proposals. Again, this seems to have been weakened and has become more standardised, rather than creating an interesting townscape element within the scheme.

In terms of landmarks, focal points and legibility, whilst there is a distinct street hierarchy, the focal buildings will only have limited impact in reinforcing the structure of the scheme.

The developer has acknowledged these concerns and agreed that they will also address these within the amended package of drawings that has been requested.

### ***Parking***

Frontage car parking dominates in certain areas, most notably in the area associated with the apartment block and plots 30-33, but also in the cul-de-sacs leading up to the buffer from the principal street. Normally banks of parking spaces would be subdivided by landscaping to reduce visual impact and it is suggested that this be undertaken for these areas, either with trees or hedging (or both).

However, the developer has agreed to provide additional landscaping to break up these areas of parking as part of the revised plans submission.

### ***Drainage***

The Principal Design Officer has queried the reason for the swale not running the full length of the landscape buffer. The applicant has confirmed the swale cannot run along the whole length of the site due to the sloping ground levels in parts. A query has also been raised whether there is an informal footpath running through the buffer to Hind Heath Road to link the areas of public open space to the new footpath along the road. The developer has confirmed that this will be provided.

At the pre-application, there was discussion that the swale corridor would be designed to enable interaction with the water feature as an informal Trim trail as part of the leisure footpath through the space. However, after further discussion with the developer, it has been agreed that this would be inappropriate in this case and would detract from the landscape design of this of this space, which along with the space alongside the canal is intended to have a naturalised and/or seasonal character.

There is a danger these areas will merely become a regularly maintained area of grass, rather than an interesting and more diverse space that creates a positive backdrop to the canal and a quality foreground to properties along the northern edge of the site. Therefore further detail in respect of the landscaping of these areas will also need to be provided.

### ***Quality assessment***

At pre-application the possibility of using the “Building for Life 12” (BfL12) standard as an iterative tool to help develop the detailed design beyond the conceptual stage was discussed. However, no information was provided with the submission as to whether this had been used, or whether it had triggered any red issues (i.e. those that needed to be addressed to make the scheme good enough to approve).

The Applicant has confirmed that a BfL12 assessment has been undertaken and has agreed to submit the results as part of the package of additional information that is in the process of preparation.

### ***Sustainable design***



There is nothing within the application that explains how the scheme performs in terms of sustainable design. This is a crucial aspect of the NPPF to ensure that new development is as sustainable as possible in terms of its design. The developer has confirmed that this will also be submitted as part of the forthcoming Design Statement submission.

### **Trees and Landscape**

The Landscape Officer has examined the proposal and commented that in so far as it relates to the current application, the vegetation retention and removal plan ref SAND 03 081 is acceptable. The line of protection fencing on this plan to protect areas to be landscaped is welcomed and the implementation of the fencing is needs to be covered by condition.

In general the soft landscape proposals appear to be reasonable. However, she considers that the planting of the western buffer would benefit from some minor amendment with a simplified mix for the native buffer planting to reflect species more commonly found in the locality and substitution of the amended native buffer mix in place of the native shrub mix (which currently contains some non native species). There are some areas of planting in the western area which do not appear to be specified on the landscape proposals and specification plan Sand-03-109 Sheets 1 and 2. She also considers that the proposed fencing to the eastern boundary of this area should include some pedestrian access breaks at the end of the cul-de-sacs.

The Principal Design Officer has also considered the landscaping proposals and commented that from the outset it was stressed that the landscape structure of the development would be fundamental to its success, and there was some concern as to whether this could be achieved, based on the numbers being proposed.

The layout as submitted illustrates that these initial concerns were well founded and that density and overall numbers are impacting on the capacity to achieve meaningful landscaping, particularly on the principal street. More trees would help to further green this key route and help in delivering the 'lines' of trees within the layout that were discussed and agreed as a design concept at pre-application. The applicant has agreed that these will be provided as part of the revised plans referred to above.

Whilst a solid screen of landscaping in the northern buffer would be inappropriate, the inclusion of a few more trees would help to strengthen the strategy of creating the filtered views of buildings when viewed from the north. This will also be addressed as part of the revisions.

The Principal Design Officer has also commented that the hedge line on the eastern boundary with Hind Heath Road is also important in signifying that this site is on the rural edge of the town, but, it is difficult to tell how much is to be retained and whether lost hedging will be replaced. A significant amount of hedgerow will need to be removed to create the access, footway and visibility splays. The precise extent of the removal was agreed as part of the reserved matters application for the 5 dwellings comprising the show complex. Neighbours have also raised concern about the removal of the existing hedgerow. However, this was considered at the Appeal, as one of the reasons for refusal. The Inspector concluded that the desire to retain the hedge was outweighed by the need in terms of housing land supply. Furthermore, a replacement native hedge will be planted behind the visibility splay. This is a crucial requirement to help reduce the urbanising effect of the development and has been secured as part of the show complex approval.

Within the site, in certain areas, hedging is located directly in front of houses rather than forming the boundary with the street. Hedging along street edges will help to reinforce the green character of the street and provide personalised landscaping opportunities between the boundary and the front of dwellings, whilst creating a robust defensible edge to houses. The majority of plots should have a green boundary to the garden reflecting the rural context of the site. The developer has acknowledged this point and agreed to address it as part of the revised site layout and landscaping plans.

### **Affordable Housing**

A Unilateral Undertaking (UU) dated 25<sup>th</sup> February 2011 is in place in relation to the outline application which was approved on appeal.

Housing Officers provided the headline information on what the UU requires in relation to the affordable housing and made comments in relation to each of these items.

***The UU for the reserved matters application requires that 40% of the total dwellings are provided as affordable. They should comprise 50% social rented and 50% intermediate dwellings.***

Based on the total proposed dwellings on the site being 269, this equates to a requirement for 108 affordable dwellings, with 54 provided as social rent and 54 provided as intermediate tenure dwellings.

The site plan shows a total of 64 dwellings on phase 1 of which 34 are affordable. This represents 50% of the first phase and as a result there is no objection to the number of affordable dwellings proposed. Based on the numbers of properties on the outline application this will leave a requirement for 74 affordable dwellings across the subsequent phases.

The site plan identifies 20 of the affordable dwellings as shared ownership/intermediate tenure dwellings and 14 dwellings as social rented. Although this does not represent a 50/50 split between social rent and intermediate dwellings on this phase Housing Officer have no objection to it provided that the overall tenure split on the site meets the requirement. Following the development of this phase, the remaining requirement will be for 40 social rented dwellings and 34 intermediate dwellings.

***Intermediate dwellings to be – 48 x 2 bed houses, 4 x 3 bed houses & 2 x 4 bed houses. Social rented dwellings to be – 16 x 1 bed flats, 8 x 2 bed flats, 15 x 2 bed houses, 12 x 3 bed houses & 3 x 4 bed houses:***

The site plan shows 8 x 2 bed flats, 1 x 1 bed flat, 2 x 2 bed houses and 1 x 3 bed house as social rented. These properties go towards providing some of the social rented dwellings which are required. The plan also shows 18 x 2 bed houses and 2 x 3 bed houses as intermediate dwellings and again these will go towards providing some of the required intermediate tenure dwellings.

Following the development of this phase, the affordable housing which will remain to be provided on the site will be 30 x 2 bed houses, 2 x 3 bed houses and 2 x 4 bed houses as intermediate tenure dwellings and 15 x 1 bed flats, 13 x 2 bed houses, 11 x 3 bed houses and 1 x 4 bed house as social rented.

***The affordable housing should be provided in clusters of no more than 15 units and any cluster shall not have a boundary with another cluster:***

The affordable housing is in a fairly large cluster to the centre of phase 1 which exceeds 15 units, although the road does break this up slightly. As 50% of the dwellings on this phase are

affordable the location of the affordable housing seems reasonable and Housing Officers have no objection to this.

Whilst consideration can be given to this application only it appears from the site plan that a further phase of development will have affordable housing with a boundary with the cluster on the first phase which will form a larger cluster of affordable housing, which will not be acceptable. However, this can be addressed as part of a subsequent application.

***There is a requirement that no more than 50% of the open market units can be disposed of until 50% of the affordable housing has been constructed. No more than 70% of the open market units can be disposed of until 100% of the affordable housing has been constructed and no more than 90% of the open market dwellings can be disposed of until all the affordable housing (except any discounted for sale) have been transferred to an RP.***

Based on the number of dwellings from the outline application which gives a total of 161 open market dwellings this means that no more than 81 open market dwellings can be disposed of until 54 affordable homes are constructed. No more than 113 open market dwellings can be disposed until all the affordable homes are constructed and no more than 155 affordable homes can be disposed of until all the affordable dwellings (except any discounted for sale) have been transferred to an RP.

There are no concerns about this item in relation to the provision on the first phase of the development and therefore no objection to this point.

***The affordable homes have to be built to comply with the Homes & Communities Agency Design & Quality Standards 2007, CFSH Level 3, Housing Quality Indicators v.4 and have at least the following minimum gross internal floor areas, 1 bed 2 person flats – 45m<sup>2</sup>, 2 bed 3 person flats – 57m<sup>2</sup>, 2 bed 4 person houses – 67m<sup>2</sup>, 3 bed 5 person houses – 82m<sup>2</sup>, 4 bed 6 person houses – 95m<sup>2</sup>:***

Bovis have advised that the property sizes are as follows –

- S241 (2 bed houses) - 764sqft (71sqm)
- S351 (3 bed houses) - 890 sqft (83sqm)
- S461 (4 bed houses) - 1149sqft (107sqm)
- AF17 (flats) - 650sqft (60sqm) this applies to both the 1 and 2 bed version

These all meet the minimum sizes required for each property type. In addition Bovis have also confirmed that they will provide the affordable homes to meet all the current HCA Design and Quality Standards.

Based on the above, Housing Officers, have confirmed that they have no objections to the proposals.

### **Amenity**

The nearest neighbouring properties are Brock Hollow and the other dwellings on the opposite side of Hind Heath Road to the north, and the dwellings in Oldfield Road, Marriott Road and fronting on to Hind Heath Road to the east. The nearest neighbouring properties are at Brick Hollow, which are over 40m away and screened by the approved dwellings which make up the show complex. The dwellings in Marriott Road and the surrounding roads to the east are also over 40m away, at the closest point, from the dwellings for which this application seeks consent. Therefore, given that the minimum separation distance of 21.3m, as set out in

the Council's Supplementary Planning Guidance, will be considerably exceeded, notwithstanding the concerns raised by neighbours in respect of the proposed 3 storey development, it is considered that an adequate level of privacy and light will be maintained to existing properties.

To turn to the standard of amenity within the site, the scheme falls substantially short of the recommended 21.3m between principal windows, 13.7m between principal elevations and flank elevations and 65sq.m of private amenity space per dwelling, as set out in the Supplementary Planning Guidance, in a number of cases. Between some plots, as little as 10m will be achieved between principal windows.

However, Government advice indicates that local planning authorities should have regard to the need to make effective and efficient use of land in the consideration of planning applications, and if the minimum standards were to be achieved, it would not be possible to accommodate within the site the density of development which is currently proposed. This would in turn increase pressure to develop further Greenfield sites in order to meet the Borough's housing land supply requirements. Furthermore, modern urban design principles 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. It also helps to create different character areas within the scheme, varying from tightly knit streets and spaces in the centre of the development, to a lower density, more spacious, character on the rural fringe.

### **Other matters**

Objectors have expressed concern and frustration that this is an unplanned, unsustainable, opportunistic development. It should be noted, however, that despite the Council's refusal of the initial outline application for this site and its defence of the case at the subsequent Public Inquiry, the Appeal against the refusal was allowed by the Secretary of State. A subsequent High Court challenge against that decision was also unsuccessful. The Council therefore took all possible steps to resist the principle of development on this site. However, as stated above, it was unsuccessful and the principle of residential development on this site is firmly established and cannot be revisited.

The need for the development, loss of open countryside and agricultural land, impacts on education infrastructure, air quality, noise, drainage and flooding and ecology have been raised by residents. However, these were addressed at the outline stage and appropriate Section 106 obligations and conditions were imposed by the Secretary of State accordingly.

Residents have also raised the issue of the timing and delivery of the proposed footpath link. This is secured under the provisions of the Section 106 undertaking. They have also commented that the scheme does not include full details of the amenity greenspace. Open Space provision was also addressed in the Section 106 undertaking attached to the outline permission and open space within the development will be provided in subsequent phases and therefore this issue is not material to the determination of this reserved matters application for the first phase.

Environmental Health have requested a number of conditions relating to contaminated land, dust emissions, travel plan and hours of construction. However, these issues were also

considered at the outline stage by the Inspector, who imposed the conditions that they found to be necessary. It would be unreasonable to add further conditions of this nature at the reserved matters stage.

The Environment Agency has requested a number of conditions in respect of drainage. However, as stated above, the matter of drainage was considered by the Inspector at the Appeal and any necessary conditions were imposed at that stage.

## **9. CONCLUSIONS**

Subject to the receipt of the amended plans and additional supporting information referred to above, for the reasons given above, and having due regard to all other material considerations it is considered that the proposed development complies with the relevant local plan policies and accordingly it is recommended for approval subject to the standard conditions relating to approved plans, materials, boundary treatment and landscaping.

## **10. RECOMMENDATIONS**

**APPROVE Subject to the following Conditions:**

- 1 Standard**
- 2 Approved plans**
- 3 Materials**
- 4 Boundary treatment**
- 5 Landscaping**
- 6 Landscape implementation**

