

<b>Planning Reference No:</b>	10/12608C
<b>Application Address:</b>	Land East of Marriot Road, Anvil Close, Forge Fields and South of Hind Heath Road, Sandbach
<b>Proposal:</b>	Erection of up to 269 dwellings, provision of public open space, highway works and associated works.
<b>Applicant:</b>	Richborough Estates
<b>Application Type:</b>	Outline
<b>Grid Reference:</b>	374493 359551
<b>Ward:</b>	Sandbach
<b>Consultation Expiry Date:</b>	16 <sup>th</sup> September 2010
<b>Date for determination:</b>	4 <sup>th</sup> November 2010

## **SUMMARY RECOMMENDATION**

### **REFUSE**

### **MAIN ISSUES**

**Planning Policy And Housing Land Supply  
Affordable Housing,  
Amenity  
Ecology,  
Landscape and Tree Matters,  
Drainage And Flooding,  
Infrastructure,  
Highway Safety And Traffic Generation.**

### **REFERRAL**

The application has been referred to Strategic Planning Board because it is a largescale major development.

## **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 a 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 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 is sought for up to 269 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. A further application is submitted in respect of a footpath and cycleway along Hind Heath Road from the site to Ettiley Heath, which is considered elsewhere on this agenda. This will also provide connections across the road to Lilliput Farm Day Nursery and the proposals for Sandbach United Football Club at Abbeyfields.

Although in outline, the Design and Access Statement provides the parameters for the development. In general the focus is on two storey dwellings (with some 2.5 storey within selected areas of the centre of the site) with the street pattern reflecting the adjacent residential built form of suburban housing development. There will be a mix of affordable and open market housing within the site. An Indicative Site Layout drawing has been provided which shows how the site could be developed with 269 units, based on 1, 2 and 3 bed mews development and 3 and 4 bed detached houses.

The site has a frontage to Hind Heath Road, from which it will be accessed by both vehicle and pedestrians. It is also proposed to provide a pedestrian and cycle link into the existing residential area via Forge Fields. Off-site improvements include works to the junction of Hind Heath Road and Crewe Road as well as the widening of Hind Heath Road at specific points. It is also proposed to provide a new pedestrian refuge crossing facility at the Hind Heath Road/Hind Heath Lane junction; and the signalisation of the Hind Heath Road/Crewe Road junction will also provide enhanced pedestrian crossing facilities.

Public open space will be provided within two areas of the site. One location will be alongside the canal and will incorporate a balancing pond and an ecological area. A further location will be within the built form of the site and will include a children's play area.

## **2. RELEVANT PLANNING HISTORY**

There are no relevant previous planning applications relating to this site. However, it was proposed as a housing allocation in the Congleton Borough Council Site Allocations Preferred Option Document (September 2006) but was not included as an allocation in the Revised Preferred Option document.

## **3. PLANNING POLICIES**

### **National Policy**

PPS 1 Delivering Sustainable Development  
PPS 3 Housing  
PPS7 Sustainable Development in Rural Areas  
PPG13 Transport  
PPS.5 Planning for the Historic Environment  
PPS23 Planning and Pollution Control  
PPS225 Development and Flood risk.

## **Local Plan Policy**

PS8 Open Countryside  
GR21 Flood Prevention  
NR4 Non-statutory sites  
GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR5 Landscaping  
GR9 Accessibility, servicing and provision of parking  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR16 Footpaths Bridleway and Cycleway Networks  
GR17 Car parking  
GR18 Traffic Generation  
NR1 Trees and Woodland  
NR3 habitats  
NR5 Habitats  
H2 Provision of New Housing Development  
H6 Residential Development in the Open countryside  
H13 affordable Housing and low cost housing  
E10 Re-use and redevelopment of existing employment sites  
BH9 Conservation Areas

## **4. OBSERVATIONS OF CONSULTEES**

### **Housing**

- Welcome the provision of the policy requirement of 30% affordable housing on the site as well as the 50/50 split between social rented and intermediate housing. They also welcome the fact that the units will be 'tenure blind' and also evenly distributed across the site.
- The proposed mix of units is generally satisfactory however recent housing register information indicates that there is a greater demand for 2 bedroom social rented houses than for 2 bedroom social rented flats. As such they would like to see the 2 bedroom flats be 6 and the 2 bedroom houses be 11.
- Would like the shared ownership units to be rent to homebuy/shared ownership in order to give the RSL some more flexibility.

### **Environmental Health**

Recommend the following conditions:

1. Approval of external lighting
2. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 09:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
3. Details of the method, timing and duration of any pile driving operations connected with the construction of the development shall be approved in writing by the Local Planning Authority prior to such works taking place

4. Prior to development, detailed plans showing the location, design and materials of proposed facilities for the disposal and storage of any refuse/recyclable materials, including details of any bin stores, shall be submitted to and approved in writing by the Local Planning Authority.

Contaminated Land Comments:

- The application area has a history of farming use and therefore the land may be contaminated.
- This site is within 250m of 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 application area is located adjacent to a sewage works which has the potential to affect the subject site.
- As such, and in accordance with PPS23, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:

Prior to the commencement of development:

- a. A contaminated land Phase 1 report shall be submitted to, and approved in writing by the Local Planning Authority (LPA).
- b. Should the Phase 1 report recommend that a Phase 2 investigation is required, a Phase 2 investigation shall be carried out and the results submitted to, and approved in writing by the LPA.
- c. If the Phase 2 investigations indicate that remediation is necessary, a Remediation Statement including details of the timescale for the work to be undertaken shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with the submitted details.
- d. Should remediation be required, 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.

Air Quality Comments:

- Environmental Health are satisfied with the outcome of the odour assessments.
- The area of public open space and balancing pond in the southwest and southern corners of the site should aid to provide a greater stand-off distance to the proposed houses to the Sewerage Treatment Works, thereby serving to further reduce the risk of a statutory nuisance arising.
- A Travel Plan should be implemented as part of the development. In addition, it should be monitored in terms of take up.
- In terms of site preparation and construction phase, it is recommended that the proposed mitigation measures are implemented to minimise any impact on Air Quality in addition to ensuring related complaints are kept to a minimum.

## **Highways**

The Strategic Highways Manager has considered this outline application and held both pre and post-application discussions with the applicant's highway consultant.

The proposal is accompanied by a Transport Assessment which assesses the impact of the development traffic generation on the local infrastructure and considers other relevant issues as prescribed in the DfT document: Guidance on 'Transport Assessments'.

The TA identifies that there is a negligible impact at Junction 17 of the M6.

Despite this the Highways Agency – who manage the motorway infrastructure – requested a Supplementary Transport Statement specifically for the M6 at junction 17.

This report was provided with additional details, to the Highways Agency and they have verified the figures and projected traffic impact and are content with the conclusions.

### ***Transport Assessment Detail***

The Transport Assessment was written after a scope for its detail had been agreed with the Strategic highways Manager.

This has ensured that the TA addresses all salient issues for and surrounding the site.

Crucially it was important that local traffic impact was assessed for an agreed list of existing junctions on the local infrastructure and provided appropriate improvements and necessary contributions where the proposed development showed a need.

In addition, and considering junction 17 of the M6, Cheshire East Council Highway Authority have identified the need for contributions to the improvement of the strategic highway network in the Sandbach area and have highlighted and negotiated for such a contribution with regard to this development proposal.

A contribution of £60,000 has been agreed with the developer despite the proven negligible impact on junction 17 from this development's traffic generation.

In addition the development is offering a £10,000 contribution towards local sustainable links and traffic management.

These provisional sums would be captured within a Section 106 agreement under the Planning Act 1990.

### ***Local improvement.***

The proposed development of 269 houses has clear impact on the local highway infrastructure and the Transport Assessment has identified the need for some local improvements which will mitigate that local traffic impact. These local improvements will also have the added benefit of improving existing conditions on a significant portion of the immediate local highway infrastructure.

Most prominently the development is offering traffic signal control at the junction of Hind Heath Road and Crewe Road.

It is identified in the Transport Assessment that this junction currently suffers some queuing at peak times on Hind Heath Road, which will in future projected years amount to substantial queuing due to general traffic growth.

The traffic signal junction will balance the flows on the three arms of the junction (two for Crewe Road and Hind Heath Road), and this will provide junction capacity and control queuing in such a way that those queues are minimised throughout the day.

Incorporated within the junction will be a pedestrian phase to assist in the crossing of the Hind Heath Road arm.

In addition, the development offers widening and improvement of Hind Heath Road along its length to regulate width and alignment on what is a relatively narrow local 'B'-classified road, carrying a significant traffic flow. This will have the effect of improving heavy commercial vehicle transition along the length of Hind Heath Road and improving the perception of safe travel locally.

These desirable improvements were identified at a public liaison meeting held by the developer, where they presented the development proposals.

In addition to these locally identified issues, the Strategic Highways Manager has also secured:

- An extension to the 30mph area to extend past the frontage of the proposed site through the provision of a system of street lighting.
- A revised system of white lining for the length of Hind Heath Road to compliment the proposed widening and alignment improvements.

All of the local improvements to the existing highway network will be secured by a Section 278 Agreement under the Highways Act 1980.

### ***Internal layout.***

The Strategic Highways Manager does have one concern, in that the internal layout for this residential development does need significant revision to improve the proposed design to a point where it complies satisfactorily with the current design guidance in the DfT document: Manual for Streets.

The SHM recommends that the developer should bring forward a revised layout for the approval of the Local Planning Authority, which addresses discussed concerns and which, through innovative design, will provide a quality public realm with a strong sense of place.

### ***Conclusion.***

The Strategic Highways Manager is satisfied that the Transport Assessment for this development proposal appropriately identifies the development traffic generation and assignment onto the existing highway network.

The document also identifies necessary improvements to the existing highway infrastructure for of a traffic signal junction at: Hind Heath Road/Crewe Road with pedestrian facilities, with

other measures along Hind Heath Road offering: carriageway widening, pedestrian facilities, street lighting provision and speed limit reduction.

A number of these facilities also benefit existing highway network issues indicated by Strategic Highways or picked up through a public consultation exercise.

In addition capital sums of £10,000 and £60,000 are also made available for local traffic management and as a contribution to strategic improvements at M6 junction 17.

In relation to the internal layout, it is considered that the developer should provide a revised plan through a planning condition.

The Strategic Highways Manager recommends therefore that the following planning conditions and informatives should be attached to any permission which may be granted for this application proposal:

***Conditions:***

1. Prior to first development, the developer or their consultants will provide a suite of scale plans which demonstrate the specific design and construction specification of the proposed local highway improvements – including street lighting and signing, to the satisfaction of the L.P.A.
2. Prior to first occupation the developer will provide a traffic signal facility at the junction of Hind Heath Road with Crewe Road, to include pedestrian facilities in accordance with the agreed suite of plans provided under condition 1 above. This will form part of the offsite highway works.
3. Prior to first development, the developer will provide the carriageway widening works and lining and lighting scheme proposed for Hind Heath Road. This will form part of the offsite highway works.
4. Prior to first occupation the developer will enter into a Section 106 Agreement under the Planning Act 1990 so that the capital sums offered for local traffic management and strategic highway improvement can be legally secured.
5. The developer or their consultant will provide an amended internal layout plan for the residential development which complies with Manual for Streets guidelines, to the satisfaction of the Strategic Highways Manager and the Local Planning Authority.

***Informatives:***

- The developer will enter into and sign a Section 278 Agreement under the Highways Act 1980 with regard to all of the off-site highway works.
- The developer will enter into and sign a Section 38 Agreement under the Highways Act 1980 with regard to the adoption of the new residential road infrastructure.

- This site may be subject to the requirements of Section 12 of the Cheshire County Council Act 1980. If Cheshire East Council invokes rights for design review under the Cheshire County Council Act 1980, the developer will enter negotiation with Cheshire County Council and resolve any design issues which may arise. This will be resolved prior to first development.

## **Education**

The site is within the catchment area of Wheelock Primary School which is currently full to capacity and several of the surrounding schools are also full and forecast to remain full.

The summary is that for the Hind Heath Road development there is currently insufficient capacity in the schools within a 2 mile radius of the development to accommodate the potential pupil yield from the proposed development. This was based on the information I had been sent by the developer that there would be 252 2+ bedroom dwellings (1 bedroom dwellings aren't included in the calculation).

The pupil yield factor of 0.182 gives a potential primary pupil yield of 45.86 for this development and using the School Extension cost multiplier of £11,079 and the Regional Weighting of 0.91 gives a developer contribution of £462,355.

## **Sustrans**

Should this be considered an appropriate use of this land, their comments are as follows:

1. All vehicle movements will be by one entry point only on to Hind Heath Lane. This will make walking and cycling less attractive in the immediate vicinity
2. They would therefore like to see measures to create a more pleasant environment for local pedestrians and cyclists such as:
  - direct access by bridge from the estate to the canal towpath on the south side of the canal
  - much improved access to the Wheelock Trail, National Cycle Network 5, including a safe crossing of Hind Heath Lane
  - estate roads to be limited to 20mph by design

## **Environment Agency**

Consider that outline planning permission should only be granted to the proposed development if the following planning conditions are imposed on any planning permission.

- Provision of surface water regulations system (based on sustainable drainage principles)
- Provision 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 finished floor levels and ground levels.
- Provision of a landscape management plan, including long - term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens). The scheme shall include the following elements:
  - detail extent and type of new planting, with a preference for native species.
  - details of maintenance regimes
  - details of any new habitat created on site



- The proposed new wetland shall be constructed in accordance with a scheme to be submitted to and approved

The following informatives should be included on the decision notice.

1. The FRA submitted with the application has specified that it is the applicant's intention to dispose of surface water generated by the development to the neighbouring Trent & Mersey Canal, subject to agreement with British Waterways. If agreement to discharge surface water to the canal is not able to be made, it would then be the applicant's intention to discharge surface water to the watercourse located to the south west of the application area. This is an un-named tributary of the River Wheelock.
2. The FRA has indicated that surface water discharge rates would be restricted to a "greenfield" runoff rate. If at the detailed design stages, it becomes apparent that surface water is to be directed to the watercourse (as opposed to the canal) we will expect a detailed local catchment assessment to be undertaken. It may be the case that the site does not currently contribute to the catchment of this watercourse. As such, any additional flows directed to the watercourse (even those restricted at a "greenfield" rate) have the potential to increase flows within the watercourse, and hence increase flood risk. It may therefore be the case that we request that a lower discharge rate be implemented. This could require additional on-site attenuation to accommodate the surface water volumes generated by events with flow probabilities of up to and including the critical 1 in 100 year event (including a 30% allowance for climate change).
3. It may also be necessary to undertake an assessment of the culvert structure which is believed to run beneath the canal and sewage works to ensure that there is sufficient capacity to receive additional flows generated by the development, and is in a suitable condition to service the site.
4. The E.A. would recommend that the proposed large scale residential development be accredited under Code for Sustainable Homes and aim to meet as a minimum level 3, and preferably level 4 rating, to ensure the said development minimises its environmental footprint and achieves the highest practicable sustainable design standards.
5. The application site is adjacent to the Trent and Mersey Canal, and consultation with British Waterways is recommended.
6. All foul drainage, including contaminated surface water run-off, must be disposed of in such a way as to prevent any discharge to any borehole, well, spring, soakaway or watercourse including dry ditches with connection to a watercourse.

### **Inland Waterways Association**

- The Inland Waterways Association (IWA) is a registered charity, founded in 1946, which advocates the conservation, use, maintenance, restoration and development of the inland waterways for public benefit. IWA has over 17,000 members whose interests include boating, towing path walking, industrial archaeology, nature conservation and many other activities associated with the inland waterways. The

local Stoke-on-Trent Branch, which covers the Trent & Mersey Canal between Middlewich and Sandon, the Macclesfield Canal from Kids Grove to Bosley; and the whole of the Caldon and Uttoxeter Canals, has over 260 local members.

- They have reviewed the proposed development in the context of planning policies drawn up by Congleton Borough Council, which they understand still apply at this time. The field is defined in the local plan as "open countryside" and "protected area of open space" Policies defined as applicable include H6 (residential development in the countryside) and PS6-8 (development in open countryside)
- This proposal is clearly contrary to these and therefore they would hope that it is rejected as a matter of policy. Policy PS8 states that "Development in the open countryside will normally be unacceptable unless it can be shown to be essential to local needs and the rural economy and cannot be accommodated within existing settlements." This is clearly not the case as there is not an identified shortage of housing in Wheelock and in the wider area a number of sites already have planning permission but have not yet been developed.
- From the specific perspective of the canal, they oppose what is clearly urban sprawl which if approved sets a precedent that would allow the waterside settlements along the canal to be progressively joined up. They have seen (and support) the principle of redevelopment of former industrial sites along the canal in Malkins Bank and on the edge of Ettiley Heath, but strongly oppose development of Greenfield sites, leading ultimately to a linear estate along the canal.

## **United Utilities**

Have no objection to the proposal provided that the following conditions are met: -

- United Utilities access road to Sandbach Water Treatment Works runs along side the North East boundary of the proposed site. The developer must confirm how they intend accessing the site, as the use of United Utilities access road would not be permitted.
- In accordance with PPS25 surface water should not be allowed to discharge to foul/combined sewer. This prevents foul flooding and pollution of the environment. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge directly in to the adjacent watercourse and may require the consent of the Environment Agency.
- The applicant must discuss full details of the site drainage proposals with United Utilities
- If any sewers on this development are proposed for adoption then the developer should contact United Utilities
- Due to the size of this development their water mains may need extending and some network reinforcement is likely to serve this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.
- A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (Water Fittings) Regulations 1999.

## **Amenity Greenspace**

Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission (in accordance with the submitted details on the Planning Layout, Drawing no 10004/PC.01, dated June 10) there would be a surplus in the quantity of provision, having regard to the adopted local standards set out in the Council's Open Space Study for Amenity Greenspace. Therefore, whilst there is obviously a need to provide green spaces within the boundary of the new site, there is not a requirement for additional provision in line with the Interim Policy Note for the Provision of new Open Space.

The amount of Public Open Space that would be expected in respect of the new population on site would equate to 8410 m<sup>2</sup>.

It should be noted that the area of water would not be classed as useable open space and would therefore be deducted from the total area of amenity greenspace that is being offered on site.

According to the plans provided a total amount of 8498 m<sup>2</sup> is being provided, less the 500m<sup>2</sup>. This will equate to the children's play space, and pond 2,401m<sup>2</sup> which leaves a total amount of 5,597 m<sup>2</sup> of on site POS.

In light of the deficiency in what would be required in respect of the possible new population of the area, the Greenspace Service would require the enhancement cost calculation to be applied to the deficit of 2813 m<sup>2</sup>. This would provide a contribution in lieu of the POS that would contribute to qualitative enhancements of existing green space facilities in the area. The Wheelock Rail Trail is a green corridor where an opportunity exists for improvements to be made; improvements to this area would improve links to the wider footpath network increasing accessibility for local residents in line with the Health & Well being Directorates priorities and objectives. It is acknowledged and highly welcomed that a footpath and cycleway along the Southern boundary of Hind Heath Road is planned (planning application 10/2609C). However The Wheelock Rail Trail still provides an important link with a 'rural feel' and potentially links the proposed football fields on Abbey Road and Abbey Road estate. Alternatively, Forge Fields playing field could benefit from enhancement work, but further investigation for this is required at this stage.

Taking into account the amount of POS located within the area of the development site, the location and quantity of the areas of POS that have been proposed would seem adequate, although more detail as to the landscaping proposals would be sort.

To the SW side of the site a large balancing pond is proposed and whilst it is appreciated that this is due to regulatory requirements to comply with SUD's 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 suggested that consideration is made for this area of POS to be transferred to a management company.

The 12m wide landscaped buffer zone is something that should be considered in some depth in light of future maintenance implications, planting distances in relation to buildings, and species type of trees. Again for liabilities and maintenance implications I would look to a management company.

The Design and Access Statement dated July 2010 makes reference in Section 7.0 that Courtyard areas will include tree and shrub planting. Home zone areas also include tree planting set in grilles together with hard landscaping. Clarification would be required as to the intended end ownership of these areas due to any maintenance implications that may arise as a result of it. With these areas being predominately hard landscaped abutting the highway I would suggest Highways would be the suitable department responsible, but confirmation would need to be sort from that section.

Given that an opportunity has been identified for enhancing the capacity of existing Amenity Greenspace to serve the development based on the Council's adopted Interim Guidance Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be:

Enhanced Provision:	<u>£14,861.00</u>
Maintenance:	<u>£33,263.00</u>

### ***Children and Young Persons Provision***

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 adopted local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

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 play area in an appropriate location; Green spaces can confirm that a LEAP (Locally Equipped Area for Play) standard play area would be sufficient. This should include at least 5 items incorporating DDA inclusive equipment, using play companies from The Councils select list.

Providing the LEAP standard play area is provided on site, a commuted sum only for a 25-year maintenance period would be required based on the Council's Guidance Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Maintenance:	<u>£246,860.00</u>
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### **Cheshire Brine Board**

The dwellings should be constructed on reinforced concrete raft foundations.

### **British Waterways**

British Waterways has no objections to the proposed development, subject to the applicant first entering into a legal agreement which includes a financial contribution towards the upgrade of nearby off-site public open space. The offsite contribution is intended to be used by the Council for local improvements such as the existing sports fields near to the site, to the south of the canal.

Residents from the proposed development are likely to access this public open space to the south of the canal via the canal bridge from Smithy Way, and then also access the canal towpath. They would therefore suggest that the proposed financial contribution should include for improving the access to the towpath, and to improving and maintaining the stretch of towpath which is adjacent to the public open space, from the eastern end of the sewage works to the boundary across the canal from 64 Forge Fields.

British Waterways welcomes the proposals to retain an area of 'natural ecology' adjacent to the canal bank. Any proposed new landscaping adjacent to the canal corridor should be of native species only and be appropriate for a canal environment. Details of new tree plantings should be agreed with British Waterways prior to landscaping works commencing on site.

Should the Council be minded to grant planning permission, it is therefore requested that the following conditions are attached;

1. landscaping and boundary treatments scheme to be submitted to and agreed
2. Submission of method statements for approval detailing how the canal corridor and users will be protected from dust, debris, noise and contaminated run-off throughout the demolition and construction works.
3. Submission of details of appropriate mitigation measures to prevent pollution of the waterway during and after construction of the proposed development
4. Submission of details of surface water drainage

It is requested that the following informatives are attached to the decision notice:

- *The applicant/developer is advised that an agreement with British Waterways would be required for the discharge of water into the canal.*
- *"The applicant/developer is advised to contact third party works engineer, in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways' "Code of Practice for Works affecting British Waterways".*

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

Cllr Chadwick notified members that she had recently been contacted by residents concerned by this application. Upon visiting the site and hearing residents objections she believed the proposals would have a detrimental impact on Wheelock Village and the local transport and leisure facilities, and that alternative sites should be sought before this particular Greenfield area.

Wheelock residents informed the committee that they feel the proposal exceeds local need for housing and believe it to be disproportionate to put so much housing in one area. They echo Cllr Chadwick's view that Greenfield sites are not suitable for development when so many alternative Brownfield areas are available locally, and added that the development will breach the settlement zone line.

Question was raised of the potential impact of this development on local schools, already functioning at full capacity, leisure and medical facilities, roads with existing traffic problems and to stretch of the canal which runs along the site.

Residents referred to additional concern over increased traffic and the potential hazards through drivers seeking alternative routes via the residential areas such as Oldfield and Armistead Road which lead to the canal bridge junction which does not give a clear view of all oncoming traffic.

As the development breaches the settlement zone line and offers no specific benefit to the Town and surrounding Villages residents do not feel it an appropriate proposal.

**Resolved: Strongly Object** on the following grounds:

1. The defined Strategy of the Congleton Borough Local Plan is to minimise the loss of open countryside to new development and maximise the use of urban land, particularly Brownfield site. This application runs completely contrary to that strategy and furthermore takes development outside the settlement zone, setting a precedent and making an uneasy defining line to the whole area. This contravenes policy PS3.
2. This Council maintains that the site is not a sustainable location for further development. No significant shopping facilities are within comfortable walking distance and use of the car becomes inevitable. Public transport does not operate on Hind Heath Road. Therefore Policies GR9 and GR10 could be compromised. Agricultural land is a finite resource and should be maintained as such.
3. This Council strongly believes that existing permissions, allocated sites plus the development of existing Brown Field site, together will meet the requirement for development in the area and also confirm with PPS3.
4. The implications for the infrastructure of the area by this and other pending applications is alarming. Schools, leisure facilities and other services can not be protected by the imposition of Planning Conditions.
5. This Council supports residents on the impact of Traffic Generation this proposal creates. Hind Heath Road and associated roads will be affected by 500 extra car journeys with a strong possibility of 'rat runs' being created.
6. Due to the Council imposed 7.5 tonne weight limit on Abbey Road and Elton Road, heavy goods traffic from the nearby industrial estate has to use Hind Heath Road. This contributes to a substantial hazard along this relatively narrow road. The proposed development will further add to this ongoing problem both during a construction phase and following completion.

## **6. OTHER REPRESENTATIONS**

Letters of representation have been received from 2, 6, 8, 9, 10, 14, 16, 18, 20, 26, 32, 40, 52, 65, 82, 100, Marriott Road; 241, 335 Crewe Road; 7, 9, 61 Armistead Road; 31, 35, 37, 50, 60, 68, 69, 71, 75, 77, 82 Oldfield Road; 3 Smithy Walk; 64, 69, 77, 80, 84, 92, 98, 99, 100, 101, 103, 107 Forge Fields; 7, 18 West Way; 3, 5, 7, 9, 10, 11, 24 Anvil Close; 4, 6, 34, 38, 47, 55, 69 Hind Heath Road; 1, 2 Low Barn, 1, 2, High Barn; 4, 7 Ordsall Close; 14, 28, 31, 47 Thornbrook Way; 65 Lightly Close; 9, 19, 26, 31, 33 Proctors Lane; 24 Rutland Close; 5, 8

Coverdale Fold; 4, 32 Arley Walk; 4, 14 Radcliffe Road; 21, 22, 24 Rookery Close; 17, 121 Abbey Road; Conway, 28 Elton Road; 7 Southey Close; 29 Chartwell Park; 20 Belmont Avenue; Little Hind Heath Farm; 9 Goldsmith Drive; 119 Middlewich Road; 28 Milton Way; 30 Fishpond Way; 3 Alvaston Business Park; and 13 Deans Lane making the following points:

### **Principle of development**

- the proposed site for this development is on a greenfield site and therefore the application is going against local planning policy
- The proposed development is not only disproportionate to the Village it also falls outside the current housing allocation planned for Sandbach and surrounding areas, as established by Congleton Borough Council
- The village of Wheelock is not short on available housing and an increase of this magnitude is unnecessary and excessive. The proposal for 269 dwellings is disproportionate to the size of the adjacent community.
- The independent charity, Empty Homes, reported in 2009 that there were 1,251 empty homes in the former borough of Congleton. There are also many empty houses not on the market but going to rack and ruin- these create an eyesore, attract anti social behaviour including vandalism and fly tipping.
- The Housing Market Area assessment provided by the developers is in parts in error.
  - a) Footfall in estate agency statistics for local estate agents do not consider the 40% reduction of local agents in Sandbach in recent years and hence gives a misleading appreciation of market viability.
  - b) Commercial assessment of existing proposed brown field site developments are contradictory. If market conditions do not make these viable then by inference additional green field developments will also be unviable. The report also makes assumptions about the brown field developments the substantiation of which is not within the scope of knowledge of the report authors.
  - c) Sample size on the land registry data is too small due to low current market turnover to allow confident conclusions on the strength of the market in any particular price band or house category. The report does not factor this in.
- There is currently significant unsold housing stock in the Sandbach area and market turnover continues to be low by comparison to average years. Further provision of housing stock beyond existing planning permissions is not required and will negatively impact the market.
- There are numerous Brownfield sites available. The old Fodens test site was identified and adopted into the local plan; nothing has been developed on it to date. There are a number of brown field sites such as the former petrol station and Lorry Park on Congleton Road, the former Job Centre opposite, and the large warehouse complex on Elworth Road (formerly Saxon Engineering Works), the latter of which has been empty for some years and is fast becoming an eyesore.
- The Company claims to specialise in developing Brownfield sites on their website and should be encouraged by the council to do this in Sandbach.
- Why do we need extra housing when the housing market has been at best static in the Sandbach area over the last 2 years? A look at the internet shows there are ( as at 22/8/10) 60 properties for sale in the area at under £130,000, many of which have been on the market for a considerable time, in total 357 houses for sale in the Sandbach area ( source [www.globrix.com](http://www.globrix.com)). Is there really a need for another 269?
- The claim that this development has been approved to meet the shortage of housing in the Sandbach area does not appear to be factual since a number of shared ownership and other homes in the town have been on the market for a considerable

time. If there was such a shortage, surely the existing housing stock would have been snapped up?

- This field was part of Congleton Borough Council's local Plan and after a protest by residents it agreed by the council to remove it from that plan. Nothing that influenced that decision has changed so it seems that the main reason the developers are choosing this piece of Greenfield land as opposed to the Brownfield land available comes down to their profit margin being far less when developing the Brownfield land.
- This settlement was voted on by council and removed from the local development framework due to the size and location. As this has already been voted on by council, it is disappointing that it is again the subject of consideration.
- The proposed development in the LDF more than covers any growth and demand requirements.
- Recent planning applications to build on Greenfield in Sandbach have already been approved and this is becoming an inappropriate trend (football pitches Abbeyfields, Housing Estate next to Zan Drive etc).
- Fields along Hind Heath Road provide a green space between Ettiley Heath and Wheelock. To lose this green space would mean continuous building and Wheelock village would no longer keep its individual identity – Residents do not want 'ribbon development'.
- This development, if it went ahead, would effectively link Ettiley Heath and Wheelock. This not only contravenes previously stated policy but would destroy the separate identities of the two communities.
- In the last round of local housing planning Wheelock appeared to be faced with providing the bulk of the required housing increase (in which this field was then highlighted) for the Sandbach area. Why can the burden of housing increase not be spread to other areas of Sandbach?
- The identity of Sandbach is of a market town in the Cheshire countryside, why is it necessary to dig up this countryside in order to make money for developers who have no interest in the community
- The land is not redundant farm land, it has either been grazed by cows, sheep, grown potatoes, sweet corn, wheat and various other crops over the last 44 years, At the moment it has a crop of winter wheat which will soon be ready for harvesting.
- It is good Cheshire farming land which has been allowed to lie fallow, but which could easily be returned to productive agriculture if allowed to do so, which would be in line with the governments green policies and would not be destroying yet another green field site in Sandbach.
- As noted this rich arable land is suitable for many agricultural purposes and capable of producing crop yields comparable to the best in the UK. For example just this week we have witnessed the harvesting of around 100 tonnes of quality wheat grain suitable for use in prime food production and 80 tonnes of straw suitable for feeding and bedding cattle during the winter months. The process of reaping took just a few hours. In broader terms this represents a valuable contribution to the prosperity of both the county and the country.
- We need to keep our countryside for environmental reasons. In fact the previous and present governments have both stated that as a country we will need to grow more of our own produce in the near future. Good agricultural land cannot be created overnight.
- Under the Agricultural Land Classification system currently in use to grade agricultural land, the current site is considered to be grade 2 (very good quality agricultural land) and grade 3a (good quality agricultural land) land. This land is therefore able to support a wide range of agricultural and horticultural crops and once swallowed up by



development will never again be available for agricultural purposes. In line with current council policy of not allowing development on agricultural land of grade 3a and above.

- The proposed development is in opposition to many aspects of the Regional Spatial Strategy, the Local Development Framework policy and objectives, and national policies, including : PPG3, 'A better Quality of Life', Cheshire 2011 Structure Plan, PPG7, PPS7, PPG9, PPG12 and PPS12
- The borough should instead be putting housing near employment centres to reduce commuting and maintain sustainability, not in a small semi-rural village.
- At the exhibition the developer gave the impression that the cost to develop Brownfield land did not allow them (the developer) to provide adequate low cost housing and that was one of the reasons that it had been chosen because it was good for the company.
- According to the developer it is cheaper to develop a Greenfield site than a Brownfield site because of the costs associated with ground preparation on Brownfield sites. The builder was quite clear that he is actively withdrawing from Brownfield site development because there is no profit to be made in developing such sites. This means that current policy encourages builders to opt out of developing Brownfields sites in favour of Greenfields sites.
- At the recent open evening held by the Developers agents at Sandbach Cricket Club, when challenged on this point, residents were told that the cost of developing brownfield sites were proving too prohibitive and developers would prefer to pursue greenfield options to maximise profit. The depreciation of our remaining green spaces should not be allowed just so that greedy developers can pursue easy profit.
- Greenfield sites should be protected for the future generation for both leisure and agriculture Sandbach is at saturation point for new housing as several developments have been completed in the last few years
- If the land is to be rezoned for residential development this must only be by due democratic process between elected representatives and those who elected them to serve their local community, not leverage by developers attempting to exploit the vulnerability of the planning authority by virtue of the statutory obligation to achieve housing targets.
- The draft SHLAA for Cheshire East has recently been sent out for consultation (consulted on in 2009 and currently awaiting publication), and while this does not itself determine where housing should be built it does nevertheless provide background evidence on the potential availability of land. The field selected by Richborough Estates for this development has not been identified as a potential housing site under the recent draft SHLAA and therefore does not accord to council plans. In fact this document has highlighted where future housing development should occur and cites that this particular location would be seen as "an incursion into open countryside" and therefore would be against current council policy.
- The draft SHLAA highlights several sites within 2km of the proposed housing site and includes sites that have already gained planning permission for housing in both Ettiley Heath and Wheelock including:-
  - Fodens Test Track – 142 – 149 residential properties
  - Fodens Factory Site – 250 residential properties
  - Canal Fields, Moston – 120 residential properties
  - Crewe Road – 37 residential properties
  - Total – 549 – 556 residential properties
- In total, there is already over 500 residential properties scheduled to be built within close proximity to this proposal. The draft SHLAA is clear that if the sites identified within this document (including the above) are used for housing then the net total number of houses for the period 2008 – 2023 will be more than specified in the

Regional Spatial Strategy. Consequently alternative sites that are outside of the identified sites within this document should not be built on as they are both against council policy and also have not been consulted on with residents within the local area.

- If the field is redundant it should be used for allotments, which are a much needed facility
  - The Wheelock area and particularly Hind Heath Road is being asked to provide a large share of Greenfield land for development purposes. Recently completed and approved developments include:
    - i) Sandbach Cricket Club relocated to the north end of Hind Heath Road a few years ago.
    - ii) Planning permission granted to construct a football centre with 10 pitches again off Hind Heath Road.
    - iii) Planning permission granted for 40 plus houses at the Zan site in Wheelock.
- Further development along Hind Heath Road in the form of a huge housing development would be disproportionate.

### **Flooding / Drainage**

- There is a very high potential of flood risk to existed properties as some flooding occurs already.
- The proposed car park at the South East Corner will adversely affect already poor draining land.
- The slope of the proposed site increases markedly towards the rear gardens of numbers 2 to 22 Marriott Road combined with the slope away from Hind Heath Road increasing measurably steeper to numbers 20 and 22 will make a well known poor drainage problem in to an intolerable one, in fact I will go as far as saying that it will turn rear gardens into a storm water drains.
- Green space reduces pressure on drainage and flooding. The addition of the forge field estate caused flooding lower in the village which was highly publicised at the time. The addition of further hard landscaping and on such a huge scale again has the potential to do the same with more impact on the same drains. The site has a large number of mature trees and hedgerows removal of these again adds to the drainage issues.
- The lake on the plans and public footpath is just ridiculous. Who would want a lake next to a canal it would be a Health and Safety issue for the council to maintain and is probably just a cheap way to address the above. We already get mosquitoes in this area and it will be a potential flooding risk in itself and children may fall in.
- Will the existing sewerage system be able to deal with the extra waste, or will the smell problem of a few years ago return to Wheelock because the plant is unable to cope, not only with these houses but the forty plus new houses already agreed on land off Crewe Road.

### **Amenity**

- A proportion of the houses scheduled for the development will back onto the canal, on the other side of which are the sewerage works, the prevailing wind blows from the sewerage works directly over the new site.
- The slope of the proposed site will mean that the houses built adjacent to the rear gardens will dominate, over shadow and overwhelm my house and garden, resulting in the removal of my privacy. Some houses have a proposed height of two and a half stories which is totally out of keeping with a rural setting.

- At the bottom end of the plan near the canal there is a footpath which leads directly to a neighbouring house. This area will become an area where youths hang out as it is away from any roads. It will certainly provide a quick escape route for burglars etc and affect the security of this home.
- Again the footpath - it can go nowhere - the road where it is leading to has not been adopted by the council which means that the public will have to walk along a steep bank until they reach council owned road.
- The pond - what will make this area safe and not a hang out for youths or unsavouries? There is already a problem with sex offenders being placed in a bail hostel not far away - these sort of areas provide an ideal place for them to visit.

## Ecology

- The land off Hind Heath Road is an area of natural beauty and building 269 homes would destroy an area currently enjoyed by all Wheelock's residents, making the area unattractive to residents, pulling down house prices and driving people out of the area.
- Environmentally the area supports protected species.
- The natural habitat will be destroyed thus depriving wild life of its surroundings.
- This field and surrounding fields are a hive of activity for various species of wildlife and is a wildlife corridor [well established] including badgers, bats and owls.
- The planning authority are obligated by law (Natural Environment and Rural Communities (NERC) Act 2006) to make sure that they have all the information on the presence of protected species on site before they make a decision on the planning permission. In England and Wales bats and their roosts are protected by law under the Wildlife and Countryside Act 1981 (amended by the Countryside and Rights of Way Act 2000), and the Conservation (Natural Habitats, &c.) Regulations 2010. A roost is defined in the Wildlife and Countryside Act as "any place that a wild bat uses for shelter or protection", and the roost is protected whether bats are present in it or not. By this development and ensuing pathway near their habitat this will endanger their roost and hunting ground and if permission is granted without a full survey a crime will have been committed. A detailed bat survey should be carried out of the trees at the southern edge of the proposed development.

## Infrastructure

- This proposal does not form part of a well planned, considered, logical growth of this community. It is simply a profit led project by opportunistic developers. Not only would it be an unsustainable site in relation to the town it would have an unacceptable impact on the local area and the local community. The increased pressure on local services, amenities and school places would be grossly unfair on existing residents.
- The sheer number of houses is totally disproportionate for this area; the impact on local infrastructure will be tremendous as it is already struggling from school places to doctors, dentists and the roads. Wheelock County Primary and other local schools are pressurized for places.
- The scheme offers no perceivable benefit to the local community or surrounding area. Rather it appears to be a solely opportunistic, undesirable scheme.
- There is next to nothing in the way of local employment. At this difficult time people would have to travel to their place of work, creating yet more carbon emissions and polluting the countryside. Junction 17 of the M6 is notoriously difficult to existing from and this would make it even more dangerous.

- There are hardly any shops within walking distance. There is not, as stated by the applicant a post office in Wheelock, The office closed some months ago. The nearest Post Office is in Sandbach about 1 ½ miles away. The alternative is Haslington .The only local post boxes are unsuitable for large items.
- There is only 1 local shop in Wheelock, a small general store. Experience proves that traffic blight in Wheelock does not encourage pedestrian access through the village: recent residential development (Forge Fields, Anvil Close, etc.) has done nothing to help retail outlets in the village. Shopping will generate (yet more) car journeys and yet more traffic blight.
- Can the secondary schools in the town cope with the eventual number of new pupils? Is a new primary school to be built for all the children from these new houses, The existing one will not be able to accept the number of pupils from developments as large as these. If a new school is to be built are the developers allocating land for it if not where is it to go.
- In the last year we have seen a number of instances where children with siblings have been unable to get into the same school.
- For the 2009 intake, children within catchment did not get a place and had to go to other schools in Sandbach. New families moving to the area would be unlikely to get a place at this local school and would have to drive their children to schools further away in Sandbach adding to congestion and pollution problems. A bus brings children to school from Ettiley Heath. School places are offered based on closest within catchment first so the proposed development would be closer to school than Ettiley Heath meaning new intake children in Ettiley Heath may not get a place, would be unable to use the bus to get to school and would have to be driven to a different school again adding to congestion and pollution
- The developer proposes throwing a large sum of money to solve this particular problem as part of a section 106 attached to any planning permission however money itself will not address the problem – do the local schools have the capacity for extra buildings for example to take the extra children that this proposal will create?

## Highways

- There would be a huge increase in traffic on Hind Heath Road, and other surrounding routes.
- Richborough Estates claims an additional maximum of (only) 150 cars will use the B5079 road during peak hours. Residents would seriously question this figure.
- The proposal suggests that 269 houses would be erected. This means another 400 plus cars. All cars would have to access the site via Hind Heath Road which is narrow with dangerous bends and has no footpath or lighting; also delivery vans etc would mean additional traffic.
- The roads are already dangerous and difficult for local children to cross. There is no lollipop lady on Hindheath Rd.
- There is little parking available locally for residents.
- Hindheath Rd is already very congested at peak times. Heavy vehicles and cars going to and from the Industrial Area heading south use it then travel through Wheelock.
- If we need more housing in Sandbach may a site between the town and the M6 would be more suitable.
- Hind Heath Road, despite what the traffic survey for this application states, is a very busy lane with heavy goods vehicles using it throughout the day, there have been many near misses with traffic on this lane, an extra 269 residences will only add to the potential for a fatality. The survey also states there is only minimal queuing at the

junction with Crewe road in the morning, perhaps they should have been there during the Monday-Friday school run hours.

- The Sandbach United new facilities access point will also add an extra traffic burden to this lane every evening from 5 pm onwards and during the mornings at the weekends.
- Parking in Sandbach is already a difficult task. We like to support our local town but the lack of parking makes people take the 'easy' option of driving to Crewe or some other nearby shopping facility where parking is readily available. If another 300+ cars were trying to use the town centre this will 'drive' more business away from Sandbach town.
- Looking at the Travel Plan in the supporting information, this development seems to go against what it recommends. It talks about a 'coordination between land use planning and transport' and 'promoting more sustainable transport choices, and promote accessibility to jobs, shopping and leisure activities by public transport, walking and cycling' and also to 'reduce reliance on public transport'. Research has shown 85% of commuters (which is who this development will attract) travel alone, resulting in at least 260 vehicles being in daily use, thus resulting in increased pollution in the area. The transport plan can only give guidance to reducing the use of private cars but realistically no one these days has the time to walk any distance to catch a bus. It would take someone fit to walk to the nearest bus stop at least 10-15 mins. The Report is also out of date there is no Post Office in Wheelock.
- There are discrepancies in the Report which make this look like an ideal development site. For example 4.1.2 talks about numerous retail, employment and leisure opportunities. Sandbach is a small town with a few retail outlets and very few leisure activities. So this development will flood what few facilities are available including schools.
- The development will increase traffic substantially, going over Crewe Rd bridges that are repaired regularly. There will be an increase in traffic via Oldfield Rd estate as people will use it as short cut to get onto Crewe Rd when queues form. Hind Heath Rd will close for while during development forcing people to go via Sandbach into the school traffic or block up Park Lane.
- The developers proposed to put traffic lights on the junction of Hind Heath and Crewe Road. Having witnessed the traffic in this area whilst restoration work is done on the bridge on Crewe Road, traffic uses Forge Fields, Oldfield Road and Armistead Road as a rat run to miss the traffic lights.
- The road is very dangerous and is only just wide enough for two vehicles to pass each other, leaving no room for pedestrians or cyclists, a new footpath / cycle lane as promised by the developers would make very little difference to the pedestrians distance from the traffic and therefore their safety. In fact all a cycle lane would do is give the cars and lorries a little more room on the road leaving the pedestrians with nowhere to go in the face of two vehicles travelling in opposite directions. To add to the problem there are blind bends on this road one of which is a tight blind bend on the opposite side of the road approximately one hundred yards from the proposed site exit road.
- Wheelock primary school Parents park all the way down Chartwell Park and then pupils either have to walk up in the road or walk all over residents gardens. Neither situation is good. I am awaiting a child to be seriously injured or even killed outside the school due to bad parking. The school would inevitably see further increases in its numbers if this estate was to be built.
- The new footpath / cycle link will not encourage access to Lilliput Lane Nursery, the Cricket Club and the Soccer club due to the increased traffic making Hind Heath Road difficult to cross.

- Moreover, the lack of pedestrian footpaths, the high bank sides and undulating road surfaces along the unlit B5079, makes this road a place where yet more (reported and unreported) accidents are just waiting to happen.
- Richborough Estates claims to have undertaken a traffic movement count along the B5079 during October 2009. This would not take into account heavy agricultural vehicle movements during seasonal harvest times and which continue 24hours/day on every day of the week.
- Vehicle movements along the B5079 are well documented by the local authority and are already strained. It must be the busiest B class road in South Cheshire. It is used as a "rat run" for drivers wanting to avoid Sandbach and the M6 motorway. 40tonne HGV's including foreign left-hand drive juggernauts use the road to access the Industrial Estates to the west end of the road. They also commute between Crewe and areas to the north and west, including Northwich, Winsford and Warrington.
- Traffic levels on this road are already set to increase further, following the recent approval to build football pitches with sole access onto Hind Heath Road and now that a further development of 300 houses on the Abbeyfield site are also being proposed.
- Widening will encourage more use by larger vehicles
- Traffic will be funnelled into Wheelock Village which is suffering from increased traffic despite the bypass
- There is no school crossing patrol anymore
- The survey done by Hurstwood clearly demonstrated that it was not safe or suitable for this volume of traffic when the development was proposed for 150 houses, this number has now doubled. The only potential road improvement suggested is a totally inadequate stretch of pavement and lighting outside the new development and school.
- The 40mile speed limit in place rarely observed by the road's users who persistently break the speed limit. Despite the by pass, Hind Heath Road and the village of Wheelock is still used by many motorists as a cut through and congestion at the end of Hind Heath Road is already an issue with a 1 mile journey into Sandbach town centre taking up to 20 minutes in the morning from Hind Heath Road.
- Hind Heath Road is consistently used by coaches and HGV vehicles, which again present a safety issue for pedestrians using the road, which in places does not have a pavement. A weight restriction was put on Hind Heath Road but was revoked. Several collisions have taken place on the road due to the number of vehicles using the road and the speed they are going at. Mothers are encouraged to walk their children to the local school in the village; again our concerns are for their safety with an increased risk of accidents.
- If easier access is required to the Wheelock Way, if it is dangerous to cross to the Nursery School in Hind Heath Road, if the road is so narrow that two large vehicles can't pass each other, if schoolchildren can't cross to the cut in Hind Heath Lane, if Hind Heath Road is so congested that traffic lights are required at the junction to Crewe Road, if for some inexplicable reason the current speed limit on the residential part of Hind Heath Road is 40 mph and not 30mph in common with all other local and major residential roads, then the proper authorities should get together and sort it out. A massive development on the road with only one shared exit and entry ensuring that all traffic has to use Hind Heath Road will surely exacerbate all of these problems. Why should the local residents have to put up with a blatant land grabbing exercise resulting in a totally unnecessary massive development and have the solution to these problems offered as a bribe?
- The applicants say they will improve traffic flow on Hind Heath Road. How can this be when an extra two to three hundred vehicles will exit and enter the site every day. Even now every weekday from before 8am until after 9am and again in the late

afternoon. The bypass was built to give Wheelock relief from never ending streams of traffic. Vehicles from this development will make the situation worse than it ever was

- Hind Heath Road has the only 40mph speed limit in Sandbach
- Existing residents of Ettiley Heath would, totally trapped in their own homes at peak times, as there are no other ways out of the estate.
- This would also re route traffic back over the bridge in Wheelock, in the past this was felt not to be strong enough for huge volumes of traffic hence the bypass being built.
- It is not long ago that 500 houses were built of farm land in Ettiley Heat. This has already made the area so much more congested with traffic.
- The building of a roundabout would also enable both traffic calming and safer access from the development to Hind Heath Road.
- It is very difficult already to turn out of Brock Hollow in either direction. From the right there is an incline so it is difficult to see approaching vehicles before they are right behind you especially as many are driving in excess of the 40mph limit. To the left there is a blind bend so you cannot see anything coming from this direction. The plans for this development show Hind Heath Road as a straight road which may be the case from an aerial view, however in real life when driving along it or pulling out of Brock Hollow in the Crewe Road direction it is definitely a blind bend right opposite the new entrance for the proposed site.
- This proposed development can only exacerbate the problem for the residents of Brock Hollow. Richborough Estates mention in one of the reports the possibility for commuting from Sandbach station which has a car park with apparently 45 spaces. However the car park is full before 8.00am, the only other place to park therefore is in the side streets around the station which annoys the local residents to have commuters cars parked outside their houses.
- The people who buy these houses will typically be commuting to work on the M6 motorway. The additional traffic created by the development will cause serious safety risks at junction 17 of the M6 motorway. This junction is already badly congested with traffic backing down the sliproad towards the motorway. At peak times the junction is extremely dangerous with no space on the sliproad to allow a safe braking distance. The consequence of the development will be to increase the number of fatal accidents on this section of the motorway. Traffic backing onto the slow lane of the M6 will inevitably lead to traffic jams on the main carriageway. This will cost the economy of the region many millions of pounds per annum. The planning application submitted by the developer does not include any dynamic modeling of the motorway junction. There has been no numerical calculation of the number of fatalities per annum which would result from the development. The failure to provide such analysis is reckless and irresponsible. Cheshire East Council has a duty of care towards the residents of Sandbach. Approval of the planning application, without a full quantitative risk assessment would breach this duty of care.
- Resolution of the traffic issues described in the bullet point above could not be achieved by installing traffic lights at the junction. The only viable alternative would be to completely remodel the junction putting in a full roundabout, and new sliproads. The cost of such a project would be tens of millions of pounds, plus the economic cost created by the disruption to the motorway during the construction phase of the project. This project would be a necessary consequence of the safety issues described above. It would inevitably be funded from the public purse.

## **Other matters**

- The sheer weight of documentation provided by the developers makes reading the proposal very off-putting and understanding it almost impossible for the general public. Impression that this is designed to discourage public opinion rather than canvass it.
- Devaluing existing property by flooding the housing market

A personal objection has been received from Fiona Bruce MP. She states that the amount of correspondence and number of surgery attendances from constituents has clearly demonstrated to her that concerns regarding the inappropriateness of this development in this vicinity are deeply and widely shared by many people in the local community.

An objection has been received on behalf of Fox Land and Property, who have recently submitted a similarly scaled development for land off Abbey Road and Middlewich Road, Sandbach. They have reviewed the transport assessments and make the following observations

- Both schemes will generate about the same level of traffic
- The TA report only examines junctions in the immediate vicinity of the site
- This is surprising as FLP were asked to consider all major junctions, in the area, including Junction 17 of the M6.
- The TA does state that they have considered Junction 17 and there would be no material impact as there would only be a 3% increase in traffic, which equates to between 57 and 63 vehicles per hour
- It is usual practice to carry out full analysis where impact exceeds 30 vehicles per hour
- Their TA was also required to consider other permitted residential developments, such as the Fodens Site, Canal Fields and Old Mill Road
- None of these appear in the Hind Heath Road TA
- The distances to bus and rail services in the TA seem optimistic.
- It is therefore considered that the TA does not adequately address the traffic impact of the scheme.

An objection has been received on behalf of Taylor Wimpey stating that the Council should refuse planning permission for residential development at Hind Heath Road because:-

1. The site has been identified in the draft Cheshire East SHLAA as not suitable, not achievable and not currently developable due to a number of constraints including TPO trees, overhead power lines and the close proximity of the sewage works. The site is therefore not supported by the Council's Planning Policy Officers as a greenfield site for early release.
2. The site is not well related to existing local community facilities, public transport and services, and is therefore not considered to be a sustainable location for housing in accordance with PPS3.
3. The development of the site would narrow the gap between Eittiley Heath/Elworth and Sandbach.
4. The site is open in character and would comprise a significant intrusion into the open countryside.
5. The application site is bounded to the south by a WWTP and the location of residential properties in close proximity to the WWTP is likely to create an unsatisfactory level of residential amenity.



6. There are other better and less constrained greenfield sites on the edge of Sandbach, such as Congleton Road which can be delivered immediately to meet the Council's shortfall in housing.
7. It is also considered that the Council should take a pro-active approach when seeking deliver housing sites outwith the Local Development Framework process given that there is a shortage of supply. This letter has demonstrated the reasons why land at Hind Heath Road, Sandbach is not suitable for immediate release. The land to the north of Congleton Road, Sandbach is an appropriate greenfield release and we recommend that the Council drafts a Interim Policy Statement to allow the site to come forward whilst the Council progresses with its LDF. On behalf of Taylor Wimpey UK Limited, NLP recently provided your Planning Policy Officers with a representation on the why land at Congleton Road, Sandbach [SHLAA ref: 2621] is considered to be available, suitable, achievable and deliverable for housing development.

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

### **Design and Access Statement**

- In developing this proposal, the design and consultant team have sought to deliver a desirable living environment within this area of Sandbach.
- The form and arrangement of space, buildings and routes have been developed on sound urban design principles, with a view to creating a cohesive, legible and attractive new residential area.
- Dwelling forms and types have been conceived to meet local need in its present form and also provide for the aspirational new houses that will be required in the future economic growth, including the provision of affordable housing. The accompanying area appraisal produced by MMS provides further evidence.
- Developing the site brings significant highways improvements to benefit the area as a whole and detailed reports conclude that the additional traffic generation created will not have an unacceptable impact on the sourcing area, due to extensive improvements proposed.
- Ecology has been considered and all existing wildlife and trees are protected. Public open space and buffers will also be provided
- Air quality assessments have been carried out, the findings of which shows that the existing air quality is acceptable
- Although the site is Greenfield, attached reports provide evidence of housing need. With existing brownfield sites failing to provide this housing need, this site represents an excellent opportunity to provide this need in a location which helps to properly define the settlement boundary.

### **Transport Assessment**

- There are two existing access points to the site; both of which are relatively minor gated track entrances, one off Hind Heath Road and the other from the narrow track running alongside the western edge of the site
- The master-plan sets out access to the proposed residential development from Hind Heath Road in the form of a simple priority junction.
- The proposed residential development will generate around 1 vehicle every 3 minutes (on average) during the morning and evening peak hours, the impact of which has been identified and assessed at 3 junctions (including the site access)

- In addition to the proposed Hind Heath Road / Crewe Road junction improvement to provide signals with formal pedestrian crossing facilities, the following transport related improvements are also to be implemented as a result of the proposed development.
- 3 m wide shared footway / cycleway along the southern edge of Hind Heath Road, between hind heath Lane and Ettiley Heath with connections across to the Lilliput Nursery and the proposed new development at Abbeyfields
- A new pedestrian refuge crossing facility at the Hind Heath Road / Hind Heath Lane junction.
- New bus shelter on the western side of Crewe Road, just to the north of Hind Heath lane and Adjacent to Lightly Close.
- Widening of Hind Heath Road at several locations, including to 6.7m alongside the site frontage.
- Installation of Dragons Teeth Road markings along Hind Heath Road
- Implementation of a Traffic Regulation Road to reduce the speed limit along Hind heath Road from 40mph to 30mph
- A full travel plan has been prepared highlighting additional sustainability proposals such as the provision of public transport information and an implementation and monitoring programme for the effective delivery of initiatives and ongoing assessment of their impact
- As a result of the assessment work contained within this report it is considered that in transport terms this proposal is suitable for planning approval.

### **Arboricultural Appraisal**

- Arboriculturally the site lends itself to development well, and a suitable layout can be achieved with little impact on the trees provided the recommended protection measures illustrated on the tree constraints plan are followed.
- No tree removal is advised at present,

### **Air Quality Impact Assessment**

- The baseline air quality data for the site and immediate surroundings indicates that the existing air quality
- is acceptable.
- Data has been provided for traffic to and from the development. The assessment undertaken using the DMRB model has concluded that the additional traffic generated by the development will not result in unacceptable high levels of air pollution or have an unacceptable effect on the local air quality. The air quality will also be acceptable for the occupants of the new residential development associated with the scheme. The impact significant for the introduction of new receptors is negligible.
- The construction dust assessment indicates that, with adequate mitigation, and in particular careful site management, significant adverse impacts due to dust are unlikely to occur.
- The Waste Water Treatment works to the south / southwest of the site is expected to give rise to occasional odours and faint to moderate odours were noted in the southern / southeastern corners of the site during the site visit. Given the absence of any complaints from the existing nearby residential properties in the last 3 years and based on the site observations it is concluded that there is a potential for a low impact on the development from odours arising from the Water Treatment Works. Any such odours are expected to drop off across the site.

## **Affordable Housing Statement**

- The credit crunch and subsequent property slump have significantly reduced the delivery of all new housing (affordable and private). Recently released Government data<sup>9</sup> shows that only 113,420 new homes were completed in the year to 31<sup>st</sup> March 2010. This represents a drop of 15% from last year and a fall of 33% (54,710 new home completions) from the level of 168,140 just two years earlier.
- Within Congleton the majority of forthcoming residential planning applications are now running viability based arguments to either reduce or perhaps even remove their S106 affordable housing obligations.
- Consequently, for the period (2008/9) show that affordable housing completions for Congleton were 60 units.
- The planning application proposes a development of 269 residential units, with associated infrastructure and public open space.
- The proposal incorporates a full policy provision of 30% affordable housing equating to 80 units.
- An affordable housing tenure split of 50% social rent and 50% shared ownership is also proposed.
- The proposed affordable housing mix has been informed by the Congleton Borough Council's Housing Needs Survey. The initial proposed mix based on the proportions of each unit type by demand is shown below:
  - 1 bedroom flat 499 29.79% 24
  - 2 bedroom flat 207 12.36% 10
  - 2 bedroom house 728 43.46% 35
  - 3 bedroom house 238 14.21% 11
  - 4 bedroom house 3 0.18% 0
- This mix has subsequently been adjusted to reduce the proportion of flatted accommodation following discussions with Plus Dane Housing Association.
- The revised affordable housing proposal is shown below:
  - 1 bedroom flat Social Rent 12
  - 2 bedroom flat Social Rent 12
  - 2 bedroom house Social Rent 5
  - 3 bedroom house Social Rent 9
  - 4 bedroom house Social Rent 2
  - 2 bedroom house Shared Ownership 36
  - 3 bedroom house Shared Ownership 2
  - 4 Bedroom house Shared Ownership 2
- The affordable housing element of 80 units within the Hind Heath Road proposal would make a significant contribution to addressing the shortfall in delivery compared to housing needs. These units will also help offset the effects of the reduced developer S106 affordable housing obligations already approved as well as those currently being negotiated.
- In line with the SPD policy 4.7 it is proposed that the affordable housing units will be pepper-potted across the site in clusters of a maximum of 15 units each.
- Affordable housing apartments will, where possible, be either walk-up units with individual front doors or located within dedicated stair cores to assist with the RSLs management and to help control service charges.

## **Phase 1 Habitat Survey**

- An extended Phase 1 habitat survey was undertaken at the site on 17<sup>th</sup> March 2010. At the same time protected species surveys for badgers, great crested newts and water voles were also undertaken.
- Trees with potential to support roosting bats were identified on the site. The site was considered largely unsuitable for great crested newts, reptiles and water voles but has potential to support nesting birds
- The effect of the development has been considered and key constraints identified include the potential for nesting birds and bats on site.
- Recommendations made include the need for further bat survey and for the protection of nesting birds during the development

## **Bat Survey**

- Following ecological surveys undertaken by Just Ecology in March 2010 further bat surveys were recommended on one tree with high and two trees with low-medium potential for roosting bats as well as a more general transect of the site.
- No bats were seen emerging from the trees during the surveys. The bat activity surveys have shown that the most utilized foraging and commuting areas were above and along the vegetated banks of the Trent and Mersey Canal and in the gardens of Anvil Close and Marriott Road. There was very minimal commuting use of the hedgerows along the northern and western boundaries.
- Recommendations are provided in the event that any tree work is required as well as features that will preserve and enhance the site for bats.

## **Flood Risk Assessment**

- The site is shown to lie within Flood Zone 1 and is elevated in relation to all surrounding land and watercourse/ canal systems. As such, the site is considered to be at low risk of flooding from all sources.
- Flood risk on the site as a result of the development is proposed to be mitigated through the setting of floor levels of buildings a minimum of 150mm above the highest of the immediate ground levels at each plot, and by avoiding siting of buildings with any localised hollows and depressions. It is also recommended that the road network be designed to convey flood flows that exceed the drainage infrastructure capacity safely away from the buildings to regional interception and attenuation features along the site boundary.
- The site has the potential, unless mitigated, to increase flood risk off site through increased rates of runoff. As such, a surface water drainage strategy including SuDS in the form of distributed swales within the main fabric of the development and regional pond/ dry extended basins along site boundaries – specifically in the lowest south west corner of the site.
- It is intended to control flows to existing greenfield runoff rates and is recommended to discharge surface water flows to the canal on the southern boundary of the site, although it is also feasible to discharge to the unnamed watercourse to the west should a discharge to the canal not be feasible. British Waterways will, like the EA, require SuDS and a treatment train to be provided on the site to ensure water quality in the canal is not impacted by the development.
- The discharge itself will also need to be designed to limit outfall velocity to <0.3m/s so as not to adversely impact on canal boat users.

- United Utilities have confirmed that there is capacity for the proposed development at the treatment works. An assessment of levels on site suggests that the south west corner of the site will require the implementation of a pumping station.
- However, it should be possible to drain the vast majority of the site by gravity.

## **Landscape and Visual Appraisal**

- In terms of its character, both the Site and its context are generally consistent with both national and local landscape character studies, displaying mixed (intensive) agricultural land across flat or almost flat topography, with some riparian woodlands. There are distinct areas of agriculture where the planting infrastructure is more substantial than other areas. To the east, the site retains a good relationship with the eastern edge of Wheelock, which extends right down to the canal corridor where relatively new properties have an open aspect to the Canal.
- The Site itself is irregular in plan form, comprising a single field enclosure with generally flat topography, which varies only at the southern edge as it falls via a short embankment (or slope) towards the canal corridor. Generally the site provides a good physical platform for development.
- Visually the Site is well contained, by various different elements. These include existing urban form to the east; localised topography and planting infrastructure to the south; and elements of built form to the north. To the east, planting along the site boundary is limited to a single intensively managed hedgerow, and consequently there are some filtered views from areas further north-west across the site to the existing urban edge of Wheelock. Consequently, the majority of views are limited to short distant ones on or adjacent to the Site boundary (including from adjacent residencies), with filtered views from the north-west and a single view from the south.
- It is proposed to develop the Site for residential use. The development will be accompanied by means of access, open space and infrastructure and perimeter landscape. The landscape strategy includes an open space network that focuses on the Canal corridor, linking to a landscape infrastructure focused along the western site boundary to assist in further containing the Site from areas to the north-west. The proposals have been developed inherently with this landscape strategy, in order to provide a balanced setting for the development.
- In terms of the adjacent Canal corridor, whilst there is neighbouring development directly to the east which relates to the canal, the building line has been set back in order to address the Canal setting, and provide a large area of open space with balancing ponds and associated infrastructure planting.
- On the basis of this landscape and visual appraisal therefore, development of the nature and scale proposed is considered to be acceptable on the basis of the character of the Site in its context. In summary, the Site retains many attributes that provide good development potential. The proposed landscape strategy is based on a landscape and visual appraisal of the Site and its context, and responds to matters of local landscape resources, character, visual amenity and the broader (landscape) planning context within which the site lies.

## **Planning Statement**

- The application proposals are for residential development, public open space, highway works and associated works. The proposals will also see the delivery of a new footpath and cycleway between the site and Ettiley Heath and this is subject to a separate planning application.

- A considerable amount of work has been undertaken in bringing forward this planning application. A number of technical reports have been undertaken and none have raised any issues that prevent the proposed development coming forward.
- The site is greenfield land but, as evidenced by the work undertaken to support the application, there is a housing need (especially for affordable housing), previously-developed sites in the town have failed to deliver new housing because of viability constraints, there is a desire by buyers for family housing in Sandbach but no site is delivering this at the present time, and the Council does not have a 5 year supply of deliverable sites. Sandbach is identified in the Development Plan as a first tier settlement in terms of the location of new development. Clearly the site conforms to this locational strategy as it adjoins the Sandbach urban area. Sandbach is therefore an entirely suitable location for new development.
- In addition to providing new housing and making a contribution to helping affordability through the provision of 80 affordable homes (30% of the total number of new dwellings); the proposals will also deliver transportation improvements including a new footpath and cycle link to Ettiley Heath, a pedestrian refuge on Hind Heath Road to allow easier crossing (a particular benefit for children going to and from Wheelock Primary School), a new bus shelter, the reduction in vehicle speeds along Hind Heath Road to 30mph, and the signalisation of the Hind Heath Road / Crewe Road junction. The package of improvements not only include any required mitigation for the proposals but as a side product will also have a beneficial impact on some current problems such as queuing at the junction of Hind Heath Road with Crewe Road.
- There are also potential ecology benefits and the supporting ecological information makes specific reference to the protection of the vegetation along the southern boundary of the site, landscape buffer along the western boundary, the balancing pond, and the introduction of new gardens as all having the potential to be beneficial for bats especially in terms of foraging and commuting routes.
- In conclusion the application proposals will deliver new homes now for Sandbach in a location which is entirely suitable for residential development.

### **Public Consultation Statement**

- This Statement has set out details of how community consultation has been undertaken and the main issues raised by the public together with our responses.
- All written and verbal comments have been considered. Following the feedback various amendments have been made to the proposals and these can be summarised as follows:
- Widening of Hind Heath Road along the site frontage and at certain points along the carriageway towards Ettiley Heath.
- Incorporation of a permanent central pedestrian refuge on Hind Heath Road to allow each side of the road to be crossed separately.
- Implementation of a TRO to reduce the speed limit along Hind Heath Road between Wheelock and Ettiley Heath from 40mph to 30mph.
- Installation of 'Dragons Teeth' road marking along Hind Heath Road.
- Pedestrian and cycle link from the site to Forge Fields so that there can be easier access to the public open space located to the south of the canal. Equally this provides easier access by existing residents to the public open space in the south of the application site and to the proposed footpath and cycle link to Ettiley Heath (subject to a separate planning application).
- The above will now form part of the overall package that will be delivered as part of the development proposals.

## **Sandbach Housing Market Appraisal**

- It is noted that the majority of future proposed developments lie in the Ettiley Heath Area to the west of Sandbach and in fact to the west of the main railway line, which is some distance from the proposed development in Wheelock. These are quite different locations and would appeal to a different sector of the purchasing public
- The proposed development in Wheelock would attract purchasers at a higher affordability and socio-economic level and therefore it is unlikely to deter prospective buyers in the Ettiley Heath area
- The number of proposed sales outlets would be a benefit to the purchasing public and give the opportunity for choice at different levels of the market.

## **Additional Statement in Respect of Housing Land Supply**

- Cheshire East has formally accepted that there is a shortfall in the 5 year housing land supply for the Borough. Given the guidance set out in Paragraph 71 of PPS3 then it is clear that Local Planning Authorities should: *".....consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in Paragraph 69."*
- These are suitably addressed by the development proposal other than in relation to the final bullet point namely: *"ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g addressing housing market renewal issues."*
- Paragraph 72 of PPS3 goes on to state: *"Local Planning Authorities should not refuse applications solely on the grounds of prematurity."*
- Advice on housing policy objectives is set out within Paragraph 11 of PPS3 which in particular advocates an evidence based policy approach: *"Local Development Documents and Regional Spatial Strategy policies should be informed by a robust shared evidence base, in particular, of housing need and demand, through a strategic housing market assessment and land availability, through a Strategic Housing Land Availability Assessment."*
- The report "Future Housing Provision Cheshire East" being taken to Cabinet on 18 October 2010 proposes an interim policy position which effectively seeks to focus greenfield releases around Crewe and prohibit them elsewhere. On the basis of this document Officers are concerned that there is a conflict with PPS3, Paragraph 69 in that the award of permission at Hind Heath Road would not reflect the spatial vision for the area.
- This interim policy statement flies in the face of advice and guidance contained within PPS3 and PPS12.
- Firstly the correspondence from Sarah Lewis at Government Office for the North West states: *"Whilst it is possible that the distribution of housing within and between areas of the new Unitary Authority may be somewhat different from that identified in RSS district housing requirement figures, it should be noted that the distribution outlined in RSS supports the North West of England plans spatial framework."*
- In addition the former Congleton Borough in its submissions to the North West Regional Spatial Strategy stated: *"The uplift proposed by Congleton Borough Council is to increase the annual average rate of provision from 300 to 500 dwellings, this would result in an extra 3,600 houses being constructed over the RSS period to help meet local need."*

- This is the latest relevant evidence in relation to the distribution of the housing requirement and there is nothing to support the proposition contained within the Committee Report that land release away from Crewe should be prohibited.
- Secondly the Councils published housing land supply information identifies significant existing land availability at Crewe currently in excess of 12 years. This indicates that what is proposed would enormously imbalance the supply of housing land in the Unitary Authority – further land identified at Crewe would increase the supply chain even higher but in real market terms there is a limit to the number of new occupations that can be achieved around this single town. Increasing the land supply at Crewe will not actually resolve the delivery of the requisite 5 year housing requirement.
- Thirdly detailed reading of the Core Strategy Issues and Options reveals that under all 3 scenarios, the release of land at Sandbach would not be objectionable. The suggestion that the grant of permission for this site would prejudice the spatial strategy for the area is therefore unfounded.
- The applicants have serious reservations in relation to the lawful status of the proposed interim policy statement. It does not derive from any adopted Development Plan policy. Neither does it originate from any evidence based assessment of the housing supply/requirement situation in fact it fundamentally alters the current policy position without justification.
- Paragraph 6.4 of PPS12 states: *“District/Borough/City Councils should not produce planning guidance other than SPD where the guidance is intended to be used in decision making or the co-ordination of development. This could be construed as wishing to circumvent the provisions for consultation and sustainability appraisal which SPD’s have.”*
- The advice in relation to the preparation of planning guidance in PPS12 also makes clear that under the provisions of Section 19(5) of the Planning and Compulsory Purchase Act 2004, such policies should be accompanied by a Sustainability Appraisal and no such appraisal has been undertaken in the context of the proposed interim planning policy.
- For the above reasons they consider the interim planning statement has no material weight and in fact specifically contravenes the advice in relation to spatial planning policy making set out in PPS12.
- The advice in PPS3 is clearly that the consideration of housing requirements should be based upon housing market areas and that Cheshire East does not constitute one housing market area. Whilst the applicants are prepared to consider the more finite determination of housing market areas, there is a robust figure for the housing requirement in Congleton which derives from an evidence based analysis and to that extent there are persuasive grounds for using that in calculating the housing requirement.
- A detailed assessment setting out the applicant’s view of the 5 year supply has been provided and the authority has refused to debate or agree that assessment. They are confident that the deficiency in the 5 year supply is much greater than the Council is suggesting.
- Evidence in relation to the distribution of the housing requirement has not been the basis for the Interim Policy, it is derived from the “Unleashing the Potential” document. This is a draft strategy for Cheshire and Warrington published in July 2010. It discusses an ambition for 25% growth in jobs and population in Crewe. Its key objectives are to increase the supply of affordable housing and to increase the supply of housing to meet local needs.
- The document is produced by the Cheshire and Warrington Enterprise Commission. It is not a Development Plan Document and is draft. It contains no information on



consultation and has little to offer as a justification for what is effectively a moratorium on greenfield release anywhere in Cheshire East other than Crewe.

- In summary the Council is obliged under the terms of Paragraph 71 “to consider favourably” this planning application. The grant of permission would not undermine any extant wider policy objectives. ‘Unleashing the Potential’ is a draft document not adequately refined by consultation to have any significant planning status. The proposed interim policy is contrary to advice in PPS12, prejudicial to transparent policy making, lacking in any sustainability appraisal – a legal requirement under the 2004 Act and a blatant exercise in seeking to pre-empt proper planning process.
- On the other hand there is persuasive evidence to support a local housing requirement in the former Borough of Congleton and policy guidance to provide for housing on the basis of housing market areas. Crewe and Sandbach are not compatible in that sense. Providing an excess of housing land supply in Crewe will not alter the fundamental lack of a 5 year supply elsewhere.
- In the absence of any demonstrable adverse affects on the spatial vision for East Cheshire the application should be assessed on the basis that it will contribute towards meeting the shortage in the housing land supply in an area where that shortage is most severe. It will deliver 80 affordable homes which otherwise would not be provided and it meets the Authority’s requirements in terms of a high quality of design. It will facilitate material benefits through the improvement in Hind Heath Road and in all other respects meets planning policy requirements.

## **8. OFFICER APPRAISAL**

### **Main Issues**

Given that the application is submitted in outline, with all matters with the exception of access reserved for subsequent approval, the main issues in the consideration of this application are the suitability of the site, in principle, for residential development having regard to matters of planning policy, housing land supply, affordable housing, amenity, ecology, landscape, drainage and flooding, infrastructure, highway safety and traffic generation.

### **Planning Policy and Housing Land Supply**

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H.6 and PS.8 states 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 very exceptional circumstances associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

The applicant's case is that the new Government has stated that it will maintain the need for local planning authorities to provide a rolling 5 year supply of deliverable land for housing. What is evident at the present time, though, is that there is uncertainty over what the actual housing requirement should be. At the same time the DCLG advice 'Demonstrating a 5 Year Supply of Deliverable Sites' has been withdrawn and the Government are not committing themselves to producing any new advice beyond the current PPS3 or its replacement.

PPS3 states that, in determining housing provision, local planning authorities should take account of various factors including housing need and demand, latest published household projections, evidence of the availability of suitable housing land, and the Government's overall ambitions for affordability. PPS3 advises that where a LPA cannot demonstrate a five year supply of available and deliverable housing land it should consider favourably suitable planning applications for housing

Government Guidance, published following the revocation of the RSS notes that LPA's will still need to justify their housing supply policies in line with PPS3 and that evidence which informed the preparation of the revoked Regional Strategies may also be a material consideration.

In view of the uncertainty the applicants have undertaken three separate 5 year supply assessments based on:

1. the regional housing requirement between 2003 and 2021;
2. the individual Crewe & Nantwich, Congleton, and Macclesfield positions at the time of the emerging regional figures covering the same RSS period of 2003 to 2021; and,
3. an assessment based on the 2006 household projections covering the same RSS period of 2003 to 2021.

So that a like for like comparison can be made between the applicant's assessment of the 5 year supply and that provided in the latest Cheshire East Annual Monitoring Report (December 2009) they have utilised the five year period of between 2010 – 2015. Also to reflect the AMR we have addressed any under or over supply within that 5 year period of 2010 to 2015, rather than a residual assessment spread over the remaining years up to 2021.

As part of the three assessments they have undertaken a review of sites that the Council has included in their own 5 year supply calculations and they have identified a number where they believe that either the sites will not deliver the amount of housing envisaged or they will not deliver any housing at all within the five years.

The applicants argue that there are a variety of reasons why sites have become unviable including planning permission for the wrong product, bank funding, abnormal clean-up costs, falling house values against site purchase costs, desire for lower density housing rather than apartments and with it the implication for less units reducing sales revenues and diminishing land values, and increased environmental standards.

For many previously-developed sites there are significant up front costs which affect developers return on capital and is more risky, and is thus more vulnerable to scarcer bank financing. This was not the case pre-recession when bank financing was available and risk appetites greater.

On this basis, for each of the three separate assessments referred to above, the applicants have carried out a comparison, between the sites that Cheshire East suggest will come

forward within the five years and those that the applicant believes could deliver housing within the five years. The latter discounts capacity from those AMR sites where the applicant has identified deliverability problems of the nature described above.

From this exercise, the applicant has not concluded that, based on three separate assessment bases, Cheshire East as a whole, nor the former Congleton Borough, can maintain a 5 year supply of deliverable sites. Even where sites are not discounted in the majority of scenarios a 5 year supply cannot be maintained. They argue that the application site meets all the criteria in respect of deliverability within PPS3 and would help to address this shortfall. The advice within PPS3 in respect of the need to maintain a rolling 5 year supply of deliverable land for housing, is an important material consideration, which the applicants believe is of sufficient magnitude to warrant the setting aside of normal development plan policies of restraint within the Open Countryside. On this basis they consider that the application should be permitted.

The Council's position is that although the NW Regional Spatial Strategy (2008) has recently been revoked, we intend to continue to rely upon the figures contained within it until such time as the LDF Core Strategy has been adopted. The RSS proposed a dwelling requirement of 20,700 dwellings for Cheshire East for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. The distribution apportionment of Congleton Local Plan Policy H2 equates to approximately 50 dwellings per annum for Sandbach.

A report is being considered by the Council's Cabinet on 18<sup>th</sup> October which recommends that the Council adopts a housing requirement figure for a minimum of 1,150 net additional dwellings to be delivered annually, pending the adoption of the LDF Core Strategy. An update from Cabinet will be provided on a written update.

National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. This suggests that Cheshire East Council should be providing its 5-year housing supply information for Cheshire East as a whole rather than the former districts or any housing market areas. Correspondence from Government Office for the North West confirms that in order to establish the appropriate housing requirement for Cheshire East, the district figures included in the published Regional Spatial Strategy (RSS) should to be added together to give the new unitary authority requirement.

The above mentioned Cabinet report notes that following a review, the Council has 4.58 years housing land supply. Consequently the report recommends that in order to address the lack of a 5 year housing land supply, an Interim Planning Policy on the Release of Housing Land should be approved for consultation purposes and that it be used in the determination of planning applications pending its adoption. This policy states that when it is demonstrated through the Annual Monitoring Report that there is not a five year supply of housing land as defined by PPS3, subject to other saved policies of the relevant Local Plan being satisfied, the Council will allow the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and encourages the redevelopment for mixed uses, including housing, of previously developed land within settlements.

Members will recall that at the meeting of the Strategic Planning Board on 6<sup>th</sup> October 2010 a report was considered relating to Issues and Options for the Local Development Framework Core Strategy, which outlined 3 options for apportioning growth across Cheshire East. Although each of the options is different, the common theme between them is an

emphasis on growth in Crewe. Therefore, whilst the options are under consideration, and there is uncertainty as to which option will be taken forward, it is appropriate that any Greenfield development required to make up a shortfall in housing land supply should be directed to Crewe. PPS1 2005 in *The Planning System: General Principles* at para. 14, states that *"Emerging policies in the form of draft policy statements and guidance can be regarded as material considerations, depending on the context. Their existence may indicate that a relevant policy is under review, and the circumstances which led to that review may be need to be taken into account."*

Furthermore, Paragraph 69 of PPS 3 states that in determining planning applications, local planning authorities should have regard to a number of criteria, including, inter alia, *"ensuring the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues."*

Paragraph 72 of PPS.3, states that LPA's should not refuse applications solely on the grounds of prematurity. However, PPS1 also deals with the question of prematurity to an emergent plan, and advises that in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a Development Plan Document (DPD) is being prepared or is under review, but it has not yet been adopted. *This may be appropriate where a proposed development is so substantial, or where the cumulative effect is so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD.*

The proposal does not reflect the spatial vision for the area both in terms of the adopted Local Plan which prohibits development on sites within the Open Countryside and the emerging Core Strategy. In addition, the proposal undermines wider policy objectives, such as achieving sustainable development, in close proximity to the more major town centres and sources of employment and supporting urban regeneration, in the parts of the Borough where it is most needed.

In addition, it is considered that priority to be given to the redevelopment of previously developed with planning permission. A key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed. At July 2010, there were over 753 dwellings with planning permission or under construction in Sandbach. These sites are with one exception brownfield or mixed brownfield and greenfield. The details of these sites are set out in Appendix 2. One additional site for 100 houses is awaiting the signing of a S106 agreement. Based on the Congleton Local Plan housing distribution figure this equates to 13 years' supply of housing land in Sandbach. Local Plan policy and PPS advice is that priority should be given to the redevelopment of PDL. It is understood that developers of the major sites have indicated that are proposing to bring them forward for development within the next 5 years. It is considered that to release additional greenfield sites in Sandbach at present would prejudice the redevelopment of these sites.

According to Policy H2 of the Local Plan, approximately 25% of housing land supply for the former Borough of Congleton area should be apportioned to Sandbach. Currently approximately 43% of the housing land supply for the former Borough area is located within Sandbach. It is therefore considered that the existing brownfield sites are sufficient to address housing requirements within the Sandbach area, and that an imbalance in provision

across the former Borough currently exists. To release further sites within Sandbach would exacerbate that imbalance.

The developers have submitted an additional supporting statement in response to the Cabinet Report. This has been reproduced in the "Applicants Supporting Information" section above.

In response to those comments, it is considered that the Councils approach to the housing land supply policies within Cheshire East has been exactly in accordance with paragraph 11 of PPS.3. The Draft SHLAA has been consulted upon with the Task Group and the final version will be published in early November. The production of this document has identified the shortfall in terms of the five year supply, which has led to the publication of the interim policy. The SHMA will be available from today.

It is not solely on the basis of the report "Future Housing Provision Cheshire East" that officers are concerned that the proposal would not reflect the spatial vision for the area. The adopted Local Plan directs development to settlement zone lines and the emerging policy in the form of the issues and options paper, indicates that where release of open countryside is required to accommodate housing growth, this should be directed in the most part towards Crewe. This in turn is based on evidence and overarching corporate objectives such as the Crewe vision.

With regard to the Applicant's comments on the correspondence received from the Government Office for the North West, I would point out that the R.S.S. has now been abolished and therefore the points raised are largely academic. Furthermore, the reference to the request by Congleton Borough Council to increase its annual rate of provision should also be afforded little weight, given that the evidence upon which it was based was not considered to be sufficiently sound by the Government Office.

To turn to the issue of the 12 year supply at Crewe. Given that Crewe is the major population centre within the Borough it is considered to be reasonable that it should have both the largest existing supply of housing and should take the largest share of any future allocations. It is not therefore considered that further development at Crewe would result in an imbalance of housing land supply. Notwithstanding this point, the 12 years, incorporates the whole of the former Crewe & Nantwich Borough Council area. The supply for Crewe itself is less. Furthermore, the majority of the sites within the 12 year supply are Brownfield, and, as the applicant's own assessment has correctly pointed out, many Brownfield sites are currently stifled by viability issues. Therefore the supply within Crewe is likely to be significantly less than the 12 years,.

It is considered that increasing the land supply at Crewe will not actually resolve the delivery of the 5 year housing land supply issue, as like the application site, any Greenfield site released at Crewe would be highly deliverable, relative to existing consents.

Officers also take issue with the view that the Interim Policy Statement does not originate from any evidence base. It has been derived from the forthcoming SHLAA, the emergent Core Strategy and background documents such as Crewe Vision and "Unleashing the Potential". The Council does not claim that it is an SPD, therefore we are not bound by the requirements of PPS 12 in its production and it is not unlawful. Nevertheless, it will be the subject of public consultation and a Sustainability Appraisal could easily be undertaken. Interim Policy Statements have been used by other authorities in similar situations, whilst

out of date development plan documents are revised, and have been afforded weight as a material consideration by Inspectors at Appeal.

PPS3 states at paragraph 5.4 that Local Planning Authorities should maintain a 5 year supply. It does not refer to Housing Market Areas. Therefore the determination of this area is irrelevant.

With regard to “Unleashing the Potential”, the document is no longer in draft format and it is not a discussion document. It is a vision which the authorities concerned have signed up to and like the Crewe vision it forms part of the evidence base for the Issues and Options for the Core Strategy.

Contrary to the applicant’s claim the approach taken by Cheshire East is not “a blatant exercise in seeking to pre-empt proper planning processes.” However, this accusation could be levied at the Local Planning Authority were it to permit a speculative application of this nature in the open countryside, which does not reflect the consistent spatial vision for the area.

Therefore, in summary, it is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. However, the current proposal is not considered to be “suitable” as it is located on the periphery of Sandbach, located on the periphery of Sandbach, and would be contrary to the Council’s agreed position to manage the supply of housing land as set out in the Council’s draft Interim Policy on the Release of Housing Land which directs the majority of new development towards Crewe. According to PPS1 these emerging policies are material considerations. Furthermore, to permit development of this scale within the vicinity of Sandbach would pre-determine decisions about the location of the remainder of the Borough’s requirement for new development which is are being addressed through the Core Strategy.

For these reasons the Housing Land Supply arguments advanced by the applicants are considered to be insufficient to outweigh the general presumption against new residential development within the Open Countryside as set out in the adopted development plan.

### **Affordable Housing**

The applicants point out that the lack of a deliverable five year housing land supply also impacts on the supply of affordable housing. Furthermore, the majority of the Council’s existing supply of housing land is based on previously developed sites. One of the main problems with previously developed sites has been viability, which in turn has affected the percentage of affordable housing, within those schemes, which developers have been able to provide. The use of such viability arguments, to justify reduced affordable housing provision, has been upheld by Inspectors at Appeal on a number of occasions. However, the applicants argue, the provision of affordable housing is an important priority for the Borough and Members have acknowledged this in their refusal of the above mentioned schemes, on lack of affordable housing grounds.

The applicants are therefore of the opinion that the proposals at Hind Heath Road recognise the importance Members place on affordable housing and will deliver 80 affordable units. The Hind Heath Road site is not constrained in terms of viability and therefore can provide for 30% affordable housing requirement with a proposed mix of 50% shared ownership and

50% social rented. They state that we are at a point in time when not only are some sites in the Borough having difficulty providing affordable units because of viability but also the housing market is still in recovery and therefore the lack of sites coming forward impacts on the amount of affordable housing delivered. It is important for sites like this one to deliver their affordable housing requirement.

It is acknowledged that the site will provide 30% affordable housing. However, it should be noted that this is the minimum policy requirement within Local Plan Policy H13 and is expected of all new developments, including those within the Settlement Boundary and on brownfield sites where there is a presumption in favour of new development. It is acknowledged that viability arguments have been accepted in respect of some brownfield sites, where the immediate regeneration of those sites has been seen to outweigh the need for affordable housing. However, it is not considered that by default this renders a scheme which provides the minimum amount of affordable housing in order to be Policy H13 compliant, so exceptional as to warrant a departure from the Local Plan in respect of development within the open countryside.

## **Amenity**

The site is bounded to the north west and south west by open countryside. Existing residential development bounds the site to the south east and is located on the opposite side of Hind Heath Road to the north east. The layout and design of the site are reserved matters. However, the indicative layout demonstrates that 269 dwellings could be accommodated on the site, whilst maintaining the recommended minimum distances between existing and proposed dwellings as set out in the Councils SPG 2 ; Private Open Space in New Residential Development. It also illustrates that the same standards can be achieved between proposed dwellings within the new estate.

## **Ecology**

To mitigate for the potential adverse impacts of the development the submitted survey report recommends the provision of a 30m buffer zone together with a 12m wildlife corridor along the canal. In addition a wildlife corridor is also proposed along the western boundary of the site to allow animals to move in a north – south direction. The submitted report recommends that the public is excluded from the wildlife corridor areas.

The submitted indicative plan appears to show the buffers zone and also a wildlife corridor along the western boundary. The wildlife corridor along the canal to the south however appears to have been incorporated into a potential area of public open space. This may result in a conflict between the ecological function of the wildlife corridor and the needs of people making use of the area as open space. However, the provision and design of a 12m wildlife corridor along the southern and western boundary could be secured by means of a condition.

No evidence of roosting bats was recorded during the survey; however bats are active around the site the site. Most activity is restricted to the southern boundary of the site and the adjacent gardens to the west. The proposed wildlife corridors along the western and southern boundaries would be likely to retain the potential for bats to forage in these areas provided they are designed appropriately. The revised bat mitigation report also now recommends native species planting along the eastern boundary of the site to ensure this area continues to offer good quality bat foraging habitat. This should be secured by



condition, along with the installation of bat boxes to increase the available roosting habitat present on site.

No evidence of water voles being present along the canal was recorded during the submitted survey. Unfortunately, the survey was undertaken early in the survey season and due to access constraints the canal was only surveyed from the opposite bank using binoculars which is a poor survey methodology for this species. The Council's Ecologist is therefore not satisfied that the absence of this species has been established. However, provided the recommended 12m wildlife corridor is established, and that no development takes place within 8m of the bank, there is not likely to be any adverse impact on this species. A condition could be attached to ensure that no development takes place within 8m of the waters edge.

Any potential lighting of the site particularly the public open space and wildlife areas should be designed sensitively to avoid potential adverse impacts on both badgers and bats and it is recommended that this is the subject of a condition.

There appears to be some loss of hedgerow associated with the proposed development. Hedgerows are a BAP priority habitat and a material consideration. There must be an appropriate level of native species hedgerow creation provided as part of the development to compensate for this loss. The conditions are also required to safeguard breeding birds.

### **Landscape and Tree Matters**

In the Cheshire Landscape Character Assessment (2008) the site falls under East Lowland Plain Character Area (ELP5: Wimboldsley). In the Landscape Assessment of Congleton Borough (1999) it lies with the Wheelock Rolling Plain. The Trent and Mersey Canal Conservation Area adjoins the southern boundary. Although there is residential development to the north, to the south this section of Hind Heath Road is rural in character with managed hedges bounding the road. There is only one lighting column in the vicinity, on the southern side of Hind Heath Road toward the eastern frontage of the site. The site and the adjoining agricultural land to the west provide a green wedge separating Ettiley Heath and Wheelock.

The site is fairly flat with a fall to the south. There are hedgerows to the north and west, trees and scrub vegetation on the canal side and a combination of fencing and hedge to the east /southeast where the rear garden boundaries of residential properties adjoin. There are several mature trees close to the east and southeast boundary.

Where there are gaps in the roadside hedge on Hind Heath Road, views of the site to the south are across open agricultural land. The site is visible from the Trent and Mersey Canal towpath to the south and from residential properties to the east.

The Council's Landscape Officer has considered the submitted Landscape and Visual appraisal dated June 2010. In overall landscape terms she objects to development of the site. As described above, it is open and rural in character and an integral element of the wedge of agricultural land separating Wheelock and Ettiley Heath. With the change in land use and character which residential development would introduce, in addition to the loss of open countryside, there is potential for detrimental impact on the setting of the Trent and Mersey Canal Area. It is worthy of mention that in the above-mentioned Landscape Character Assessment of Congleton Borough, the main issues and forces for change affecting the relevant character area are cited as stemming from development pressure and



agricultural change. Under future management recommendations in the Assessment, specific mention is made to avoiding new developments along the course of the canal.

Therefore, it is considered that unless there are other over-riding needs to develop the site, which cannot be accommodated within existing settlements, the proposal should be refused on the grounds of the harmful impact on the character and appearance of the open countryside and rural landscape, which should be protected for its own sake.

Notwithstanding the objection to the principle of developing this site, the indicative layout plan reference 10004/PC:01 has some merit in that it aims to provide a landscape buffer to the canal conservation area and to the land to the west. The overall landscape framework of the site would, however, need further consideration, particular the Hind Heath Road frontage. Given that this is an outline application, these issues, whilst worthy of note, could be addressed at the reserved matters stage and do not provide further reasons for refusal.

There are a number of trees on the site boundaries, including trees subject of the Forge Fields, Wheelock TPO 1995. The submission includes a report - Arboricultural Advice, Recommendations, Tree Survey and Constraints Advice dated 7 May 2010. The submitted arboricultural information is comprehensive. However, it does not provide any assessment of the impact of the illustrative layout. The illustrative layout appears to be unsympathetic to several trees, particularly those to the east /south east of the site, several of which are subject to TPO protection. In several cases the trees would shade or dominate plots to the extent that there would be pressure to fell. Whilst it is accepted that the layout is indicative, it may not be practical to accommodate the total number of dwellings proposed.

The developer has commissioned a survey in which the hedgerow is assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if it qualifies as 'Important'. The results of the survey are that hedgerows 1, 2, 3 and 4 (the roadside hedges) were found to be 'Important' under the Regulations, because they form an integral part of a field system pre-dating the Inclosure Acts, which is a significant material consideration in the determination of the application. The current masterplan requires the removal of a section of the hedgerow on the northern boundary for access into the site as well in a few sections along the proposed footpath.

Policy NR3 of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development, and where the likely effects can be mitigated or the habitat successfully recreated on or adjacent to the site and there are no suitable alternatives. In order to comply with the policy all of these criteria must be met.

In this case, it is the historic line of the hedgerow which is considered to be important rather than the species within it or the habitat which it creates. It is acknowledged that only sections of the hedgerow need to be removed, and that, as its line follows that of the road, it could still be traced in the landscape following the implementation of the development. Notwithstanding this point, there are no overriding reasons for allowing the development and it is considered that there are suitable alternatives for accommodating the necessary housing supply. Therefore, the development fails to comply with all of the tests within Policy NR3.

## **Drainage and Flooding**

The applicant has submitted with the application, a detailed Flood Risk Assessment, which concludes that the site is at low risk of flooding from all sources, and that flood risk on site can be adequately attenuated. Risk of off-site flooding as a result of increased rates of runoff and be adequately mitigated for through a surface water drainage strategy including SuDS in the form of distributed swales within the main fabric of the development and regional pond/ dry extended basins along site boundaries – specifically in the lowest south west corner of the site. There is also the opportunity to discharge surface water to the adjoining watercourse and the canal. The report also concludes that there is capacity for the proposed development at the treatment works. An assessment of levels on site suggests that the south west corner of the site will require the implementation of a pumping station. However, it should be possible to drain the vast majority of the site by gravity.

The Environment Agency and United Utilities have considered the report and raised no objections subject to the imposition of appropriate planning conditions to ensure that the required mitigation is carried out. Therefore, it is not considered that a refusal on flood risk or drainage grounds could be sustained.

## **Design**

The surrounding development comprises a mixture of ages and architectural styles, ranging from modern suburban development on the adjacent housing estate to the south east, to larger inter-war properties, within substantial curtilages, forming ribbon development along Hind Heath Road, to traditional vernacular farm buildings, which pre-date the expansion of Sandbach and Wheelock. Notwithstanding this, there is consistency in terms of materials with most walls being finished in simple red brick, some properties incorporate render and cladding. The predominant roof forms are gables although some are hipped and most are finished in grey concrete tiles.

Although external appearance and design are reserved matters, the applicant has submitted indicative street scenes which show typical, house types. These have been influenced by the form and mass of surrounding residential properties. The house types include traditional features such as, chimneys, tile hanging, brick arched heads and stone cills and a brick band course. The use of render to feature house types helps to break up the massing of the buildings and maintain visual interest.

On this basis it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area.

The site is adjacent to the canal conservation area and the Inland Waterways Association has objected on the grounds of the suburbanising effect on the appearance of the canal and its conservation area. Whilst it is acknowledged that there would be a marked change in the character of the conservation area, it is not considered that it would necessarily be detrimental to that character. High quality of design and layout has the potential to create an active and attractive frontage to the canal. The indicative layouts show properties fronting onto the canal and a large area of open space which would link the canal to the development and would allow the public to enjoy the waterside setting. These open areas are also required in order to protect the ecology of the site and the canal bank. Subject to conditions, to ensure that these are carried forward into the final design, it is considered that the proposal would achieve the requirement to conserve and enhance the quality of the canal conservation area. It is noted that British Waterways do not object to the development and welcome the provision of the ecological mitigation areas alongside the canal bank.

## **Open space**

The indicative layout plan shows the provision of both Amenity Greenspace and Public Open Space within the development. Having regard to the adopted local standards set out in the Council's Open Space Study for Amenity Greenspace, there would be surplus of green space within the development.

The amount of Public Open Space that would be expected in respect of the new population on site would equate to 8410 m<sup>2</sup>. According to the plans provided a total amount of 8498 m<sup>2</sup> is being provided. From this it is necessary to deduct 500m<sup>2</sup> for the children's play space, and pond 2,401m<sup>2</sup> which leaves a total amount of 5,597 m<sup>2</sup> of on site POS.

In light of the deficiency in what would be required in respect of the possible new population of the area, a contribution in lieu of POS that would be required to provide for qualitative enhancements of existing green space facilities in the area. These would include The Wheelock Rail Trail or the Forge Fields playing field. The sum has been calculated as Enhanced Provision of £14,861.00 and maintenance contribution of £33,263.00

The location of the public open space is considered to be acceptable, although given that it contains a Sustainable Urban Drainage system and pond, it should be transferred to a management company rather than being adopted by the Council. The on-site POS provision should include a LEAP (Locally Equipped Area for Play) standard play area would be sufficient. This should include at least 5 items incorporating DDA inclusive equipment, using play companies from The Councils select list. A maintenance contribution of £246,860.0 would also be required.

Subject to the above requirements, which could be secured through a Section 106 agreement, and in the absence of any objection from the Amenity Greenspaces Section, it is considered that the proposal complies with Council's adopted Interim Guidance Note on Public Open Space Requirements for New Residential Development and the relevant local plan policies.

## **Highway Safety and Traffic Generation.**

The proposed development will generate a significant increase in traffic movements on Hind Heath Road, as well as the surrounding routes. A Transport Assessment has been submitted to demonstrate that the proposal would not have an adverse effect on the highway network. The Highways Department have examined this and endorsed its conclusions. As part of the scheme the developer proposes to off-set the increase in traffic through the provision of infrastructure for a traffic signal junction at: Hind Heath Road/Crewe Road with pedestrian facilities, with other measures along Hind Heath Road including, carriageway widening, a pedestrian and cycle link (which is the subject of a separate planning application), street lighting provision and speed limit reduction.

In addition, the highways department has negotiated a number of other mitigation measures including contributions to the improvement of the strategic highway network in the Sandbach area and a contribution of £60,000 towards improvements at Junction 17 of the M6. In addition the development is offering a £10,000 contribution towards local sustainable links and traffic management.

Therefore, whilst the concerns of local residents are duly noted, in the light of the above and in the absence of any objection from the highway authority, it is not considered that a refusal on highway safety, parking, or traffic generation grounds could be sustained.

## **Infrastructure**

Local residents have expressed concerns in respect of the impact of the development upon local infrastructure including schools, shops and post offices. The Council's education department has assessed the application and determined that a developer contribution of £462,355, will be sufficient to off-set any impact on local provision and the developer has agreed that this would be acceptable. The payment can be secured through a Section 106 Agreement. With regard to shops and post offices, it is acknowledged that there is not an abundance of facilities within the Wheelock area, and that there have been a number of closures in recent years. However, it could also be argued that increasing the size of the local population would increase the viability of such businesses and would help to support remain shops and encourage others to open. Similar points could be made in respect of the town centre itself.

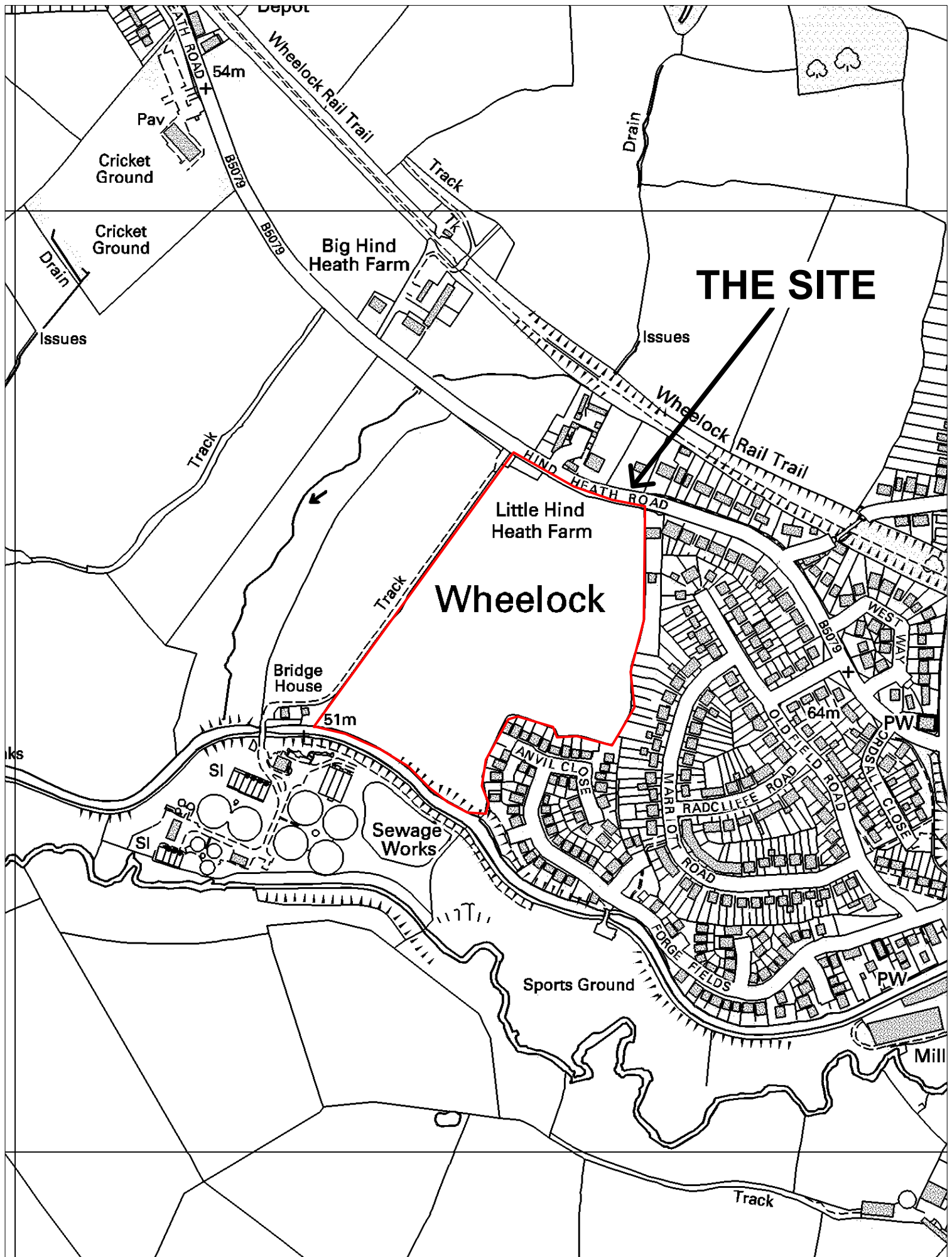
## **9. CONCLUSIONS**

Therefore, in summary, it is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. However, the current proposal is not considered to be "suitable" as it is located on the periphery of Sandbach, located on the periphery of Sandbach, and would be contrary to the Council's agreed position to manage the supply of housing land as set out in the Council's draft Interim Policy on the Release of Housing Land, which directs the majority of new development towards Crewe. According to PPS1 these emerging policies are material considerations. To permit development of this scale within the vicinity of Sandbach would pre-determine decisions about the location of the remainder of the Borough's requirement for new development which is are being addressed through the Core Strategy. Furthermore, given that Sandbach has some significant brownfield sites, with consent, it is considered that that the release of a greenfield site not only prejudices the overall spatial strategy for the Borough but will impair the ability to develop major brownfield sites in a local context.

It is considered that the development could be accommodated without harm to significant trees of amenity value and that a suitable landscaping scheme could be devised for the site. However, the proposal would involve the removal of an "important" hedgerow as defined in the Hedgerow Regulations 1997. Policy NR3 of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development. For the reasons stated above, in this case there are not considered to be any overriding reasons for allowing the development and the proposal is therefore contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review.

The proposal is considered to be acceptable in terms of affordable housing provision, impact on amenity, ecology, drainage and flooding, infrastructure provision, highway safety and traffic generation. However, this is considered to be insufficient to outweigh the adverse effects of the proposal in terms of its impact upon housing land supply. The proposal is therefore contrary to the adopted Local Plan, the advice contained within PPS.1 and PPS.3

and the Council's emerging planning documents. Accordingly it is recommended for refusal.



**10/2608C LAND EAST OF MARRIOTT ROAD/ANVIL CLOSE/Forge Fields AND SOUTH OF HIND HEATH ROAD, SANDBACH  
NGR- 374,510:359,550**

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## **10. RECOMMENDATION**

**REFUSE for the following reasons:-**

- 1. The proposed residential development within the open countryside would be contrary to the provisions of Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review. Whilst it is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing, the current proposal is not considered to be “suitable” as it is located on the periphery of Sandbach, rather than Crewe. It would undermine the spatial vision for the area and wider policy objectives as it would be contrary to the general thrust of the Core Strategy Issues and Options, as well as the Council’s Interim Planning Policy on the Release of Housing Land, which direct the majority of new development towards Crewe. This would be contrary to advice in PPS.3 and PPS1, which states these emerging policies are material considerations. For these reasons the Housing Land Supply arguments advanced by the applicants are considered to be insufficient to outweigh the general presumption against new residential development within the Open Countryside as set out in the adopted development plan.**
- 2. Release of this site would prejudice the development of the significant number of brownfield sites within Sandbach with extant planning permission, which would provide significant regeneration benefits, and would be sufficient to address housing requirements within the Sandbach area. The proposals are therefore contrary to Policy advice within PPS.3 which gives priority to the development of previously developed land, and the provisions of Policy H2 of the adopted Congleton Borough Local Plan First Review.**
- 3. The proposal would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Policy NR3 of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development. For the reasons stated above, in this case there are not considered to be any overriding reasons for allowing the development and the proposal is therefore contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review.**