

Application No: 14/3892C

Location: Land West Of, Crewe Road, Sandbach, Cheshire

Proposal: Redevelopment of the site to provide up to 200 homes and a community facility

Applicant: HIMOR (Land) Ltd, Simon Foden, Paul Fode

Expiry Date: 01-Dec-2014

SUMMARY

The proposed development would be contrary to Policy PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and a NEAP, improvements to the PROW infrastructure in the area, a community facility and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

The development would have a neutral impact upon education, protected species/ecology, drainage, highways, trees, residential amenity, noise, air quality and contaminated land. Landscaping could be secured at the reserved matters stage.

The adverse environmental impacts of the development would be the loss of open countryside and the loss of agricultural land.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. As such the application is recommended for approval.

RECOMMENDATION

Approve subject to conditions and a S106 Agreement

PROPOSAL

This is an outline planning application for up to 200 dwellings and a community facility. Access is to be determined at this stage with all other matters reserved.

The access point to serve the site would be taken off Crewe Road to the east of the site. The site would include the provision of 30% affordable housing and public open space.

The development would consist of a mix of house types varying from 1-5 bedroom units with a gross density of 20 dwellings per hectare and a net density of 39 dwellings per hectare. The development would include 3.09 hectares of green infrastructure. The indicative layout shows that the community facility would accommodate a primary school.

The land to the north is known as 'Abbeyfields' and has been subject to an extensive planning history. Planning applications 10/3471C and 12/1463C have given outline approval for 280 dwellings on this site.

This application is accompanied by an Environmental Statement.

SITE DESCRIPTION

The site of the proposed development extends to 10 hectares and is located to the west of Crewe Road and the south-west of Park Lane. To the north-west of the site is Abbeyfields a Grade II Listed Building. The Wheelock Rail Trail is located to the south of the site within a cutting. To the north-east and east are residential properties which front onto Park Lane and Crewe Road and to the south-east are properties which front Hind Heath Lane. To the west of the site is agricultural land.

The land is currently in agricultural use and there are a number of trees and lengths of hedgerow to the site boundaries. Some of these trees are subject to TPO protection.

RELEVANT HISTORY

14/1826S - EIA screening opinion for 450 dwellings and a primary school – EIA Required

22740/1 - 18 Hole golf course, club house, open space, residential development and associated supporting infrastructure – Refused 2nd January 1991

22739/1 - 18 Hole golf course, club house, open space, residential development and associated supporting infrastructure – Refused 2nd January 1991

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

The Development Plan for this area is the Congleton Borough Local Plan First Review 2005, which allocates the site, under policy PS8, as open countryside.

The relevant Saved Policies are:

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

NR1 - Trees and Woodland

NR3 – Habitats

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

RC2 – Protected Areas of Open Space

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 Settlement Hierarchy

PG5 Open Countryside

PG6 Spatial Distribution of Development

SC4 Residential Mix

CO1 Sustainable Travel and Transport

CO4 Travel Plans and Transport Assessments

SC5 Affordable Homes

SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 6 Green Infrastructure
SE 8 Renewable and Low Carbon Energy
SE 9 Energy Efficient Development
SE 13 Flood Risk and Water Management
IN1 Infrastructure
IN2 Developer Contributions

Supplementary Planning Documents:

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Sandbach Town Strategy

CONSULTATIONS

Environment Agency: Refer to Environment Agency Standing Advice.

CE Flood Risk Manager: No objections. Conditions suggested.

United Utilities: Drainage condition suggested.

Strategic Highways Manager: No objection subject to a contribution of £166,000 towards a scheme of mitigation of traffic impact on the A533/A534 to contribute to an identified improvement schemes to that traffic corridor.

Environmental Health: Conditions suggested relating to construction hours, piling hours, dust mitigation, noise mitigation, travel plan, electrical vehicle infrastructure, contaminated land and an environmental management plan.

NHS England: No comments received at the time of writing this report.

Ansa (Public Open Space): 200 new homes will generate a need for 4,800 sq m of Amenity Green Space based on an average of 2.4 persons/bedrooms per dwelling in line with policy. At this outline stage, any more than the aforementioned amount of Amenity Green Space is above policy requirements.

Having calculated the existing amount of accessible Children and Young Persons Provision within 800m of the site and the existing number of houses which use it, new homes will generate a need for a new NEAP play facility.

Ansa considers the Council has the best competencies required to carry out effective maintenance to protect these community facilities. The new children's play facility and amenity green space should be secured for public use and transferred to the Council together with a 25 year commuted maintenance sum of £143,280 and this should be provided before 75% of the dwellings are occupied.

Natural England: Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application will not damage or destroy the interest features of Sandbach Flashed SSSI. As such the SSSI does not represent a constraint in the determination of this application. For advice on protected species refer to the Natural England Standing Advice.

Archaeology: The limited archaeological potential of the site is acknowledged and no further archaeological mitigation is advised.

Countryside Access Team: Requests that the following contributions are sought from the developer:

- Improved access to the Wheelock Rail Trail from Hind Heath Lane, as the barriers and steps currently in place are restrictive for cyclists and less mobile pedestrians or those with pushchairs.
- High-quality green-coated 8' high metal mesh fencing along the southern boundary of the proposed development to ensure that no informal access points are made onto the Wheelock Rail Trail and that the dumping of garden waste etc is deterred.
- Resurfacing of part of Public Footpath No. 21 between Mill Hill Lane and Coronation Crescent. The developer should be tasked to contribute to this improvement to make the route a more accessible and attractive option for potential residents.
- A further aspiration is for the opening of some sections of this Public Footpath to cyclists. A feasibility study would be required in order to ascertain the scope and feasibility of this aim, and the developer would be asked to contribute towards the cost of this study.
- A further aspiration is for the creation of an east-west route for cyclists between Park Lane and Abbey Road as an alternative to the A533 Middlewich Road, an aspiration which could be partly achieved through the provision of an on-site route as part of this development proposal.

Cheshire Brine Board: The Board requires the incorporation of structural precautions to minimise the effects of any settlement which could occur in the future. As this is a statutory requirement, the Board expect to see this included as a condition in relation to any planning consent for this development.

Education: This development would be expected to generate up to 36 primary aged pupils and 26 secondary aged pupils. The following contributions should be secured:

Primary = $36 \times 11919 \times 0.91 = \text{£}390,466$

Secondary = $26 \times 17959 \times 0.91 = 424,910$

SUSTRANS: Would like to make the following comments:

- Whilst the main vehicle access will be from Crewe Road, can there be a pedestrian/cycle access only onto Park Lane to improve local access?

- Under 'Access and Movement' the applicant refers to a connection to the Wheelock Rail Trail. Sustrans would like to see this via an evenly graded access ramp to suit all users of the greenway. There may be an opportunity to improve access arrangements across and from Hind Heath Lane.
- The Wheelock Rail Trail forms part of National Cycle Network route 5 which is poorly signed in this area. Can the development make a contribution to improving this?
- The 'blue line boundary' extends to the west of the proposed site. The layout of the estate should allow for connections to the west particularly those that are only for pedestrian/cyclists.
- The design of the estate should restrict vehicle speeds to less than 20mph.
- Cycle parking under cover should be provided for any smaller properties without garages.
- Sustrans would like to see travel planning set up for the site with targets, monitoring and with a sense of purpose.

IEWS OF THE PARISH COUNCIL

Sandbach Town Council: Object to the application on the following grounds:

- This is a greenfield site; Priority must be given to developing existing brownfield sites.
- This proposed development contravenes Saved Local Plan policies GR2i d, GR5 and GR22 which seek to preserve open and green spaces between communities and maintain character of the area.
- This site is productive Grade 1 agricultural land which must remain as such, in accordance with Local Plan Policy NR8.
- Development will dramatically increase traffic in the area and place intolerable strain on existing infrastructure, primary schools and medical facilities, thus contravening saved Local Plan Policies GR1(v, vi, viii), GR6, Gr9 (ii) and GR18.
- This development is not in accordance with the emerging local plan.
- Proposed access routes via Park Lane are suitable only for pedestrians/cyclists. As such the 1 remaining entry route via Crewe road will be overburdened with traffic accessing the sites and exiting on to a busy main road. Contrary to LP Policies GR1v, GR6v and GR9ii.
- The Town Council are greatly concerned by the reckless and irresponsible standpoint towards impact of traffic generated by the cumulative developments, and urge CEC to take a robust and realistic attitude to traffic implication of these developments.

REPRESENTATIONS

Letters of objection have been received from 260 local households raising the following points:

Principal of development

- The site is outside the settlement boundary
- Brownfield land should be promoted over the use of Greenfield land
- No decision should be issued until the Sandbach Neighbourhood Plan is in place
- There is no need for more housing in Sandbach
- Loss of agricultural land
- Sandbach is a commuter town
- The site is not included within the emerging Local Plan
- The application is speculative
- Cumulative impact upon Sandbach
- The site should remain as a Green Gap

- The site is within the open countryside
- Approving development on this site would lead to future applications for residential development
- The emerging Local Plan and Town Strategy should be given some weight in the determination of this application
- Lack of employment opportunities in Sandbach
- The development would be contrary to Local Plan Policy
- The site has previously been discounted for residential development
- The application is aimed at providing financial gain for the applicant
- The applicants long term objective is for 450 houses on the application site
- The application together with others will lead to the green wedge of land being filled
- Sandbach is losing its identity
- Over development of Sandbach
- The proposal is contrary to the NPPF
- The site is not a preferred site for development
- The site is not sustainable
- Cumulative impact of the residential developments within Sandbach
- There are 360 houses currently for sale in the Sandbach area
- There is a need for retirement bungalows and not executive houses
- Loss of agricultural land
- Sandbach is becoming an overflow town for Crewe
- There is a 5 year supply of housing within Cheshire East
- Local residents do not want any further housing development

Highways

- The highway network does not have capacity for the additional dwellings without an adverse impact
- The proposed access is located at a dangerous position
- The Traffic Assessment submitted with this application is flawed
- Traffic impacts heading from Sandbach to Crewe
- Parking problems along Crewe Road
- The highways impact of this development cannot be mitigated
- Parking problems on Crewe Road at school drop-off/pick-up times
- Increased traffic congestion around local schools
- Highways problems in Sandbach when there is an accident on the M6
- Future residents will use private motor vehicle for transport
- Vehicle safety at the junction of Crewe Road/Park Lane
- Highway safety impacts
- Pedestrian safety
- Additional traffic on Crewe Road
- Increased traffic would result in a danger to cyclists

Green Issues

- Increased flooding
- Impact upon wildlife
- The site is well used by bird life
- Impact upon protected species
- Detrimental impact upon the Wheelock Rail Trail Local Wildlife Site
- Inconstancies within the supporting protected species surveys
- Landscape and visual impact of the development

- Further ecological surveys should be undertaken
- The impact upon the trees/hedgerows which form the boundaries to the site

Infrastructure

- Increased pressure on local schools (both primary and secondary)
- Impact upon local health provision
- There is a lack of detail in relation to the community facility

Amenity Issues

- Disturbance caused during the construction phase of the development
- Increased sewage
- Drainage impacts
- Loss of light
- Loss of privacy
- Visual Intrusion
- Noise and disturbance from the community facility
- Increased air pollution
- Increased noise pollution
- Loss of enjoyment of the open countryside
- Impact upon the health of existing residents of Sandbach

Other issues

- Sandbach is already blighted by new build development
- Subsidence concerns on the application site
- There are a number of errors within the supporting documentation
- Pre-application consultation was carried out during the holiday period
- Archaeological impact

A letter of general observation has been received from SECCAG (South East Cheshire Cycling Action Group) which raises the following points:

- A cycle route between Park Lane and Abbey Road, logged as an aspiration by the Rights of Way Team, ref. T104. This should be secured through the use of a planning condition.

A representation has been received by CTC – The National cycling Charity raising the following points:

- Improvements to Cycle route between Park Lane and Abbey Road. This would require coordination with the proposed developments 'Abbey Road' (14/1189C) and 'Abbeyfields' (12/1463C) which provide access points to Abbey Road. Another potential access point for this route exists opposite Fields Drive within the 'blue boundary/Wider Ownership'.
- Opening the bridge at Hind Heath Lane for cyclists. It is suggested that investigations how the bridge at Hind Heath Lane can be opened for cyclists to generate the benefits that have been quoted for the Wheelock Rail Trail i.e. connecting to employment areas to the west (5.4) and the Railway Station (5.23).
- This opening should be done with particular consideration how the route can comply with legislation of the Disability Discrimination Act. Currently it has very restrictive, staggered barriers at the bridge. Developer funding should be secured so that access control can be reinstated again should any opening show abuse by motorcyclists.
- This section would connect then with the shared footway/cycleway along Hind Heath Road that is currently being built (the shared footway/cycleway is not mentioned in the Transport

Assessment probably due to timing issues). Using the bridge would also be more direct and safe than the junction Hind Heath Road/Crewe Road.

APPRAISAL

The key issues are:

- Loss of open countryside
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Landscape Impact
- Amenity of neighbouring property
- Highway safety
- Impact upon local infrastructure

Principle of Development

The site lies largely in the Open Countryside as designated by the Congleton Borough Local Plan 2005, where policies PS8 and H6 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. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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

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

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council's calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

SOCIAL SUSTAINABILITY

Affordable Housing

The general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social or affordable rented and 35% intermediate tenure. Policy SC5 of the Local Plan Strategy Submission Version requires that developments of 15 dwellings or more (or 0.4 hectares) at least 30% of all dwellings are to be affordable.

The applicant has confirmed in their accompanying Planning Statement that 30% of the total dwellings will be affordable equating to 60 dwellings and this will be secured as part of a S106 Agreement together with the required tenure split.

Public Open Space

This indicative layout shows that an area of POS would be located within 3 parcels at the centre of the site, to the northern part of the site and to the southern boundary of the site. The Design and Access Statement identifies that the development would provide 3 hectares of open space in the form of greens, wetlands, parks and woodlands.

The level of open space would exceed the requirements for a development of this size and would be maintained by a management company.

In terms of children's playspace, the Public Open Space Officer has requested an on-site NEAP with at least 8 pieces of equipment. This would be secured as part of a S106 Agreement together with the management of the NEAP.

Applying the standards and formulae in the 2008 Guidance the Council would require a commuted sum of £56,760 to maintain an area required by policy. The new children's play facility and amenity green space should be secured for public use and transferred to the Council

together with a 25 year commuted maintenance sum of £143,280 and this should be provided before 75% of the dwellings are occupied.

Education

The scheme includes provision of a new community facility which could include a primary school (the applicant states that the final decision on the community facility will be decided at the Reserved Matters stage). The Council's Education Officer has examined the application and commented that they would be seeking that a fully serviced site be retained large enough to accommodate a 1 Form Entry Primary School and the requested contributions of £390,466 (for primary education) and £424,910 (for secondary school education). However, the service may relinquish the site in future and spend the contribution on existing education facilities within a 2 mile radius of the site in the event that it sees fit and is able to accommodate the new pupils. This could be secured through the Section 106 Agreement. Final details will be secured at the Reserved Matters stage.

Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. At the time of writing this report a consultation response was awaited and an update will be provided in relation to this issue.

Location of the site

To aid a sustainability assessment, a toolkit was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a "Rule of Thumb" as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – To be provided on site
- Children's Play Space (500m) – To be provided on site
- Primary School (1000m) – 112m
- Public House (1000m) – 965m
- Leisure Facilities (leisure centre or library) (1000m) – 1174m
- Secondary School (1000m) – 965m
- Child Care Facility (nursery or crèche) (1000m) - 800m
- Bus Stop (500m) – 80m
- Community Centre/Meeting Place (1000m) – 800m
- Post Box (500m) – 200m
- Bank/Cash Point (1000m) – 480m
- Public Right of Way (500m) – 160m

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those facilities are:

- Pharmacy (1000m) – 1094m
- Railway Station (2000m where geographically possible) – 2027m

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Sandbach, there are some facilities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned.

However, this is not untypical for suburban dwellings and will be the similar distances for the residential development directly to the south of the application site. However, all of the services and amenities listed are accommodated within Sandbach and are accessible to the proposed development on foot or via a short bus journey, with a bus stop directly outside the site. Accordingly, it is considered that this small scale site is a sustainable one.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

In terms of the surrounding residential properties, these are mainly to the east of the site. The application is outline and there is no reason why adequate separation distances could not be provided to the adjacent properties.

Noise

The main issue in relation to noise is the impact upon the adjacent occupiers as part of the construction phase of the development. In this case the Councils Environmental Health Officer has suggested the imposition of conditions to mitigate this impact.

Air Quality

The issue of the Air Quality Impact is dealt with as part of the Environmental Statement submitted in support of this application.

The Environmental Statement considers whether the development would result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to local traffic flows.

The proposed development is considered significant in that it is highly likely to change traffic patterns and congestion in the area. In particular, the development has the potential to impact upon the A5022/A534 Junction 17, M6 Air Quality Management Area (AQMA) declared as a result of breaches of the European Standard for nitrogen dioxide (NO₂).

There is also concern that the cumulative impact of developments in the area will lead to successive increases in pollution levels, and thereby increased exposure.

The assessment uses a model to consider the NO₂ and PM₁₀ impacts from the predicted additional road traffic associated with this development and other permitted /proposed developments.

The Air Quality Impact Assessment concludes that all modelled impacts from road traffic on air quality conditions for residential units on the proposed development site will be below the air quality objectives.

With regards to PM₁₀ concentrations at existing receptors, it is predicted that all 27 receptors modelled will fall below the objective, thus describing the impacts as negligible.

The impacts of NO₂ at existing receptors highlighted that there will be increased exposure at all receptors modelled. A number of receptors are within the AQMA or at sensitive locations. Outside of the AQMA, one receptor is predicted to exceed the objective with a number of other receptors predicted to be close to the objective. It is the view of the Environmental Health Officer that any increase is considered significant and directly converse to our Local Air Quality Management objectives.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact upon the quality of life for sensitive individuals. It is requested that mitigation should be secured from the developers in the form of direct measures to reduce the impact of traffic associated with the development and its impact upon the AQMA and within Sandbach.

Mitigation to reduce the impact of the traffic pollution has been suggested in the form of a dust control condition, travel plan condition and an electric vehicle charging point condition. Subject to the imposition of these planning conditions the Environmental Health Officer has no objection to this development.

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The Report submitted in support of the application recommends proceeding to a phase 2 intrusive investigation on the site. This could be secured through the imposition of a planning condition.

Public Rights of Way

There are no public footpaths crossing the site. The Wheelock Rail Trail is located to the south of the site and is not designated as a PROW.

There have been a number of requests for improvements to the footpath network within the vicinity of the site with the following items requested:

- Improved access to the Wheelock Rail Trail from Hind Heath Lane
- Resurfacing of part of Public Footpath No. 21 between Mill Hill Lane and Coronation Crescent.

The contributions required would be £25,000 for the Wheelock Rail Trail and £17,280 for the resurfacing of the PROW, these contributions could be secured as part of the S106 Agreement.

The suggestions in relation to the proposed boundary treatment to the Wheelock Rail Trail and an east-west route for cyclists will be dealt with at the reserved matters stage.

A contribution towards a feasibility study for footpath improvements would not meet the CIL Regulations and cannot be secured.

Impact upon the setting of the Listed Building

The dwelling at Abbeyfields is a Grade II Listed Building. However given the separation distances involved and due to the fact that an undeveloped area of land would be retained between the application site and the Listed Building it is not considered that the development would have a detrimental impact upon the setting of this Listed Building.

Highways

There is one proposed access point taken off Crewe Road and is shown as a priority junction on the submitted plans.

The site is located to the south of Sandbach Town Centre and is an undeveloped green field site; it does have footways on either side of Crewe Road that link the site to the general footpath network and Sandbach Town Centre. The current location of the access falls within the existing 30 mph limit and visibility splays of 2.4m x 59m can be achieved in line with the speed surveys which have been undertaken at this site (the speed surveys show the 85th percentile speed of vehicles was found to be 36.7mph for northbound vehicles and 36.2mph for southbound vehicles).

In relation to the submitted access design there are no objections to the access design or its location from the Strategic Highways Manager.

With regard to the traffic impact of the development, the junctions assessed by the applicant are below:

- Site access/Crewe Road
- Crewe Road/A533 Old Mill Road/A533 Middlewich Road
- A533 Old Mill Road/A534 Crewe Road Wheelock Bypass
- A533/4 Old Mill Road/A533 The Hill/High Street
- Crewe Road/Park Lane
- Crewe Road/Hind Heath Road
- Park Lane/A533 Middlewich Road
- Crewe Road/A534 Crewe Road Wheelock Bypass

In this case the assessment includes a number of committed developments which have planning approval within Sandbach.

A number of the junctions assessed do not have capacity problems associated with them. The main junctions that are under stress and that will be directly affected by this development proposal are the junctions along the A533/A534 corridor.

In this case the developer has provided additional information to address the concerns of the Councils Strategic Highways Manager. Subject to a contribution of £166,000 towards the Councils scheme of improvements along the A533/A534 corridor to mitigate the highways impact the Strategic Highways Manager has no objection to this development.

Trees and Hedgerows

The application site, located off Park Lane and Crewe Road contains a number of fields currently agricultural land which have been used both for arable and pasture. These are separated by disconnected hedgerows interspersed with predominantly mature individual and groups of trees. To the central north-west section of the site stands a mixed Oak, Ash and Beech woodland with an understorey of Holly and Hawthorn. A second woodland containing a large pond on adjoining land stands further to the north-west. Existing residential properties form the boundaries to the East (Crewe Road), the north (Park Lane) and the south (Hind Heath Lane) where The Wheelock Rail Trail cycle and walking route (SBI) separates the site from existing residential development.

Selected individual trees, groups of trees and woodlands within the site are protected by The Sandbach Urban District Council (Abbeyfields) Tree Preservation Order 1970.

The submitted Arboricultural Impact Assessment emphasises that the majority of A and B category trees identified in the survey will be retained, together with the existing hedgerow network. Notwithstanding the proposed access off Crewe Road which will require the removal of a short section of hawthorn hedgerow the principles and parameters set out in the supporting AIA are broadly acceptable and comply with the requirements of the British Standard.

The Assessment identifies a total of 43 Individual trees and 24 groups, 2 Woodlands and 18 hedgerows located across and immediately adjacent to the site and categorises them in accordance with BS5837:2012.

Of the 43 Individual trees, 10 are categorised as A; 19 trees categorised as B; 12 trees categorised as C and 2 trees considered U category. Of the 24 groups of trees, 3 are categorised as A; 10 categorised as B and 11 categorised as C. Both woodlands (W1 and W2) have been categorised as High (A) category.

The Assessment has identified four Veteran trees T6 and T7 (Crack Willow) T11 (Oak) and T18 (Ash). These are located on the western boundary and north-west part of the site BS5837:2012 requires all Veteran trees should be listed as Category A (high quality) which means there will be a presumption for their retention. National Planning Policy framework (para 118) requires the retention of aged or veteran trees found outside ancient woodland unless the need for and the benefits of the development in that location outweigh the loss. These trees are not shown to be affected by the current Phase 1 proposals.

The site topography is undulating with a gradual fall in the land from the west to the east of the site. This should not present any significant problems in terms of proposed levels and the integration of development and retention of existing trees as the majority of the trees within the Phase 1 site are located around the site boundaries.

As referred to above the access off Crewe Road will require the removal of a short section of Hedgerow and the AIA identifies that the internal access layout has the potential to impact upon two 'middle-aged' unprotected B category Sycamores (T36 and T37). The report states that there is sufficient room between these two trees for the road to be constructed without requiring their removal, As other supporting information does not provide the level of detail to ensure the

technical feasibility that these trees could be retained without damage to their long term health and safe well being, the retention or otherwise of these trees will remain a concern.

In principle there are no significant reasons from an arboricultural perspective why the site cannot be developed subject to the final layout being in accordance with the requirements of BS5837:2012. This will be particularly important in terms of the position of internal access arrangements/ mandatory visibility splays/sight lines, plot positions and achieving satisfactory relationships/social proximity to retained trees.

Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The developable area of the proposed dwellings (as shown on the development framework plan) would be of a higher density than the areas to the south and east and on the whole this would be 39 dwellings per hectare. In this case the development is described ‘up to 200 dwellings’. As such the issue of design would be dealt with at the Reserved Matters Stage.

To the site entrance the dwellings should be set behind a hedgerow which would act as a green buffer to the proposed development. According to the development framework plan, the open space would be located in pockets around the site. There is no reason that an acceptable design could not be secured at the Reserved Matters stage.

Landscape

The application site covers an area of approximately 10 hectares of agricultural land that is used for both arable and pastoral farming. There is an area of woodland towards the centre of the application site and a small copse towards the northern part of the site. The northern boundary is bound by the rear gardens of dwellings located along Park Lane, the eastern boundary is bound by the rear gardens of properties located along the western side of Crewe Road, the Wheelock Trail is located to the south of the application site and to the south of this are dwellings located along the northern side of Hind heath Road; the area to the west of the application site is agricultural land.

As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it is based on the principles described in ‘Guidelines for landscape and Visual Impact Assessment’ 3rd Edition. This assessment identifies the baseline landscape of the application site and surrounding area, these are the National Character Areas as identified by

Natural England, the East Lowland Plain, ELP5 Wimboldsley, as identified in the Cheshire Landscape Character Assessment 2008, and the Wheelock Rolling Plain, as identified in the Landscape Assessment of Congleton 1999.

There are no Public Rights of way that cross the applications site, neither does the application site have any landscape designations. The Wheelock Trail follows a disused rail route to the south of the application site, and is in a cutting with fairly mature vegetation.

The LVIA indicates that the landscape impact would be slight/moderate at the local scale, increasing to moderate on the setting of the proposed development and moderate/substantial on the site itself, decreasing to slight/moderate on the local scale, slight/moderate on the setting of the proposed development and moderate on the site itself after 10 years.

The LVIA indicates that the visual impacts for those receptors in closest proximity will range from slight/moderate (VP1), to moderate (VP2 and VP3) to moderate/substantial (VP4), while the visual impacts for those receptors at greater distance from the site will range from none (VP6 and VP7), to slight/negligible (VP5) and slight/moderate (VP5). The LVIA indicates that this visual impact would reduce to slight/negligible (VP2), slight/moderate (VP3, VP4) and moderate (VP1); and for those receptors at greater distance the visual impacts will reduce to none (VP6, VP7), and slight/negligible (VP5, VP8).

This is an outline application and the Landscape and Visual Impact Assessment is based on the layout and mitigation shown on the Illustrative Masterplan, which shows a landscape buffer and ecological corridor along much of the eastern boundary and linear park along the southern boundary. The mitigation shown on the illustrative Masterplan may provide some mitigation to those residential receptors that are located along the eastern and northern boundaries, and the Councils Landscape Architect would broadly agree with the visual impact assessment, if the mitigation shown on the illustrative Masterplan was provided.

It should be noted that as part of the appeal for the Abbeyfields site directly to the north of this site the Inspector found that:

'The presence of open fields between Elworth and Sandbach is highly valued by local people. Clear views are difficult to obtain from public vantage points. The fields can be glimpsed between the houses in Middlewich Road, Abbey Road and Park Lane, but the best views are from rear gardens. Public footpaths do not cross the appeal site, and the fields do not have any special landscape designation. The proposed 3.4ha community park would ensure that a large swathe of land would remain open and, unlike at present, the park would allow public access and enjoyment. I have therefore reached the view that the loss of part of the green gap between Elworth and Sandbach would not in itself be sufficiently harmful to make the appeal proposal unacceptable'

It is considered that the same comments could apply to this application site.

Ecology

Designated Sites

The disused Wheelock Rail trail located to the south of the application site is designated as a Local Wildlife Site (LWS). To ensure that there are no direct or indirect impacts upon this Local Wildlife Site the indicative master plan includes an appropriate undeveloped buffer in the form of a linear park located between any proposed housing and the boundary of the LWS. This approach is supported and should be secured by means of a condition if outline consent is granted. Suitable landscaping proposals for the linear park will be required at the detailed design stage.

Hedgerows

Hedgerows are a Priority habitat and hence a material consideration. Based on the submitted indicative layout plan it appears feasible for most of the existing hedgerows would be retained as part of the proposed development. There are however likely to be some losses of hedgerows associated with the proposed access roads. The Councils Ecologist advises that if planning consent is granted any losses of hedgerow should be compensated for as part of the landscaping scheme produced in support of any future reserved matters application.

Woodland

The block of woodland located adjacent to the northern boundary of the current application is shown as being 'buffered' from the potential adverse impacts of the proposed development by means of the adjacent woodland park. This approach is supported by the Councils Ecologist and should be secured by means of a condition if outline consent is granted.

Great Crested Newts, Water Vole and Reptiles

The Councils Ecologist advises that these species are unlikely to be present or significantly affected by the proposed development.

Otter

Evidence of otter activity was recorded at a ditch to the west of the boundary of the site subject to this outline application the Councils Ecologist advises that considering the distance of the proposed development from the ditch otters are unlikely to be affected by the development of the site.

Other Protected Species

Three setts have been recorded on and adjacent to the site boundary. The development of this site could potentially result in an adverse impact upon other protected species through the disturbance of or damage to setts, the isolation of setts and the isolation, fragmentation and direct loss of foraging habitat.

The submitted report includes a number of proposals to mitigate the potential impacts of the proposed development upon other protected species. These include the provision of a wildlife corridor/buffer along the sites eastern boundary and the linear park located along the sites southern boundary. To ensure that the proposed development does not result in an unacceptable adverse impact upon other protected species it must be ensured that these measures are incorporated into any detailed design produced at the reserved matters stage. The Councils

Ecologist advises that if planning consent is granted a condition be attached that any future reserved matters application be supported by an updated survey and a detailed mitigation strategy.

Barn Owls

This species is known to occur in the broader locality of the proposed development. The mature trees at this site have been subject to a detailed survey and none have been identified with significant potential to support this species. Roosting/breeding barn owls are therefore unlikely to be significantly affected by the proposed development.

Bats

A bat activity survey has been completed on site which has recorded a moderate level of bat activity associated with the application site. The level of activity recorded is as would be expected for a site of this nature and size. The development of this site is likely to have an adverse impact on bats due to increased lighting and loss of boundary features used for foraging and commuting. These impacts would be at least partially mitigated through the implementation of the gateway park, linear park and woodland park shown on the submitted illustrative landscape plan and impacts upon bats are likely to be only localised in nature.

No evidence of roosting bats has been recorded associated with the trees on site and so roosting bats are unlikely to be directly affected by the proposed development.

Common Toad

This UK Biodiversity Action Plan priority species is known to be present on site. Sufficient terrestrial habitat is likely to be retained as a result of the proposed development to avoid a significant impact occurring in respect of this species. However the provision of an additional purpose designed wildlife pond on site would considerably enhance the available breeding habitat for this species.

Breeding Birds

The use of the standard conditions would mitigate the impact upon breeding birds on this site.

Flood Risk

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. A Flood Risk Assessment (FRA) has been submitted as part of this application.

The submitted FRA indicates that the soil type varies across the site. The soil type will ultimately affect the surface water runoff rate. Therefore appropriate site investigation works should be undertaken to allow a reasonable calculation of Greenfield rates.

There are a number of localised areas of surface water flood risk throughout the site. An assessment of the risk of flooding from surface water should be undertaken and appropriate

measures should be incorporated into the site layout to mitigate any risk of flooding from this source.

In addition, the FRA states that local streets are at nominally lower levels than the site, it will therefore be crucial to demonstrate as part of the site's proposed surface water drainage strategy that any surface water generated by the development in up to the 1 in 100 annual probability (plus a 30% allowance for climate change) can be safely managed on site without increasing the risk of flooding elsewhere.

The FRA indicates that if infiltration is not possible, surface water will be discharged into the ordinary watercourse to the west of the site. The proposed drainage scheme should mimic existing arrangements and any discharge into the ordinary watercourse and will need to mimic existing pre-development Greenfield runoff rates.

The Environment Agency and the Councils Flood Risk Manager has been consulted as part of this application and have raised no objection to the proposed development subject to the imposition of a planning condition.

In terms of foul drainage this would be connected to the existing sewer and the applicant has discussed this issue with United Utilities.

As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Archaeology

A supporting Archaeological Assessment has been submitted with this application and this has been assessed by the Councils own Archaeologist. No further archaeological work is required on this site.

Agricultural Land Quality

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this case a survey of the site has been undertaken for the land edged red and blue. This identifies that 17.5 hectares of the land (74%) is classified as Grade 2 and 6 hectares is Grade 3a (26%). The vast majority of the application site (edged red) is graded as Grade 2.

In this case the loss of BMV agricultural land will form part of the planning balance.

Ground Conditions

A number of the objections submitted as part of this application make reference to the ground conditions on this site. In relation to this issue paragraph 121 of the NPPF states that planning policies and decisions should also ensure that:

'The site is suitable for its new use taking account of ground conditions and instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation'

In relation to this issue the Brine Board has suggested the use of a planning condition. However, should the application be approved it is considered that this issue should be dealt with at the Building Control stage. An informative to highlight the issue on any approval would be an appropriate way forward,

Health Infrastructure

At the time of writing this report no comments had been received from the NHS. This issue will form part of an update report.

ECONOMIC SUSTAINABILITY

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

CIL Regulations

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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 development would result in increased demand for primary and secondary school places in Sandbach where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards primary and secondary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in increased vehicular movements along the A533/A534 corridor which is already at capacity. In order to mitigate this impact a contribution is required towards the Councils scheme of improvements along this corridor. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, 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.

The PROW contributions are required to improve the PROW in the vicinity of the site which are in a poor state of repair and do not have cyclist access. The development would result in increased

use of the PROW and upgrades are required. As a result the contributions are necessary, directly related to the development and fair and reasonable.

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

PLANNING BALANCE

The proposed development would be contrary to Policy PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS provision and the proposed NEAP this is considered to be acceptable. The provision of a NEAP would provide a facility for future residents and other residents in this part of Sandbach.
- Community facility
- The improvements to the PROW infrastructure in the area would be a benefit to future and existing residents.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The proposed highways contribution would mitigate the highways impact and the overall impact would be neutral.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- The impact upon the landscape would not in itself be sufficiently harmful to make the appeal proposal unacceptable

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.

The impact upon medical infrastructure will form part of an update report.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. This is consistent with the Secretary of State decision on the adjacent Abbeyfields site which was considered to constitute sustainable development. As such the application is recommended for approval.

RECOMMENDATION:

APPROVE subject to completion of Section 106 Legal Agreement to secure the following:-

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 2. Provision of Public Open Space and a NEAP (8 pieces of equipment) to be maintained by a private management company**
- 3. Provision of a fully serviced site to be large enough to accommodate a 1 Form Entry Primary School (or other community facility to be agreed in writing with the LPA) and the requested contributions of £390,466 (for primary education) and £424,910 (for secondary school education).**
- 4. Highways Contribution of £166,000**
- 5. PROW Contribution of £42,280**

And the following conditions:-

- 1. Standard Outline**
- 2. Submission of Reserved Matters (the community facility shall form part of the first reserved matters application)**
- 3. Time limit for submission of reserved matters**
- 4. Approved Plans**
- 5. Construction Method Statement for any piling works**
- 6. Dust control measures**
- 7. Noise Mitigation Measures**
- 8. Electric Vehicle Infrastructure**
- 9. Travel Plan**
- 10. Contaminated land**
- 11. Landscaping including replacement hedgerow planting.**
- 12. Updated protected species survey/assessment including detailed Badger survey and mitigation method statement to be submitted in support of any detailed reserved matters application.**

13. Provision of undeveloped buffer zones adjacent to northern woodland and southern LWS as shown on the submitted indicative layout plan.
14. Proposals for the provision of a purpose designed wildlife pond.
15. Breeding Birds Timing of Works
16. Breeding Birds Mitigation Measures
17. Reserved matters application to include details of existing and proposed levels
18. Reserved Matters application to include an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree protection Plan
19. Drainage details

Informative in respect of Brine Board matters

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
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