

Application No: 11/3956C

Location: The Former Fodens Factory, Land Off, MOSS LANE, SANDBACH, CW11 3JN

Proposal: Proposed Residential Development at Land off Moss Lane The Former Fodens Factory Site For 269 Dwellings and Associated Works

Applicant: Mr S J Ward, BDW Trading Ltd and Hurstwood Landbank

Expiry Date: 30-Jan-2011

SUMMARY RECOMMENDATION

Approve subject to conditions and completion of a S106 Agreement

MAIN ISSUES

Planning Policy And Housing Land Supply
Development Viability
Loss of Employment Land
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 major development.

1. SITE DESCRIPTION

The application relates to 9ha of land, situated to the west side of the Crewe-Manchester Railway line within the Sandbach Settlement Boundary.

The site is bound by Moss Lane to the north, west and south. To the north-west of the site is an existing office building which is within the ownership of the applicant. To the north-east of the site are residential properties which front onto Mulberry Gardens and Clifton Road, these properties are of varying styles and types. The land on the opposite side of Moss Lane is mainly rural in character and includes a number of detached dwellings which are set within relatively large plots. To the south of the site is the former test track. This site is within the ownership of the applicant but does not form part of this application.

The site is relatively open and the former factory buildings which stood on the site have now been demolished. The site has 2 vehicular access points, one to the south and one to the north. There is sporadic tree planting to the boundaries of the site but this is of mixed quality.

2. DETAILS OF PROPOSAL

This is a full planning application for a residential development of the former Foden Truck Factory site. The development would comprise 269 dwellings at a density of 30 dwellings per hectare. The proposed dwellings consist of;

Open Market Housing

1 bed homes – 2 units
3 bed homes – 25 units
4 bed homes – 139 units
5 bed homes – 22 units **(Total 188 units)**

Affordable Housing

1 bed homes – 2 units
2 bed homes – 42 units
3 bed homes – 31 units
4 bed homes – 6 units **(Total 81 units)**

The open market housing and the affordable housing would be developed by Barratt Homes and David Wilson Homes which are two arms of the same company

Two vehicular access points will serve the site. The northern access will serve 144 units whilst the southern access will serve 125 dwellings.

The Public Open space is situated centrally within the site and splits the development into 2 sections to ensure that vehicles can not use both the north and south access points. A landscaped footpath/cycleway is to be provided which will create a link from Foundry Lane (and the railway bridge beyond) to the Test Track site to the south.

3. RELEVANT PLANNING HISTORY

10/4660C - Redevelopment of the Former Foden Truck Factory for Residential (248 Units), B1c Light Industrial (3,620sq.m) and A1 Retail (360sq.m) – No formal decision issued

07/0913/OUT – Outline: Erection of 250 residential units, 80 bed care home (Use Class C2) with 62 care/retirement apartments/bungalows, B1 light industrial units and erection of A1/A3/A4/A5 building(s) with residential accommodation above – Approved 11th March 2009

4. PLANNING POLICIES

National Policy

PPS 1 Delivering Sustainable Development
PPS 3 Housing
PPS 7 Sustainable Development in Rural Areas

PPS 9 Biodiversity and Geological Conservation
PPG 13 Transport
PPS 23 Planning and Pollution Control
PPS 25 Development and Flood risk.

Local Plan Policy

GR1 New Development
GR2 Design
GR3 Residential Development
GR4 Landscaping
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR21 Flood Prevention
GR 22 Open Space Provision
NR1 Trees and Woodland
NR2 Statutory Sites
NR3 Habitats
NR4 Non-statutory sites
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing

Regional Spatial Strategy

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

5. OBSERVATIONS OF CONSULTEES

Environmental Health

Noise and Vibration

The applicants should provide information to show that the use of the railway line has not increased since 2007. This is due to the time frame from the monitoring to the submission of the report. Confirmation that the contents of the report are still valid is required.

The recommended mitigation scheme for glazing and ventilation within the properties appears to be a scheme capable of achieving the requirements of BS 8233:1999. This Division would require the development to achieve the good standard especially along the part of the site closest to the railway and the commercial/industrial premises.

No information is provided in relation to the proposed mitigation for the gardens closest to the railway line and industrial premises only that the recommended design criteria of <55 dB L_{Aeq} will be achieved. This Division requests that a detailed scheme for the mitigation of the gardens is submitted and approved by the Local Planning Authority.

A condition is required in relation to the timing of any pile driving.

Air Quality

An addendum to the previous Air Quality Assessment has been produced and the conclusions are accepted.

Contaminated Land

Conditions are required in relation to the submission of a remediation report and a site completion report.

Strategic Highways Manager

It was anticipated that there would be a satisfactory highway solution for this site given that previous permissions have secured an acceptable solution.

This current application has also arrived at a satisfactory solution and offers the same benefits and improvements of the previous permission, with the addition of the on-site retail facility which will support sustainable travel options.

The application proposal will be subject to a Section 278 Agreement under the Highways Act 1980, and the required offsite highway works will be identified for each agreement at the end of this consultation document.

The application proposal will also be subject to a Section 38 Agreement for the formal adoption of new highway infrastructure within the site.

The application proposal will require a Section 106 Agreement under the Planning Act 1991 to secure the Travel Plans and commuted sums where applicable.

Overall subject to conditions and off-site highways works, the scheme is acceptable.

Education

This proposal is for a development of some 269 new dwellings of which 265 have 2 or more bedrooms.

Applying the pupils yield of 0.162 for primary and 0.13 for secondary it is anticipated that 43 new primary aged pupils and 34 secondary aged pupils will be generated

The primary schools within the correct distances include Elworth C of E, Elworth Hall, Sandbach Community, Offley, Wheelock and Warmingham. At this current time there are 44 unfilled places at these schools. However these schools are projected to be oversubscribed by 40 places in 2013 and by 87 places in 2016.

The secondary schools are projected to have sufficient places to accommodate the additional pupils generated.

On this basis then a contribution of £466,390 will be required.

Network Rail

No objection in principle but due to the site being adjacent to Network Rail land, a number of conditions are suggested.

As the proposal is for a large residential development in close proximity to Sandbach Railway Station S106/CIL funds should be sought to improve station facilities at Sandbach Station. These works would consist of improved waiting facilities on the Manchester bound platform (current approximate valuation for work £30k), Customer Information System (approximately £70k), help points (approximately £15k) in that order of preference.

Environment Agency

No objection subject to planning conditions for surface water run-off and flood management being attached to any planning permission:

United Utilities

No comments received

British Waterways

British Waterways has no objections to the proposed development in principle. However, the development will generate significant additional use of the canal towpath by pedestrians and cyclists as a leisure and recreation route. The towpath forms part of the Cheshire Ring Canal Walk and links directly to National Cycle Route No. 5 and the Wheelock Rail Trail. Whilst it is

acknowledged in the Transport Assessment that the canal towpath “provides an important recreational route” (para 9.4), the applicant has not assessed the likely impact of the development on the condition of the towpath.

British Waterways requests that the local planning authority seeks to secure a contribution towards the improvement of the adjacent stretch of canal towpath and is confident that this request meets the statutory requirement for planning obligations to be necessary to make development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

The additional use of the towpath by residents of the proposed developments is likely to be concentrated between Moss Lane and Hall Lane. The towpath on this stretch has a grassed surface that becomes muddy in wet weather, and would deteriorate in condition as a result of significant additional use, to the detriment of all towpath users. British Waterways would therefore seek to secure the upgrading of this stretch of the towpath using an appropriate specification and finish suitable to the character of the area and the Canal Conservation Area.

British Waterways is aware that the applicant proposes to abandon the existing discharge of surface water from this site into the canal. If this is the case, the developer must ensure that the pipe work and outfall structure are removed and the canal bank is repaired to the satisfaction of British Waterways. An informative should be attached to any planning permission.

Public Rights of Way

The Design and Access Statement submitted clearly assesses pedestrian and cyclist access to and from the site and states that “a new ‘green’ linear footpath/cycleway’ is also proposed to link the two halves of the development, connections to the railway station and the developments to the south.

The status of the ‘green linear footpath/cycleway’ is not defined in the application. The public open space is to be either managed by a management company or adopted by the local authority. Likewise, the status of the footpath/cycleway needs to be defined and could be dedicated as a public highway, either public right of way or cycle track, so that it is secured and available for public use in perpetuity. If this is the case, maintenance contributions would be required.

Such routes should be designed and constructed to best practice standards and signed appropriately, to and from the town centre and other facilities such as the canal.

Access to the canal and the wider countryside from the proposed development site should be secured with the provision of a pedestrian/cyclist route from the proposed development site onto Moss Lane at the western side of the site. Note that the Proposed Composite Site Layout plan indicates this entrance to be available only for pedestrians.

Further, suggestions have been received under the Council’s statutory Rights of Way Improvement Plan (ROWIP ref. T73 and T47) to improve the towpath of the Trent and Mersey canal close to the site. The towpath is acknowledged in the Design and Access Statement as a route of importance for walking and cycling for both leisure and transport reasons. Contributions previously agreed should be confirmed from the developer towards this

improvement. It should be noted that the towpath is in the ownership of British Waterways and is not, as described in the Design and Access Statement, a public footpath. British Waterways have responded to this consultation directly.

Other suggestions under the Rights of Way Improvement Plan (ref. T49 and T48) relate to the provision of sections of pavement at the corner of Moss Lane at the southern edge of the proposed development site and on Watch Lane to the west. The suggestions were put forward to encourage pedestrian movement along these lanes. The improvements to the footway could be extended in a westerly direction from those proposed in the area of the bridge over the railway. Again, contribution should be sought from the developer towards these improvements, one of which is immediately adjacent to the proposed development site boundary.

Pedestrian movement to and from the proposed development site will utilise the network of existing public footpaths. Surface improvements are required on public footpaths No. 30, 31 and 46 which run between the proposed development site and the employment and service centres of the locality. Notably, FP46 is acknowledged as a key pedestrian link between the site and the railway station but is not currently in a condition amenable to encourage walking. Installation of lighting should be considered on this route. Contributions previously secured for these improvements should be confirmed and will facilitate the pedestrian movements referred to in the Design and Access Statement and Travel Plans.

Ramblers Association

No comments received

Open Space Society

No comments received

Mid Cheshire Footpath Society

No comments received

Amenity Greenspace

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 deficit in the quantity of provision. Whilst the Open Space Study (February 2005) highlights no deficiencies for Children and Young Persons within certain areas of Sandbach, it acknowledges parts of the town appear to be outside the catchment of existing play areas. In addition to this, when applying the formula taking into account the additional population arising from the development, then a facility is required on site.

The Proposed POS Layout plan indicates a LEAP play facility. The criteria of a LEAP being a minimum of 400sqm, having at least 5 play functions with impact absorbing surface, should be overlooked and have appropriate seating for adults. This is in line with good practice nationally and is similar to that of the previous legacy Councils play area strategy definitions. However, the Landscape Strategy promotes a more amenity greenspace/natural play vision

throughout the site. Whilst natural play is valued and welcomed, a combination of natural and equipped play, giving a diverse opportunity for play would be preferred.

If a combination of natural and equipped play was to be implemented then, Streetscape would request that the final layout and choice of play equipment be agreed with CEC, and obtained from The Councils approved supplier and the construction should be to the Council's standards. Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works.

Clarification as to the final location in order to ensure that the security and safety of the play facility users has been taken into consideration in line with Section 5 of the Councils Supplementary Planning Guidance Note. The large area of POS indicated to the centre of the plan would be the preferred location for any new facility and Streetscape would be prepared to take transfer of the play facility and surrounding associated informal play space if appropriately located and designed.

If the LEAP were to be adopted by the Council a 25 year maintenance fee of £299,993 would be required.

Following an assessment of the provision of Amenity Greenspace (AGS) accessible to the proposed development, if the development were to be granted planning permission, there would be a slight deficit in the quantity of provision. It is acknowledged 9,340sqm of combined AGS, play provision; linear cycleways etc are being provided on site. The area of AGS required on site is 10,050sqm. Therefore, there is an under provision. However the design is such that no further provision is necessary. It should be noted that this is the area required for AGS alone and Children and Young Persons provision 'should' be in addition.

Cheshire Brine Board

The Board has considered the above application and has no objections to the development outlined in the proposal but your attention is drawn to the fact that the site is in an area which has previously been affected by brine subsidence. Therefore the Board recommends, that precautions against brine subsidence damage should be taken in the design of all proposed buildings at the site, as set out in our letter to the applicant's Engineer Encia, dated 20 April 2007 (PFC/ST/NL08127/J09).

Natural England

Natural England has no objections to the application but would like to make the following comments;

- As long as the Watch Lane Flash is not be affected or receive any flows from the new development, Natural England are satisfied that the SSSI is unlikely to be impacted by these proposal. The conditions suggested by the Environment Agency should be included on any planning permission.
- Overall, Natural England is satisfied with the assessment of impacts to habitats and species present within the development site, as described in the Ecology Report.

- The mitigation measures proposed in Section 4) 'Constraints and Recommendations' should be incorporated as conditions, should the planning application be granted permission.
- In addition to avoidance and mitigation proposals Natural England are pleased to see that opportunities to provide enhancements for wildlife are being considered
- Natural England are pleased with the public open space provision as proposed within the Landscape Strategy, in particular the creation of green corridor connections from the existing and proposed residential areas and out through a sequence of semi-natural and amenity spaces to the wider rural landscapes.

6. VIEWS OF TOWN/PARISH COUNCIL

Sandbach Town Council: No objection. However, Members re-iterate their concern that the development will significantly increase traffic in this area; known to have existing traffic and safety issues.

Moston Parish Council: No further comments to make

7. OTHER REPRESENTATIONS

Two letters of objection have been received which raise the following points:

- The site clearance works are causing problems of vibration
- The site works are starting as early as 07:30am and there should be hours of operation restrictions
- The proposal should not go ahead without improved access from Moss Lane onto Middlewich Road at the Fox Public House
- The existing tree screening around the site should be maintained

8. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement (Produced by Roger Tym & Partners)

Planning Statement (Produced by Roger Tym & Partners)

Arboricultural Survey and Constraints Report (Produced by ACS Consulting and dated August 2011)

Noise Assessment (Produced by Hepworth Acoustics and dated November 2010)

Ecology Report (Produced by NLG Ecology Ltd and dated October 2011)

Landscape Strategy (Produced by Camlin Lonsdale and dated October 2011)

Flood Risk Assessment (Produced by Campbell Reith)

Transport Statement (Produced by Campbell Reith and dated October 2011)

Travel Plan (Produced by Barratt Homes and dated October 2011)

Badger Survey Report and Method Statement (Produced by NLG Ecology Ltd and dated October 2011)

Financial Viability Appraisal (Produced by DTZ and dated November 2011)

These supporting documents are available to view on the application file

9. OFFICER APPRAISAL

Main Issues

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, loss of employment, affordable housing, amenity, ecology, design landscape, layout drainage and flooding, infrastructure, highway safety and traffic generation.

Planning Policy and Housing Land Supply

The application site is shown as being within the Settlement Zone Line for Sandbach and therefore Policy PS4 is relevant. Policy PS4, states that within the settlement zone line;

'there is a general presumption in favour of development provided it is in keeping with the town's scale and character and does not conflict with the other policies of the plan'. It goes on to say that 'any development within settlement zone lines on land which is not otherwise allocated for a particular use must also be appropriate to the character of its locality in terms of use, intensity, scale and appearance'

Policy H4 provides detailed criteria that the Council will be required to consider before housing development within the settlement zone lines can be granted planning permission. This includes considerations such as the availability of previously developed land and buildings and the capacity of existing infrastructure, the accessibility of the site to jobs, shops and services by modes other than the car and the capacity of existing infrastructure. Generally the proposal is considered to be in line with this policy. Policy H4 also requires that the proposed development complies specifically with policies GR2 and GR3 and also that it accords with other Local Plan policies.

The NW Regional Spatial Strategy (2008) proposes 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 Council have decided to continue to use the housing requirement of 1,150 net additional dwellings per annum pending the adoption of the Core Strategy.

In terms of housing land supply, this issue has been dealt with at the recent public inquiries at Abbeyfields, Hind Heath Road and Elworth Hall Farm in Sandbach. At these appeals the Councils has conceded that the housing land supply situation is now worse than initially thought and that the current supply stands at 3.65 years approximately.

In this instance the site has been granted outline planning permission under application 07/0913/OUT and is included within the Cheshire East SHLAA. It is therefore considered that the principal of development on this site is acceptable.

Development Viability

The site was subject to a planning application by Bellway homes under application 10/4660C. The site was previously contracted to be acquired by Bellway Homes including a full complement of S106 contributions including affordable housing requirements. Due to the economic downturn and contributions required as part of the last application, the purchase of the site by Bellway from the landowner became 'protracted'. As a result Bellway were released from the contract by mutual consent.

Barratt Homes and David Wilson Homes have now agreed to acquire the site. As the site was purchased prior to the credit crunch in 2007, the land value of the site has fallen. The applicants also state that the site is subject to a number of abnormal costs and the application is subject to a financial viability appraisal.

The abnormal costs identified within the financial viability report are renewable energy, abnormal foundations, topsoil importation, soakaways and offsite highway improvements.

The report submitted to support the applicant's case was prepared on behalf of DTZ. The report reaches the conclusion that the scheme could provide 30% affordable housing with a tenure split of 90% shared equity and 10% affordable rent in addition to a renewable energy compliance of £2,500 per unit. This would provide for no contributions to education, LEAP maintenance or canal side improvements.

The applicant has indicated that the £2,500 per unit which is allocated towards renewable energy could be used elsewhere towards any necessary infrastructure improvements which may be required.

In support of their case the viability appraisal identifies that the overall developers profit for the development is 16.5%. This figure is well below the accepted industry standard of 17.5% - 20%, a figure used within the majority of viability models and which is supported by the guidance published by the Homes and Community Agency.

On the whole the figures contained within the Viability Report are considered to be robust and are accepted. However further justification is being sought in relation to the 'holding costs and remediation costs and this will be provided as part of an update report.

Whilst it is clearly unfortunate that a higher level of affordable rent tenure cannot be increased in accordance with the requirements of SPD6 and the Interim Housing Policy, policy H13 and the Interim Housing Policy do advise that the Council will consider the economics of provision when assessing affordable housing provision. Furthermore, the guidance contained within 'Planning for Growth' makes it clear that Councils will be expected to consider the impact of planning obligations on the viability of development and that such issues amount to important considerations.

A further important consideration stems from the recent Hind Heath Road appeal decision where one of the main reasons for the Secretary of State dismissing the appeal was due to the fact that the Council could demonstrate a five year supply of deliverable sites within the Sandbach area, of which Canal Fields was one such site. Refusal could therefore have a potentially damaging effect on the housing land supply within both Sandbach and the Borough and thus our ability to defend future appeals.

On that basis, it therefore remains for Members to consider the nature of the offer from the applicants and which option they wish to secure from the following two options;

- a) 30% affordable housing with a tenure split of 90% shared equity and 10% affordable rent in addition to a renewable energy compliance of £2,500 per unit and no contributions to education, LEAP maintenance or canal side improvements.
- b) 30% affordable housing with a tenure split of 90% shared equity and 10% affordable rent in addition to a contribution of £2,500 per unit towards infrastructure improvements such as education, LEAP maintenance or canal side improvements and no provision for renewable energy on the site.

It is officers view that option B should be secured having particular regard to the education contribution and the need to off-set the very specific impact that 265 2, 3, 4 & 5 bed homes would have on school capacity. However, if Members took a different view, this would require a minor adjustment to the proposed heads of terms, conditions and would need to be made clear prior to the committee resolution.

Loss of Employment Land

Policy E10 states that 'proposals for the change of use or redevelopment of an existing employment site or premises to non-employment uses will not be permitted unless it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes'.

It should be noted that during the consideration of the previous outline permission on this site that evidence was provided of marketing undertaken on the site and the viability of development on this site. In this case the employment element of the development would be completely lost and the development would be wholly residential. However this is not considered to be an issue that would warrant the refusal of this planning application given that Policy E10 allows the redevelopment of an existing employment site where there would be substantial planning benefit. In this case it is considered that there is such a benefit due to the 5 year housing land supply issue to meet the 4 tests within Policy E10.

Affordable Housing

The affordable housing requirement for this development would be 30% and the tenure split should be 65% social rent and 35% intermediate tenure.

The proposed development would provide 30% affordable housing in the form of 1, 2, 3 and 4 bedroom properties. This equates to a total of 81 affordable units across the site, to be split

between 10% social rented and 90% shared equity. The affordable housing mix would be split across the Barratt and David Wilson sites as follows;

Affordable Housing

1 bed homes – 2 units
2 bed homes – 42 units
3 bed homes – 31 units
4 bed homes – 6 units (Total 81 units)

In terms of the tenure split and at the time of writing this report negotiations were continuing with the applicant and a further update may be provided. This is because there is a greater need for social rented properties in Sandbach and a lower level of affordable housing with a higher number of social rented properties may be more appropriate as part of the development.

Both the Factory and Test Track sites are owned by Hurstwood Landbank, but are subject to separate planning applications. The Test Track site has greater levels of contamination and is subject to viability issues. The Test Track application includes 124 dwellings, giving a total of 393 dwellings. The affordable housing provision across this site would equate to 30% and across both sites it would equate to 20% affordable housing provision.

Amenity

The majority of the residential properties are to the north-east of the site and front onto Mulberry Gardens and Foundry Lane. The proposed dwellings would mainly back onto these properties although some would have their side elevations facing towards the existing dwellings. The separation distances to these properties is considered to be adequate and it is not considered that the proposed development would have a detrimental impact upon the residential amenity of the adjacent dwellings which front onto Mulberry Gardens and Foundry Lane.

In terms of the properties which front onto Moss Lane the separation distances are acceptable whilst a landscaped buffer which is located outside the application site would also be retained to help screen the development.

In terms of noise from the adjacent land uses and the railway line, the comments of the Environmental Health Officer have been noted. However mitigation was submitted and agreed as part of the last application. It is therefore clear that the necessary mitigation can be secured and this will be conditioned as part of this application.

It should also be noted that there would be some improvement to residential amenity through the loss of the existing employment site.

In terms of land contamination, the development this is being considered as part of a separate planning application for the decontamination works.

Ecology

Sandbach Flashes Site of Special Scientific Interest (SSSI)

Sandbach Flashes is a site of physiographical and biological importance. It consists of a series of pools formed as a result of subsidence due to the solution of underlying salt deposits. The water varies from freshwater, chemically similar to other Cheshire meres, to highly saline. Inland saline habitats are extremely rare and are of considerable interest because of the unusual associations of plants and animals. Most of the flashes are surrounded by semi-improved or improved grassland. Fodens Flash is partly surrounded by an important area of wet woodland.

As well as the physiographical and biological interests of the flashes, the SSSI is notified for both its breeding bird assemblage and for its aggregations of non-breeding birds specifically Curlew, Lapwing, Snipe, Teal and Widgeon. The site is also notified for its geological features resultant of the solution of underlying salt deposits.

In terms of the impact upon the SSSI, Natural England has been consulted and has advised that the proposed development would not materially or significantly affect the SSSI. The proposed development is therefore considered to be acceptable in terms of its impact upon the SSSI.

Badgers

The proposed development will result in the loss of two sporadically used outlier setts and also the potential disturbance of other badgers setts located outside the application boundary on the adjacent railway embankment.

The submitted method statement provides details of the controlled closure of the two setts to be lost to the development and recommendations for the supervision and implementation of any works within 30m of the off-site setts. The proposed method statement is considered acceptable and the proposed mitigation will be secured through the use of a condition.

Bats

One of the buildings which stood on the site included a small bat roost and the applicant gained a Natural England Licence prior to the demolition of the buildings which stood on the site. As the licence has already been granted, it is not considered necessary the development against the tests contained within the EC Habitats Directive 1992. The development must proceed in accordance with the Natural England Licence which has been dealt with separately to this planning application.

Breeding Birds

The use of conditions in relation to the timing of the works and details of mitigation measures could be used to ensure that the development would not have a detrimental impact upon breeding birds.

Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. The hedgerow to the boundaries of the site would be retained and any necessary improvements would be secured under a landscaping condition.

Trees

The application site includes a number of trees to the boundaries of the site. These trees are of varying quality and age and are not protected by a Tree Preservation Order. The submitted information in relation to the trees on the site assesses the trees in nine groups and three individual trees. Of these, trees groups are identified as of moderate quality and value and the remaining three groups and the three individual trees are identified as being of low quality and value.

The existing trees provide both constraints and opportunities for the development. The former use of the site provided a completely different setting to the residential use now proposed. It is accepted that the quality of the trees is variable and that many specimens would require remedial pruning work if they are to be retained. Furthermore, the remediation of the site is likely to have impacts upon the trees. Nonetheless, it is important that the layout makes appropriate provision for the retention of healthy trees which can form integral elements of the landscape framework for the new development.

The Planning Layout plans indicate some existing trees retained within the site adjoining properties on Mulberry Gardens and Foundry Lane and others retained close to the Moss Lane boundary.

On the basis of the information submitted there were concerns that the layout did not make appropriate provision for tree retention. The areas of concern were:

1. Barratts Plots B10 & 11- rear garden dominated by trees. (Greater impact than approved layout).
2. Parking court between Barratts plots B12 & 13 - works within tree root protection areas and likely to result in tree losses.
3. Barratts plots 13-15 rear gardens likely to suffer from tree shading issues. (Smaller gardens and greater impact than approved layout)
4. David Wilson plots 20, 22, 23, - garages in tree root protection areas.
5. David Wilson Plots 1-7& 9 likely to suffer for excessive shading from trees to the south.
6. Plots adjacent to the railway corridor are likely to be affected to a degree by offsite trees along the railway corridor to the east.
7. Turning head on Moss Lane would involve trees losses and in tree root protection area.

These issues were raised with the applicants and an amended layout has now been secured. This shows some improvements to the trees which bound the site such as an improvement in the relationship between plots B10 & B11, B113-115 and David Wilson Plots 20, 22 and 23. It is now considered that the works are acceptable in relation to the trees which bound the site.

Drainage and Flooding

A Flood Risk Assessment has been provided by the applicants and this has been forwarded to the Environment Agency. The Environment Agency have assessed the FRA and raised no objection to the development, subject to the imposition of planning conditions. It is therefore considered that the development would not raise any significant flooding/drainage implications that would warrant the refusal of this application.

Design

The surrounding development comprises a mixture of ages and architectural styles. Notwithstanding this, there is consistency in terms of materials with most walls being finished in simple red brick with some properties incorporate render. The predominant roof forms are gables although some are hipped and most are finished in red tiles. Clifton Road and Mulberry Gardens to the north-east are suburban in character whilst Moss Lane is rural in character.

The layout of the site includes prominent dwellings at the northern entrance points as well as new woodland gateway planting at the northern access point. This is considered to be acceptable as part of the proposed development.

In terms of legibility, there are two developers on this site Barratt Homes and David Wilson Homes. Both house builders have different house types which vary in terms of their design and style this would assist in the legibility of the site. The use of a varying palette of materials which would help to increase legibility across could also be secured through the use of planning conditions.

The house types are of varying heights (from two to three storeys in height) which will add some subtle interest to the appearance of the dwellings with a varying ridge line across the development. The proposed dwellings include features such as projecting gables, sill and lintel details, porches and bay windows, these details provide interest to the dwellings and they would not appear out of character with the surrounding residential development especially the properties fronting Clifton Road and Mulberry Gardens.

The proposed dwellings would provide surveillance of all public areas including the highways, public open space and the footpath/cycle link.

To the south-west corner some properties have been re-orientated so that a small number of properties face onto the Moss Lane landscape buffer and the Canal Conservation Area beyond. Ideally a greater proportion of dwellings should face onto Moss Lane. However, in this case this has not been achieved and any visibility from Moss Lane would be limited in any case given the existing landscape buffer. It is therefore considered that this layout is acceptable.

Open space

If planning permission was granted for a development on this site there would be a slight deficit in the quantity of POS in the area.

The site plan shows that the public open space provision to serve the site would be centrally located and would be roughly rectangular in shape. There would also be areas of open space which would run alongside the footpath/cycle link, as well as smaller parcels located to the south west corner and western boundary.

The area of POS required on this site would be 10,050sq.m and this development would provide 9,340sqm. As a result there would be an under provision on the site. However the view of the Greenspace Officer is that no further provision would be necessary given the design and layout of the proposed POS. It should also be noted that increased POS provision would result in fewer units and increased pressures on the viability of the site.

In terms of children and young person's provision there would be a deficit in provision if planning permission was granted. To serve a development of this size a LEAP with a minimum of 5 pieces of equipment and with an area of 400sqm will be required. This will be secured as part of the S106 Agreement as part of this application.

In terms of the maintenance of the POS, this would be done via a management company which would be secured via a S106 Agreement. The Greenspace Officer stated that the Council would be prepared to adopt the LEAP subject to a 25 year maintenance contribution of £299,993. This contribution could not be secured due to issues of viability and as a result the LEAP will also be maintained by a management company which would be secured via a S106 Agreement.

Highway Safety and Traffic Generation

The site gained outline planning permission in 2008 for 280 dwellings, B2 units and an extra-care facility. All details were reserved except for highway access, which was resolved satisfactorily in terms of local and significant highway improvements. Agreements for further improvements to local sustainable links were also made and included footway repairs and upgrades and the provision of street lighting improvements. In 2011, the Strategic Planning Board resolved to grant a further permission, though this permission was not issued as the related developer has moved away from this scheme.

This application continues to offer the same junction upgrades to the local network to mitigate the development traffic impact and in particular still offers the signal controlled junction at the B5079/A533 – Station Road/London Road junction.

This signal junction solution for the Station Road/London Road junction offers traffic signals with pedestrian facilities as per the original permission. The remaining off-site highway aspects of the site align with those agreed for the 2008 permission.

This application does provide a Transport Assessment (in accordance with the requirements of the DfT Document: 'Guidance on Transport Assessments') which re-iterates the satisfactory details for TA's on the previous applications. It is adjusted to assess the small changes in the development proposals for a small increase in residential units and the removal of the B2 use which was a high traffic generator.

The proposed position for this application in terms of the highway access solution is satisfactory.

A Framework Travel Plan is offered and this will be secured as part of the S106 Agreement.

The necessary upgrades and repairs to the existing footway links to and from the site between it and sustainable transport modes such as the railway station and the bus services on London Road and Station Road were agreed as part of the previous applications. These improvements will be secured by schedule under a Section 278 Agreement (Highways Act 1980) and will be provided by the developer. The benefits of these improvements align with the developer's duty to provide and promote sustainable modal choice of travel and the footway and cycle links throughout the site compliment this accessibility.

The changes to Moss Lane to the rear of the site will offer significant improvements to the general sustainable use of the Elworth area.

As part of the development, Mill Lane will be closed to through vehicular traffic. This is an important element of the design approach to this development, as it will ensure that the correct split of traffic generation and distributes the traffic impact as predicted in the Transport Assessment. However, it should be noted that the need for a traffic regulation order to achieve this does mean that the Authority will have to go through a statutory consultation process and there is a small chance that resolution for the necessary traffic order may not be achieved. It should also be noted that, if and when Moss Lane is closed to through vehicular traffic, it will still remain open for pedestrians and cyclists.

The internal layout for this site is to be an innovative Manual for Streets layout, which will provide a pedestrian friendly hierarchy of internal adoptable highways, ranging from major vehicular routes to pedestrian priority streets.

At the time of writing a revised internal layout drawing is awaited and this will provide some adjustment of the layout. This is to ensure that the design features are more consistent across the site.

Infrastructure

As part of the existing outline permission for this site (07/0913/OUT) a contribution of £40,000 was secured towards enhancing education provision (a contribution of £30,000 was also secured for the test track site to the south). As part of application 10/4660C a contribution of £328,069 was negotiated.

The Councils Education Department has been consulted as part of this application and the original consultation response requested a contribution of £466,390.

As stated in the viability section above, the applicant has offered to contribute towards education provision providing that there are no renewable energy requirements on this site. This is considered to be the most appropriate approach and as a result the contribution of £466,390 could be secured as part of this development.

Ground Conditions

A consultation response has been received from the Cheshire Brine Board. This makes recommendations in relation to the construction of the buildings on the site. It is considered that the development can proceed in accordance with these recommendations.

Public Rights of Way

As part of the proposed development, a footway/cycle link would be provided which would run from the south of the site to Foundry Lane. This would provide a sustainable link to a footpath and a bridge over the railway line to Station Road and Sandbach Railway Station. It is also envisaged that this link would be extended into the vacant sites to the south, once they come forward for housing development. The maintenance of this footway/cycle link would be secured as part of an agreement with a management company.

As part of the consultation response to this application, the Public Rights of Way Officer has made the following suggestions:

- a. Improvements to the towpath of the Trent and Mersey canal close to the site
- b. The provision of sections of pavement at the corner of Moss Lane at the southern edge of the proposed development site and on Watch Lane to the west. The suggestions were put forward to encourage pedestrian movement along these lanes.
- c. Surface improvements are required on public footpaths No. 30, 31 and 46 which run between the proposed development site and the employment and service centres of the locality.

Information has been provided on the costs of these works and £55,000 has been identified for towpath improvements and £30,000 towards improved disabled access on to the canal at bridge 159 Rookery Bridge and Bridge 160 Elton Moss Bridge. This would provide a circular walk linking the adjacent housing sites (Canal Fields and Fodens Test Track). Further improvements relate to the replacement of styles with gates, which equates to £885 which would improve access for disabled people. This gives a total of £85,885 towards PROW improvements along the canal.

The improvements to Sandbach public footpath 30 and 31 would equate to a total of £31,863 (£23,400 and £8,463) and would be secured via a S106 agreement.

Other Issues

Policy EM18 (Decentralised Energy Supply) of the RSS requires all residential developments comprising 10 or more units to secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources. This will be controlled by the use of a planning condition.

CIL Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

The provision of a contribution towards the highway works is required to help mitigate against the highways impact of the development, the PROW/Canal side improvements would mitigate against the increased use of the canal towpath and PROW. The proposed development cannot proceed without these improvements and the contribution is reasonably related in scale and kind to the development.

The development would result in increased pressures on local schools which are already at capacity. The contribution is required to increase the capacity of local schools which would serve this development. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, affordable housing, POS and children's play space is a requirement of the Interim Planning Policy. It is directly related to the development and is fair and reasonable.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

9. CONCLUSIONS

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. In this case the application site is a brownfield site within the Sandbach Settlement Boundary and benefits from an outline planning permission for a residential development. It is therefore considered that the principle of a residential development on this site is acceptable.

The proposed development would not have a detrimental impact upon highway safety and the Strategic Highways Manager has secured a number of off-site highway works to ensure that this is the case.

The layout, design and scale of the proposed dwellings are considered to be appropriate.

The development would provide 30% affordable housing and an update will be provided in relation to the tenure split. The development is considered to be acceptable in terms of provision of Public Open Space and the provision of a LEAP which will be maintained by a management company.

The viability arguments are accepted and although the development would not offer any renewable energy the development would make an appropriate contribution to educational provision, PROW and canal side improvements.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, drainage/flooding, protected species, SSSI, employment land and trees

10. RECOMMENDATION

APPROVE subject to the following conditions and the satisfactory completion of a S106 Agreement comprising;

Heads of terms

- A provision of affordable housing (the numbers and tenure split is to be confirmed)
- A contribution towards local education provision of £466,390
- The provision of a LEAP, Public Open Space and footway/cycle link which should be retained in perpetuity and a scheme of management
- A commuted payment towards canal side/PROW improvements (£117,748)
- An Interim Residential travel plan in accordance with DfT guidance document
- A commuted sum for the necessary Traffic Regulation Orders, local traffic management orders and bus stops (£44,000)

Conditions;

1. Standard time – 3 years
2. Materials to be submitted to the LPA and approved in writing
3. Submission of a landscaping scheme to be approved in writing by the LPA
4. Implementation of the approved landscaping scheme
5. No trees to be removed without the prior written consent of the LPA
6. Boundary treatment details to be submitted to the LPA and approved in writing
7. Remove PD Rights for extensions and alterations to the approved dwellings
8. If protected species are discovered during construction works, works shall stop and an ecologist shall be contacted
9. 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.
10. 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.
11. The proposed development to proceed in accordance with the recommendation made by the submitted Badger survey report and method statement dated October 2011.
12. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by, the Local Planning Authority.
13. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to, and approved in writing by, the Local Planning Authority.
14. Acoustic mitigation measures to be submitted and agreed
15. The hours of construction shall be limited to 08:00 – 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays
16. Any piling works shall be limited to 08:30 – 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays or Bank Holidays
17. The remedial scheme shall be carried out in full accordance with original remedial scheme provided under application 07/0912/OUT and addenda provided under

this application. These details shall not be varied without the prior written consent of the Local Planning Authority

18. 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 occupation of any part of the development hereby approved.

19. No building within 3 metres of the public sewer which crosses the site

20. Completion of the proposed off-site highway works

21. Details and location of the contractors compound together with details of management of the site to be submitted to the LPA and approved in writing

22. Measures to show how mud, clay or other material is not deposited on the highway

23. Details of external lighting to be approved in writing by the LPA

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning and Housing in consultation with the Chair of the Strategic Planning Board is delegated authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

