

Planning Reference No:	10/2006C
Application Address:	Elworth Hall Farm, Dean Close Elworth
Proposal:	The Demolition of the existing Buildings (including agricultural buildings and existing dwelling) and the redevelopment of the site with 26 dwellings and associated works.
Applicant:	Bell Developments Ltd.
Application Type:	Full Planning Permission
Grid Reference:	374382 361711
Ward:	Sandbach
Consultation Expiry Date:	20 th October 2010
Date for determination:	26 th August 2010

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

- Principle of Development
- Housing Land Supply
- Design
- Amenity
- Trees and Landscape
- Affordable Housing
- Flooding and Drainage
- Highway Safety
- Contaminated Land

REFERRAL

The application has been referred to planning committee because it involves the creation of more than 10 dwellings and is therefore a major development. It is also a departure from the Development Plan.

1.SITE DESCRIPTION

The application relates to a redundant farmstead on the edge of Elworth. The site comprises the farmhouse, a number of brick built agricultural buildings with more modern additions, the garden area to the farmhouse and associated farmyards. The site is bounded to the south, east and west by suburban residential development and by open countryside to the north. There are two access points to the site from Dean Close and Wrenmere Close. The site is currently overgrown with a mixture of scrub, low shrubs and saplings, as well as a smaller number of more mature trees.

2.DETAILS OF PROPOSAL

The proposal is for the demolition of all the existing buildings on site and the redevelopment of the site with 26 dwellings and associated works. An alternative proposal for the retention

and conversion of the existing farm buildings and the erection of 26 dwellings within the grounds is considered elsewhere on this agenda.

3. RELEVANT PLANNING HISTORY

09/3245C 2008

additional dwellings within the curtilage of the existing residential property - Withdrawn

Part

4. PLANNING POLICIES

National Policy

PPS 1 Delivering Sustainable Development
PPS 3 Housing
PPS7 Sustainable Development in Rural Areas
PPG13 Transport
PPS23 Planning and Pollution Control
PPS25 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
GR17 Car parking
GR18 Traffic Generation
NR1 Trees and Woodland
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H4 Residential Development in Towns
H13 Affordable Housing and low cost housing

Other Material Considerations

Cheshire East Interim Housing Policy
Cheshire East Interim Affordable Housing Policy
Cheshire East Strategic Housing Market Assessment 2010

5. OBSERVATIONS OF CONSULTEES

Environment Agency

- Consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

▪ Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.
- Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Housing Section

Local Housing Need

Our supply and demand analysis shows an outstanding shortfall of affordable units within Sandbach. There is a significant shortfall of 2 and 3 bedroom houses and it is this shortfall which we would be seeking to reduce. The housing waiting list shows a need for all property types in the Sandbach area but the number of 2 and 3 bed properties available for social rent are drastically below the demand on the waiting list.

Affordability

In line with Supplementary Planning Document 6 (Affordable Housing and Mixed Communities) I welcome the offer of 30.8% of the site to be classed as Affordable Housing. However, of this 30.8%, and in line with the recommendations in the Congleton Borough Council's Housing Needs Survey desktop review of 2006, I expect 50% to be social rented and 50% to be intermediate housing. The proposal does not include any social rented units and only includes intermediate units. As such at present I would not support this application.

Site layout

I would expect the affordable units to be 'pepper-potted' throughout the site.

United Utilities

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

- 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 to the watercourse and may require the consent of the Environment Agency.

Ecologist

The application is supported by a protected species survey which adequately addresses all potential issues at this site. Additional surveys/information has been submitted in support of this application in respect of bats and great crested newts and this information is acceptable and neither of these species present a constraint upon the proposed development.

To mitigate for any loss of habitat for breeding birds/foraging bats the submitted ecological assessment recommends the planting of native tree species and a native species hedge along the northern boundary of the site.

These proposals must be incorporated into the landscaping scheme for the site.

The following conditions are also required if planning consent is granted:

- Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.
- Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds and roosting bats. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.

Environmental Health

Contaminated Land Comments:

Objects to the above application subject to the following comments with regard to contaminated land:

- The report submitted for application number 10/2006C on the same site was commissioned in November 2007 and may not represent current site conditions.
- In addition the report identified high levels of hazardous gases present on site that have the potential to render the area unsuitable for residential development unless the source can be accurately identified and mitigated.

Therefore this Section objects to the application on the basis of the information provided.

Environmental Health Comments:

1. Any external lighting of the proposed site should be submitted to and approved by the Borough Council before being installed, due to the close proximity of local residents.
2. 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. The approved scheme shall be implemented and available for use prior to the development being occupied and shall be permanently retained thereafter, unless otherwise first approved in writing by the Local Planning Authority. To protect the visual amenity of local residents and safe guard public health.

Environmental Health Advisory Notes:

1. Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays.
2. Where piling of foundations is necessary this is to be undertaken between 9am – 5pm Monday to Friday and no works of this nature to be undertaken on Saturday, Sunday or Bank Holidays.

Highways

The Strategic Highways Manager has assessed the revised layout for this application on Bell Developments Drawing No: RO49/1.1 and offers the following comments:

The primary access to this site is taken from Wrenmere Close which has a 5.5m wide carriageway and 2 footpaths. The proposal now shows the internal road infrastructure to narrow to 4.8 metres wide as required, with a mixed design of footway and shared surface areas for pedestrians.

The proposed site layout is both innovative and alludes to Manual for Streets principles, and whilst the SHM still considers that the design should be wholly of pedestrian priority design giving hierarchy to the pedestrian, it is recognised that the continuation of footways into the site to the arrival feature maintains pedestrian segregation to a sensible point within the site.

The highway authority will expect a 125mm kerb face for all footways and carriageway levels will be maintained where the narrowing occurs with an at grade rumble strip at the horizontal transition.

In principle, a development of this type is acceptable subject to detailed design, but the SHM would raise awareness to issues regarding connectivity and sustainable links for cycles and pedestrians for which the Authority will seek to negotiate provisional sums to be secured via a Section 106 agreement.

Locally there are many existing link footpaths which will provide sustainable links to the site. DfT (GoTA) guidance requires new sites to promote sustainable travel options and it is reasonable that development should provide monies for the maintenance of those existing footway links by Cheshire East Council.

Some of the footway links have poor surface condition and it is considered reasonable that they receive maintenance to help promote their more regular use.

Condition:- Prior to first development the developer will provide a detailed suite of plans to show construction details and levels for the proposed internal layout to the satisfaction of the LPA.

Condition:- The developer will contribute a sum of £10,000 towards local management and maintenance of existing sustainable footway links.

Informative:- The developer will enter into and sign a Section 38 agreement under the Highways Act 1980 for the adoption of new highway infrastructure.

6. VIEWS OF THE PARISH / TOWN COUNCIL

No objection, however Members expressed concern that the proposals will result in overdevelopment of the site and will increase traffic issues in the area. Members also questioned the possibility of planning gain if an application is approved on this site.

7. OTHER REPRESENTATIONS

Letters of objection have been received from: 7, 11, 17, 21 Boothsmere Close, 9 Ossmere Close, 7 Delamere Close, 5, 7, 9 and 10 Wrenmere Close, 10 Dean Close and 76 Grange Way, Sandbach, making the following points

Parking:

- The proposed development has allowed for 32 parking spaces, an increase of only 26 for an additional 25 dwellings. The Design & Access statement submitted with the application states that the proposal is for a mix of 2, 3 & 4 bedroom dwellings however the plot breakdown indicates 3 & 4 bedroom dwellings only. The size of these properties would therefore indicate a potential parking requirement of 70 plus, excluding visitors. Taking the figures to the extreme, with the number of bedrooms proposed, there could be a total of 122 people living in the new dwellings, all with their own vehicle.

Highways:

- The current condition of Grange Way, the main access route to the proposed development, is in dire need of repair and at certain times of the day is extremely congested. Assuming there are 3 vehicles per dwelling, this would add about 57000 journeys per year to and from an unsuitable main access road to the proposed development. Grange Way and its junction with Middlewich Road were not designed to take that volume of additional traffic. It would be interesting to know the thoughts of the emergency services with regards to un-obstructive access should it ever be required.
- Has a safety study been undertaken on the impact of the increase in vehicular traffic on this hazardous curved section of Grange Way?
- The proposed entrance to part of the site from Dean Close is totally inappropriate. Clearly the developer wishes to avoid creating a highway standard entry without which the junction with Dean Close would be dangerous.
- There is no indication of any physical barrier between the two areas of the site such as would prevent all properties accessing the site via the existing farm entrance.
- Have the views of the emergency services, particularly fire, been sought on the existing farm access as an access to residential properties?
- The road is too narrow and small for the additional houses and associated construction traffic.
- The extra traffic volume would present considerable hazards and fears for children's safety. In particular, Grange Way has to be crossed by children to access the play area situated just

off Grange Way (between Wrenmere and Boothsmere Close) and also young children coming to and from the local school would need to cross that road.

- The view of traffic exiting Wrenmere Close on to Grange Way is currently restricted to the left. The additional traffic which will be generated by the development proposal (up to 220 vehicles per day) will increase the possibility of accidents at this junction unless the sightlines are improved to the appropriate guidelines and standards as indicated in the Manual for Streets. The junction lies outside the red outlined site area and the submitted plans do not indicate any proposed amendments at this location.
- Grange Way at the bottom of the U shape up to Lawton Way becomes very congested with cars now, especially overnight, after 5pm and at weekends. Often there is single traffic only passable and adding a minimum 30 and more likely 50 or more cars every day to this flow will create significant additional traffic flow and public safety issues. Most of the current Grange Way houses have at least 1 car on the road and some more, plus visitors, so unless you were to put yellow lines on the road, especially on the bends, it would be dangerous and accidents inevitable.
- The houses in Wrenmere Close also park cars on the road including by the corner so this will create a single flow of cars into the new estate at the junction with Grange Way.

Foul & Surface water disposal:

- The application states that foul and surface water disposal will be via the mains. Has consideration been given to the suitability of the existing drains to accept the drainage requirements of the proposed development?
- Foul water drainage is planned to be via existing mains drainage. There is concern that the additional sewage this development will discharge to the existing pumping stations and their ability to cope with this as on a number of occasions within the last three years our property has been flooded with raw sewage.
- As the authority will no doubt be aware there have been considerable water drainage issues since the initial building of properties in Boothsmere Close and Wrenmere Close in the late 1980's. Indeed on more than one occasion the Council has had to conduct repair work to roads and pavements as a result of high water. Certainly with the problem of high water tables on the land, we wonder what impact the proposed development would have and could not find any mention of this in the application.

Planning Policy and Housing Land Supply Matters

- With the recent change in Government, local planning departments are not under the same pressure to accept applications for the demolition of existing dwellings to create space for larger developments and therefore this proposed development should be rejected.
- The planning application proposes to develop the existing residential and agricultural complex of Elworth Hall Farm which is designated a 'Brown field' site. Residents would like to be assured that any approval of this planning application will not set a precedent for allowing the future development of the remaining agricultural land that forms Elworth Hall Farm.
- Residents are also somewhat confused in the application by the developer's statements concerning availability of land for development within the local area. Whether they are being disingenuous or are simply misinformed a simple look at any of the local press will show the mention of : The Hop Yard; the Zan development; the Morris Homes plans at Homebase; the ongoing saga of the old Foden Works without mentioning the huge proposed development off Abbey Fields and the similar sized Richborough Estates plan for Hind Heath Road.
- In short this proposal will demolish the farm buildings at Elworth Hall Farm and leave the developers to return and argue that the agricultural status of the farm should be overturned so they can further develop the site.

- The Council, who have an ample supply of existing Brownfield sites available to developers, must resist this poorly thought out attempt to build on what is still agricultural land.
- The current open agricultural land bordered by Belmont Avenue, Middlewich Road and the existing Beazer Homes development provides a significant green lung in the general Sandbach development area. It should not be developed when other brown field sites still exist.
- It would be wholly inconsistent for the Authority to approve any application for development of existing green belt land. The Council has consistently over the last 10 years warned local residents against plans to procure any of this land as it is classified agricultural land and indeed has actively written to residents to block such initiatives.
- The citizens of Sandbach have a right to expect a consistent and joined up planning policy over the years from its Council, regardless of the name or boundaries that Council is serving, and it would be totally wrong to allow a corporate developer to undertake any such change of use, that they forbade and proactively denied of private individuals.
- Another key concern that we raised last year regarding the future of the farmland surrounding the proposed development site still exists. Again, whilst this submission does not propose any development on much of the existing farm land belonging to the site, and indeed it marks on one plan that much of this area will continue to be designated agricultural land, if the application were successful it would effectively render a situation where there is farmland – without an associated farm!
- This would make the surrounding land a target for future development. Residents could not find any written assurances as to the future protection of the designated agricultural land as part of this application.

Ecology, Trees and Landscape

- There are bats located in and around Ossmere and Boothsmere Close.
- Bats can be seen flying around nearly every evening and at times there can be up to 5 bats feeding on the insects found in our gardens and the field.
- The demolition of the agricultural buildings on Elworth Hall Farm will deprive bats of suitable roosts and foraging areas.
- The trees adjacent to Wrenmere Close and the rear of Grange Way are to be felled. Is there a possibility of planting mature trees and shrubs to replace them, as it is good for security and privacy
- The document showing the location and siting of trees is inaccurate. There was a considerable amount of tree felling activity on the farmland in January and February 2010, specifically to the north of the proposed development. This is not reflected in any of the charts or aerial photographs.
- The existing boundary to the south of the development proposal adjacent to 11 Wrenmere Close is composed of mature trees and hedgerow. The proposal would appear to remove this completely and there is no indication of any replacement fencing.
- The existing mature hedging and trees should be retained so that the environment will be protected and both the existing and new developments will enjoy the benefits of privacy.
- Very mature trees at the back of the houses on Grange Way going towards Lawton Way will disappear along with mature trees at the rear side of our house and it looks like these disappear as well.

Design Matters

- This revised application by the developers removes some of the more acceptable parts of their existing application (two methods of ingress / egress from the site and sympathetic

redevelopment of some of the existing farm buildings) and replaces them with a proposal to totally demolish the buildings

- Landscaping is proposed within the new estate but not between the new development and the existing houses.
- There were a number of pleasing aspects to the conversion of the existing buildings but that concept has now been dropped for this subsequent application and we feel that this proposed development is less in keeping with the current usage of the site than the original proposal. The change in approach is less desirable and less in keeping with the character of the area.

Residential Amenity

- The gardens of the new houses adjoin the boundaries of the existing bungalows.
- There is no indication of the distance between the new and existing houses.
- Currently the land adjacent to Wrenmere Close is considerably higher than then that of existing properties. Residents have concerns that as such anyone standing in gardens within the proposed plots would have an elevated view into their gardens and windows.
- Plot 24 is sited very close to the rear of our one of the existing properties and as such would somewhat compromise our privacy
- The distance from that garden to the kitchen window of 8 Wrenmere Close is below the required "main window" distance set out in planning regulations.
- The fence at the side of 8 Wrenmere Close cuts diagonally across the front window within 5 ft and after the build that would allow someone to look directly into the front lounge window within 5 ft and into our bedroom.

Inaccurate Plans

- The plans omit a building at 8 Wrenmere Close (a double garage) and the placement of trees and the garage for plot 26 in the design may affect this property. The trees by the garage of plot 26 could become very large and affect the foundations of our garage (the building they have not shown on the plans)
- The plan does not show the position of 8 Wrenmere Close after an extension and garage were built. On the plans for 10/1765c there is an orchard next to 8 Wrenmere Close and there is writing concerning the future development on that plan that is illegible.

Change of use of land

- An offer by the occupier of 8 Wrenmere Close to buy the land at the side was accepted by Bell Developments and they at first offered to sell and then withdrew that offer after the plans were passed.
- When Bell Developments agreed to sell the adjacent land to the occupiers of 8 Wrenmere asked the Planning Department if they would be able to apply to convert to a garden. The Planning Department said no because it was countryside. How therefore can the Council now agree to dwellings being built on the site, or for the site to be used as garden to the barn conversions?

8. APPLICANT'S SUPPORTING INFORMATION:

Tree Survey Report

- There are no trees on site which it is considered should be kept at all costs. The most prominent trees within the site are the poplars adjacent to the house. These trees are not exhibiting signs of defects, however given their age and species they have a limited life expectancy, and the species is not considered suitable for a development site.
- There are three prominent trees within the site, T3 Weeping Willow which is adjacent to the pond and Beech T9 and Oak T10 within the animal pens behind the house. These trees should be retained within the development if possible.
- The trees to the periphery of the site are generally not considered to be of individual merit, however they have some amenity screening value and will help create a green buffer to any development proposals if they can be retained.
- It is not known at present whether the site is subject to a tree preservation order, or if the site is located in a Conservation area. It is believed that 2 trees, (Oak and Sycamore), located within the field to the north of the boundary are covered by a Tree Preservation Order.

Ecological Survey and Assessment

- This Ecological Appraisal presents an assessment of the ecological, biodiversity and nature conservation status at the Elworth Hall farm site. An ecological survey was required in connection with proposals to develop the site to housing involving the conversion of the existing barn, demolition of the remaining buildings and construction of new houses.
- The assessment presents the results of a desktop study and comprehensive ecological surveys of the site. The scope of the survey undertaken is sufficient to enable the identification and accurate assessment of any potential ecological constraints and opportunities associated with the development proposals.
- The ecological survey and evaluation have identified no significant wildlife interests or constraints that would affect the principle of development of the land at Elworth Hall Farm. None of the habitats present are representative of the UK Biodiversity Action Plan (BAP) for priority habitats and no rare or uncommon plant species were recorded.
- Surveys carried out in April 2010 found no evidence of roosting Bat Species, Great Crested Newt or Water Vole was recorded within the site. The report recommends the completion of nocturnal emergence surveys for bat activity at Buildings 5, 7, 8, 10, 12 and 15 prior to demolition/conversion. Badger activity is present within and around the site but no sett is present within the site; guidance with regard to the protection of Badger and their habitats is detailed within the Ecological and Survey Assessment Report.
- At least three UK BAP Priority Species of Bird nest within the site (Song Thrush, Dunnock and House Sparrow). Guidance with regard to the protection of breeding birds is present within the Ecological and Survey Assessment Report.
- All wild birds are protected under the Wildlife and Countryside Act 1981 while they are breeding. It is mandatory that all buildings, trees, shrubs, Ivy cover, bramble scrub or suitable

breeding bird habitat which are to be removed as part of the proposals are only to be removed outside the bird breeding season (March-August inclusive).

- If any buildings or shrubs are scheduled for removal in the bird breeding season it is advised that advice from an ecologist is sought. It may be necessary to carry out a walkover survey to adequately demonstrate that no breeding birds, active nests, eggs or fledglings are present in the area to be cleared.

- If breeding birds are recorded the ecologist will issue guidance for the protection of the nesting birds in conjunction with the scheduled works. This may involve cordoning off an area of the site until the young birds have fledged.

- The ecological survey has confirmed that there are no Badger setts within the zone of influence of the construction site. However, Badger, pass through the site and Badger activity is present in the wider area.

- It is considered that the presence of the proposed development will not sever any significant pathways/routes. It is likely that Badgers enter the farmyard owing to the previous availability of food.

- It is essential to ensure the presence of Badger activity is taken into account during the construction of the site.

- Where possible, the ecological survey information has informed the site layout and guidance is provided to ensure the protection of wildlife and minimise any adverse effects on biodiversity.

- Where feasible and appropriate, opportunities to enhance the biodiversity and nature conservation value of the site have been identified, and proposals are outlined to sustain and add to biodiversity.

- It is considered that the measure outlined in Section 5 of the report work towards full compliance with the key principles of PPS9, the aims and objectives detailed in the publication 'Planning for Biodiversity and Geological Conservation: A Guide to Good Practice', local planning policy and guidance provided in the UK and Cheshire Biodiversity Action Plans.

- Based on the summary information presented in this ecological assessment, it is concluded that the principle of the proposed development at Elworth Hall Farm is feasible and acceptable. The proposals provide an opportunity to enhance and improve local biodiversity through landscape planting and habitat creation. This conclusion is valid providing that guidance detailed in Section 5 of this report is implemented.

Preliminary Viability Appraisal

- Elworth Hall Farm is situated on the fringe of the urban settlement of Elworth. The property is approached through a residential housing estate and lies adjacent to a number of residential dwellings.

- The site suffers from a lack of main road prominence and the original farm buildings are in a very dilapidated condition and need substantial investment to bring them back to a usable condition.
- The proximity of the buildings to adjoining residential dwellings is such that a range of potential commercial uses is likely to be limited to Class B1.
- This limitation in terms of market potential will act as further deterrent to speculative developers as the market is effectively restricted for the end product.
- Taking all these factors into consideration, it is our opinion that there is very little prospect of any commercial developer taking on the refurbishment of the existing outbuildings for commercial use. Equally the site is unlikely to be attractive to potential tenants or occupiers when compared to other sites in more suitable locations.

Supporting Planning Statement

- As demonstrated above the proposed development represents a sensitive and considered conversion of existing buildings within the rural area combined with a small development of new build properties within the urban area. The part of the site within the urban area has been identified in the Councils emerging SHLAA as part of the future housing supply. The principle of residential development on this part of the site is fully in accordance with existing planning policies and proposals.
- The conversion of the adjoining existing buildings to a residential use has been demonstrated to be the only future for those buildings and a commercial use is both inappropriate and unachievable. The proposals therefore accord with the policies in the local plan on the conversion of existing buildings.
- The detailed design of both new building and conversion elements has been carefully considered and the resulting scheme represents an entirely appropriate and sensitive approach to the development of the site. The proposals fully accord with the design policies of the development plan.
- The detailed access arrangements are both logical and suitable in terms of connections to the existing highway, the provision of access around the site and the access to the proposed dwellings. The site is in a highly sustainable location with good access to key facilities and services as well as public transport.
- The proposed development accords with the policies of the development plan. There are no material circumstances which would indicate that the application should be considered otherwise. It has been demonstrated that if it were to be requested, it would not be viable to provide any on site affordable housing as part of the development.
- On that basis, and in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 we therefore consider planning permission should be granted for the proposed development.

Design and Access Statement

- The proposed development falls into two distinct parts. The conversion of the existing buildings has been proposed in a sensitive manner that accords with the principles established in the various advice and guidance documents together with the policies contained within the development plan relating to design and access.
- The new build element lies within the urban area and has been designed so as to respect the character of the existing development in the vicinity of the site whilst also respecting the setting of the proposed conversion scheme. This is a more typical modern development of housing at a relatively high density. The proposed development is at a similar density. The interface distances set out in the guidance document published by the Council have been incorporated. The materials to be used will be selected to respect the setting of the adjacent conversion scheme.
- In summary, the proposed development represents a sensitive proposal to the re-use and redevelopment of the site and will result in a scheme that enhances the character and appearance of the area.

Visual Inspection of Existing Farm Buildings

- The buildings are typical farm outbuildings in a general state of dilapidation. The buildings have been altered, damaged and repaired over many years to form the present arrangement. All of the buildings would be suitable for conversion into habitable buildings and a typical schedule for conversion is included in section 5. Further investigations are required to confirm the precise extent of certain works.
- The foundations have not been exposed but have settled in certain locations. The site investigation of the area has shown fill up to 2 metres deep and running sand. If the same conditions are present below the buildings a piled underpinning system or raft foundation will be required to support to existing walls, new walls and ground floor slabs.
- The buildings are in a general state of dilapidation and essential maintenance is required to avoid further roof collapse. The current condition of the buildings is susceptible to storm damage due to the weak and dilapidated condition.
- A preliminary design should be produced to detail the full extent of the required refurbishment works. This will allow the most cost effective solution to be agreed.

9. OFFICER APPRAISAL

Principle of Development

The site is partially located within the Settlement Zone Line for Sandbach, where under Policy H4 of the Local Plan there is a general presumption in favour of new development. The remainder of the site is within the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H.6 and PS.8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

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

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

The applicants have argued that this scheme, unlike the alternative policy compliant proposal (considered elsewhere on this agenda) for conversion of the existing buildings and partial new build, will enable them to deliver 30% affordable housing on the site, whilst remaining viable. The applicants are therefore of the opinion that the proposals recognise the importance Members place on affordable housing. They consider, given that some sites in the Borough are having difficulty providing affordable units because of viability, and that Inspectors are accepting these arguments at appeal, this site can help to deliver the Borough’s 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.

Housing Land Supply

The recent successful legal challenge by Carla Homes, to the Government’s abolition of the RSS, now means that they must continue to be taken into account as a material consideration.

Notwithstanding this point Cheshire East have always intended 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 was considered by the Council’s Cabinet on 18th October which recommended 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.

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 Cabinet has agreed 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.

At the meeting of the Strategic Planning Board on 6th 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 the grounds of prematurity where a Development Plan Document (DPD) is being prepared or is under review, but 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 should be given to the redevelopment of previously developed land. 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. 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 previously developed land. It is understood that developers of the major sites have indicated that they 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 the Sandbach area would exacerbate that imbalance.

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, 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 are being addressed through the Core Strategy.

Design,

The new houses to be accessed from Dean Close are small two storey semi-detached houses, whilst the proposed new-build properties fronting onto the former farmyard are larger two-storey, suburban detached houses. All of the properties would be finished in brick, with pitched roofs and incorporate architectural detailing such as arched window headers, bay windows, canopies, porches, gablets and string courses to add visual interest to the elevations. Overall, it is considered that these properties will be in keeping with the character of the adjacent suburban development in Dean Close, Wrenmere Close and other surrounding roads.

To turn to the layout of the properties accessed from Wrenmere Close, amended plans have been secured, which show the detached houses to the western side of the site arranged around an area of open space, to form a courtyard arrangement. This will allow the two most significant existing trees within the site to be retained (considered in more detail below) and will reflect the traditional form of the farmstead which occupied the site previously. The dwellings to the eastern side of the site are also arranged around a central area of open space, but in a more informal curved layout, which reflects the suburban cul-de-sac development of the adjoining estate. The layout will also ensure that all the areas of open space benefit from natural surveillance and will help to create a sense of community for the development.

The four dwellings' accesses from Wrenmere Close will be laid out in a simple linear form, with frontage parking served from a shared surface private drive. Private garden areas will be provided to the rear. This reflects the layout of the existing estate and is therefore considered to be appropriate.

Amenity

The surrounding development comprises open countryside to the north and east, residential properties in Wrenmere Close and Lawton Way to the south, and Dean Close to the west. The Council's Supplementary Planning Guidance sets out minimum requirements in terms of space about dwellings. It stipulates that a minimum of 13.7m should be maintained between a flank elevation and the principal elevation of a neighbouring dwelling, and 21.3m should be achieved between opposing principal elevations. A distance of 13m, which is in accordance with the Council's minimum standards, will be achieved between the side elevation of Plot 3 and the properties in Lawton Way, and a separation distance of 21.3m will be retained between the rear elevations of plots 3 and 4 and the rear of the dwellings in Deans Close.

The required minimum distance of 13.7m will be achieved between the rear elevation of plot 24 and the side elevation of the adjoining dwelling at 8 Wrenmere Close. There is some potential for overlooking of the rear garden area of this property from the first floor rear windows of plots 23 and 24. However, some element of overlooking of garden space is acceptable within suburban situations and sufficient space will be maintained between these dwellings and the plot boundary to ensure that this does not reach an unacceptable level. It is not considered that these new dwellings will result in any overshadowing of the garden area at 8 Wrenmere Close, as they will be located immediately to the north. Whilst it is acknowledged that plot 25 will be set forward of no.8 Wrenmere Close, it is also located to the north and will not therefore result in any overshadowing of principal windows in the front elevation of this property. A distance of approximately 14m will be maintained between these dwellings at the closest point, but given the oblique angle between the principal windows in the rear elevation of plot 25 and the front elevation of 8 Wrenmere Close, it is not considered that any loss of privacy would occur.

With regard to the relationship between Plot 1 and 11 Wrenmere Close, the Council's guidance does not make provision for any minimum separation between 2 flank elevations. However, in this case a distance of approximately 6m will be maintained at the closest point. This is considerably more than would normally be expected within modern cul-de-sac developments of this nature. Whilst there would be some overlooking of the rear garden areas of 11 Wrenmere Close and the properties in Lawton Way, as stated above, some overlooking of garden space is expected within suburban areas and in this case it is not considered to be sufficiently detrimental to amenity as to sustain a reason for refusal.

To turn to the standards of amenity within the site, 21m will be maintained between the rear elevations of plots 3 - 7, which are accessed from Wrenmere Close and plots 8 to 11, which are accessed from Dean Close. Distances of over 30m will be achieved between the front of plots 2-7 and the rear of plots 1 and 2, as well as between the front of elevations of plots 1 and 2 and plot 25. Over 13.7m will be maintained between the front elevations of plots 21-25 and the flank elevation of plot 20. The majority of plots within the site will benefit from in excess of 65sq.m of private amenity space, which is the minimum standard set out in the Council's Supplementary Guidance. The smallest garden is that belonging to Plot 9, which is approximately 60sq.m, which is not considered to be significantly deficient. However, it is considered to be appropriate to remove permitted development rights on the smaller plots to

ensure the retention of an adequate level of amenity space. On the basis of the above, whilst the comments of local residents are noted, it is considered that the proposal complies with the Council's policies in terms of residential amenity and that a refusal on these grounds could not be justified

Trees and landscape

Subject to protection measures, the amended layout should allow for the retention of the mature Beech and Oak trees in the centre of the site. These trees would provide an attractive feature within the development. It is not clear how the area beneath these trees would be treated. Hard surfacing would not be appropriate, but these details could be conditioned.

A number of other trees would be removed within the site, including a large dead Sycamore on the eastern boundary. The site boundary is indistinct on the eastern boundary. However, no healthy TPO trees appear to be affected. Whilst the loss of trees within the site would be regrettable, the wider amenity value of the trees concerned is not outstanding and the layout would provide opportunities for new planting.

Conditions would also be required in respect of levels, tree protection, a method statement to cover special construction measures where hard surfaces are proposed within tree root protection areas, landscaping and boundary treatment. In particular treatment of the northern and eastern boundary of the site would need very careful consideration to ensure it is sympathetic.

Affordable housing,

As stated above, the proposal complies with the requirements of Supplementary Planning Document 6 (Affordable Housing and Mixed Communities) and will provide 30.8% Affordable Housing. However, of this 30.8%, and in line with the recommendations in the Congleton Borough Council Housing Needs Survey desktop review of 2006, 50% should be social rented and 50% to be intermediate housing. The proposal does not include any social rented units and only includes intermediate units. The proposal therefore fails to adequately address the affordable housing need within the area contrary to the provisions of Local Plan Policy, the Council's supplementary planning document, PPS3 and the Council's recently published Draft Interim Affordable Housing Policy.

Flooding and drainage

United Utilities have raised no objection to the scheme subject to appropriate conditions. The Environment Agency have raised no objection subject to a condition requiring a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, to be submitted to and approved in writing by the Local Planning Authority with the approved details to be implemented before the development is completed. On this basis it is concluded that the proposal complies with Policy GR21 (Flood Prevention) of the Local Plan First Review.

Highway safety.

Local residents have expressed concerns about traffic generation, as well as the safety and suitability of the proposed access through Wrenmere Close, Deans Close and the surrounding residential estate roads. The Strategic Highways Manager has examined the proposals and raised no objection on these ground, and consequently it is not considered

that a refusal on these grounds could be sustained. Initially, the Strategic Highways Manager did express some concerns about the design of the roads within the scheme but these matters have now been resolved through the submission of an amended plan. Consequently, it is considered that the proposal is acceptable in terms of its impact on highway safety and that it complies with Policy GR9 of the adopted Local Plan.

Contaminated Land

With regard to contaminated land, the Environmental Health Department has objected on the grounds that the contamination report submitted with the application was commissioned in November 2007 and may not represent current site conditions. The report identified high levels of hazardous gases present on site that have the potential to render the area unsuitable for residential development unless the source can be accurately identified and mitigated.

The developer has responded by stating that although the existing desktop investigation is three years old, bearing in mind the fact that nothing has changed on the site, it is unlikely that any new assessment would add value to the process at this stage. However, they are happy to undertake a full intrusive site investigation prior to the commencement of any other aspect of the development and would be happy to accept a condition to that effect.

Notwithstanding these points, given that the gasses have the potential to render the area unsuitable for residential development it is not considered appropriate to impose a condition requiring an updated assessment to be undertaken. At the time of report preparation negotiations were on-going between the Council's Contaminated Land Officer and the developer's consultants with regard to agreeing an appropriate course of action. A further update on this matter will be provided to members at committee.

8. CONCLUSIONS

In summary the site is located within the Open Countryside where according to the adopted Local Plan there is a general presumption against new residential development. It is not considered that the applicant's arguments in terms of the provision of affordable housing are sufficient material considerations to outweigh this development plan policy. Furthermore, given that the proposal does not make provision for any social rented units, it is not considered that it adequately meets the affordable housing need within the area contrary to the provisions of Local Plan Policy, the Council's supplementary planning document, PPS3 and the Council's recently published Draft Interim Affordable Housing Policy.

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, 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 nature within the vicinity of Sandbach would pre-determine decisions about the location of the remainder of the Borough's requirement for new development which are being addressed through the Core Strategy. Furthermore, given that Sandbach has some significant brownfield sites, with consent, it is considered that the release of a greenfield site would not only prejudice the overall spatial strategy for the Borough but also would impair the ability to develop major brownfield sites in a local context.

It is also considered that the applicant has failed to demonstrate that the site is suitable for residential development due to high levels of hazardous gas present on the site.

The proposals are considered to be acceptable in terms of design and highway safety and they will not have any adverse effects in terms of their impact on residential amenity, trees and landscape, or flooding and drainage. However, these are considered to be insufficient to outweigh concerns regarding the principle of development, the lack of social rented housing within the affordable housing provision and the concerns regarding land contamination. Accordingly the proposal is recommended for refusal.

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 which directs the majority of new development towards Crewe, as well as the Council’s Draft Interim Planning Policy on the Release of Housing Land, which articulates the same spatial vision. 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. The proposal does not include any social rented units and only includes intermediate units, consequently it will not adequately meet the affordable housing needs within the area, as set out in the Congleton Borough Council Housing Needs Survey desktop review of 2006. It is therefore contrary to policy H13 (Affordable Housing and Low Cost Housing) of the adopted Congleton Borough Local Plan First Review as well as the provisions of the Council’s Supplementary Planning Document 6 (Affordable Housing and Mixed Communities), PPS3 and the Council’s recently published Draft Interim Affordable Housing Policy.

3. The Contaminated Land Report submitted with the application was commissioned in November 2007 and may not represent current site conditions. In addition the report identified high levels of hazardous gases present on site that have the potential to render the area unsuitable for residential development unless the source can be accurately identified and mitigated. The proposal is therefore contrary to the provisions of Policies NR6 and NR7 (Reclamation of Land) and Policy GR6 (Amenity and Health) of the adopted Congleton Borough Local Plan First Review as well as PPS23 Planning and Pollution Control.

Location Plan : Licence No 100049045

