

Strategic Planning Board

Agenda

Date:	Wednesday, 17th November, 2010
Time:	2.00 pm
Venue:	Sandbach Cricket Club, Hind Heath Road, Sandbach CW11 3LZ

Please note that members of the public are requested to check the Council's website the week Strategic Planning Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre-Determination

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have made a pre-determination in respect of any item on the agenda.

3. Minutes of the Previous Meeting (Pages 1 - 6)

To approve the minutes as a correct record.

For any apologies or requests for further information, or to arrange to speak at the meeting

Contact:	Sarah Baxter
Tel:	01270 686462
E-Mail:	Sarah.Baxter@cheshireeast.gov.uk

4. **Public Speaking**

A total period of 5 minutes is allocated for the planning application for Ward Councillors who are not members of the Strategic Planning Board.

A period of 3 minutes is allocated for the planning application for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Group/Civic Society
- Objectors
- Supporters
- Applicants

5. **10/3471C - Land South of Middlewich Road and East of Abbey Road, Sandbach: Proposed Residential Development of up to 280 Dwellings, Landscaping, Open Space, Highways and Associated Works for Fox Strategic Land & Property (Pages 7 - 48)**

To consider the above planning application.

There are no Part 2 Items

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 27th October, 2010 at Main Hall, Sandbach Town Hall,
High Street, Sandbach

PRESENT

Councillor H Davenport (Chairman)
Councillor J Hammond (Vice-Chairman)

Councillors A Arnold, Rachel Bailey, D Brown, M Hollins, D Hough,
W Livesley, J Macrae and J Wray

OFFICERS IN ATTENDANCE

Mr J Baggaley (Conservation Officer), Ms S Dillon (Senior Solicitor),
Mr A Fisher (Head of Planning and Housing), Mr B Haywood (Principal
Planning Officer), Mr R House (Local Development Framework Manager),
Mr N Jones (Principal Development Officer), Mr D Malcolm (Interim
Development Manager), Ms S Orrell (Principal Planning Officer) and
Mr N Turpin (Principal Planning Officer)

57 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors C Thorley,
G M Walton and S R Wilkinson.

58 DECLARATIONS OF INTEREST/PRE-DETERMINATION

In respect of application 10/3139M-Extension of Time to 07/1041P
Erection of 9 Three-Storey Buildings for Class B1 (Business) Use, 1
Two/Three-Storey Building for Class C1 (Hotel) Use Together With
Associated Highways, Car Parking And Landscaping Infrastructure, Land
at Tytherington Business Park, Manchester Road, Tytherington,
Macclesfield for Hadley Development Solutions Ltd, Councillor H
Davenport declared that he was a Member of the former Macclesfield
Borough Council Planning Committee when it approved application
07/1042P but that he was approaching application 10/3139M to extend
time for commencement of that development without predetermination.

All Members of the Strategic Planning Board declared that they had
received written correspondence in relation to application 10/12608C-
Erection of up to 269 dwellings, provision of public open space, highway
works and associated works, Land East of Marriot Road, Anvil Close,
Forge Fields and South of Hind Heath Road, Sandbach for Richborough
Estates.

59 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman.

60 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

61 10/12608C-ERECTION OF UP TO 269 DWELLINGS, PROVISION OF PUBLIC OPEN SPACE, HIGHWAY WORKS AND ASSOCIATED WORKS, LAND EAST OF MARRIOT ROAD, ANVIL CLOSE, FORGE FIELDS AND SOUTH OF HIND HEATH ROAD, SANDBACH FOR RICHBOROUGH ESTATES

Consideration was given to the above application.

(Councillor S Furlong, the Ward Councillor, Councillor Mrs G Merry, the Ward councillor, Councillor B Moran, the Ward Councilor, Town Councillor S Holland, Sandbach Town Council, Mr R Amies-King, representing No 2 Wheelock New Build Action Group, and Mr D Stentiford, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The proposed residential development within the open countryside would be contrary to the provisions of Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review. Whilst it is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing, the current proposal is not considered to be "suitable" as it is located on the periphery of Sandbach, rather than Crewe. It would undermine the spatial vision for the area and wider policy objectives as it would be contrary to the general thrust of the Core Strategy Issues and Options which directs the majority of new development towards Crewe, as well as the Council's Draft Interim Planning Policy on the Release of Housing Land, which articulates the same spatial vision. This would be contrary to advice in PPS.3 and PPS1, which states these emerging policies are material considerations. For these reasons the Housing Land Supply arguments advanced by the applicants are considered to be insufficient to outweigh the general presumption against new

residential development within the Open Countryside as set out in the adopted development plan.

2. Release of this site would prejudice the development of the significant number of brownfield sites within Sandbach with extant planning permission, which would provide significant regeneration benefits, and would be sufficient to address housing requirements within the Sandbach area. The proposals are therefore contrary to Policy advice within PPS.3 which gives priority to the development of previously developed land, and the provisions of Policy H2 of the adopted Congleton Borough Local Plan First Review.
3. The proposal would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Policy NR3 of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development. For the reasons stated above, in this case there are not considered to be any overriding reasons for allowing the development and the proposal is therefore contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review.

(Prior to consideration of the following application Councillor Mrs R Bailey arrived to the meeting).

(The meeting adjourned at 3.05pm and reconvened at 3.10pm).

**62 10/1323M-RENEWAL OF PLANNING PERMISSION 03/3214P -
(RELOCATION OF EXISTING GARDEN CENTRE AND LANDSCAPE
CONTRACTORS BUSINESS - OUTLINE PLANNING PERMISSION),
LAND NORTH OF BOLLINGTON LANE AND WEST OF CONGLETON
ROAD, NETHER ALDERLEY, MACCLESFIELD FOR I & W URQUHART**

Consideration was given to the above application.

(Councillor Miss C M Andrew, the Ward Councillor, Councillor F Keegan, the Ward Councillor, Parish Councillor Mrs S Reynolds, Chairman of Nether Alderley Parish Council, Mr Fowler, a representative of Alderley Rural Protection Organisation, Mr N Clayton, an objector, Mr D Barraclough, an objector and Mr Holmes, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The proposals represent inappropriate development in the Green Belt and are contrary to Macclesfield Borough Local Plan Policy

GC1 and the advice of Planning Policy Guidance Note 2. The proposals are also considered to be harmful to the character and openness of the Green Belt and there are no special circumstances to justify development in the Green Belt.

2. The application has insufficient information to mitigate harm to protected species as well as being contrary to Local Plan Policy NE11 and Planning Policy Statement 9.
3. Due to the lack of a legal agreement and therefore the inability to secure the restrictions on retailing as per the originally approved scheme and the inability to secure future maintenance in perpetuity of the landscaping, the proposed scheme would result in an uncontrolled retail use which will impact on the wider area contrary to Local Plan Policy S2 and National Planning Policy PPS6, while the future maintenance in perpetuity of any proposed landscaping similarly cannot be secured to the detriment of the scheme and the character of the area contrary to Local Plan Policy NE3.

(Prior to consideration of the following application Councillors Mrs R Bailey, D Brown and W J Macrae declared that they had pre determined agenda item 64 'Future Housing Provision Cheshire East' by virtue of the fact that as Cabinet Members they had already made a decision on the item as a result they left the meeting prior to consideration of that item and did not return).

63 10/3139M-EXTENSION OF TIME TO 07/1041P ERECTION OF 9 THREE-STOREY BUILDINGS FOR CLASS B1 (BUSINESS) USE, 1 TWO/THREE-STOREY BUILDING FOR CLASS C1 (HOTEL) USE TOGETHER WITH ASSOCIATED HIGHWAYS, CAR PARKING AND LANDSCAPING INFRASTRUCTURE, LAND AT TYTHERINGTON BUSINESS PARK, MANCHESTER ROAD, TYTHERINGTON, MACCLESFIELD FOR HADLEY DEVELOPMENT SOLUTIONS LTD

Consideration was given to the above application.

(Councillor P Findlow, the Ward Councillor, Mr Jones, a representative of the Dumbah Association, Mr Lenk, an objector and Nr Flatman, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for the following reason:-

Due to the requirement for further ecological surveys to be carried out.

(This was a change in Officer recommendation from one of approval to one of deferral)

(Prior to consideration of the following item Councillor B Livesley left the meeting and did not return).

64 FUTURE HOUSING PROVISION CHESHIRE EAST

Consideration was given to a report on the future of housing provision in Cheshire East.

RESOLVED

That the Strategic Planning Board endorses the Cabinet decision to:

1. Approve the housing requirement figure for a minimum of 1150 net additional dwellings to be delivered annually, to be used pending the adoption of the Local Development Framework Core Strategy;
2. Note the Council's five year land supply at 1 April 2010;
3. Approve the Interim Planning Policy on the Release of Housing Land for consultation purposes and agree that it be used in the determination of planning applications pending its adoption.

65 APPEAL SUMMARIES

Consideration was given to the Appeal Summaries.

RESOLVED

That the Appeal Summaries be noted.

The meeting commenced at 2.00 pm and concluded at 5.00 pm

Councillor H Davenport (Chairman)

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Planning Reference No:	10/3471C
Application Address:	Land south of Middlewich Road and east of Abbey Road, Sandbach
Proposal:	Proposed Residential Development of up to 280 Dwellings, Landscaping, Open Space, Highways & Associated Works
Applicant:	Fox Strategic Land & Property
Application Type:	Outline
Grid Reference:	374522 360763
Ward:	Sandbach
Consultation Expiry Date:	21 st October 2010
Date for determination:	3 rd December 2010

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

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

REFERRAL

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

1. SITE DESCRIPTION

The application relates to 15.6ha of land, situated on the southern side of Middlewich Road, west of Park Lane and east of Abbey Road. The site lies within the Open Countryside adjacent to the Sandbach Settlement Boundary and is bordered by residential properties to its north, western and eastern boundaries, with open fields to the south.

The site is relatively flat although the land level drops slightly to the south of the site. The site is currently used for the growing of crops with a number of hedgerows running along the existing field boundaries. There are a number of trees within the residential curtilages of the properties surrounding the site with a number of mature trees within the grass verges along Abbey Road and Park Lane.

2. DETAILS OF PROPOSAL

Outline planning permission is sought for up to 280 homes together with associated public open space, and highway improvements. All matters are reserved for determination at a later date.

Although in outline, the Design and Access Statement provides the parameters for the development. In general the focus is on two-three storey with the street pattern reflecting based around an irregular pattern of development blocks. There will be a mix of affordable and open market housing within the site. An Indicative Site Layout plan which is explained further within the Design and Access Statement shows how the site could be developed with 280 units, based on one to five bedroom units.

The site is set behind residential properties fronting Park Lane, Middlewich Road and Abbey Road, access does not form part of this application but would be gained from four possible access points; two onto Abbey Road and two onto Middlewich Road (one of the Middlewich Road access points would provide pedestrian access only).

The indicative layout plan shows that the public open space would be provided within a Community Park which would cover 3.4 hectares and two equipped play areas. Green corridors would be provided covering 1.4 hectares of the site to enhance biodiversity and public amenity.

2. RELEVANT PLANNING HISTORY

22739/1 – 18 hole golf course, club house, open space, residential development and associated supporting infrastructure – Refused 2nd January 1991
17611/1 – Residential Development – Refused 10th June 1986

3. 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 5 Planning for the Historic Environment
PPS 23 Planning and Pollution Control
PPS 25 Development and Flood risk.

Local Plan Policy

PS8 Open Countryside
GR21 Flood Prevention
NR4 Non-statutory sites
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR9 Accessibility, servicing and provision of parking

GR14 Cycling Measures
GR15 Pedestrian Measures
GR16 Footpaths Bridleway and Cycleway Networks
GR17 Car parking
GR18 Traffic Generation
NR1 Trees and Woodland
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 affordable Housing and low cost housing
E10 Re-use and redevelopment of existing employment sites

4. OBSERVATIONS OF CONSULTEES

Housing

Do not object to this application subject to the following comments: -

- The Strategic Housing Market Assessment 2010 (SHMA) for Cheshire East identifies a need for 1243 affordable homes per annum. The priority is therefore for the provision of affordable housing. Evidence from SHMA has been used for Cheshire East Council's draft Interim Planning Statement: Affordable Housing. This policy will require a site such as this to provide 30% affordable housing, which is in line with information provided with this application.
- As up to date evidence from the SHMA has been used to develop the draft Interim Planning Statement: Affordable Housing I would expect the affordable housing to be provided in line with this document.

Environmental Health

Do not object to the application and recommend the following conditions:

1. Approval of external lighting
2. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 09:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
3. Details of the method, timing and duration of any pile driving operations connected with the construction of the development shall be approved in writing by the Local Planning Authority prior to such works taking place
4. During the construction phase of the development the attenuation measures detailed in section 4.1.2 of the Noise Assessment Report dated August 2010 should be implemented in order to safeguard the amenity of local residents.

Contaminated Land Comments:

- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- The desk top study submitted for the site recommends a baseline ground investigation is undertaken at the site to determine the site conditions.

As such, and in accordance with PPS23, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:

Prior to the commencement of development:

- a. A contaminated land Phase 1 report shall be submitted to, and approved in writing by the Local Planning Authority (LPA).
- b. Should the Phase 1 report recommend that a Phase 2 investigation is required, a Phase 2 investigation shall be carried out and the results submitted to, and approved in writing by the LPA.
- c. If the Phase 2 investigations indicate that remediation is necessary, a Remediation Statement including details of the timescale for the work to be undertaken shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with the submitted details.
- d. Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.

Air Quality Comments:

1. The assessment should consider the cumulative impact of other proposed developments within the vicinity.
2. In terms of site preparation and construction phase, it is recommended that the proposed mitigation measures are implemented to minimise any impact on air quality in addition to ensuring dust related complaints are kept to a minimum.

Highways

It is a challenge to resolve a finite position on this application proposal in highway terms as the Strategic Highways Manager finds the content of the Transport Assessment to be insufficiently detailed.

At the same time it is possible that an amended TA document with sufficient detail and evidence may well demonstrate that there are clear access options and that the site would offer a realistic level of local and wider ranging improvements to the highway infrastructure.

As a result the Strategic Highways Manager can not support this application and requires revised highway proposals and an amended Transport Assessment detail before an informed decision can be made.

It should also be made clear that the Strategic Highways Manager is not recommending refusal on highway grounds at this time as he is mindful that a solution may be shown to be possible if evidenced.

Education

No comments received at the time of writing this report.

Sustrans

Should this land use be approved by the Council's Planning Committee, we would like to make the following comments:

- For a site of this size it is important to encourage walking/cycling for local journeys, by a combination of infrastructure improvements/changes and through travel planning.
- The physical connections to the adjacent roads, Middlewich Road and Abbey Road, will improve access for pedestrians and cyclists. Some of these should be as greenways independent of traffic.
- The physical connection, as a pedestrian/cycle greenway, to the Wheelock Rail Trail, National Cycle Network Route 5, via the sports pitches to the south of the site will also extend local access; this should be a definite requirement placed on the development.
- The proposed Abbey Road cycle track should continue to the Wheelock Rail Trail, NCN5.
- Beyond the boundary of the site, the development should contribute towards helping pedestrian/cycle journeys to adjacent schools, the town centre, and Sandbach railway station.
- The layout and design of the site should encourage vehicle speeds of 20mph or lower.
- For the smaller properties proposed there should be adequate storage space for buggies, bicycles, etc.

Environment Agency

No comments received at the time of writing this report

United Utilities

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

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.
- The applicant must discuss full details of the site drainage proposals with United Utilities
- Several public sewers cross the site and therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with United Utilities
- If any sewers on this development are proposed for adoption then the developer should contact United Utilities
- A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (Water Fittings) Regulations 1999.
- We would recommend that any development of over 2 storeys in height should have a separate, pumped storage system installed.
- Should this application be approved the applicant must contact United Utilities Water Fittings Section at Warrington North, Athwart Industrial Estate, off Liverpool Road, Sankey Bridges, Warrington, WA52DS.
- United Utilities encourages the use of water efficient designs and development wherever this is possible. The most up to date advice for water efficiency and water

efficiency products can be found at Waterwise who have recently published a best practise guide on water efficiency for new developments. United Utilities encourage utilisation of the following water efficiency activities:

- Installing of the latest water efficient products, such as a 4.5l flush toilet instead of the 6l type. Minimise run lengths of hot and cold water pipes from storage to tap/shower areas. This minimises the amount of waste during the time the water goes from cold to hot. Utilising drought resistant varieties of trees, plants and grasses when landscaping. Install water efficient appliances such as dishwashers, washing machines.

Amenity Greenspace

Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission (in accordance with the submitted details on the Illustrative Masterplan, Drawing No. 4333-P-03 Rev.C, dated August 2010) there would be a deficiency in the quantity of provision, having regard to the adopted local standards set out in the Council's Open Space Study for both Amenity Green Space and Children and Young Persons provision.

Therefore, there is obviously a need to provide green spaces within the boundary of the new site. In the absence of a housing schedule the amount of Public Open Space that would be expected in respect of the new population based on 2.4 persons per dwelling. This is in accordance with Interim Policy Note on Public Open Space and would equate to 6720 m².

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

To the SE side of the site a water attenuation and ephemeral scrapes are proposed and whilst I appreciate this promotes bio-diversity and is due to regulatory requirements to comply with SUD's it has never been the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore it is suggested that consideration is made for this area of POS to be transferred to a management company along with any wetland areas.

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

There are existing hedgerows on the eastern and southern boundary including some mature trees, with a further hedgerow running through the middle of the site. Also, there are sections of hedgerow mixed with back garden fencing and ornamental planting along the northern and western boundaries. These areas including any additional buffer planting should be considered in some depth in light of future maintenance implications, planting distances in relation to buildings, and species type of trees. Again for liabilities and maintenance implications I would look to a management company.

The Design and Access Statement dated August 2010 (D & A) makes reference in Section 4.0 to Mews and Courtyard areas including hard landscaping with focal tree and shrub planting. Clarification would be required as to the intended end ownership of these areas due

to any maintenance implications that may arise as a result of it. With these areas being predominately hard landscaped and some abutting the highway I would suggest Highways would be the suitable department responsible, as would any trees within highway verges, but confirmation should be sort from that section. Alternatively, this could be put to the management company.

Within the Community Park area there is scope for allotment provision, this would be most welcome as set out in Open Space, Sport and Recreation Study 2005, there is an under provision although no definitive national or local standards are set as it is thought to be 'demand led'. Requests from residents over the last 15 years for allotment sites have been steady with particular requests for the Sandbach area above other towns. Careful consideration as to the location, size and number of allotments should be given with particular attention for the security aspect and visual impact on the area. The Council could potentially receive this area with a view to an allotment association running the site. A small commuted sum for maintenance would be required from the developer.

Again, within the Community Park area, new native tree and shrub planting, woodland paths and a wildflower meadow area are proposed. The Council is not best placed to maintain these areas, therefore a management company is recommended. The informal play area surrounding the formal play area could be maintained by The Council but confirmation of the size would be required, thus determining the financial contribution for maintenance from the developer. Alternatively, this and the informal open space where the second play area is proposed could be blocked with the other surrounding areas and maintained by the management company.

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

Maintenance:	<u>£ To be determined as stated above</u>
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Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision having regard to the adopted local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development

The plan indicates the inclusion of two play areas one located within the Community Park area and the other to the SW side of the development site; Green spaces can confirm that one NEAP (Neighbourhood Equipped Area for Play) standard play area would be acceptable with the preferred location situated within the Community Park area. This should include at least 8 items incorporating DDA inclusive equipment, using play companies from The Councils select list. We would request that the final layout and choice of play equipment be agreed with CEC, the construction should be to The Council's specification. 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. A buffer zone of a least 30m from residential

properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

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

Maintenance:	<u>£200,592.00</u>
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For the second play area contributions would be preferred for enhanced play provision located in Sandbach Park, the main park for the town. The Design and Access Statement part 2 and 3 acknowledges that the commuting distance of up to 2000m (approx. 25 minute walk) can be acceptable, Sandbach Park being approx. 1,300m away from the development site. It also recognises the need for parks and open spaces to be 'accessible to both existing and new residents'. Major consultation has recently taken place regarding Sandbach Park and a management plan written. New and enhanced play provision is written into the plan and part funded by contributions from previous and current developments which have been 'pooled'.

Forgoing the second formal play area on site, the enhancement figure is based on recently built provision in the local area, contributions for enhanced works in Sandbach Park would be;

Enhanced Provision:	<u>£105,000</u>
Maintenance:	<u>£ 200,592 (25 years)</u>

Green Spaces would request that any enhancement contributions should not be 'time limited' so ensure maximum benefit to the new and existing community, thus enabling the 'pooling' of funds.

Cheshire Brine Board

No comments received at the time of writing this report

Archaeology

In view of the limited archaeological potential identified by the desk-based assessment, it would not be reasonable to object to the development on archaeological grounds or to recommend any pre-determination fieldwork. Instead, it is advised that those parts of the site identified as having some archaeological potential (demolished buildings, potential line of Roman road, early field boundaries) should be subject to an initial phase of trenching followed, if appropriate, by more extensive work on areas of particular interest. Such work might involve more extensive excavation or a watching brief and may be secured by the following condition:

No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

Natural England

The proposal may have an adverse effect on Sandbach Flashes Site of Special Scientific Interest (SSSI).

- Natural England **objects** to the proposed development on the basis that the application contains insufficient information to satisfy us that there would be no adverse effects on features of interest for which the SSSI is notified.
- We recommend that your authority refuse planning permission on the grounds of likely adverse effect on the SSSI.
- This proposal is for a residential development of up to 280 dwellings. Foul drainage from this site together with other planned developments in the local area will discharge to the local waste water treatment works. The local wastewater treatment works is located adjacent to the River Wheelock which receives treated run-off from the wastewater works. Approximately 1.4 km from the treatment works, the River Wheelock flows through Sandbach Flashes SSSI.
- The current application for this development does not include sufficient information to assess the potential impact of this development on the statutory site. We therefore advise that we wish to raise a **holding objection** to the proposal until such time that further information is provided to allay our concerns (see below for information).
- 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. Further information on the reasons why the site has been designated is contained within the citation for the site, which accompanies this letter.
- Natural England notes that there are a number of extant planning permissions and current planning applications in the Wheelock/Sandbach area for housing. These include the following permissions/applications:
 - Fodens Test Track (142 – 149 dwellings)
 - Fodens Works (250 dwellings; 80 bed care home & 62 care apartments)
 - Rookery Bridge (100 – 120 dwellings)
 - 10/2608C Land to East of Marriot Road – (up to 269 dwellings)
 - 10/3471C Abbey Road (up to 280 dwellings)
 - 09/2083C Albion Chemical Works (375 dwellings)
 - 10/0021C Crewe Road (41 dwellings)
- In the Wheelock / Elworth area therefore there is the potential for an additional 1457 – 1480 dwellings to discharge foul sewage to the local wastewater treatment works including Sandbach treatment works, located adjacent to the River Wheelock (not including sewage from development including care homes/apartments).
- Natural England notes in the Flood Risk Assessment accompanying the application that foul drainage from the development will be discharged directly to the existing United Utilities public foul sewer on site and that connection points and flow rates will be discussed with United Utilities during the detailed drainage design.
- Natural England is concerned that the potential impact from sewage and in particular nutrient enrichment to the River Wheelock from both this proposal and in combination with

other developments in the locality has not been assessed. As the River Wheelock flows through Sandbach Flashes SSSI downstream from Sandbach Waste Water Treatment Works, there is the potential for damage to the SSSI from nutrient enrichment which could impact on the vegetation composition of the site.

- Natural England advises that in order to remove our holding objection to this proposal, confirmation should be obtained from United Utilities by the developer that the rates for foul drainage from both this development and other developments (i.e. the cumulative impact from such sites) scheduled for the area can be accommodated by the current wastewater treatment works with any waters draining into the River Wheelock meeting current guidance on the acceptable level of nutrients draining into watercourses. Once confirmation has been received from the developer, Natural England is prepared to remove its objection.

Agricultural Land Classification (ALC)

- Natural England notes that this development will use both very good (Grade 2) and good (Grade 3a) agricultural land, as identified under the ALC system. The Soil and Agricultural Land Use report for this application identifies that of the 27.7 hectares surveyed, 68% (16.9 hectares) is grade 2 (very good) while 28% (7 hectares) is grade 3a (good). This land is classed as the best and most versatile agricultural land (defined as grades 1, 2 & 3a grade land).

- Government policy with regard to the use of agricultural land makes it clear that the decision to use agricultural land or not for development lies with the local planning authority. However there are national policy guidelines set out in documents such as Planning Policy Statement 7 (PPS7) which highlights that the use of such land should be taken into account when determining planning applications alongside other sustainability considerations including biodiversity and the protection of natural resources. This guidance also advises local planning authorities that areas of poorer quality land should be used (grades 3b, 4 & 5) in preference to higher quality land.

- With regard to national policy including PPS7, the Planning Statement accompanying the application states at 4.5.11 (page 19) that the "land quality of the application site is no different to much of the agricultural land around Sandbach and East Cheshire". Natural England notes that while there is other grade 2 land within Cheshire, the applicant has not provided any detail to substantiate the loss of this finite resource in the wider context of Cheshire. Natural England notes that Cheshire, in terms of agricultural land, is classified predominantly under grade 3 land with areas of both grade 2 and grade 4 land. We therefore advise that the local authority must ensure that any decision made with regard to this application should also take into account the potential loss of this land in terms of agricultural quality as well as other considerations.

Bats

- Natural England notes from the Ecological Report that a bat roost was identified as part of the survey for the site together with suitable habitat which was used as foraging for bats. We further note that the bat roost will be retained and the surrounding area around the roost will be enhanced through appropriate planting. We also note that hedgerows will be retained within the scheme design and lighting will be located away from these hedgerows.

- Natural England advise that the mitigation outlined by the developer should be incorporated into any planning determination as an enforceable planning condition. We would also advise that further consideration of the use of bat boxes within the development should be made and incorporated into any determination, again as part of an enforceable condition.

Breeding Birds

- Provision of artificial nest sites at selected points within the development should be made to provide alternative nesting sites and to compensate for the loss of nesting sites. Further

guidance as to the type and location of the artificial nests should be sought from any suitably qualified ecologist.

Other issues

- Natural England recommends that the Council considers Green Infrastructure, Sustainable Design, Geodiversity, Landscape Issues and Biodiversity when determining this planning application.

5. VIEWS OF SANDBACH TOWN COUNCIL

Members unanimously and strongly **object** to this application on the following grounds;

1. The defined Strategy of the Congleton Borough Local Plan is to minimise the loss of open countryside to new development and maximise the use of urban land, particularly Brown Field site. This application runs completely contrary to that strategy and furthermore takes development outside the settlement zone. This contravenes policy PS3 of the Local Plan.
2. This Council strongly believes that existing permissions, allocated sites plus the development of existing Brown Field sites, together will meet the requirement for development in the area and also conform with PPS3.
3. The implications for the infrastructure of the area by this, and other pending applications, is alarming. Schools, leisure facilities and other services can not be protected by the imposition of Planning Conditions. Thus contravening policy GR19.
4. This Council supports residents concerns on the impact of Traffic Generation this proposal creates. Contravening policy GR18 of the local plan, the scale of traffic generated by this site will worsen the existing traffic problems along both Middlewich Road and Abbey Road.
5. Through its impact on the landscape, amenity, traffic and infrastructure of the area, policy GR1 (ii, iii, iv, v and vi) of Congleton Borough Council Local Plan is contravened by the proposed development, in an area of Green Field land.
6. The land, certified by Ministry Inspectors as Prime Agricultural land, currently acts as a green barrier between Sandbach and Elworth; the development would not enhance the landscape of the area, contrary to policy GR5.
7. Members believe that the proposed development in the open countryside, on a Green Field, prime agricultural site, contravenes policies PS8 and H6 of the Local plan, having no relevance to any of the exclusion categories or stated purposes for permission, and being outside the settlement zone line.

6. OTHER REPRESENTATIONS

Letters of objection have been received from 707 local residents which raise the following points:

Principle of development

- Loss of agricultural land
- Brownfield sites should be developed instead of Greenfield land
- More houses are not needed in Sandbach
- Impact upon climate change

- The development would result in a loss of identity once the villages are merged
- The development will detract from the town
- The building of large houses will not meet local need
- The Fodens site and test track should be developed
- The development would be contrary to the Local Plan
- A similar application has been refused on this site
- The proposal is contrary to National Policy
- The impact upon the landscape
- The development would be contrary to the Councils Draft Interim Planning Policy on the Release of Housing Land
- The affordable housing provision of 30% is a standard requirement and this provision does not give any special benefit
- Allowing this development would mean that other applications in the area would be difficult to resist
- There are a number of permissions and developments within Sandbach which meet housing need
- The relocation of employment uses away from Sandbach means that Sandbach is becoming a commuter town and should not support new housing developments
- Planning approval of housing on this Greenfield site would prejudice the development of the existing brownfield sites already with planning permission, which would provide significant regeneration benefits in those areas
- Developers should wait for the preparation of the Cheshire East Council's Local Development Framework, so that the needs of the community regarding employment, retail and leisure arising from new housing developments can be properly assessed.
- It is recognised that councils have to manage an increase in housing provision, but far too much appears to be concentrated in a small area around Sandbach. Development must be spread equitably across the council's area.
- Building sites around Cheshire have been at a standstill, in fact a site in a neighbouring town stopped building due to the recession and residents have had to look out over a half built housing estate
- Loss of Green Belt

Flooding / Drainage

- Middlewich Road already suffers from flooding
- Problems with the foul drainage in the area
- The impact upon a sewer which crosses the application site
- Sewage and water utilities could not support a further 280 dwellings

Amenity

- Noise from Middlewich Road
- Loss of outlook
- The impact upon the mobility of elderly residents
- Green spaces such as this contribute to the quality of life for all residents in Sandbach
- Light pollution
- Noise pollution
- The impact of headlights shining through windows
- Increased traffic noise
- Loss of privacy
- Loss of amenity caused by the proposed access points

- Safety of new and existing residents, particularly children must be considered given the location of a bail hostel near to Sandbach Station
- With the development enclosed within existing housing, the problem could arise of people taking shortcuts through the gardens.

Ecology

- Loss of trees
- Loss of hedgerow
- Loss of open countryside
- The application site acts as a wildlife corridor
- The hedgerows will not survive the construction process
- Loss of trees would harm the ecology of the area
- The impact upon protected species
- The impact upon black rabbits which live on Abbeyfields
- The impact upon nesting birds including buzzards
- The loss of trees will have a detrimental impact upon the character and appearance of Abbey Road

Infrastructure

- The infrastructure of the Sandbach could not support the proposed housing together with other approved housing developments
- The development would detract from the Wheelock Rail trail
- The impact upon overcrowded schools
- The impact upon health services
- Local schools are full
- Insufficient leisure facilities within Sandbach

Highways

- Increased traffic congestion
- Increased traffic pollution
- Increased traffic congestion
- Dangers caused by construction traffic
- Traffic safety at access points
- When accidents occur on the M6 traffic in Sandbach is at a deadlock
- Vehicular access would be more appropriate off Park Lane
- Increased traffic problems at Junction 17 of the M6
- The proposed cycleway would cause safety concerns
- Abbey Road can not accommodate additional traffic
- The transport assessment admits that its modelling only includes journeys to work and excludes 'the school run', which is a major cause of traffic congestion in Sandbach
- Highways and pavements are already in a poor state of repair. This development will make matters worse

Other matters

- Inaccuracy in relation to the loss of agricultural land
- Cheshire East Councillors promised that the land would remain undeveloped when planning permission for the football pitches was granted
- The site is liable to subsidence
- Object to the planning process
- The development would be against the wishes of local people
- The impact upon air quality

- The outline application lacks detail
- Consultation has been handled badly
- Loss of property value
- The impact of the development upon a former Roman Road
- A different plan was used in the pre-application consultation
- Broadband is already slow on Abbey Road. Can BT guarantee the system will not be swamped with the requirements from a further 280 homes?
- The interruptions to utility supply and noise from building works could be significant and detrimental to the quality of life of existing residents.

A letter of objection has been received from The Friends of Abbeyfields which is a properly constituted non-political association whose objective is to preserve and protect Abbeyfields and the surrounding area. This objection raises the following points;

- Although the Council cannot currently demonstrate a 5 year supply of housing land; through the draft Interim Planning Policy on the Release of Housing Land, it seeks to address this shortfall by the release of sites on the edge of Crewe and sites within a defined settlement boundary. The proposal does not accord with the Development Plan and the draft Interim Planning Policy on the Release of Housing Land for the following reasons:

- It is located within Open Countryside and would be contrary to Policies PS8 and H6 of the Local Plan;
 - The site is not located adjacent to Crewe, does not comprise a mixed use development in a town centre or regeneration area and is contrary to the draft Interim Planning Policy on the Release of Housing Land; and
 - Release of this site would be likely to have a significantly adverse impact on development of Brownfield sites in Sandbach that would provide significant regeneration benefits, therefore contrary to PPS3's priority for development of Brownfield sites.
 - Sandbach already has over a 10 year plus housing supply.
- Therefore it is not consider that there are any material considerations that would outweigh this presumption for development and conclude that the application should be refused.

A personal objection has been received from Fiona Bruce MP. She states that the proposed development has generated one of the greatest volume of objections which she has received regarding any matter since her election. The objection relates to the following points;

- This is a Greenfield site – there are brown field sites which could be developed instead
- The site is prime agricultural land which should not be lost
- The development of this Greenfield area is a threat to the village identity of Elworth by increasing the loss of green space between Elworth and Sandbach
- The development will result in the loss of 21 mature trees including English Oaks
- The development will result in a loss of wildlife
- Increased traffic congestion
- Increased risk to children from increased volume of traffic
- Greater pressure on local services
- There are other developments in the area and unsold properties
- Residents feel left down – when the nearby Abbeyfields Football development was planned they were given assurances that there would be no further developments in the area
- Incompatibility with the Local Plan
- Residents do not want this development. "If we are to be truly genuine about the belief in localism then the views of the residents should be respected".

A letter of representation from 'Working for Cycling' has been received. This letter makes the following points;

- Three quarters of cyclist collisions happen at, or near junctions. Rear collisions on the other hand are rare
- The drawings don't show the transitions of the track to the road
- Extending the cycle track beyond Lodge Road and further up to the Wheelock Rail Trail would be difficult due to lack of width on the pavement (see picture Abbey Road(southbound)/Elton Road/Lodge Road above, pavement just visible in the distance next to the silver car)
- Widening the footpath for a length of around 10m on Elton Road between the dropped kerb and the access to the Wheelock Rail Trail and allow access for cyclists is suggested
- On balance the benefits of on-road cycling outweigh the benefits of the cycle track. Cyclists of any age would be better served by reducing the speed limit on Abbey Road, potentially accompanied by traffic calming
- This would be an excellent opportunity to pursue installation of not only pedestrian refuges at the crossing at Middlewich Road/Abbey Road/the co-operative food shop/Turnpike Court. This would enable safer access to the bus stops, the nursing home Turnpike Court, the children's nursery First Steps and the co-operative food shop.
- On road cycling is a viable option on Abbey Road and the currently proposed cycle track lacks a safe crossing of Middlewich Road on the east side of Abbey Road. Consideration should be given to the installation of a Toucan crossing, preferably on the west side of Abbey Road, which would allow cyclists as well as pedestrians to cross Middlewich Road. This should be complemented with a short cycle track on the corner of Abbey Road/Middlewich Road, to feed to the crossing.
- The cycle route should connect to Abbeyfields/Park Lane

An objection has been received on behalf of Taylor Wimpey stating that the Council should refuse the application because:-

1. The site has been identified in the draft Cheshire East SHLAA as not suitable, not achievable and not currently developable due to a number of constraints including; its location within a brine subsidence area adjacent to Wheelock Rail Trail SBI; its designation as open countryside and it being a rural Greenfield site. The site is therefore not supported by the Council's Planning Policy Officers as a Greenfield site for early release
2. The development of the site would narrow the gap between Ettiley Heath/Elworth and Sandbach
3. There are other better and less constrained greenfield sites on the edge of Sandbach, such as Congleton Road which can be delivered immediately to meet the Council's shortfall in housing.
4. The Interim Planning Policy on the Release of Housing Land is too restrictive and should be extended to also allow the release of the most sustainable Greenfield sites in Sandbach. The letter of objection has demonstrated the reasons why land at Abbeyfields, Park Lane/Middlewich Road/Abbey Road, Sandbach is not suitable for immediate release. The land to the north of Congleton Road, Sandbach is an appropriate greenfield release and we recommend that the Council drafts an Interim Policy Statement to allow the site to come forward whilst the Council progresses with its LDF. On behalf of Taylor Wimpey UK Limited, NLP recently provided your Planning Policy Officers with a representation on the why land at Congleton Road, Sandbach [SHLAA ref: 2621] is considered to be available, suitable, achievable and deliverable for housing development.

7. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

- The site itself is very visually contained on all sides and there are only few glimpsed views into it from the surrounding road network with no public access within the site. The proposals will therefore be only minimally visible from the surrounding townscape beyond Park Lane, Abbey Road and Middlewich Road – the existing glimpsed views through the built fabric can be retained as green corridors
- There are relatively few features of ecological value – the site itself is intensively managed farmland. All hedgerows and trees will be retained within the site and there are opportunities to enhance biodiversity through new habitat creation
- To deliver a high quality place which is sustainable, safe and attractive; the masterplan and DAS provide a high quality built and landscape design that incorporates Best Practice Principles using as a reference the core design texts of 'Manual for Streets', 'Safer Places' and 'By Design'
- The development will deliver a mix of housing – up to 280 new dwellings offering 2-5 bedrooms
- The development will provide an integrated network of public open spaces and new play facilities within a community park
- The development will establish a legible environment with a choice of interconnecting attractive streets and pedestrian routes which provide excellent connectivity across the site into Sandbach and the surrounding countryside
- The development will adopt inclusive design, promote sustainability and ensure well designed pedestrian links

Transport Assessment

- The Site is presently vacant. The current outline application proposes residential development of up to 280 houses. It is assumed for the purposes of the TA quantitative assessment of development traffic impact that the proposed development comprises a maximum of 280 dwellings.
- The planning application is in outline, with all matters reserved, including access. Notwithstanding this, the TA identifies two alternative vehicular Site access options. The TA demonstrates that each of these is independently (i.e. on its own) capable of accommodating in an acceptable manner the vehicular traffic generated by the proposed development. This can provide a 'starting point' for a future reserved matters application for means of access.
- Encouraging walk and cycle journeys are an essential component of the development access strategy. The location of the Site provides a good context for journeys of residents to be undertaken on foot and by cycle, for a variety of purposes, including employment, leisure, shopping, school, etc. The development includes proposals to enhance the existing pedestrian and cycle infrastructure.
- There are existing bus stops on Middlewich Road within 400m of the site. Presently, typically 8-10 buses per hour call at these stops on Monday to Saturday. There are 2 no existing bus stops in close proximity to the location of Access Option 2 on Middlewich Road. It is proposed that a financial contribution is made by the applicant to upgrade these 2no stops to Quality Bus standards.
- The Interim Framework Travel Plan is submitted in support of the outline application, and is complementary to this TA report. For the avoidance of doubt, the IFTP also applies to, and provides the context for, any and all future TPs prepared for the proposed residential development on the Site. The IFTP is prepared in accordance with the DfT April 2009 'Good Practice Guidelines: Delivering Travel Plans through the Planning Process', complemented by the DfT 2005 'Making Residential Travel Plans

Work: Good Practice Guidelines'. The DfT 2009 recommended outcomes approach is adopted.

- Comprehensive analysis and modelling is undertaken of the traffic impact of the proposed development on the existing local highway network. It is demonstrated that the proposed development has no material detrimental impact on the operation of the TA study network of junctions, taking account of improvement works that are proposed. It is further demonstrated that there are (at least) two alternative vehicular Site access arrangement proposals (i.e. Options 1 & 2) that can each on its own accommodate the proposed outline application development.
- It is concluded that the proposed development is in accordance with national and local transport policies, and that there are no transport/highways reasons for refusal of planning permission.

Travel Plan

- A Travel Plan (TP) promotes sustainable travel awareness and encourages sustainable travel choices. This IFTP is prepared taking account of currently available best practice guidance and experience (DfT 2009), and the complementary residential guidance (DfT 2005).
- This IFTP report is prepared to support the outline planning application for up to 280 dwellings. For the avoidance of doubt, this IFTP relates to all dwellings at the Site and each and every developer.
- The TP will be managed and operated by the Travel Plan Coordinator (TPC), to be appointed by the residential developer(s), and to be in post 3 months prior to first occupation of a house at the Site.
- A residential TP target is set of: maximum peak hour 2-way vehicle trip rate of 0.54 vehicles/hour/dwelling.
- Chapter 10 sets out the Action Plan and Funding/Budget arrangements for the TP. This summarises identified measures that are proposed, and indicates the timing for the measures. This illustrates the holistic approach adopted for the TP, aimed at encouraging from the outset a positive sustainable transport awareness and culture for the development. The TP measures will be reviewed and amended as appropriate as part of the ongoing dynamic monitoring and review process for the TP.

Soil Resources and Agricultural Use and Quality Survey

- A survey of agricultural quality and use has been undertaken of an area of almost 25 ha of land south of Middlewich Road, Sandbach. The land is being considered for development.
- The results show that the soils are predominantly sandy and freely draining and give rise to a mixture of grade 2 (68%) and grade 3 land. A review of agricultural quality in the locality shows that this pattern is fairly typical of land on glaciofluvial deposits between Sandbach and Crewe and around Alsager. Loss of the land to the local stock of best and most versatile agricultural land will be slight.
- The land is all part of Big Hind Heath Farm, a small (40 ha) unviable agricultural holding that lets the whole of its farmland to a nearby diversified agricultural business (Wheelock Hall Farm) that supports a dairy herd, grows cereals and potatoes, and runs a substantial farm shop with associated café and children's play area. Loss of 25 ha of land at Hind Heath Farm to development would have a negligible impact on the business of Wheelock Hall Farm as it could easily be replaced by other rented land in the locality.

Arboricultural Appraisal

- Thirteen of the individual trees are considered to be Category A trees (high quality and value)
- Nine of the individual trees and four groups of trees are considered to be Category B trees (Moderate quality and value)
- Six of the individual trees and three groups of trees are considered to be Category C trees (low quality and value)
- To facilitate the Master Plan, there would only be need to remove one tree. Although this specimen is rated as Category A, the specimen is a young Oak of small dimensions and on balance considering the overall amount of tree planting proposed there would be no objection to its loss on the site
- The only exception to this would be in respect of the access points. Facilitation of two of the suggested vehicular access points off Abbey Road would encounter a small number of tree losses. These would be as follows;
 - Abbey Road northern access – potential loss of 13 Category A specimens
 - Abbey Road southern access – potential loss of two category A trees, one category B tree and one category C tree
 - Middlewich Road eastern access – potentially impact upon one category A tree and one category C tree
 - Middlewich Road western access – this would be a pedestrian route only and would not have any major impact on trees in the vicinity

Archaeology Report

- In total, 30 sites of archaeological interest were identified during the desk-based assessment, of which three had been previously recorded in the Cheshire Historic Environment Record (HER); including a Grade II listed building, although this lies immediately beyond the boundary of the study area. The other 27 sites were identified through analysis of historical maps. The 30 identified sites comprised two Roman sites, and 23 post-medieval/industrial period sites. Of these sites, 13 were deemed likely to be affected by any future development of the site, including a Roman road, 12 field boundaries, two small buildings shown on a tithe map of 1841, a former pond, and a track or drive associated with Abbeyfields, a large house dating to c 1800.
- The projected route of King Street, the Roman road which linked Middlewich to Chesterton, is thought to be on the approximate line of Middlewich Road, to the north of the study area. However, the precise line of the road in this area has not been confirmed and could therefore be located south of its projected route, within the study area. Similarly, the possibility for roadside features of Roman date to survive within the study area cannot be discounted.
- A tithe map of 1841 shows a house named at this time as Abbey Field House, with associated grounds including a large pond, situated immediately to the south-east of the study area. The listing for this property dates it to c 1800, but states that it is thought to have replaced an earlier building. The name 'Abbey' associated with the house and the road to its west, as well as fields within the tithe award, are a result of this land having previously been owned by Dieulacres Abbey in Leek, Staffordshire. This area is likely to have been used for agriculture since the mid-thirteenth century when it first became abbey land. The area immediately surrounding the house is depicted as park by the time of the first edition Ordnance Survey map of 1874, and by the time of the 1898 mapping the majority of field boundaries shown on the tithe had been removed.
- Recommendations were made for evaluation trenching which should target the northern part of the study area, to test for remains of the Roman road or associated features. In addition, evaluation trenches should be located on the site of the former

buildings shown on the tithe map, and some relic field boundaries to establish the potential for palaeo-environmental evidence.

Air Quality Impact Assessment

- The earthworks and construction phase of the proposed development have the potential to generate dust emissions which could potentially cause a nuisance to existing receptor locations in the vicinity of the proposed development.
- Detailed mitigation measures have been recommended and their effective implementation will ensure that dust generated through on-site works will be negligible.
- Nine representative existing sensitive receptor locations have been considered as part of the operational phase air quality road traffic assessment. All are considered moderately sensitive in accordance with the criteria detailed in Section 4 of this report except one (ESR 6) which is a nursing home and therefore considered highly sensitive.
- To summarise, the air quality assessment indicates that the proposed development generated traffic will have a negligible impact on existing sensitive receptor locations in 2016 and the development will not cause the annual mean air quality objective of $40\mu\text{g}/\text{m}^3$, for nitrogen dioxide and particulate matter, to be exceeded. It is not therefore necessary to recommend any specific mitigation measures. Proposed Receptor Locations
- Pollutant concentrations have also been predicted for proposed receptor locations within the development site. The proposed residential properties are considered to be moderately sensitive.
- No exceedences of the national air quality annual mean objective, of $40\mu\text{g}/\text{m}^3$ for both NO_2 and PM_{10} , are predicted to occur, at the proposed receptor locations assessed, for any of the scenarios considered. It is not therefore necessary to recommend measures to mitigate road traffic emissions.

Noise Assessment

- The proposed development site is affected by noise from a number of sources; however road traffic on Middlewich Road, and to a lesser extent Abbey Road and Park Lane, as well as aircraft overhead and in the distance, are the dominant sources of noise across the site during both daytime and night-time periods. Other noise sources include noise from activities associated with Elmbank Internet Logistics Limited.
- Noise surveys were carried out on the 21st, 22nd and 28th June 2010. Attended noise measurements were taken at five monitoring locations across the site considered to be representative of areas of proposed residential development. The attended monitoring allowed observations and detailed notes to be made of the significant noise sources which contribute to each of the measured levels.

Ecological Report

- Sandbach Flashes SSSI lies approximately 1km to the west of the assessment site. The flashes are separated from the site by Etiley Heath and the Trent and Mersey Canal. The site does not support similar habitats to those for which the SSSI is designated. It is considered that due to the small scale of the proposals, the distance from the site and separation by existing residential areas that the proposals will have negligible impact upon the SSSI
- The nearest local site is Wheelock Disused Railway Line SBI, which is located approximately 200m to the south of the site and is accessible from Abbey Road. The proposals may lead to an increase in the use of this site but due to its nature, being abandoned railway line with scrub and tall herb vegetation access should be controlled

through the existence of the track bed and it is considered that impacts would be negligible

- Where possible all hedgerows and trees are being retained. A small amount of hedgerow loss is necessary to facilitate access into and through the site, these breaks will be no greater than 10m sections of hedgerow with minor roads running through them
- Bat activity was recorded along most of the hedgerows. All hedgerows are being retained within the scheme. In order to ensure impacts are minimised the break will be kept to a minimum, lighting will be located away from the hedgerow and will be directional to ensure that the hedgerow is not lit
- One tress supports a small noctule maternity roost. This tree will be retained within the proposed design of the development and the surrounding habitat will be enhanced for this species by planting native insect attracting shrub species
- The application site is not considered to support particularly good habitat for breeding bird populations, due to the small scale nature of the proposals and given that the majority of the current nesting habitats will be retained, it is unlikely that any local populations of any species will be adversely impacted upon by the proposals
- The pond to the south of the site was surveyed in 2009 and no evidence of Great Crested Newts was recorded. The pond to the north is within a residential garden and has not been surveyed. The site provides very limited suitable habitat for use by Great Crested Newts. This lack of suitable habitat and the proposal to create a large expanse of suitable habitat within the new park will provide considerable positive benefits
- The proposals will lead to the loss of a large area of arable land of very limited biodiversity value. The scheme ensures that biodiversity is retained and enhanced through large areas of new native species planting

Phase 1 Site Investigation Report

This report makes the following recommendations;

- Prior to the redevelopment of the site, a suitably designed ground investigation should be carried out to determine the ground conditions at the site, with particular attention paid to the varying geological strata at the surface of the site and possible compressible peat deposits at the bases of the hollows. The ground investigation should determine whether the geotechnical properties of the superficial deposits vary too widely to allow structures to span across the geological boundaries and provide data to assist with the foundation and pavement design. In addition to a specifically designed geotechnical investigation, it would be considered prudent to undertake a baseline investigation at the same time to determine the environmental site conditions and presence of contamination.
- Gas and groundwater monitoring should also be conducted in order to determine the on site ground gas and groundwater regime. It would be prudent to present to the Local Planning Authority the design and scope of such an investigation for their prior approval before completing any physical works on site in order to pre-empt any conditions of planning permission etc. It would also be prudent to undertake percolation testing at the site, as part of the geotechnical ground investigation, to assist with the assessments that will be required in the Flood Risk Assessment and to assess the suitability of the underlying strata for SuDS techniques.
- It is anticipated that long term monitoring (up to two years) in the form of precise levelling may be required across the site to determine any residual ground movement as a result of historic brine pumping activities and natural solution processes. It is recommended that early consultation with the Local Planning Authority is undertaken to determine what is considered necessary to enable development. Combined sewers

have been identified to cross the site. It is recommended that the easement for the sewers is confirmed with United Utilities so that they can be considered in the design stages.

- With regard to the TPOs, guidance should also be sought from the NHBC Standards 2008 with regard to building near trees, together with information from Department of Communities and Local Government regarding TPOs and development. The hedgerows and trees on site will currently be providing a habitat for local wildlife. It is recommended that a full ecological survey of the site is carried out prior to any development.
- The presence of a Roman Road crossing the northeast part of the site may result in the need for further archaeological researches / surveys to satisfy planning conditions or an archaeologist may be required on site during the earthworks phase of the development to record any other archaeological findings.
- It is recommended that enquires are made to ensure that no public rights of way remain through the site.

Flood Risk Assessment

- The flood risk assessment demonstrates that the proposed development is not at risk from fluvial flooding and is located in the low probability EA Flood Zone 1, which according to PPS 25 is where all new developments should be directed.
- The proposed development will increase the area of hard cover across the site, which has the potential to increase flood risk from pluvial flooding (overland) and to the receiving watercourse; the land drain to the south of the Abbeyfields property, which is a tributary of the Trent and Mersey Canal. Sustainable surface water drainage principles will be utilised at the site to control this increased risk. Surface waters will be controlled at the source by channelling storm waters from roofs, pavements, roads and driveways to above ground attenuation storage areas. Overland flow from the site, to the land to the south, will be prevented upon development. Attenuation storage will be provided by a detention basin and a pond, with conventional pipe work to convey the storm waters. The drainage system will be designed to store and dispose of storm waters arising from a 1 in 100 year event plus 30% for climate change. Sufficient area is available on site to provide the required storage volume.
- It is currently proposed that all surface waters will be discharged from the pond to the land drain south of the site, either directly from new pipe work routed to the watercourse or via an existing UU public surface water sewer at the boundary of the Abbeyfields property. Surface waters will discharge at a maximum rate of 14l/s. Should infiltration drainage techniques be proved suitable on site; the storage volumes required could be reduced.
- Water quality improvements to storm discharges will be provided by the detention basin and pond, providing two SuDS treatment train components. Pollution control measures such as areas of wetland within the detention basin, a sediment fore bay/upstream pre-treatment to the pond will be provided and the downspouts from the roofs of residential housing will be sealed to prevent rogue discharges.
- A moderate risk of groundwater flooding is recorded by the BGS; however, no groundwater flooding issues have been raised by the consultees or within the SFRA. No basements are proposed as part of the development and as such groundwater flooding is not considered to pose a significant risk to the development. Infiltration techniques will only be utilised on site should a freeboard of at least 1m be available between any shallow groundwater and the base of future foundations.
- In summary, the collection and active management of surface waters discharging from the proposed development will negate the risk of flooding both on and off site. The surface water drainage proposals will control runoff from extreme storm events without

putting the public of properties at risk and reduce the risk of overland flooding both on and off site through source control and improved storm water quality before its discharge to controlled waters.

- The foul drainage from the development will be discharged directly to the existing UU public foul sewer on site. Connections points and flow rates will need to be discussed with UU during the detailed drainage design.
- A responsible organisation should be appointed to ensure the long term maintenance of the proposed SuDS drainage system, unless adopted, and a SuDS manual should be compiled for the site.
- It is anticipated that the foul sewers outside of the curtilage of the private properties will be adopted by UU upon development of the site and the advice and guidelines in Sewers for Adoption (6th Edition) should be followed.
- The site itself is sufficiently elevated above any fluvial floodplain and pedestrian and vehicular access to the site will not be prevented during flood events from fluvial, pluvial or infrastructure failure i.e. burst water mains.

Utilities and Infrastructure Report

- There are existing 11kV HV & LV electric cables, low & medium pressure gas mains, water trunk & distribution mains and BT infrastructure within close proximity of the site boundary and proposed new site entry points.
- It is anticipated only minor diversions of existing services will be required due to the formation of new site entrances. This is not expected to attract excessive costs.
- At this stage, there are no requirements for any upstream electric, water or gas network reinforcement that will have to be paid for by the developer to provide the required connection capacity based on the planned number of units.
- Initial investigations have not highlighted any concerns or engineering difficulties with servicing the proposed development with new gas, water, electric or telecommunication connections.
- Anticipated infrastructure and service connection costs are anticipated to be in line with those expected for a standard development of this scale.
- Looking at a multi utility proposal and independent network solutions offers the opportunity to reduce overall costs.

Renewable Energy Statement

- There are a number of renewable energy options available to the developers of the Abbeyfields site which will allow them to meet the 10% renewable energy target, in line with national and local planning policy.
- The most suitable at this stage would be a solar photovoltaic system installed on half the houses within the development. This will not only meet the targets but also provide a significant CO2 reduction however, this may incur considerable costs. Alternatively installation of a solar thermal panel on every dwelling would be the simplest and most cost effective solution.

Landscape and Visual Assessment

- The character area that includes the site is considered of low sensitivity to change. It is flat and relatively enclosed and influenced by the surrounding residential and employment areas. It has some hedgerows and occasional trees and permission for extensive sports pitches to the south. There is no public access.
- The residential areas adjacent to the site are of medium sensitivity to change and are of a very green and pleasant character. There are opportunities to minimise impacts on this character area by strengthening the existing planting along the boundaries.

- Abbeyfields is a Grade II listed building and it is therefore considered of high sensitivity. However, the strong tree planting along its northern boundary and the hedgerows along the southern boundary of the site minimises intervisibility between the character area and the site.
- The site has a very small zone of visibility due to the flat site and due to it being enclosed on the north, east and west sides by housing along Abbey Road, Middlewich Road and Park Lane. Trees at Abbeyfields screen views to the south east, and the Cycle Trail forms the extent to slightly longer distance views to the south west.
- Approximately 33 houses along Abbey Road, 21 along Middlewich Road and 20 along Park Lane will back directly onto the site. There are opportunities to reduce potential impact on these properties by strengthening the existing tree planting along the boundaries of the site. Effects on these receptors will be moderate adverse in the short term, reducing to slight adverse in the long term.
- There are very few glimpsed views into the site from the surrounding roads and these will be retained as green corridors, in particular the glimpsed view from Middlewich Road which will align with the proposed Community Park.
- There will be partial views of the site from Abbeyfields, although the retention of the existing hedgerows and strengthening with additional tree planting will minimise impact. The proposals will not affect the setting of the Abbeyfields Listed building.
- There will be minimal views of the site from Wheeldon Cycle Way, although these will be seen beyond the proposed Sandbach Football Club pitches that currently have planning permission and will be predominantly of the tops of housing only.
- Whilst built development would inevitably alter the physical fabric and character of the site, significant opportunities arise to enhance local landscape character.
- In the longer term as the new tree planting structure within the green corridors and substantial Community Park establishes this will have a beneficial effect on the surrounding landscape and the proposals will be successfully assimilated into the adjacent residential area.

Planning Statement

- PPS3 Housing directs local authorities to “identify and maintain at least a rolling five-year supply of deliverable land for housing, particularly in connection with making planning decisions and moreover broad locations and specific sites should be identified to enable continuous delivery of housing for at least 15 years from the adoption of the development plan.” (Paragraphs 7 & 53 respectively).
- Paragraph 71 of PPS3 advises: “Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69.”
- Whilst currently under review the current development plan does not take into account the policies in PPS3.
- Essentially the current position in CEC with regard to housing land supply is at best 2.66 years based on the policies in RSS. The land supply in the district is considered critical.
- This application has the benefit of the weight of advice in PPS3 paragraph in this regard and thus planning permission should be granted subject to others matters being found to be satisfactory.
- There is a substantial under provision of affordable housing and this shortfall will continue to be exacerbated unless new housing development is granted now.

- The Local Plan is now out of date in terms of the need to deliver housing based on the latest housing evidence. The settlement boundaries in the Local Plan will therefore be reviewed in any event to accommodate the level of housing now required. There cannot be an objection in principle to development outside current settlement boundaries which were defined to accommodate a lower quantum of development.
- The proposed residential development at Sandbach will contribute towards meeting the diverse housing needs of the Borough and the local needs of Sandbach including affordable housing needs for which there has been a serious under delivery within the last Local Plan period.
- The proposal has ensured that the transport networks (including public transport, pedestrian and cycle) will accommodate the additional demand generated by new housing and it is firmly established the proposals are sustainably located.
- The proposals do not detract from the policy objective maximise the re-use of vacant and under-used brownfield land and buildings. Development of greenfield land is necessary to deliver the housing growth identified for CEC and Sandbach which is identified as an appropriate location in this regard.
- The new homes to be built to Code Level 3 for Sustainable Homes standards (See Renewable Energy Statement).
- The new dwellings will be served by adequate water supply, sewage management facilities, electricity and gas.
- The proposals are sustainably located close to major recreational, educational, community and retail facilities in Sandbach. The sustainability matrix, based on the Council's own work, shows that the site is one of the most sustainable locations assessed in the LDF evidence base.
- The proposals fully assess the archaeological, ecological and landscape considerations. It is
- concluded that the impact is acceptable, or where an impact has been identified it can be satisfactorily mitigated.
- Although the proposals are in outline with access reserved for further consideration, the various access options have been designed and assessed. It shows that the site can be accessed and the traffic impacts from the development are acceptable and necessary highway improvements can be provided.
- The proposals provide substantial areas of open space, a community park and community allotments. These are material planning benefits in support of the proposals.
- A draft S106 Agreement is submitted as part of the application. FLP will seek to enter into constructive dialogue to agree obligations for on and off site provisions which are reasonably related in scale and kind to the proposed development and which meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.
- Having demonstrated that the weight to be attached to existing Local Plan should be reduced, and having identified the strong accordance with national planning policies, in particular PPS3 Housing and the matters of housing delivery and land supply, in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, it is appropriate that planning permission should be granted.

Report of Community Involvement

- This statement sets out the process of community engagement that has been undertaken by Fox Strategic Land and Property Ltd (FLP) to inform a planning application on above site.
- Having considered CBC's Adopted Statement of Community Involvement and CEC's Draft SCI, FLP have completed a comprehensive programme of community

engagement which is considered appropriate for the proposed development on this site.

- This programme was discussed and agreed with CEC Officers in advance of implementation. This report details the programme and results of the consultation, meeting the requirement in to submit such a document as part of a planning application.
- Leaflets outlining the development principles and seeking comments were distributed w/c 21st June 2010 to around 450 households closest to the site
- FLP attended a meeting of Sandbach Town Council on 19th July 2010, making a presentation with display boards and holding a question and answer session.
- A Community Consultation Event was held at Sandbach Cricket Club, Hind Heath Road, Sandbach on Thursday 22nd July 2010 (10am – 8pm).
- Members of the FLP Project Team answered questions and discuss people's suggestions. Visitors were encouraged to leave comments on feedback forms at the event or email responses.
- Around 120 people attended the event during the day. Whilst many who attended took the opportunity to discuss their views with the Project Team, disappointingly only 5 people completed a written feedback form.
- FLP are pleased that a number of people engaged with the consultation process for the proposals for this site and provided comments during the pre-application process. Whilst many respondents objected to the principle of residential development on this site, others expressed support whilst a few offered comments whilst reserving their position.
- Following the consultation process, a number of changes have been made to the proposals to improve the scheme. These include:
 - An extension of the area to be developed to include the land behind Park Lane and a consequential deduction to the development density. This was undertaken to remove uncertainty about the prospects of future development on this area.
 - The removal of the football pitch in the centre of the site and replacement with a reshaped informal public amenity space.
 - An additional potential access point onto Middlewich Road to further enhance accessibility to the town centre by sustainable modes of transport.
 - The inclusion of allotments.
- A number of smaller changes have also been made in response to the many constructive comments received.

8. OFFICER APPRAISAL

Main Issues

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

Planning Policy and Housing Land Supply

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H.6 and PS.8 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by

public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

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

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

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

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

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

Although the NW Regional Spatial Strategy (2008) has been revoked, the Council intends to continue to rely upon the figures contained within it until such time as the LDF Core Strategy has been adopted. The RSS proposed a dwelling requirement of 20,700 dwellings for Cheshire East for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. The Council's Cabinet has recently decided that the Council will continue to use the RSS housing requirement figure for a minimum of 1,150 net additional dwellings to be delivered annually, pending the adoption of the LDF Core Strategy.

In terms of housing land supply the applicant has undertaken their own analysis which they state takes into account the deliverability of the specific sites from April 2010 to March 2015. The applicants states that the analysis has had regard to the tests of ‘deliverability’ in paragraph 54 of PPS3 and has included discussions with house builders, developers, planning consultants and agents involved in the schemes.

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

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

From this exercise, the applicant has concluded that, Cheshire East as a whole, nor the former Congleton Borough, can maintain a 5 year supply of deliverable sites (Cheshire East has a 2.66 years supply and the former Congleton Borough has a 2.77 years supply). They argue that the application site meets all the criteria in respect of deliverability within PPS3 and would help to address this shortfall. The advice within PPS3 in respect of the need to maintain a rolling 5 year supply of deliverable land for housing, is an important material consideration, which the applicants believe is of sufficient magnitude to warrant the setting aside of normal development plan policies of restraint within the Open Countryside. On this basis they consider that the application should be permitted.

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

A report was considered by the Council's Cabinet on 18th October and it was decided that the Council will continue to use the RSS housing requirement figure for a minimum of 1,150 net additional dwellings to be delivered annually, pending the adoption of the LDF Core Strategy.

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

The above mentioned Cabinet report notes that following a review, the Council has 4.58 years housing land supply. Consequently the report recommends that in order to address the lack of a 5 year housing land supply, it requests an Interim Planning Policy on the Release of Housing Land be approved for consultation purposes and that it be used in the determination of planning applications pending its adoption. This policy will allow the release of appropriate Greenfield sites for new housing development on the edge of the principal town of Crewe and encourages the redevelopment for mixed uses, including housing, of PDL within settlements. This policy has been approved for consultation by the Council's Cabinet but until finally adopted must carry relatively little weight in the determination of planning applications.

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

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

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

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

The Cheshire East Sustainable Community Strategy 'Ambition for All' was approved on 22nd July 2010. It therefore contributes to the overall spatial vision for Cheshire East. One of the key priorities of the Sustainable Community Strategy is to unlock the potential of Cheshire East towns focusing particularly on Crewe and Macclesfield. Crewe is recognised as an important gateway between the North West and the West Midlands and is seen as a significant growth opportunity for the Cheshire Warrington sub region. The aim is to 'ensure that the town develops as a distinctive, successful location for new businesses and homes and becomes a location of choice for both public and private investment.'

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

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

within the next 5 years. It is considered that to release additional Greenfield sites in Sandbach at present would prejudice the redevelopment of these sites.

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

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

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

Affordable Housing

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

The applicants are therefore of the opinion that the site is not constrained in terms of viability and therefore can provide for 30% affordable housing requirement. They state that the former Congleton Borough has delivered fewer affordable homes than the former Boroughs of Macclesfield and Crewe and Nantwich with just 164 dwellings provided between 2005/06 and 2008/09. Consequently, not only is affordable housing in Congleton failing to be provided to a meaningful level to meet predicted need there is a backlog of supply which has failed to be provided because of the poor level of delivery. It is important for sites like this one to deliver their affordable housing requirement.

It is acknowledged that the site will provide 30% affordable housing. However, it should be noted that this is the minimum policy requirement within Local Plan Policy H13 and is

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

Amenity

The site is bounded to the south by open countryside. Existing residential development bounds the site on all other sides with residential properties fronting Middlewich Road to the north, Park Lane to the east and Abbey Road to the west. The layout and design of the site are reserved matters. However, the indicative layout demonstrates that the site could be developed, whilst maintaining the recommended minimum distances between existing and proposed dwellings as set out in the Councils SPG 2 ; Private Open Space in New Residential Development. It should also be noted that the site would be developed at density of 17.9 dwellings per hectare and it is considered that this density would allow the development to be brought forward without impacting upon residential amenity.

Concerns have been raised in relation of noise pollution, air pollution and light pollution caused by the development. The Environmental Health Department has been consulted and raised no objection to the development on these grounds as a result it is not considered that these issues would warrant the refusal of this application.

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.

There are a number of planning permissions for residential development within Sandbach which would discharge foul sewage to the local wastewater treatment works including Sandbach treatment works, located adjacent to the River Wheelock

The Flood Risk Assessment accompanying the application states that foul drainage from the development will be discharged directly to the existing United Utilities public foul sewer on site and that connection points and flow rates will be discussed with United Utilities during the detailed drainage design.

Natural England is concerned that the potential impact from sewage and in particular nutrient enrichment to the River Wheelock from both this proposal and in combination with other developments in the locality has not been assessed, as the River Wheelock flows through Sandbach Flashes SSSI downstream from Sandbach Waste Water Treatment Works, there is the potential for damage to the SSSI from nutrient enrichment which could impact on the vegetation composition of the site. As a result Natural England object to the proposal due to the potential impact upon Sandbach Flashes SSSI.

Natural England advises that in order to remove their objection to this proposal, confirmation should be obtained from United Utilities by the developer that the rates for foul drainage from both this development and other developments (i.e. the cumulative impact from such sites) scheduled for the area can be accommodated by the current wastewater treatment works with any waters draining into the River Wheelock meeting current guidance on the acceptable level of nutrients draining into watercourses. Once confirmation has been received from the developer, Natural England is prepared to remove its objection. This consultation from Natural England has been passed onto the applicant and if any response is received this will be reported as part of the update report.

Protected Species

Evidence of bats was recorded during the survey with one tree supporting a small noctule maternity roost with bat activity recorded along most of the hedgerows. The tree which contains the bat roost would be retained as part of the proposed development, however there is likely to be some loss of bat foraging habitat as a result of the removal of small stretches of hedgerow to facilitate access roads into the site. Native tree planting and the creation of a large wetland/pond as part of the community park would more than compensate for this loss of habitat. The success of this would however depend upon the final design of the scheme which would be agreed as part of the reserved matters.

The proposal involves the demolition of one residential property which fronts onto Middlewich Road. The ecological survey which has been submitted does not include an assessment as to whether this property contains any bat roost.

A pond to the south of the site was surveyed and no evidence of Great Crested Newts was recorded. However a second pond to the north of the site which is located within the curtilage of 180 Middlewich Road has not been surveyed. The submitted survey does not explain why this pond has not been surveyed and as a result there it is not possible to fully assess whether the proposed development would have a detrimental impact upon the conservation status of Great Crested Newts. This issue will form a reason for refusal.

Any potential lighting of the site particularly the public open space and wildlife areas should be designed sensitively to avoid potential adverse impacts upon protected species and it is recommend that this is the subject of a condition.

Hedgerows are a BAP priority habitat and hence a material consideration. It appears likely that there will be a loss of hedgerows to the proposed development. The loss of hedgerows could be compensated for through appropriate native species planting associated with the creation of the Community Park and green corridor areas. The success of this would again be dependant upon the final design of the scheme.

It is not considered that the proposed development would impact upon any other protected species.

Landscape

The site is approximately 15.6 Hectares and is located to the south of the A533 in Sandbach. It is relatively flat and in agricultural (arable) use. It is bounded by residential development to the north, west and east. To the south lies agricultural land and the property Abbeyfields, a Grade II listed building. Boundaries are defined by hedgerows and fences with occasional trees. There are also hedgerows mid site.

The submission includes a Landscape and Visual assessment (Document 15). The methodology that has been used encompasses the 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA) published by the Institute of Environmental Assessment and the Landscape Institute (2002) and 'Landscape Character Assessment. Guidance for England and Scotland' (LCA) published by the Countryside Agency and Scottish National Heritage 2002. The baseline conditions are based on Natural England's Countryside Character Assessment, the Cheshire Landscape Character Assessment (adopted in 2009) and the Landscape Assessment of Congleton Borough (1999).

The Councils Landscape Architect broadly agrees with the general descriptions of landscape character areas. In terms of sensitivity to change however, it could be argued that the site/ adjacent agricultural land and adjacent residential areas are of higher sensitivity to change than suggested.

The principle immediate views of the site are from the surrounding residential properties immediately adjacent to the boundaries. More distant views can be obtained from Abbeyfields. Glimpsed public views can be obtained from gaps between properties on Abbey Road, Middlewich Road and Park Lane and at a distance from the Wheelock Rail Trail.

The visual analysis considers visual impacts of the proposal by reference to a number of key viewpoints. The assessment of sensibility of receptors to visual impacts appears reasonable. The analysis affords considerable weight to the opportunities for proposed planting within the Community Park and on the site boundaries to enhance/mitigate views. Planting would take time to mature and as it would be inappropriate for planting to comprise solely evergreen species, the screening benefits of deciduous planting would be reduced in winter. The existing properties to the north, west and east are highly sensitive receptors and currently have views across open agricultural land. The enclosing effect of buffer planting is unlikely therefore, to be considered by residents as acceptable mitigation for loss of visual amenity. Unless buffer planting was maintained and managed out with private properties, (as opposed to within rear gardens as proposed) successful establishment and long term retention would be difficult to guarantee. Any mitigation or benefits to be obtained from new planting would inevitable take several years to be achieved.

The indicative layout has some merit in that it offers a strong landscape structure for the development. Nonetheless, in view of the indicative nature of the illustrative master plan, it is difficult to fully assess whether or not the number of dwellings proposed could be accommodated without compromising the proposed landscape framework.

Whilst the site has no national protective landscape designation, notwithstanding existing development to the north, west and east, it has an open character of managed agricultural land and it has local landscape value forming part of a wedge of open countryside which extends to the south. The development proposed would inevitably alter the landscape

character of the area and there would be opportunities for a landscape framework to help the proposals assimilate into the adjacent residential areas.

Trees

There are trees on the boundaries of the application site and one hedgerow tree mid site. In addition there are a number of trees outside the site boundary which need to be taken into consideration. Of particular prominence and public amenity value are trees on the wide Council owned verge on Abbey Road and mature specimens within the curtilage of properties on Middlewich Road. Trees on Middlewich Road and several specimens to the south east of the site are subject to TPO protection: The Sandbach UDC Abbeyfields TPO 1970 and The Middlewich Road, Sandbach TPO 1984.

The application does not include definitive details of access and the site boundary is drawn in a manner which excludes the wide verge on Abbey Road and land between the highway and property frontages on Middlewich Road. Nonetheless, the submitted Arboricultural report includes Potential Access Points Options plan 4333-A-02. This plan illustrates where trees would be affected by access points and associated visibility splays and this is as follows;

- Abbey Road northern access – potential loss of 13 Category A specimens
- Abbey Road southern access – potential loss of two category A trees, one category B tree and one category C tree
- Middlewich Road eastern access – potentially impact upon one category A tree and one category C tree
- Middlewich Road western access – this would be a pedestrian route only and would not have any major impact on trees in the vicinity

It is clear that vehicular access at any of the 3 options would be likely to have adverse impact on existing trees of amenity value. Whilst tree planting is proposed within the new development as mitigation, and reference is made to replanting and manage the existing mature tree belt, the view of the Councils Landscape Architect is that this would not compensate for the loss of healthy mature trees which contribute to public amenity outside the site.

Hedgerows

There are a number of lengths of hedgerow in the vicinity of the site. Should the site be developed, there is the potential for hedgerow loss. Taking into account Policy NR3 of the Adopted Congleton Borough Local Plan First review, the hedgerows need to be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The criteria cover ecological and historic value. (Hedges forming the boundary to residential properties are excluded).

With regard to ecological criteria, although an ecological Report forms part of the submission, and contains reference to the Hedgerow Regulations, it is not entirely clear if the ecological assessment follows the precise assessment methodology in the Regulations. This point requires further clarification and will be reported as part of the update report.

With regard to specific historic criteria, consultations to the specialist Cheshire Shared Services Archivist and Archaeologist have been carried out. The results of these consultations will be reported as part of the Update Report.

Should the hedge be found to be 'Important' under any of the criteria in the Regulations this would be a significant material consideration in the determination of the application.

Drainage and Flooding

As part of this application United Utilities have raised no objection to the proposed development.

In terms of flooding a Flood Risk Assessment has been provided by the applicants and this has been forwarded to the Environment Agency. A response to this consultation has yet to be received; this will be provided as part of the update report to the Committee.

Design

The surrounding development comprises a mixture of ages and architectural styles, ranging from single-storey properties to two-storey properties. Notwithstanding this, there is consistency in terms of materials with most walls being finished in simple red brick; some properties incorporate render and cladding. The predominant roof forms are gables although some are hipped and most are finished in grey concrete tiles.

Although external appearance and design are reserved matters, the applicant has submitted indicative modeling to show how the site would be laid out together with some indication of the appearance of the site. These have been influenced by the form and mass of surrounding residential properties. On this basis it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area.

Abbeyfields is a Grade II Listed Building. Given the separation distance to this property it is not considered that the development would have a detrimental impact upon the setting of this Listed Building.

Loss of Agricultural Land

The Soil and Agricultural Land Use report for this application identifies that of the 27.7 hectares surveyed (this includes the area edged blue), 68% (16.9 hectares) is grade 2 (very good) while 28% (7 hectares) is grade 3a (good). This land is classed as the best and most versatile agricultural land (defined as grades 1, 2 & 3a grade land).

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved, however there are national policy guidelines set out in Planning Policy Statement 7 (PPS7) which highlights that the use of such land should be taken into account when determining planning applications alongside other sustainability considerations including biodiversity and the protection of natural resources. This guidance also advises local planning authorities that areas of poorer quality land should be used (grades 3b, 4 & 5) in preference to higher quality land.

With regard to national policy including PPS7, the Planning Statement accompanying the application states at 4.5.11 (page 19) that the "land quality of the application site is no different to much of the agricultural land around Sandbach and East Cheshire". It is noted that while there is other grade 2 land within Cheshire, the applicant has not provided any detail to substantiate the loss of this finite resource in the wider context of Cheshire.

Natural England has advised that in Cheshire, agricultural land is classified predominantly under grade 3 land with areas of both grade 2 and grade 4 land.

In this instance it is considered that there are no overriding reasons for allowing the development which is contrary to Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review and PPS1 and PPS3 as explained within the principal of development section above. As a result the development which would result in the loss of the best and most versatile agricultural land is not considered to be acceptable and this issue will form a reason for refusal.

Open space

The indicative layout plan shows the provision of both Greens corridors and a Community Park within the development. Having regard to the adopted local standards set out in the Council's Open Space Study for Amenity Greenspace, based on the Community Park area alone, the location and quantity of the areas of POS that have been proposed would seem adequate, although more detail as to the landscaping proposals would be sort as part of the reserved matters.

The amount of Public Open Space that would be expected in respect of the new population on site would equate to 6720 m².

Within the Community Park area there is scope for allotment provision, this would be most welcome as set out in Open Space, Sport and Recreation Study 2005, there is an under provision although no definitive national or local standards are set as it is thought to be 'demand led'. Requests from residents over the last 15 years for allotment sites have been steady with particular requests for the Sandbach area above other towns. Careful consideration as to the location, size and number of allotments should be given with particular attention for the security aspect and visual impact on the area. The Council could potentially receive this area with a view to an allotment association running the site. A small commuted sum for maintenance would be required from the developer.

Within the Community Park area, new native tree and shrub planting, woodland paths and a wildflower meadow area are proposed. The Council is not best placed to maintain these areas; therefore a management company is required. The informal play area surrounding the formal play area could be maintained by The Council but confirmation of the size would be required, thus determining the financial contribution for maintenance from the developer. Alternatively, this and the informal open space where the second play area is proposed could be blocked with the other surrounding areas and maintained by the management company.

The plan indicates the inclusion of two play areas one located within the Community Park area and the other to the South Western side of the development site; Green spaces have confirmed that one NEAP (Neighbourhood Equipped Area for Play) standard play area would be acceptable with the preferred location situated within the Community Park area. This should include at least 8 items incorporating DDA inclusive equipment, using play companies from The Councils select list. Green spaces have requested that the final layout and choice of play equipment be agreed with CEC, the construction should be to The Council's specification. 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. A buffer zone of a least 30m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

Providing the NEAP standard play area is provided on site, a commuted sum only for a 25-year maintenance period would be required based on the Council's Guidance Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be £200,592.00.

For the second play area contributions would be preferred for enhanced play provision located in Sandbach Park, the main park for the town. The Design and Access Statement part 2 and 3 acknowledges that the commuting distance of up to 2000m (approx. 25 minute walk) can be acceptable, Sandbach Park being approx. 1,300m away from the development site. It also recognises the need for parks and open spaces to be 'accessible to both existing and new residents'. Major consultation has recently taken place regarding Sandbach Park and a management plan written. New and enhanced play provision is written into the plan and part funded by contributions from previous and current developments which have been 'pooled'.

Forgoing the second formal play area on site, the enhancement figure is based on recently built provision in the local area, contributions for enhanced works in Sandbach Park would be enhanced provision £105,000 and maintenance £200,592 (25 years).

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

Highway Safety and Traffic Generation

The application is outline only with access being a reserved matter. Despite details of access being reserved, the application does provide a Transport Assessment from Ashley Helme and Associates which seeks to address, in principle only, the highway issues related to the site.

It is not clear within the Transport Assessment (TA) whether the trip rates derived for the proposed development are in accordance with the Strategic Highways Manager's requirements, or indeed whether the selected sites from T.R.I.C.S. have been amended to comply with the required guidance documents for the use of the T.R.I.C.S. database.

Accurate trip rates are fundamental to necessary junction design and capacity calculations and concern is expressed that without evidence to show that the required approach to trip rate generation has been taken, it is difficult to realistically assess the TA findings with certainty.

A number of junction arms assessed in the TA show operation at or beyond capacity and the TA makes claims that impact on junctions would not be noticeable or be significant – even where the junction is already congested – and this too gives cause for some concern as it seems to dismiss the need for local improvements.

As a result the TA provides some significant information regarding the highway aspects of the site, however whilst this information is useful to the SHM, it is not a complete picture. Indeed the lack of clarity in some areas and the variety of options for access, without detailed identity, make it more difficult to conclusively assess the proposals.

The development would see in the first phase, 280 dwellings and a community park, built out – with the potential for perhaps 200 more dwellings on the remaining area of the site in a future phase, though this is not part of this current application.

Access to the site is suggested to have 3 potential options:

- All traffic generated from a new junction onto Abbey Road.
- All traffic generated from a new junction onto Middlewich Road.
- Traffic generation split between new junctions on Abbey Road and Middlewich Road.

The TA offers limited drawing details for: existing, proposed and new junction improvements and designs, however there is continuing concern in relation to these designs as the foundation trip rates remain in question.

The TA places considerable emphasis on the existing potential for sustainable modal choice to access the site, stating: pedestrian, cycle, bus and rail options.

Whilst these options are explored as normal and there is a proposal for the provision of an off-road cycleway along Abbey Road, the Strategic Highways Manager expresses some concern that the policy considerations and Travel Plan initiatives are less well supported by development proposals than is desirable. It is also considered that the mooted Travel Plan targets for a reduced trip rate appear less than ambitious and are not complimented by the development proposals for the provision and encouragement of sustainable travel options determined in national policy.

The Strategic Highways Manager would normally consider a trip rate of 0.6+ to be reasonable for a residential development of this type, yet the offered trip rates are below this at 0.59 and the proposed Travel Plan trip rate target is only 0.54 over 5 years, which appears limited.

It could be considered that the proposed development falls short of its responsibility to national and local policy in terms of its duty to actually promote sustainable travel through improved modal choice and provision.

The Strategic Highways Manager considers that this development proposal should offer more significant local improvement in terms of: provision and contribution to local and wider strategic network improvements, both in traffic and sustainable travel terms.

It is acknowledged that a scope for the Transport Assessment was agreed in principle; however the lack of pre-application discussions with the Strategic Highways Manager has certainly contributed to the limited overall provision demonstrated in the application detail.

An amended Transport Assessment should offer an improved and more realistic level of sustainable travel provision, which would better encourage the use of sustainable transport options and actively reduce the likelihood of travel by car. This would support and also allow enhanced Travel Plan targets.

The application offers minor improvement at Junction 17 of the M6, however emerging local policy would require a capital sum contribution towards comprehensive improvement at Junction 17 – and this is an agreed approach with the Highways Agency.

The Strategic Highways Manager finds it a challenge to resolve a finite position on this application proposal in highway terms as he finds the content of the Transport Assessment to be insufficiently detailed.

At the same time it is possible that an amended TA document with sufficient detail and evidence may well demonstrate that there are clear access options and that the site would offer a realistic level of local and wider ranging improvements to the highway infrastructure.

As a result the Strategic Highways Manager can not support this application and requires revised highway proposals and an amended Transport Assessment detail before an informed decision can be made. It should also be made clear that the Strategic Highways Manager is not recommending refusal on highway grounds at this time as he is mindful that a solution may be shown to be possible if evidenced.

The comments made by the Strategic Highways Manager have been forwarded to the applicant and it is hoped that these points can be addressed prior to the Committee meeting. However if these points are not addressed prior to the Committee meeting this issue may form a reason for refusal due to insufficient information to address the highways concerns.

Infrastructure

Local residents have expressed concerns in respect of the impact of the development upon local infrastructure including schools, health and leisure facilities. At the time of writing this report no consultation response has been received from the Councils Education Department. This will be reported as part of the Committee Update Report for the application.

Ground Conditions

A number of representations have been received in the relation to the ground conditions on the site which they say is liable to subsidence. As part of the application consultation has been carried out with the Cheshire Brine Board. No response had been received at the time of writing this report and this will be reported as part of the Committee Update Report for the application.

9. CONCLUSIONS

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

It is considered that the development could not be accommodated without harm to significant trees of amenity value and this will form a reason for refusal. There is a lack of information in relation to the impact of the development upon Sandbach Flashes SSSI and the potential impact upon Great Crested Newts and Bats and each of these issues will form a reason for refusal.

The proposed development would also involve the loss of best and most versatile agricultural land and as there are no overriding reason to justify this. As a result this issue will form a reason for refusal.

Further updates will provided in relation to the ground conditions, educational infrastructure, flood risk, hedgerows and highways as part of the Late Report.

The proposal is considered to be acceptable in terms of affordable housing provision, impact on amenity, public open space. However, this is considered to be insufficient to outweigh the adverse effects of the proposal in terms of its impact upon housing land supply. The proposal is therefore contrary to the adopted Local Plan, the advice contained within PPS.1 and PPS.3 and the Council's emerging planning documents. Accordingly it is recommended for refusal.

10. RECOMMENDATION

REFUSE for the following reasons:-

- 1. The proposed residential development within the open countryside would be contrary to the provisions of Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review. Whilst it is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing, the current proposal is not considered to be "suitable" as it is located on the periphery of Sandbach, rather than Crewe. It would undermine the spatial vision for the area and wider policy objectives as it would be contrary to the general thrust of the Core Strategy Issues and Options which directs the majority of new development towards Crewe, as well as the Council's Draft Interim Planning Policy on the Release of Housing Land, which articulates the same spatial vision. This would be contrary to advice in PPS.3 and PPS1, which states these emerging policies are material considerations. For these reasons the Housing Land Supply arguments advanced by the applicants are considered to be insufficient to outweigh the general presumption against new residential development within the Open Countryside as set out in the adopted development plan.**
- 2. Release of this site would prejudice the development of the significant number of brownfield sites within Sandbach with extant planning permission, which would provide significant regeneration benefits, and would be sufficient to address housing requirements within the Sandbach area. The proposals are therefore contrary to Policy advice within PPS.3 which gives priority to the development of previously developed land, and the provisions of Policy H2 of the adopted Congleton Borough Local Plan First Review.**
- 3. The proposal would involve the loss of best and most versatile agricultural land. PPS7 states that where significant development of agricultural land is unavoidable,**

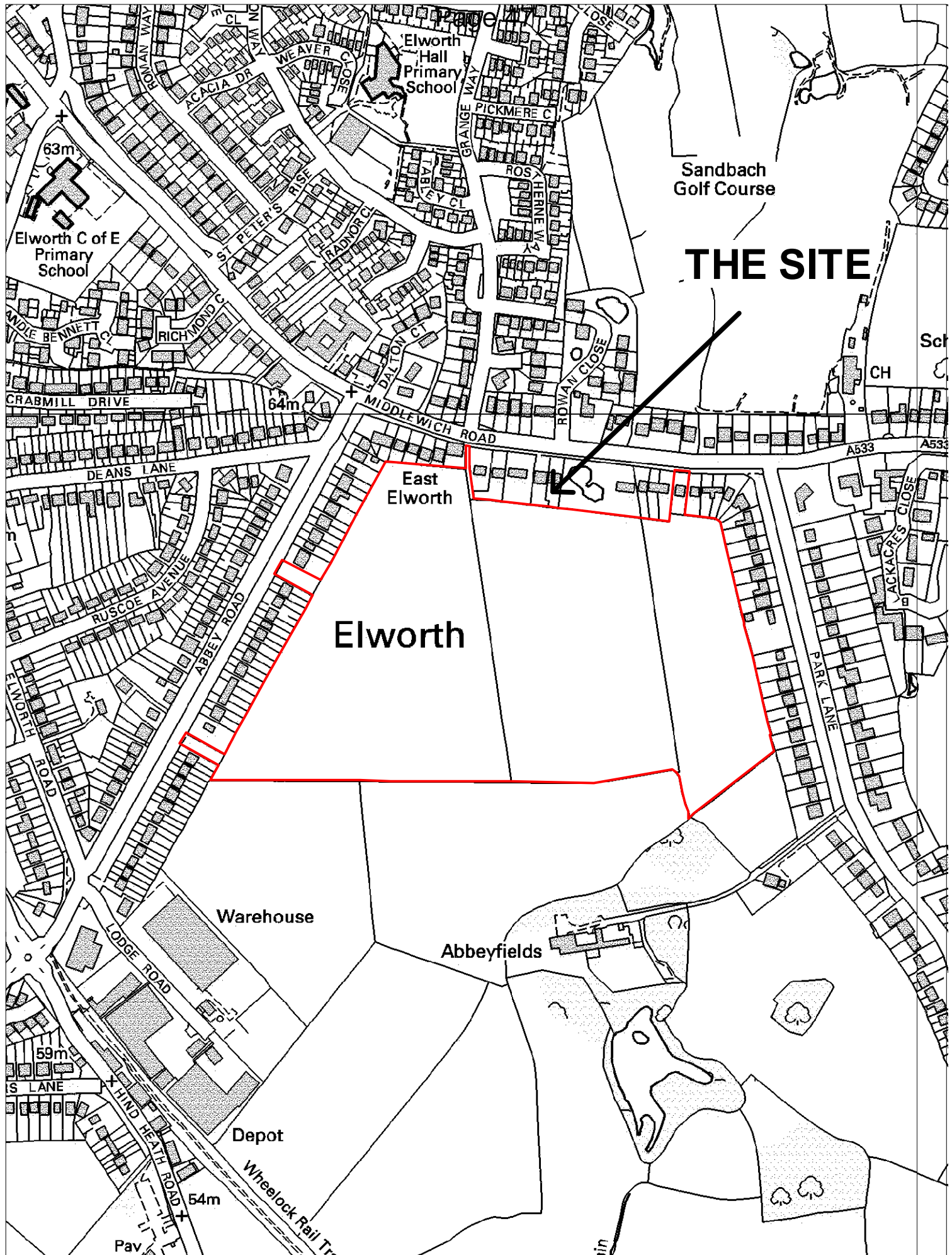
local planning authorities should seek to use areas of poorer quality. In this case it is considered that the development of the site is avoidable as there are no overriding reasons for allowing the development. For the reasons stated above, in this case there are not considered to be any overriding reasons for allowing the development and the proposal is therefore contrary to PPS7.

4. There is a pond to the north of the application site within the curtilage of 180 Middlewich Road. Great Crested Newts have been found in a pond within the residential curtilage of a nearby residential property and Great Crested Newts are reasonably likely to be present within the pond at 180 Middlewich Road. No Protected Species Survey has been submitted as part of this application to identify whether or not Great Crested Newts are present in this pond or any mitigation measures to protect this species during the construction works. In the absence of this information, to allow this development would be contrary to Policy NR.2 (Statutory Sites) of the adopted Congleton Borough Local Plan First Review, Circular 6/2005 and PPS9.

5. The submitted plans show that 172 Middlewich Road would be demolished as part of the proposed development. The dwelling is pre 1960's and is within 200 metres of water and as a result could offer a potential habitat for bats in accordance with the Councils Guidance on Biodiversity and Geodiversity Conservation Statements. No Protected Species Survey has been submitted as part of this application to identify whether or not Bats are present within the fabric of the building or any mitigation measures to protect this species during the construction works. In the absence of this information, to allow this development would be contrary to Policy NR.2 (Statutory Sites) of the adopted Congleton Borough Local Plan First Review, Circular 6/2005 and PPS9.

6. Although access is a reserved matter, vehicular access to the site could only be provided through 3 possible access points (two onto Abbey Road and one onto Middlewich Road). The provision of vehicular access at any of these points would have an adverse effect on existing healthy trees of amenity value. As a result the proposed development would be contrary to the provisions of Policy NR.1 (Trees and Woodlands) of the adopted Congleton Borough Local Plan First Review.

7. There are a number of planning permissions for residential development within Sandbach which would discharge foul sewage to the local wastewater treatment works including Sandbach treatment works, located adjacent to the River Wheelock. The proposed development could have an impact in terms of sewage and in particular nutrient enrichment to the River Wheelock from both this proposal and in combination with other developments in the locality. The River Wheelock flows through Sandbach Flashes SSSI downstream from Sandbach Waste Water Treatment Works, and the impact of sewage and nutrient enrichment to the River Wheelock has not been assessed. There is the potential for damage to the SSSI from nutrient enrichment which could impact on the vegetation composition of the site and as a result the proposed development would be contrary to Policy NR2 (Wildlife and Nature Conservation) of the adopted Congleton Borough Local Plan First Review.



10/3471C - LAND SOUTH OF MIDDLEWICH ROAD AND EAST OF ABBEY ROAD SANDBACH
N.G.R; - 374.550 - 360.760

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