

Strategic Planning Board

Agenda

Date:	Wednesday, 25th June, 2014
Time:	10.30 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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.

Please note that members of the public are requested to check the Council's website the week the 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.

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 disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Two Meetings** (Pages 1 - 22)

To approve the minutes of the previous two meetings held on 13 May 2014 and 28 May 2014 as a correct record.

4. **Public Speaking**

Please Contact: Sarah Baxter on 01270 686462

E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

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

A period of 3 minutes is allocated for each of the planning applications 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 Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **12/3948C-Outline application for commercial development comprising of family pub/restaurant, 63 bedroom hotel, Drive through cafe, Eat in cafe and office and light industrial commercial units with an adjacent residential development of up to 250 dwellings. The proposal also includes associated infrastructure and access, Land Bounded by Old Mill Road & M6 Northbound Slip Road, Sandbach for W and S (Sandbach) Ltd (Pages 23 - 62)**

To consider the above application.

6. **14/1946C-Outline Application for residential development comprising of 75 dwellings and associated vehicular and pedestrian access, open space and landscaping, Land off the Hill/ Manor Road, Sandbach Heath, Cheshire for Ms Emily Morris, Betley Court Estate (Pages 63 - 88)**

To consider the above application.

7. **Withdrawal of Reasons for Refusal (Pages 89 - 92)**

To consider a motion referred to the Strategic Planning Board by the Council meeting of 10 April 2014.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Tuesday, 13th May, 2014 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor H Davenport (Chairman)

Councillors C Andrew (Substitute), J Hammond, D Hough, P Hoyland,
P Mason, B Murphy, C G Thorley, S Wilkinson and J Wray

OFFICERS IN ATTENDANCE

Ms P Cockcroft (Senior Planning Officer), Mr A Fisher (Head of Strategic and Environmental Planning), Mr T Graham (Planning Lawyer), Mr N Jones (Principal Development Officer), Mr D Malcolm (Interim Planning and Place Shaping Manager) and Ms S Orrell (Principal Planning Officer)

221 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs R Bailey, D Brown, P Edwards, Mrs J Jackson and G Walton.

222 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 14/1366N, Councillor J Hammond declared that he was a Member of the Cheshire Wildlife Trust who had been consulted on the application, however he had not made any comments in respect of the application.

In respect of the same application it was noted that whilst the applicant was Cheshire East Council this did not preclude the Board from making a decision on the application.

223 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

(Prior to consideration of the following item, Councillor C Thorley arrived to the meeting).

224 13/3517C LAND WEST OF GOLDFINCH CLOSE, CONGLETON - OUTLINE APPLICATION FOR ERECTION OF UP TO 230 DWELLINGS,

ACCESS, OPEN SPACE AND ASSOCIATED LANDSCAPING AND INFRASTRUCTURE FOR SEDDON HOMES LTD

Consideration was given to the above application.

(Councillor G Baxendale, the Ward Councillor, Town Councillor Paul Bates, representing Congleton Town Council, Peter Minshull, representing the Congleton Sustainability Group, Anna Morrison, an Objector and Sarah Wozencroft, 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 is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan, to the emerging Development Strategy and the principles of the National Planning Policy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.
2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.
3. The proposed residential development, by virtue of the adverse impact that the proposals would have on the local landscape character within a historic finger of countryside close to the town centre and failing to recognise the intrinsic character and beauty of this site is contrary to Policies GR5, GR3 of the Congleton Borough Adopted Local Plan First Review 2005 and policies SE4, SE5 and SE6 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of Paragraph 17 of the National Planning Policy Framework.
4. The proposal, by virtue of increased activity and traffic would lead to severe highways harm, at the junction of High Street/Lawton Street and Albert Place where no further capacity exists, furthermore insufficient

information concerning mitigation for impacts elsewhere upon the network has been submitted. Accordingly the proposal would be detrimental to the safe operation of the public highway contrary to Policies GR9 of the adopted Congleton Borough Local Plan First Review 2005, result in severe harm contrary to para 32 of the NPPF and contrary to policy CO1 of the Cheshire East Local Plan Strategy - Submission Version

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

Should this application be the subject of an appeal, authority be delegated to the Head of Strategic and Environmental Planning in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

- Affordable housing:
 - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
 - A mix of 2 , 3 bedroom and other sized properties to be determined at reserved matters
 - units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
 - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
 - no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.
 - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
- Provision of minimum of 5520sqm and of shared recreational open space and children's play space to include a LEAP with 5 pieces of equipment
- Private residents management company to maintain all on-site play space, open space, including footpaths, hedgerows and green spaces in perpetuity
- Commuted Sum of £20,000 towards the delivery of 2 quality bus stop infrastructure on Canal Road
- Provision of £5,000 over five years annual monitoring (£1000 per annum) of the Travel Plan and its annual statements

- Commuted Sum payment of £145,000 in lieu of health related provision in accordance with the NHS Health Delivery Plan for Congleton.
- Education contribution of £218,000
- A financial contribution for highways improvements to Rood Hill, the negotiation of the amount to be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman

225 **14/1064C LAND SOUTH OF MIDDLEWICH ROAD AND WEST OF BROAD LANE, HOLMES CHAPEL - VARIATION TO CONDITION 2 ON APPROVED APPLICATION 11/3065C RELATING TO MOVING THE APPROVED ACCESS POINT FOR MR R LEA**

Consideration was given to the above application.

(Susan Lea, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application to vary condition 2 on approved application 11/3065C be refused for the following reasons:-

1. The proposed development would, by allowing 50 heavy goods vehicle movements per day to pass in close proximity to residential properties, cause unacceptable noise, vibration and disturbance to those residential properties. The proposal is therefore contrary to Policies GR6 and GR7 of the adopted Congleton Borough Local Plan First Review 2005 and Policy SE 12 of the Cheshire East Local Plan Strategy – Submission Version.
2. It has not been possible to demonstrate that a safe access point could be provided to the site, in particular in relation to visibility splays and the design of the access to accommodate heavy goods vehicles. The proposal is therefore contrary to Policy GR9 of the adopted Congleton Borough Local Plan First Review 2005.

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

226 **14/1341M LAND NEAR TYTHERINGTON LANE AND MANCHESTER ROAD, MACCLESFIELD - CUT/FILL EARTHWORKS EXERCISE INCLUDING 32,250M3 OF INERT MATERIAL TO FACILITATE THE APPROVED HOUSING DEVELOPMENT SITE FOR DEAN TRAINOR, REDROW HOMES NW**

(During consideration of the item, Councillor P Hoyland left the meeting and did not return).

Consideration was given to the above application.

(Brian Jones, representing the Dumbah Association as a Supporter and Paul Sinclair, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the update report the application be delegated to the Head of Strategic and Environmental Planning for approval due to the publicity date expiring after the Board meeting, subject to any outstanding responses from neighbouring properties and subject to the following conditions:-

1. A01AP - Development in accord with approved plans
2. A03FP - Commencement of development (3 years)
3. A13GR - Hours of operation
4. Dust Control
5. Construction access to be reinstated after construction complete
6. Contaminated land
7. Landscaping plan to be submitted within three years of date of this decision if residential development not commenced.
8. Scheme for the protection of retained trees
9. Protective fencing to be erected around trees
10. Submission of Construction Management Plan
11. Badgers- If development has not commenced on site by the end of August 2014 the applicant is to submit an updated Badger Survey for the approval of the LPA. The report is to be agreed by the LPA prior to the commencement of development. If any evidence of badgers is recorded the report is to include detailed mitigation and compensation proposals.
12. Breeding birds- Prior to the removal of any vegetation or the demolition or conversion of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to and approved in writing by the Local

Planning Authority before any further works within the exclusion zone take place.

13. Development in accordance with previously submitted Flood Risk Assessment

(The meeting adjourned for a short break).

227 **14/1366N FIELDS BETWEEN THE A5020 WESTON ROAD AND THE A500, WITH AN ADDITIONAL AREA TO THE SOUTH OF THE A500 OFF WESTON LANE, CREWE - VARIATION OF CONDITION 2 (PLANS) ATTACHED TO PLANNING APPLICATION 12/4115N DUAL CARRIAGEWAY ROAD KNOWN AS CREWE GREEN LINK ROAD (SOUTH) LINKING THE A500 WITH THE A5020 AND ASSOCIATED WORKS FOR KEVIN MELLING, CHESHIRE EAST COUNCIL**

Consideration was given to the above application.

RESOLVED

That the application be delegated to the Interim Planning and Place Shaping Manager in discussion with the Chairman to align the proposed conditions with those that have already been discharged from recent submissions but to include the following conditions:-

1. Standard time 3 years
2. Development to proceed in accordance with the approved plans
3. No development shall take place within the area indicated 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.
4. Prior to the commencement of development a detailed tree felling/pruning specification shall be submitted to the LPA for approval in writing
5. Prior to the commencement of development a detailed Arboricultural Method Statement shall be submitted and approved by the LPA
6. Prior to the commencement of development a detailed Tree Protection Scheme shall be submitted and approved by the LPA
7. Prior to the commencement of development a detailed Landscaping Scheme (including native species only) shall be submitted and approved by the LPA
8. Implementation of the approved landscaping scheme
9. Prior to any development commencing a scheme stating the hours of construction shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.
10. Prior to any such works taking place a scheme detailing method, timing and duration of any pile driving, bridge foundation and borrow pit

operations connected with the construction of the development shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details. The details should include provisions for mitigation and liaison with residences that may be affected by noise or vibration.

11. Prior to the development commencing:

(a) An investigation and Risk Assessment shall be carried out to assess the potential risks from land contamination as defined in the supplied geo-environmental risk assessment.

(b) If such investigation and Risk Assessment identifies that remedial/protective measures are required, then a remedial/protection scheme shall be submitted to, and approved by, the Local Planning Authority (LPA) and shall be implemented.

(c) If remedial/protective measures are required, a Site Completion Statement detailing the remedial/protective measures incorporated shall be submitted to, and approved in writing by, the LPA in full prior to use of the development.

12. The duct mitigation measures outlined in the updated Air Quality section of the Environmental Impact Statement (Chapter 8) shall be implemented, monitored and enforced throughout the construction phase of the development.

13. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds

14. Badger and Barn owl mitigation details in accordance with details approved as part of application 13/5223D

15. Submission of environment management plan for the construction phase of the development

16. Submission of ecological monitoring and reporting schedule.

17. Submission of a 10 year Habitat Management Plan

18. Details of all external lighting to be submitted and agreed in writing with the LPA

19. The development permitted shall only be carried out in accordance with the approved FRA

20. The development shall not be commenced until a scheme for compensatory flood drainage scheme has been submitted to the LPA for approval.

21. A surface water regulation scheme shall be submitted to the LPA for approval in writing

22. A detailed design for the provision of flood defence structures shall be submitted to the LPA

23. No development shall take place until a scheme for the provision and management of a 8 metres wide undeveloped buffer zone around the main rivers and a 5 metres wide undeveloped buffer zone around none main water courses and ponds shall be submitted to and agreed in writing by the local planning authority.

24. Prior to the commencement of development, details of all bridges proposed on site shall be submitted to and approved in writing by the local planning authority

25. No development shall take place until a plan detailing the protection and mitigation of damage to populations of white-clawed crayfish and sand

martins and their associated habitat during construction works and once the development is complete

26. Prior to commencement of development details of all outfalls proposed on site shall be submitted to and approved in writing by the local planning authority

27. No development shall take place until a scheme for the provision and management of compensatory habitat shall be submitted to and approved in writing by the local planning authority

28. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA.

29. Should the borrow pit to the south of the A500 Shavington By Pass be required full details including access arrangements and wheel washing facilities etc. be submitted to and approved by the Local Planning Authority'.

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

228 **14/1534N LAND OFF ROPE LANE, ROPE LANE, SHAVINGTON, CREWE - VARIATION OF CONDITION 1 (PLANS) ATTACHED TO PLANNING APPLICATION 13/1021N LAND OFF ROPE LANE, SHAVINGTON, CREWE CW2 5DA DEVELOPMENT PROPOSED FOR THE ERECTION OF 80 DWELLINGS FOR WAINHOMES (NORTH WEST) LTD**

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report the application to vary condition 1 be approved subject to the following conditions:-

1. Approved Plans
2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the houses hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
3. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing shall be carried out in the first planting seasons following the completion of the development, and any trees or shrubs that die,

are removed or become seriously damaged or diseased within a period of 5 years from the completion of the landscaping scheme shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.

4. Notwithstanding the details shown on the approved landscaping scheme, the large gap in the hedgerow to the north of the open space area shall be planted up with a hedgerow of native species before the open space area is brought into use.
5. Before development commences the design of the proposed balancing pond shall be submitted to and approved in writing by the Local Planning Authority and shall be constructed in accordance with the approved scheme before the first house is occupied.
6. Notwithstanding the details shown on the approved plans, further details of the positions, materials and design of boundary treatments shall be submitted to and approved in writing before development commences and shall be constructed as approved before the first house is occupied.

The meeting commenced at 10.30 am and concluded at 1.10 pm

Councillor H Davenport (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 28th May, 2014 at The Capesthorpe Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor H Davenport (Chairman)
Councillor G M Walton (Vice-Chairman)

Councillors D Brickhill, P Edwards, J Hammond, P Hoyland, B Murphy,
D Neilson, D Newton, S Wilkinson, J Wray, A Thwaite and L Smetham
(Substitute)

OFFICERS IN ATTENDANCE

Mr A Barnes (Senior Planning Officer), Ms S Dillon (Lawyer), Mr N Curtis
(Principal Development Officer), Mr A Fisher (Head of Strategic & Economic
Planning), Mr D Malcolm (Interim Planning and Place Shaping Manager) and
Ms S Orrell (Principal Planning Officer)

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs R Bailey, D
Brown, D Hough, Mrs J Jackson and P Mason.

2 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in relation to application 14/0378N, Councillor J
Hammond declared that he had attended Ward and Parish Council
Members briefings in relation to the Basford sites together with Officers
and when the applicant had also been present, however he confirmed that
he had never expressed any views about the specific application.

In the interest of openness in relation to the same application, Councillor D
Brickhill declared the same information.

In the interest of openness in relation to agenda item 10 Land off Crewe
Road, Haslington ref; 13/4301N, Councillor J Hammond declared that he
was a Member of Haslington Parish Council who were a consultee on the
application, however he had not made any comments. He had also
attended a public meeting but had kept an open mind on the application.

In the interest openness in relation to application 13/0580C, Councillor Mrs
L Smetham declared that she had played golf at Woodside Golf Club.

In the interest of openness in relation to the same application, Councillor P
Edwards declared that he was a member of Woodside Golf Club.

It was noted that the majority of Members had received correspondence in respect of a number of the applications on the agenda.

3 MINUTES OF THE MEETING

RESOLVED

That the minutes of the meeting held on 30 April 2014 be approved as a correct record and signed by the Chairman.

4 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted and that Councillor G Barton be allowed to speak on application 14/0007M.

5 13/0580C - WOODSIDE GOLF CLUB, KNUTSFORD ROAD, CRANAGE, CREWE, CW4 8HJ: CREATION OF A NEW 27NO. BEDROOM HOTEL, 6NO. GARDEN SUITES WITH MINOR MODIFICATIONS TO THE GOLF COURSE & CONSTRUCTION OF 7NO DWELLINGS WITH COMMUNITY LEISURE FACILITIES (RESUB 12/0682C) FOR WOODSIDE GOLF CLUB

Consideration was given to the above application.

(Councillor L Gilbert , the Ward Councillor, Parish Councillor John Halstead, representing Cranage Parish Council, Mr Jay Ashall, the agent for the Applicant and Mr Shaun Devaney, 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 housing is contrary to the provisions of PS8 and H6 of the adopted Congleton Borough Local Plan 2005 and the advice given to the National Planning Policy Framework which restricts new housing development in the open countryside. As no need for the proposed community facilities has been demonstrated they can not form the basis for an enabling development exception to open countryside policy.
2. The proposed dwellings located to the Kings Lane frontage will result in the erosion of the landscaped character of this rural location. To allow the development would be detrimental to the visual amenity and landscape character of this area of open countryside, contrary to policies PS5 (Villages in Open Countryside) and PS8 (Open Countryside) of the adopted Congleton Borough Local Plan First Review 2005.

3. The proposed site for the community facilities are in an isolated position away from the village of Cranage. Roads from the site to Cranage are unlit, do not have footways and do not have a frequent bus service. Accordingly users of the community facilities would be reliant upon the motor vehicle to access the site. This is contrary to Policy RC1 of the adopted Congleton Borough Local Plan First Review and the thrust of the NPPF in respect of sustainable development.

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

Should this application be the subject of an appeal, authority be delegated to the Interim Principal Planning Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

(The meeting adjourned for lunch from 12.30pm until 1.15pm).

**6 14/0007M - LAND AT ADLINGTON ROAD, WILMSLOW, SK9 2BJ:
ERECTION OF 193 DWELLINGS INCLUDING DEMOLITION OF
OUTBUILDINGS, PUBLIC OPEN SPACE, HIGHWAYS WORKS, ENTRY
STATEMENT SIGNS AND ASSOCIATED INFRASTRUCTURE FOR P E
JONES (CONTRACTORS) LIMITED**

Consideration was given to the above application.

(Councillor P Whiteley, the ward Councillor, Councillor G Barton, an adjacent Ward Councillor, Town Councillor Dodson, representing Wilmslow Town Council, Mr Manley QC, representing Residents of Wilmslow Group, Mr Redgard, an objector, Mr Savage, an objector, Professor Caroline Rowland, an objector, Martin Carter (of Counsel), representing the applicant and Kerren Phillips, agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the update to Board the application be approved subject to the completion of a Section 106 Agreement securing the following Heads of Terms:-

- Education contributions of £424,910 (26 places) towards secondary accommodation

- £46,500 for off-site provision of Public Open Space (amenity) for improvements, additions and enhancement of existing Public Open Space facilities (amenity) at open space facilities at Browns Lane and other local recreational projects.
- POS to be provided in the middle of the site and to be transferred to and maintained by a management company in perpetuity
- £306,000 for off-site provision of Public Open Space (play) for improvements, additions and enhancement of existing Public Open Space facilities (children's play) at open space facilities at Browns Lane and other local recreational projects.
- £143,000 for the off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure) at Browns Lane and other local recreational projects
- The payment of £10,000 to fund TRO to reduce speed limit along Adlington Road
- The payment of £30,114 for habitat creation/enhancement works in the locality, to offset loss of biodiversity
- Provision of 30% affordable housing with 40% to be provided as affordable rent and 60% provided as intermediate tenure
- Provision of 7 of the affordable rent properties as bungalows for the over 55's
- Rented affordable units to be transferred to registered provider
- All the affordable dwellings should be provided no later than occupation of 80% of the open market dwellings
- Affordable units to be constructed to HCA Design and Quality Standards (2007) and Level 3 of the Code for Sustainable Homes (2007)

And subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A32HA - Submission of construction method statement
7. A08OP - Ground levels to be submitted
8. A30HA - Protection of highway from mud and debris
9. A23GR - Pile Driving
10. A22GR - Pile Driving
11. Scheme to limit the surface water run-off to be submitted
12. Scheme to manage the risk of flooding from overland flow of surface water to be submitted

13. Scheme for the provision and management of compensatory habitat creation to be submitted
14. Site shall be drained on a separate system
15. Programme of archaeological work in accordance with a written scheme of investigation to be submitted
16. Development to proceed in accordance with the recommendation made by the submitted Bat Survey and Pond Scoping Survey Report
17. Breeding birds survey to be submitted
18. Proposals for the incorporation of features into the scheme suitable for use by breeding birds to be submitted
19. Detailed suite of design and construction drawings for footpath widening and carriageway narrowing, roundabout arm improvement, footpath to Varden Bridge
20. Full residential travel plan to be submitted
21. Obscure glazing - details to be submitted
22. Implementation of noise mitigation measures
23. Details of bin storage facilities to be submitted
24. Environmental Management Plan to be submitted to minimise impacts of dust arising through construction
25. Supplementary investigation and Risk Assessment to be submitted (contaminated land)
26. Details of a minimum 10% reduction in energy use through a building fabric first approach to be submitted.
27. Details of management arrangements for open space, landscape areas and landscape buffer to Overhill Lane to be submitted
28. Lighting details to public right of way across open space to be submitted
29. Tree Retention
30. Tree Protection
31. Construction Specification/Method Statement
32. Tree Pruning/Felling Specification
33. Removal of gated facilities
34. Mitigation measures to protect properties
35. Provision of wheel washing facility
36. No parking of construction vehicles on the main road

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager has delegated authority to do so in

consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

Should this application be the subject of an appeal, authority be delegated to the Interim Principal Planning Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

(The meeting adjourned for a short break. Councillor P Edwards left the meeting and did not return).

7 14/0132C - SALTERSFORD FARM, MACCLESFIELD ROAD, HOLMES CHAPEL, CW4 8AL: DEVELOPMENT OF RESIDENTIAL SCHEME COMPRISING UP TO 100 DWELLINGS, AMENITY AREAS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE FOR RUSSELL HOMES (UK) LIMITED, G.J & M.J P

Consideration was given to the above application.

(Councillor L Gilbert, the ward Councillor, Councillor A Kolker , the Ward Councillor, Parish Councillor H Thomas, representing Twemlow Parish Council, Bill Armstrong-Mortlock, representing Save Saltersford Corner and Jonathan Vose, 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 is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 and H6 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan, to the emerging Development Strategy and the principles of the National Planning Policy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need

for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.

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

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

- Affordable housing:
 - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
 - A mix of 2 , 3 bedroom and other sized properties to be determined at reserved matters
 - units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
 - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
 - no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.
 - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.

- Provision of minimum of 2,380 sqm of shared recreational open space and the provision of on site children's play space to include a NEAP with 8 pieces of equipment
- Private residents management company to maintain all on-site play space, open space, including footpaths, hedgerows and green spaces in perpetuity
- The payment of £96,907 for the provision of health care within Holmes Chapel Medical Centre – upon commencement of development

- 8 **WITHDRAWN BY OFFICERS-14/1200C - LAND AT HASSALL ROAD, ALSAGER, STOKE ON TRENT: VARIATION OF CONDITION 8 (ENERGY REQUIREMENTS) ON 12/1670C - ERECTION OF 30NO DWELLINGS (INCLUDING 9NO AFFORDABLE DWELLINGS) VEHICULAR ACCESS AND ASSOCIATED LANDSCAPING FOR SEDDON HOMES LIMITED**

This item was withdrawn by Officers from the agenda prior to the meeting.

- 9 **14/0378N - BASFORD WEST DEVELOPMENT SITE, CREWE ROAD, SHAVINGTON CUM GREY, CREWE: OUTLINE PLANNING APPLICATION FOR B2 (GENERAL INDUSTRY) AND B8 (STORAGE AND DISTRIBUTION) COMPRISING 1,042,500 SQ FT WITH ANCILLARY OFFICES AND MAXIMUM STOREY HEIGHT OF 18M, AND ASSOCIATED WORKS INCLUDING CONSTRUCTION OF NEW SPINE ROAD WITH ACCESS FROM CREWE ROAD AND A500, CREATION OF FOOTPATHS, DRAINAGE INCLUDING FORMATION OF SWALES, FOUL PUMPING STATION, SUBSTATION, EARTHWORKS TO FORM LANDSCAPED BUNDS AND LANDSCAPING. FOR GOODMAN**

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report the application be approved subject to the following conditions:-

1. Standard outline (Phased)
2. Residential S106 highway improvements in place prior to commencement of development.
3. Approved plans
4. Submission of phasing plan
5. Provision of spine road in phase 1, remaining roads in accordance with phasing plan, all in accordance with drawings to be submitted and approved.
6. Reserved matters applications to include cross sections through the site and details of existing and proposed levels to demonstrate impact of the proposed development on the locality.
7. Submission / approval / implementation boundary treatment
8. Submission / approval / implementation details of drainage
9. Development to be carried out in accordance with the approved Flood Risk Assessment (FRA).
10. Limiting the surface water run-off generated by the proposed development, so that it will not exceed the run-off from the undeveloped site and increase the risk of flooding off-site.
11. The layout for the proposed development to be designed to contain the risk of flooding from overland flow during severe rainfall events.

12. Submission, approval and implementation of a method statement to deal with the treatment of the environmentally sensitive ditch, its aftercare and maintenance
13. Submission, approval and implementation of a scheme to dispose of foul and surface water, including the provision and installation of oil and petrol separators
14. This site must be drained on a total separate system in accordance with the FRA.
15. The foul water discharge from the proposed site must discharge at an agreed point of connectivity within the public sewerage system and under details set out in submitted drawings.
16. For the avoidance of doubt, no surface water run-off generated from the site shall communicate with the public sewerage system via direct or indirect means.
17. Submission, approval and implementation of an Environmental Management Plan
18. Submission, approval and implementation of low emission strategy
19. Submission and approval of an updated Phase II investigation and implementation of any necessary mitigation.
20. Submission, approval and implementation of location, height, design, and luminance of any proposed lighting
21. Submission, approval and implementation of a detailed noise mitigation scheme with the full application.
22. Submission, approval and implementation of travel plan
23. Submission, approval and implementation of electric car charging points
24. Mechanical service plants
25. Position of loading bays
26. Dust Control
27. Floor floating
28. Directional signage for pedestrians and cycles
29. Submission / approval / implementation of sustainable design statement
30. A detailed landscape scheme should be submitted for approval prior to commencement on site.
31. A tree survey and tree protection plan in accordance with BS 5837 (2012) should be submitted for approval prior to commencement on site.
32. The agreed landscape scheme should be implemented within the first planting season after commencement of development.
33. No development should take place until details of all earthworks have been submitted and approved.
34. A management plan to include all landscape areas and public open space (within this application) should be submitted and approved prior to commencement of landscape works.
35. A five year landscape establishment management plan should be submitted and approved prior to commencement of landscape works.

36. Any landscape planting that fails within the first 5 years after planting should be replaced on a like for like basis unless agreed in writing with the LPA.
37. Submission / approval / implementation of footpath surfacing / lighting
38. Landscape scheme for spine road.
39. Submission of excavation works for approval close to railway boundary.
40. Surface Water Drainage Scheme to be submitted and approved.
41. Prior to development scheme for provision and management of undeveloped buffer zone alongside ditch to be submitted.
42. Contamination identification and remediation.
43. Breeding birds
44. Construction environment management plan
45. Habitat management plan
46. Wildlife underpass plan
47. Updated badger survey
48. Design of ponds
49. Provision be made for a rail link

10 LAND OFF CREWE ROAD, HASLINGTON REF; 13/4301N

Consideration was given to the above report.

(The Principal Planning Manager read out statements on behalf of Parish Councillor Richard Hovey, representing Haslington Parish Council and Haslington Action Group).

RESOLVED

That the third suggested reason for refusal in respect of impact on highway safety be withdrawn and the Principal Planning Manager be instructed not to contest the issue at the forthcoming public inquiry.

11 WITHDRAWAL OF REASONS FOR REFUSAL

(During consideration of the item, Councillors G Walton and S Wilkinson left the meeting and did not return).

Consideration was given to the above report.

RESOLVED

That the report be deferred to a future meeting for further information.

The meeting commenced at 10.30 am and concluded at 6.20 pm

Councillor H Davenport (Chairman)

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Application No: 12/3948C

Location: LAND BOUNDED BY OLD MILL ROAD & M6 NORTHBOUND SLIP ROAD, SANDBACH

Proposal: Outline application for commercial development comprising of family pub/restaurant, 63 bedroom hotel, Drive through cafe, Eat in cafe and office and light industrial commercial units with an adjacent residential development of up to 250 dwellings. The proposal also includes associated infrastructure and access.

Applicant: W and S (Sandbach) Ltd

Expiry Date: 09-Sep-2013

Date report prepared: 13 June 2014

SUMMARY RECOMMENDATION

Approve subject to conditions and s106 agreement

MAIN ISSUES

- Planning Policy And Housing Land Supply
- Employment land
- Affordable Housing
- Highway Safety and Traffic Generation.
- Town centre impact
- Impact on nature conservation interests
- Air Quality
- Noise Impact
- Landscape Impact
- Hedge and Tree Matters
- Amenity
- Sustainability
- Impact on Public Right of Way

REASON FOR REPORT

The application has been referred to Strategic Planning Committee because it is a large scale major development. The application was deferred from the meeting on 2 April to reassess the viability of the scheme and to review the whole strategic site. The information submitted since the previous committee meeting is listed under the applicant's submission section below.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises approximately 12.5 hectares of open farmland, which is bound to the east by the M6 motorway, to the south by the Sandbach wildlife corridor and to the north east by Old Mill Road (A534). The site is located substantially within the Settlement Zone for Sandbach, and is shown on the Congleton Borough Local Plan proposals map as an employment commitment. However, previous permissions for employment uses have now expired, and policy E2 of the Congleton Borough Local Plan, which relates to committed employment sites, is not a saved policy. Consequently, most of the site is currently an unallocated site within the Settlement Zone. The remainder at the most northerly point of the site adjacent to J17 lies within Open Countryside.

DETAILS OF PROPOSAL

This application seeks outline planning permission for a commercial development comprising a family pub / restaurant, 63 bedroom hotel, drive through café, eat in café, and office and light industrial units with an adjacent residential development of up to 250 dwellings, and associated infrastructure and access.

The application initially sought approval for access and scale, however, these matters have now been withdrawn from the proposal, and therefore outline planning permission is sought with all matters reserved.

RELEVANT HISTORY

There have been a number of applications over the years relating to the commercial use of the site. The most relevant is:

14/0043C - Improvement of J17 Northbound slip road. Provision of new roundabout to provide access to development site, Old Mill Road and slip road – Approved 25.04.2014

05/0502/FUL - 40 bed hotel, 180 cover restaurant, 2,500 sq m. B1 office space, new access road, associated car parking and landscaping – Approved 01.08.2005

05/0263/FUL - Variation of condition 2 on permission reference 33295/1 for B1 Business Park and Hotel to extend the period for submission of reserved matters until 3rd November 2008 – Approved 26.04.2005

33295/1 - B1 BUSINESS PARK AND HOTEL – Approved 04.11.2002

27355/3 - DEVELOPMENT OF FACTORY OUTLET SHOPPING CENTRE AND TOURIST INFORMATION CENTRE AS PHASE 1 OF MIXED USE DEVELOPMENT – Refused 12.03.1996

27354/1 - MIXED USE DEVELOPMENT COMPRISING FACTORY OUTLET SHOPPING CENTRE, B1 BUSINESS UNITS AND TOURIST INFORMATION CENTRE (DUPLICATE APPLICATION) – Refused 12.03.1996

21393/1 - BUSINESS CENTRE IN ACCORDANCE WITH LOCAL AUTHORITY DEVELOPMENT BRIEF PRIMARILY WITHIN CLASS B1 – Approved 30.05.1990

With the exception of the roundabout permission (14/0043C), all permissions have now expired.

POLICIES

Congleton Borough Local Plan First Review 2005

PS8 (Open countryside)
GR1 (New Development)
GR2 (Design)
GR3 (Residential Development)
GR4 (Landscaping)
GR5 (Landscaping)
GR6 (Amenity and Health)
GR7 (Amenity and Health)
GR8 (Amenity and Health - pollution impact)
GR9 (Accessibility, servicing and provision of parking)
GR10 (Accessibility for proposals with significant travel needs)
GR11 (Development involving new roads and other transportation projects)
GR14 (Cycling Measures)
GR15 (Pedestrian Measures)
GR17 (Car parking)
GR18 (Traffic Generation)
GR19 (Infrastructure provision)
GR20 (Utilities infrastructure provision)
GR21 (Flood Prevention)
GR 22 (Open Space Provision)
NR1 (Trees and Woodland)
NR2 (Statutory Sites)
NR3 (Habitats)
NR4 (Non-statutory sites)
NR5 (Creation of habitats)
H1 (Provision of new housing development)
H6 (Residential development in the open countryside)
H13 (Affordable Housing and Low Cost Housing)

Other Material Considerations

National Planning Policy Framework (The Framework)
Sandbach Business Park Development Brief (1989)
Interim Planning Statement: Affordable Housing
Strategic Housing Market Assessment (SHMA)
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
5 Year Housing Supply Position Statement
Cheshire East Local Plan Strategy – Submission Version

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th March 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Relevant policies of this document are:

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG6 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer contributions

EG1 Economic Prosperity

EG3 Existing and allocated employment sites

EG5 Promoting a town centre first approach to retail and commerce

SC1 Leisure and Recreation

SC2 Outdoor sports facilities

SC3 Health and Well-being

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE9 Energy Efficient Development

SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

CO2 Enabling business growth through transport infrastructure

CO4 Travel plans and transport assessments

Strategic Site CS24 – land adjacent to J17 of M6, south east of Congleton Road, Sandbach

CONSULTATIONS (External to Planning)

Environment Agency – No objections subject to conditions relating to drainage of foul and surface water

Sustrans – If approved would like to see a safe crossing of Old Mill Road for pedestrian and cycle routes, and at the new roundabout junction of M6; cycle parking for staff on employment site; restrict speeds to 20mph in residential area; residential properties should include storage for buggies / bikes; travel planning with targets and monitoring.

Natural England – No objections

United Utilities – No objection subject to the site being drained on a separate system

Highways Agency – No objections

Public Rights of Way – No objection subject to the public footpath (Sandbach No.11) being accommodated at the reserved matters stage and provision for pedestrian and cyclist movements both within, and to and from the site, in particular connectivity between the town centre and the site.

Environmental Health – No objections subject to conditions

Housing Strategy & Needs Manager – Affordable housing should be in line Interim Planning Statement

Strategic Highways Manager – No objections subject to financial contributions towards improvements to the local highway infrastructure to mitigate for the impact of the development

Archaeology – No objections subject to condition

Greenspaces – No objection subject to provision of open space in accordance with policy requirements

Education - Local primary and secondary schools are forecast to be oversubscribed. In light of this S106 contributions to extend local schools are sought.

Cllr Corcoran (local ward member) has provided the following comments –

- The prospects for this business park are looking more hopeful than for a decade. Single developer controlling the site.
- The government has agreed to pay for J17 improvements.
- Developers will not put forward plans for a business park when they have the prospect of being allowed to build houses.
- There are now 0.51 jobs for every worker in Sandbach.
- The J17 site should be for laboratories and offices.

- If more people live, work and shop locally then this has benefits for community spirit as well as for the environment.
- More employment sites are needed in Sandbach
- We should not abandon the long term future of Sandbach so that developers can make a short term profit.
- In the public consultation in 2012 the site was approved as a business park site by 161 to 41, which shows the strength of feeling in favour of a site to provide employment.
- In the public consultation in 2013 the plans for houses on Sandbach Heath were overwhelmingly rejected and the plans for a business park were supported.
- There was also strong support for protecting and enhancing the wildlife corridor.

VIEWS OF THE TOWN COUNCIL

Sandbach Town Council - Whilst Members welcome development of this site, in particular the industrial and commercial use, in accordance with Sandbach Town Council's response to the Development Strategy Consultation, it is felt that a maximum of 200 houses would better suit the topography of Site 1 (Ba and Bb) over the whole period of the local plan. However, no more than 50 houses should be built without a *significant* improvement in infrastructure.

OTHER REPRESENTATIONS

There have been three rounds of public consultation for this application following the receipt of additional information.

Approximately 140 letters of representation have been received throughout the consultation periods objecting to the proposal on the following grounds:

- Site should only be used only for employment in line with majority of responses to development strategy
- Additional housing would take jobs away from local people by promoting inward migration
- Impact on highway safety
- Impact upon overstretched public services
- Encroachment onto wildlife corridor
- Not a sustainable development contrary to policy GC10 of the local plan and the NPPF
- Reliant on car use
- Loss of agricultural land
- Impact upon local highway network
- Other brown field sites available (e.g. Saxon Cross Motel)
- Impact upon local character
- Wrong greenfield rate used in FRA
- No pedestrian access to town centre and local facilities
- Junction 17 needs to be improved prior to any development of this site
- Increased pollution
- Impact upon public right of way
- Loss of Green Belt
- Land is unlikely to be suitable for any built development in the long term because of brine subsidence

- Impact on local house prices
- Impact on local businesses (e.g. convenience stores)
- Existing empty office space in Sandbach
- No need for pubs, hotels and cafes
- If approved a minimum code level 4 housing should be built
- Spoil gateway to Sandbach
- The SBI must be protected at all costs, especially from the possibility of contamination, including creep.
- A534 is a significant barrier for pedestrians
- Housing on this site has already been rejected on two occasions, namely the "Strategy for Jobs and Sustainable Communities" and the "Sandbach Town Local Strategy".
- Site not allocated for housing in Congleton Local Plan
- Application attempts to pre determine the Local Plan
- Commercial side appears to be a mini service area
- Lack of social housing
- Ideally positioned to attract investment in a business park
- Traffic noise for future residents
- Transport Assessment does not comply with national guidance
- Employment land review and Employment land assessment identify a significant demand for employment land in Sandbach and a shortfall in supply.
- Little weight should be afforded to emerging local plan
- No bus services along Old Mill Road
- More sustainable sites on the edge of Sandbach town centre.
- Application suggests that vehicle trip rates will be reduced through sustainable transport measures, however no information is provided (timescales / agreements with bus operators etc)
- Suggestion that 10% of residents in the proposed housing will work in the employment development is not justified
- Overall reductions in trip rates are not justified
- Existing capacity problems at local junctions are not identified
- Housing dilutes employment land prospects
- 5,300 additional jobs need to be generated in the town to provide jobs for the town's residents of working age
- Draft Core Strategy suggests 240 houses on the entire Sandbach Heath site. An outline planning application for 50 houses has already been approved off Hawthorne Drive. Therefore this application is for housing in excess of the Core Strategy allocation for the site.
- Loss of trees and hedgerows
- Brings more costs than benefits
- Discrepancies in the trip generation section of the TA
- Distribution of development traffic is not made clear in the TA, leading to potential under assessment at junctions
- Given that 60% of trips to / from the site will come from the motorway, reductions are unlikely as other more sustainable transport is not a realistic alternative
- Validity of the model used to test the impact of the development is questioned
- Queue lengths will increase at Old Mill Road / The Hill junction
- No impediments to the development of the site for solely employment generating uses

- Land ownership is no more an issue for a wholly employment development than a mixed use development
- No revenue from commercial / employment uses is identified in the viability report
- An industrial logistics development would return a positive land value at a level similar to that identified in the viability report, and would be viable
- No guarantee employment elements will come forward
- Improvements to J17 will be undertaken by the Highways Agency and is not a constraint
- Contrary to policy E2 of Local Plan and paragraph 20 of the NPPF
- Transport Chapter of the Environmental Statement does not sufficiently address the traffic situation of the site
- Accessibility by non-car modes are very limited
- TA does not consider road safety and accident records
- Information in TA relating to bus services is incorrect
- Insufficient ecological surveys have been submitted with the application
- Loss of habitat in wildlife corridor contrary to policy NR4 and NPPF
- Flood risk and associated impact on wildlife and existing properties
- The developer does not need houses to make a profit - residual land value for the business section plus house is LESS than the land value for a business park
- Protection and enhancement of wildlife corridor needs more detail
- Route of existing right of way through the site is unclear
- On and off site safe cycle provision needs to be incorporated
- No sequential assessment has been undertaken
- Impact upon town centre is not properly considered
- Viability appraisal carried out by interested party identifies that a scheme including a mix of 220,000 sq ft of big box industrial units and 200,000 sq ft of smaller light industrial units would be financial viable, delivering a land value of approximately £200,000 per net acre, which is comparable with prevailing market values.
- Residential element not required
- Given that the Council currently believes it can demonstrate a five-year supply of deliverable housing land, to approve the application now would be premature.
- The Council have undertaken a Viability Assessment of the emerging Local Plan Strategy document. This document summarises the viability of each of the proposed Strategic Site Allocations in the draft plan at that time. For this site it confirms that both a 10ha and 20ha development would be viable, with a residual land value more than 25% above the benchmark land value of £200,000 per acre that is considered to represent viability.
- If the Viability Assessment is as fundamentally flawed as the recommendation for this application would suggest, then the whole Local Plan Strategy process is called into serious doubt. Viability is not an optional part of plan-making, it is fundamental to it. Without a robust Viability Assessment, a plan cannot possibly be sound. Yet that is the position that this recommendation acknowledges that the Council must be in.

In additions 3 letters of support / general observations raise the following points:

- Ideal location for business park
- Understand how viability could be compromised if residential element was not included
- Cyclists and pedestrian crossings required at desire lines across Old Mill Road to Congleton Road

- Covered cycle parking required at the car sharer's car park opposite the Texaco petrol station
- Investigate if Betchton footpath 6 could be used to gain rear access for cyclists to the Service Station on the M6. This would be a good location for lift sharing and could be reached within 10 minutes from Sandbach by bicycle.
- Extending the speed limit on Congleton Road up to its junction with Old Mill Road (A534)

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted the following documents with the application:

Tree constraints information; air quality assessment; design & access statement; noise assessment; public open space statement; planning statement; flood risk assessment; transport assessment; travel plan; viability report; sequential and impact assessment statement; retail impact assessment; affordable housing statement; site waste management statement; preliminary site investigation report; extended phase 1 habitat report; and an environmental statement.

The applicants have submitted a viability report that has been independently assessed for the Council. This has been submitted on the basis of the scheme providing 247 dwellings with 20% affordable housing provision and other s106 contributions totalling £595,144.

Following the deferment of the application further information has been submitted which sets out the impact upon s106 contributions with varying amounts of affordable housing. 15% affordable is now being proposed with s106 contributions totalling £1,100,000.

A masterplan drawing has also now been submitted and a market summary report.

In addition the applicants make the following comments in a supporting letter:

Mix of uses

- Housing development reduces need to travel and subsidises construction of the new roundabout for the employment land.
- Without the roundabout the employment development will not take place.
- 14,500 sqm of commercial space provided in 12 units of varying sizes.
- Employment proposals have been a long standing ambition of the Council.
- Units would be suitable for office, research & development, and small scale manufacturing.
- Submitted market summary illustrates the demand for such facilities in the area.
- No large scale distribution warehouses. These provide relatively low skilled employment not in line with Council ambitions or employment land study.
- Letter written on behalf of Himor (an objector) confirms that there is a need for high quality new development in strategic locations.
- Hotel, pub, restaurant not a motorway service station, but are essential supporting facilities for high quality business space.
- Housing element is supported by emerging local plan.

Masterplan

- Submitted masterplan shows the overall intention for the development of the wider site. The current application will provide the necessary supporting infrastructure.
- Previous permissions have not been implemented due to cost of infrastructure. Housing enables this barrier to be overcome.

Housing delivery

- The Council's *Five Year Housing Land Supply Position Statement* document identifies a capacity for site CS24 of 450 units, 200 of which are to be available in next 5 years.
- Refusal of this application will undermine housing land supply figures, which would lead to further unplanned sites coming forward.
- 50 units approved at Hawthorn Drive is separate to CS24 capacity for next 5 years.

Financial viability

- Viability appraisal submitted on behalf of Himor is based on a development of "big box" units followed by smaller industrial units. This is not a direct financial comparison with higher quality proposals within the current application.
- Access to the site is only costed at £500,000, whereas in reality these costs are over £1,000,000. Costs for utilities also significantly underestimated and costs of works to fuel pipeline have been omitted.
- Suggestion that site can be brought forward for employment without housing is fundamentally flawed.
- Funding has been provided to relieve congestion at J17 as part of the Highways Agency pinch point programme. These works are committed but do not provide the access to the application site.
- The roundabout granted under 14/0043C is required to provide that access and no additional funding has been identified to deliver this.
- The access proposals rely on the development that is currently before the Council.
- These proposals can be implemented alongside the pinch point proposals, delivered at a lower cost and with minimal additional disruption.
- Any delay in the implementation of the access works means that they will not be coordinated with the Pinch Point works resulting in a significant increase in cost and disruption.

Ecology

- Extensive survey work has been undertaken to properly understand the context of the wildlife corridor which crosses the site.
- There is sufficient flexibility available within the design of the scheme to ensure the wildlife corridor is appropriately protected at the detailed design stage.

Planning Gain

- Should the Council be content with an affordable housing provision of less than 20% as originally proposed additional s106 monies would be available
- 15% affordable would provide contributions of £1,100,000.

Timeframe for Reserved Matters

- Further work has already commenced on marketing information and detailed design for the employment land.

- It is intended to submit this in the summer to be able to have employment land available to meet the identified need.

Planning Balance

- The proposals deliver strategic infrastructure improvements to J17 in addition to the forthcoming pinchpoint works which will open up a strategic employment site that will ultimately deliver 700 new jobs.

OFFICER APPRAISAL

Principle of Development

The site lies substantially within the settlement boundary of Sandbach, and was previously allocated as an employment commitment under policy E2 of the Local Plan. As noted above, previous permissions for employment uses have now expired, and policy E2 is not a saved policy. Consequently, the site is currently an unallocated site within the Settlement Zone, and therefore there is no objection in principle to the development.

In terms of the very small proportion of the site within the open countryside, the proposed development would not fall within any of the categories of exception to local plan policy PS8 relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are other material considerations associated with this proposal, which are of sufficient merit to outweigh any policy concerns.

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15th June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.

It should also be noted that the Sandbach Business Park Development Brief exists for this site. However, given the age of the document (1989), and the fact that the employment commitment and related policy were not saved in the Congleton Local Plan First Review, it is considered that the weight to be afforded to the SPG would be limited. That being said it does remain Council policy and is therefore a material consideration.

In terms of the emerging local plan the application site forms part of strategic site CS24, which extends from the M6 down to the existing residential development along Heath Road / Hawthorne Drive. The emerging policy seeks to deliver a mixed used development site with the main emphasis on providing an employment site, and with a small level of residential development which will help to enable improvements to access and infrastructure of the site. The site is greenfield and is currently in agricultural use with a watercourse bisecting the site north to south.

Specifically the emerging Local Plan identifies the following development over the Local Plan Strategy period:

1. The delivery of up to 20 hectares of employment land to the north of the site;
2. The delivery of up to 200 new homes to the south of the site;
3. The provision of appropriate retail for local needs;
4. The provision of appropriate leisure uses, potentially including a hotel, public house or restaurant;
5. The incorporation of Green Infrastructure, including:
 - i. The retention, where possible, of important hedgerows that have a cumulative screening impact on development and contribute to the habitat value of the site;
 - ii. The protection and enhancement of the wildlife corridor and Local Wildlife sites; and
 - iii. Open space including a Multi Use Games Area and an equipped children's play space.

And the following site specific principles of development:

- a. Contributions to the improvement of junctions at A534 Old Mill Road corridor and J17 of the M6.
- b. The site will avoid development within the functional floodplain, wildlife corridor and Site of Biological Importance / Local Wildlife Site and these features will be retained within appropriate undeveloped buffer zones.
- c. Appropriate contributions will be made to improvements to junction 17 of the M6 motorway and the junctions on the A534 Old Mill Road corridor.
- d. Provision for improved access off Old Mill Road and a new bridge across the Brook.
- e. Contributions to education and health infrastructure
- f. Development should consider the 'Cheshire East Green Space Strategy 2011' and include the creation of improved access to green corridors whilst protecting and enhancing the Site of Biological Importance, watercourse and wildlife corridor already on site.
- g. Provision for future widening of the A534 Old Mill Road Corridor adjacent to the development site.
- h. A desk based archaeological assessment will be required for this site.
- i. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).

It is evident that the site has a long history of employment proposals and allocations, and this is reflected in existing policy in the form of the SPG for Sandbach Business Park (1989), and in the emerging local plan strategy. The application is to the north of the site where the strategy seeks to provide 20 hectares of employment land. The north and south of the site are separated by the Sandbach Wildlife Corridor.

The application has been submitted to include up to 250 dwellings as it is stated that this is necessary to provide the required funding for infrastructure works to serve the employment site.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.”*

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Position Statement set out that the Borough’s five year housing land requirement as 8,311. This was calculated using the ‘Sedgefield’ method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough’s past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The criticisms made of the yields from certain sites in the recent appeals, particularly those in the emerging Local Plan, were also taken on board.

Sources of supply included sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accorded with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance* at that time.

A discount was applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the *Five Year Housing Land Supply Position Statement* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 5.94 year housing land supply with a 5% buffer or 5.2 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Councils include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to approximately 8 years supply. (It should be noted that these figures are dynamic and are subject to small changes).

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would

be appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5 year supply of housing land.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met. With specific reference to the current proposal, site CS24 is one of the Strategic Sites included within the latest housing supply figures. 200 dwellings are expected over years 1-5.

VIABILITY

As noted above, the applicants have submitted a viability report which seeks to justify the amount of residential development required to bring forward the commercial / employment uses.

Paragraph 173 of the Framework states that:

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

The viability information submitted has been independently assessed by an external consultant appointed by the Council. The majority of the abnormal costs facing the developer of this site are the provision of the roundabout at J17. This together with the road widening to accommodate the right turn lane required for the residential access add up to over £1.7m. The proposed roundabout is an enhanced version of Highways Agency "pinch point" funded scheme, which will also provide the required access to the development site. The various costs and sales values set out within the development appraisal are accepted. Since the deferral of the application the applicants have submitted additional information to demonstrate the effect of varying the affordable housing upon total s106 contributions.

20% affordable housing was initially proposed on a 50:50 tenure split, which enabled s106 contributions totalling £595,144. This did result in considerable compromise in some areas.

It is now proposed to provide 15% affordable housing, still on a 50:50 tenure split, but this will allow s106 contributions of £1,100,000 to be made.

The impact of this upon the social, environmental and economic roles of sustainable development are considered below.

EMPLOYMENT / COMMERCIAL USES

The application site has been allocated for commercial development for many years, but despite previous planning permissions for employment uses, development has never been brought forward on the site. It is understood that the reasons for the site not being developed relate to multiple land ownerships and viability. Both of these issues are addressed within the current application.

Policy PS4 of the Local Plan identifies that there is a general presumption in favour of development within settlement zones provided it is in keeping with the town's scale and character and does not conflict with other policies within the Local Plan. Policy E3 states that proposals for employment development on land not allocated for such purposes within the settlement zone line identified within PS4 will be permitted provided that the proposal is appropriate to the local character in terms of use, intensity, scale and appearance. Policy PS4 states that any development within the Settlement zone lines on land, which is not otherwise allocated for a particular use, must also be appropriate to the character of its locality in terms of use, intensity, scale and appearance.

Within the Employment Land Review published in 2012 carried out by Arup and Colliers International it is concluded that up to 2030, Cheshire East could have a potential shortfall of employment land of between 5.40ha and 51.33ha. Sandbach is identified as having a limited office market and a surprising shortage of available industrial property. The Capricorn site in particular is identified as a potential employment site for an office location, high quality Business Park, Incubator or SME cluster site. The study however suggests that the site may need to be of a mixed use (50% non-employment use) in order to make the proposed employment use economically viable due to the cost of infrastructure and access costs. Within this report Sandbach is also identified as a strategic location adjacent to the M6 and West Coast Mainline therefore making the town an important logistic location.

The 5ha of employment / commercial land included in this application will make some contribution to the 20ha of employment land allocated on this Strategic Site in the emerging local plan. The masterplan that has now been submitted provides an insight into how the balance of the employment land will be realised in the future.

Paragraph 24 of the Framework requires local authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre, and not in accordance with an up to date local plan. Whilst the principle of either residential or employment development within a settlement zone is acceptable in accordance with policy PS4 of the Local Plan, the local plan dates from 2005 and cannot be considered to be up to date.

The applicant has submitted a sequential statement, which reports on considerations arising from the pub, hotel and café uses. Office uses, which are a town centre use, are not referred

to. Notwithstanding this, there are no known sites that would provide a reasonable prospect of a sequentially preferable opportunity coming forward which is likely to be capable of meeting the same requirements as the application is intended to meet having regard to the strategic location of this employment site immediately adjacent to J17, and its offer to end users. The site has also been identified as a strategic site within the emerging local plan for the proposed range of uses.

The proposal for employment use of predominantly B1/B2 uses on this site is considered to accord with the aspirations of the emerging Local Plan Strategy. However, paragraph 26 of the Framework sets out that developments for town centre uses (such as offices) outside of town centres over 2,500sqm, a town centre impact assessment should be submitted to ensure the proposal will not harm the viability and vitality of Sandbach Town Centre.

The employment and commercial components of the application clearly exceed the threshold of 2,500sqm. Therefore the impact upon any planned investment in a centre or centres in the catchment area, and the impact upon town centre vitality and viability must be considered.

There is no known existing, committed or planned public or private investment in town centres that the proposal could have a significant impact upon.

The former *Practice Guidance on need, impact and the sequential approach*, which has now been superseded by the National Planning Practice Guidance, acknowledged that a hotel associated with a motorway service area is likely to cater for a distinct market compared to a traditional city centre hotel. Similarly, a town centre office development will serve a different function and market compared to a business park. The roadside uses within the current proposal are not intended to be a service station; they are ancillary features to the business park. However, given its location, the commercial uses including the hotel will inevitably serve the motorway “market”, and the scale of the employment proposals that will adopt the form of a business park will cater for a different market to established town centre uses, and as such will not be competing with them. It should also be emphasised that the site has been allocated for employment uses for a considerable period of time. The potential for town centre (office) uses, and their potential impact on the town centre, has long been accepted in this location. The proposal is therefore not considered to have a significant adverse impact upon the vitality and viability of town centres.

The extent of the site that lies in the open countryside is very limited, and it is considered that the potential to provide a much needed employment site in this location is considered to outweigh the normal policy presumption against development in the countryside in this case.

Phasing

The allocation of this site within the emerging local plan identifies that a housing element is required to enable the delivery of the employment uses, which are the primary intention for the site. It follows therefore that the residential provision should be phased to ensure the provision of the employment uses. However, this issue has been discussed at some length with the applicants. The problem identified is that all of the abnormal spending (junction and associated infrastructure) is right at the start of the project. The delivery of the housing is required to cover these costs. Therefore, other commitments have been sought from the applicants to provide some assurance that the employment uses will be delivered. The

provision of further infrastructure is considered to be the next best alternative. This would be in the form of a section of the access road leading from the new roundabout access, which would go some way further towards providing a serviced employment site. This could be dealt with by a condition that required details of a length of adoptable highway extending into the employment area to be submitted for approval and then implemented prior to the occupation of a percentage of the dwellings. Officers believe that this figure should be at 80% which gives a reasonable balance – recognising the initial outlay for the developers.

The applicants remain confident that their roundabout works can tie into the proposed pinch point funding timetable, in which case the roundabout permission 14/0043C will be implemented well before the construction of any dwellings. However, a condition is considered to be necessary to ensure, at least, the implementation of the roundabout permission prior to the commencement of this development. Similarly, if for any reason the roundabout that is the subject of application 14/0043C is not provided, or the costs are less than set out in the viability assessment, a mechanism needs to be in place to allow for the claw back and uplift of contributions given the significant contributions the applicants are making to the roundabout and the associated viability issues surrounding the application. This will form part of the s106 agreement and is listed under the heads of terms.

Masterplan

A masterplan for the whole site has now been submitted, which provides an indication of how the site is envisaged to be developed in the future. This has been prepared in consultation with Persimmon Homes who have control of the southern part of the site off Hawthorn Drive, in order to provide the most comprehensive proposals for the site.

The masterplan proposals do not form part of the application, but are provided for information purposes. The primary focus is on the provision of further employment land across the majority of the site. However, some additional residential proposals are also included. The particular merits of these proposals will need to be considered as and when applications are submitted.

Importantly, the masterplan provides a suggested route across the wildlife corridor from the main access road through the employment site, which is what is required to open up the remainder of the site for development. Without this crossing, the remainder of the site will not be accessible. It is proposed to bridge the wildlife corridor which is considered to have the least impact upon nature conservation interests, however, it does represent a substantial development cost. The crossing has been approximately costed at £2.5 million and these costs are not included within the development costs associated with the current proposal. Therefore this is a further significant cost that will need to be covered at some time. This could potentially lead to further applications for housing, which would further dilute the employment uses across the site. Consequently, the applicants have agreed to “dedicate” an area of land across the wildlife corridor to the Highways Authority to give the Council control over when and how the crossing is provided. In addition a further £500,000 contribution towards the construction costs of the bridge has been agreed with the applicants. This has been agreed by the applicant as it has been identified as a “Phase 2” cost for them, and as such falls outside of the viability issues for the current application. The contribution is in line with the policy for site CS24 as it is required to facilitate the delivery of the employment uses. This commitment will provide further assurance that the employment uses will come forward and not just the residential element.

AFFORDABLE HOUSING

The site is in Sandbach which is within the Sandbach sub-area for the purposes of the Strategic Housing Market Assessment update 2013. This showed a need of 94 affordable homes per annum for the period 2013/14 – 2017/18. This can be broken down to a requirement for 18x 1bd, 33x 2bd, 18x 3bd, 9x 4+bd general needs units and 11x 1bd and 5x 2bd older persons accommodation.

In addition to this information from Cheshire Homechoice, shows there are 348 live applicants who have selected one of the Sandbach lettings areas as their first choice. These applicants require 126x 1bd, 143x 2bd, 55x 3bd and 9x 4/5bd units. 15 applicants did not specify a bedroom requirement.

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

The Interim Planning Statement: Affordable Housing also requires that affordable housing is pepper-potted, provided no later than occupation of 50% of the open market dwellings (or 80% if the development is phased and has high levels of pepper-potting), and that the affordable housing is built to meet the Design & Quality Standards required by the Homes & Communities Agency and meets Code for Sustainable Homes Level 3.

As noted previously the policy compliant level of affordable housing cannot be provided in this case in addition to the other required s106 contributions and associated infrastructure improvements. It is now proposed to provide 15% affordable housing on a 50:50 tenure split as part of the proposal. This level of affordable housing provision is justified and can be accepted in this case in order to provide a balanced package of benefits to contribute towards achieving a sustainable form of development.

ACCESSIBILITY

The location of the site and presence and nature of Old Mill Road limits the accessibility of the site beyond the use of the private car. This road creates something of a barrier to occupants of the site when considering movements to and from the site in non car modes of transport. There are no dedicated cycle routes along Old Mill Road or Congleton Road, and the nearest bus service is on Congleton Road. Therefore, any non-car borne to or from the site travel will require the crossing of Old Mill Road, on which cars travel at the national speed limit.

Policies GR9 and GR10 of the local plan, and policy CO1 of the emerging local plan, seek to ensure that developments are accessible by a range of transport options. This is consistent with paragraphs 34 and 35 of the Framework, which require plans and decisions to take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. Indeed one of the core planning principles of this document is to actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Any development of this site should therefore include provision for the safe crossing of this road. The detail to be developed through the reserved matters application should assess and incorporate pedestrian and cyclist movements both within, and to and from the site, in particular connectivity between the town centre and the site. The existing public footpath No. 11 offers a trajectory that could be enhanced in specification and legal status to provide a mainly off-road and pleasant route for non-motorised traffic. A key element in this concept would be a crossing facility on the A534. The developer should be required to provide this in order to accommodate the anticipated demand for this connection that would arise as a result of the proposed development.

Furthermore, appropriate destination signage should be provided both on and off site for pedestrians and cyclists, and the travel planning provided for residents and employees should include information on walking and cycling route options.

The legal status of the proposed pedestrian/cycle routes within the site would need agreement with the Council, with the maintenance of such routes being included within the arrangements for greenspace management.

The provision of walking and cycling infrastructure should be completed prior to the occupation of employment or residential sites in order that travel habits can be developed as the new sites are occupied. Consideration of this would need to be afforded across the proposed phasing of the development.

Given the revised affordable housing offer it will now be possible to provide a footway / cycleway between the site and traffic light junction at Old Mill Road / High Street to improve safe accessibility to the town centre.

EXISTING PUBLIC RIGHTS OF WAY

The proposed development is to affect Public Footpath Sandbach No.11, part of which is located within the site. Rights of Way Circular 1/09 states that most outline planning applications do not contain sufficient information to enable the effect on any right of way to be assessed (and are not required to do so) and consequently such matters are usually dealt with during consideration of the matters reserved for subsequent approval. The Rights of Way Unit are satisfied with this approach.

HIGHWAY SAFETY & TRAFFIC GENERATION

As noted above, access has now been reserved for subsequent approval, therefore the access proposals submitted are only indicative.

The Strategic Highways Manager has commented on the application noting that there are two points of access proposed to the site, the employment zone will served via a new enlarged roundabout close to junction 17 M6, this roundabout access is the subject of a separate planning permission.

The residential element of the application is served from a priority junction arrangement with a right turn lane off Old Mill Lane. There is a considerable separation distance between the residential access and the roundabout at J17.

Development Traffic Impact

The likely traffic impact of the development has been assessed using the Vissim model that was developed to support the Highways Agency (HA) Pinch Point scheme at J17 M6. The assessment year was agreed at 2020 and the assessments were undertaken in the traditional peak hours of 08.00-09.00 and 17.00-18.00.

The applicant has submitted a set of total trips generation figures to test the traffic impact of the development on the network; these figures are based upon a target peak hour person trip generation.

There is no justification that the site location and transport links can justify the substantial reduction in trips that has been undertaken in the figures and these traffic generation figures are not accepted. It is considered that the traffic generations from the site are likely to be more consistent with the Trics outputs being some 160 two way residential trips and 250 two-way commercial trips.

Distribution

The trip routing to and from the site is indicated in the Table below:

Direction to/from	%Total Residential Trips
M6 (North)	45%
M6 (South)	16%
Congleton Road (East)	18%
Congleton Road (North)	0%
Old Mill Road (West)	21%

The Vissim model coverage included the following junctions:

- i) M6 J17 HA PPS
- i) Site Access/ Old Mill Road
- ii) Old Mill Road/ The Hill signals
- iii) A534/ A533 Wheelock Roundabout

To assess the implications of the development a number of scenarios were run using the Vissim model for the A534 corridor:

- i) Base + Committed Development + Pinch Point Scheme (Do Minimum)
- i) Base + Committed Development + PPS + Capricorn + Revised Rbt Design (Do Something)

Model Delay Results

The model results indicate that the provision of a much larger roundabout at Junction 17 will improve journey times along the A534 Old Mill Road corridor to and from the motorway and even though the commercial development and residential have been added to the traffic flows. The Vissim model does not provide capacity assessment outputs but the impact of the scheme can be assessed by comparing journey times along the corridor and also the predicted queue lengths. A comparison of the travel times indicates that the inclusion of the larger roundabout does improve travel reliability over the “Do Minimum” scenario. The development will increase delays on the M6 southbound off-slip, however this is a matter for the HA to consider in their comments on the application. Apart from the slip road impact, the journey times on the other routes are much improved with the new roundabout in place despite the inclusion of a further new arm and the Capricorn development included.

With regard to the impact on the local road network, CEC has undertaken considerable capacity assessment work on the junctions at Old Mill Road/ The Hill junction and at the A534/A533 Wheelock roundabout using stand alone Linsig and Arcady programs. The results of this extensive work indicate that these junctions have substantial congestion problems not only confined to the peak hours but also have excessive queues forming currently without committed development traffic being included. To deal with the congestion problems at these junctions and also to allow the planned Local Plan developments to come forward, an infrastructure improvement scheme has been designed.

Clearly, not all development traffic from the Capricorn Site will access the M6 motorway and substantial amount of trips (21%) would travel west through the above junctions and will have an impact on the operation of the local junctions and add to the congestion levels currently being experienced.

Sustainable Transport

The accessibility of the site for non-motorised modes of transport is poor. The site is isolated and whilst there are footway connections to the existing footway network, there are no crossing points on the A534. In addition, there are no cycle facilities along Old Mill Road or facilities at the new roundabout access. The access to public transport is similarly very poor, although there are services that run along the A534 and Congleton Road although these are very infrequent services. Even if a journey from the site by public transport was to be made, there are no pedestrian links to the services.

Highways Conclusions

There are two distinct uses proposed in this application with both having a separate access to serve the each one. The commercial development is situated close to the M6 motorway and would be served by a new enlarged roundabout with a separate arm into the scheme. The residential application for 250 units has a priority junction access onto Old Mill Road some

250m away from the proposed new roundabout. There is no internal vehicular link shown on the indicative plans between the commercial and residential schemes.

With regard to the new roundabout, this design does provide road network benefits in regards to overall travel times on the A534 Old Mill Road corridor and would be an improvement over the smaller HA pinch point scheme despite having the Capricorn development included. Therefore, the development impact at J17 M6 has been acceptably mitigated.

The impact of the development has been undertaken using target trip generation figures which are not accepted given the issues on the sustainability of the site and it is likely that an underestimation of 13% has been made on the total development traffic in the peak hours. This reduction in trip generation would not affect the consideration of the new roundabout as it more than accommodates the 13% additional flow that would be expected from the site. However, there is an impact on the other junctions in the locality of the site, namely Old Mill Rd/The Hill and at the Wheelock roundabout, as these junctions are already very congested the impact of the development at these junctions has not been mitigated by any proposed measures.

As there are identified improvements required to these sections of the local road network, contributions towards these works have already been secured from other developments that also have an impact. As this site is one of the locations that has a direct impact on these junctions a contribution based upon the size of development should be provided. The level of contribution has been based on a CIL compliant sharing of funding of the total works and this equates to a contribution of £469,000 from this development.

These highways contributions are not included within the viability report and therefore cannot be provided by the developer as part of this application.

As indicated earlier, the sustainability of the site is poor, measures to improve the accessibility of the site are needed. In an attempt to overcome the accessibility problems associated with the application site, the following improvement measures are recommended by the Strategic Highways Manager:

- A new toucan crossing on the A534 near to the residential junction access.
- An upgrade of the footway to footway/cycleway on the north side of Old Mill Rd from the site access to Congleton Road.
- New footway/cycleway to south side of Old Mill Road (outside of site)
- Provision of a new footway/cycleway from the residential site access to the junction with the High Street on the north side of Old Mill Rd. Ownership issues will prevent the footway to Swettenham Close and Alderley Close being upgraded.
- The provision of a pedestrian refuge to aid crossing near to the junction with Congleton Road.

The Strategic Highways Manager has advised that if these measures can be provided then no contributions towards infrastructure improvements at The Hill/Old Mill Rd and Wheelock Roundabout would be requested. This is having regard to the benefits to the road network arising from the larger roundabout at J17.

The costs of a new footway / cycleway from the site to High Street can now be afforded by the development in light of the reduced affordable housing provision. This route is a significant

benefit to the proposal and increases the accessibility of the site for pedestrians and cyclists by providing a direct route to the town centre. Therefore all of the measures to improve the accessibility of the site recommended by the Strategic Highways Manager can now be provided.

AIR QUALITY

The applicant has submitted an Air Quality Impact Assessment with the application. The proposed scale of the development is considered to be significant in that it is likely to change traffic patterns and traffic flows in the area. In particular, the development lies within 300m of the Sandbach (J17, M6) Air Quality Management Area (AQMA), which was declared in 2008 as a result of breaches of the European Standard for nitrogen dioxide (NO₂). There is also concern that the cumulative impact of developments in the area will lead to successive increases in pollution levels, thereby increased exposure.

The assessment uses BREEZE Roads CAL3QHCR to model NO₂ impacts from the predicted additional road traffic and changes to traffic flows associated with this proposal and other permitted developments. The report considers the impact of the M6, Old Mill Road and from the two proposed access roads on the phase 1 development and the impact of the proposed phase 1 development on existing receptors in the area.

The model predicts that both the proposed residential and mixed use areas of phase 1 will be below the air quality objectives. Regarding existing receptor impact, it is highlighted that there is likely to be increased exposure to airborne pollution at all 10 receptors modelled. Four of these receptors are within the AQMA. Environmental Health advises that any increase of concentrations in an AQMA is considered significant as it is directly converse to their Local Air Quality Management objectives.

If the report had taken sensitivity analysis into consideration whereby the predicted decline in vehicle emissions has not occurred as recent evidence has shown, impacts of the development could be significantly worse than that which has been reported. In addition, taking into account the uncertainties with modelling generally, the impacts of the development could be significantly worse.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered that mitigation should be sought from the developers in the form of direct measures to reduce the impact of traffic associated with the development. In addition, Environmental Health advise that there should be funding provided to the Council to enable it to implement elements of the Air Quality Action Plan in relation to Sandbach.

Modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow charging of electric vehicles in new, modern developments.

Whilst raising no specific objections, Environmental Health recommend conditions relating to travel plans and electric car charging points and a financial contribution of £10,000 towards

implementing the Air Quality Action Plan in Sandbach in order to mitigate for the air quality impact of the development, and to comply with policy GR7 of the local plan.

NOISE IMPACT

The applicant has submitted a noise assessment with the application which has indicated that mitigation measures are required for certain aspects of the residential and commercial aspects of the development. The report details the reduction that will be provided by standard and secondary glazed windows.

Further information will be required to ensure the noise impacts of the proposal are acceptable. This would include a detailed layout; the orientation of the internal layout of residential properties; the glazing to be applied to the individual properties most affected; the layout attenuation which will be provided by the layout of the site and more specific details of the ventilation systems to be provided to the proposed properties. The detailed layout of the site will also help to ensure that any mitigation requirements for gardens are also met.

The residential properties must achieve the good internal standard of BS8233:1999 and also <55dB in residential gardens in accordance with the WHO Guidelines.

Residential and Commercial Noise Mitigation

The report does not include details relating to whether noise mitigation measures are required to be implemented between the residential and commercial/industrial units. A scheme of mitigation is therefore required to be submitted and approved by the LPA prior to the commencement of the development.

Subject to this additional detail being provided at the reserved matters stage and appropriate mitigation the noise impact of the proposal is considered to be acceptable in accordance with policy GR7 of the Local Plan.

CONTAMINATED LAND

There is a petrol station currently adjacent to the site, therefore there is the potential for contamination of the site and the wider environment to have occurred. Additionally, the application is for new residential and commercial properties which are a sensitive end use and could be affected by any contamination present.

The applicant has submitted an Environmental Statement and a contaminated land report for the site. The relevant chapter of the Environmental Statement does not appear to take the contaminated land report into account as the results of this work have not been included within the risk assessment (it is assumed that the applicant has reliance on this report).

The Environmental Statement for the site recommends a site investigation be undertaken for the site. However, a site investigation has been undertaken and is presented within the contaminated land report also submitted with the application; an updated site investigation should be undertaken for the site. Within this updated investigation, sufficient depth would need to be achieved near to the petrol station to enable a thorough investigation of any migration from this potential source of contamination.

The Contaminated Land team has no objection to the above application subject to a condition requiring an updated Phase II investigation to be carried out and submitted.

LANDSCAPE & TREES

Landscape

As part of the application a Landscape and Visual Impact Assessment (LVIA) has been submitted, this indicates that it has been based on the Guidelines for landscape and Visual Impact assessment, 2nd Edition, 2002.

As part of the assessment the baseline landscape is referred to, the assessment identifies the National Character Area in which the application site is located, as well as the local landscape type, in this case Lower Farms and Woods but it is noted that the site is not visible over an extensive area of this character type. The landscape officer broadly agrees with the assessment in terms of the significance of effects. The LVIA notes that the site lies on the boundary of the urban area of Sandbach and a major transport corridor which therefore form part of the site context. The landscape sensitivity of the site to the proposed development is therefore identified as medium to low. The extent of change as a result of the proposed development is identified as medium due to the permanent loss of agricultural land and some internal hedgerows, but not high due to the limited visibility of the site; the retention of existing features typical of this landscape type, such as the topography, boundary hedgerow, hedgerow trees and safeguarding of tree belts to the periphery of the site and the scale of the proposed development. Therefore, the overall landscape impact is assessed as moderate due to the medium to low sensitivity combined with the medium magnitude of change.

Landscape concerns relate to the density of the development and the proposed mitigation measures that this allows. The proposed Masterplan indicates that the existing wooded spurs and Offley Wood to the south would be retained; however there is little scope for any additional planting within the application site and mitigation appears to be minimal, with hedgerow trees being maintained where possible and the hedgerow to the west of the site to be retained and reinforced. Old Mill lane A543 is one of the main routes into Sandbach and the proposals offer little in terms of enhancement.

This is an outline application and the Masterplan is therefore indicative, but it is considered that a development such as this offers opportunities to create a high quality and robust new landscape framework, including new open spaces, trees, structure planting, hedgerows and other mixed habitats, and particularly attention to design and specification of landscape boundary treatments. The Framework highlights the importance of high quality design that also responds to local character and that reflects the identity of local surroundings, with appropriate landscaping; this is not something that has been demonstrated within the information submitted. However, given that landscaping is reserved for subsequent approval, this will have to be considered carefully at the reserved matters stage.

Trees

Arboricultural information has been provided in stages throughout the course of the application. The submission now includes a BS 5837:2012 Tree Survey and Arboricultural

report / consideration of buffer zones. The stated purpose of the latter document is to provide further information on trees that were surveyed as groups and woodlands during the initial survey in 2011; specifically, to provide accurate root protection areas (RPAs) for woodland boundary trees.

As an outline application with all matters reserved, the full implications of the development will only be realised at reserved matters stage, with detailed analysis of tree constraints and issues such as ground modelling. Nevertheless, it is important for the LPA to be satisfied that the site has the capacity to accommodate the scale of development proposed.

Whilst tree cover to the north of the site is limited, the submission does not illustrate how tree constraints impact on the indicative layout for the employment area. The indicative layout would provide limited opportunities for meaningful boundary screen planting to the prominent north and east boundaries of this part of the site.

In respect of the residential layout, at face value it appears that a development could be accommodated whilst generally respecting root protection areas for existing trees. Nevertheless to the south of the site in particular, some plots are shown in positions where it appears they could be dominated and overshadowed by adjacent TPO trees. Such a situation would provide poor private amenity and would be likely to result in threat to the long term retention of the trees. At the reserved matters stage it will be necessary to improve this relationship and it would be desirable to secure an undeveloped buffer to the woodland, outside of residential plots. This could impact on the capacity of the site to accommodate the number of dwellings proposed, the scale of the buildings, or their orientation. It is also noted that the density of the residential development to the north is high with a layout which would provide limited opportunities for meaningful tree planting.

The arboricultural report places emphasis on the importance of the existing woodland and wildlife corridor, and it is agreed that it would benefit from active management. However, the reports go no further in this regard, and do not explain how or even if this will be achieved.

The Forestry Officer has reservations that the site can accommodate the scale of development proposed without compromising existing trees and meeting good design principles. However, given that all matters are reserved there is considered to be adequate flexibility to account for this at the detailed design stage. Should the application be approved then the reserved matters will need to be supported by a comprehensive tree survey, Arboricultural Impact assessment, Arboricultural Method Statement, tree protection measures and full details of proposed levels. In addition it should provide a robust mechanism to secure the long term retention and management of retained trees and woodland, together with a new strategic landscape structure with significant additional tree planting and ongoing management provision.

Hedgerows

A Hedgerow Regulations 1997 Assessment has not been undertaken as the hedgerows are species poor as confirmed by the Phase 1 Habitat Survey undertaken as part of the EIA, whilst the cultural heritage chapter of the EIA identifies the impact on the historical value of the hedgerows within development as being only moderate.

ECOLOGY

The nature conservation officer has commented on the application and provides the following comments:

Arclid Brook Local Wildlife Site and Sandbach Wildlife Corridor

The proposed development is located immediately adjacent to the Arclid Brook local wildlife site and the Sandbach wildlife corridor.

The proposed development will not result in the direct loss of habitat within either the wildlife corridor or the local wildlife site. However the proposed development has the potential to have an adverse impact upon these two designated sites in a number of well evidenced ways:

- The tipping of garden waste from adjacent residential properties.
- Direct loss of habitat due to the unauthorised extension of gardens into the woodlands.
- The introduction of non-native invasive species from adjacent gardens.
- Contamination resulting from garden pesticides and herbicides.
- Disturbance associated increased public access.
- Disturbance associated with increased road traffic.
- Increased predation from domestic cats.
- Light pollution.
- Disturbance impacts occurring during the construction phase.
- Pruning of trees due to issues of shading.

The submitted Environmental Statement initially prescribed a 2m buffer from the edge of the woodland habitats. The submitted indicative layout plan also shows residential gardens backing onto the woodland and also access roads in close proximity to the woodlands forming the wildlife corridor and local wildlife site. The proposed development as indicated by the submitted illustrative master plan therefore had the potential to have an adverse impact upon both the wildlife corridor and the SBI in the ways described above.

The nature conservation officer advised that an undeveloped buffer zone of 15m, consisting of semi natural habitats/informal open space would be more likely to address the potential adverse impact of the development upon the Wildlife Corridor and Local Wildlife Site. Additionally, it was recommended that the layout should avoid residential properties backing onto the wildlife corridor. The creation of an “appropriate undeveloped buffer zone” is stated in the emerging plan as one of the site specific principles for development.

Considerable discussions have taken place with the applicants regarding the suggested buffer zones, and a revised indicative plan has been submitted. As part of these discussions the nature conservation officer identified a recommended buffer zone on a plan.

In respect of the various ‘buffers’ proposed adjacent to the Sandbach Wildlife Corridor the revised indicative plan is an improvement over the original layout. However, the indicative layout does still show a number of residential properties backing immediately onto the woodland which forms wildlife corridor. In accordance with nature conservation officer’s initial consultation response, he advises that this arrangement is likely to have an adverse impact upon the wildlife corridor.

In order to ensure appropriate ecological buffer zones are incorporated into the detailed design of this development, the nature conservation officer recommends that if outline consent is granted, a condition should be attached to ensure that appropriate buffer zones are incorporated in accordance with his written specification.

Buffer zone specification

Section A (southern most section of corridor)

In this section the development would be adjacent to the core area of the wildlife corridor. A 15m buffer should be provided along this section to safeguard the wildlife corridor and reduce issues associated with trees shading the proposed dwellings. The buffer should be measured from the point where the land levels off at the top of the slope. The buffer should be of informal open space and include an element of woodland edge planting. A footpath within the buffer would be acceptable. Any properties adjacent to the buffer should face rather than back onto it.

Sections B and D (projecting fingers of corridor)

In these two woodland spur sections an undeveloped buffer should be provided which is in accordance with the root protection area and crown spreads of the woodland trees or a minimum 5m depending which is the greater. No properties should be located adjacent to this undeveloped buffer, but an access road, footpath, open space or similar located outside and adjacent to the buffer would be acceptable. If the buffer is located adjacent to an access road or footpath it would be acceptable for the buffer to consist of a lightly managed grass verge.

Section C (central section)

In this section the development would be adjacent to the core area of the wildlife corridor. This is the narrowest section of the wildlife corridor. A 20m deep area of woodland planting should be provided in this section to ensure adequate protection for the woodland core woodland to provide screening for the development.

Section E (eastern section of corridor)

This section of the Wildlife Corridor is designated as a Local Wildlife Site (formally known in Cheshire as Sites of Biological Importance) and forms an integral part of the wildlife corridor. The buffer here should consist of either:

- 1) Where trees are present a 5m buffer measured from the root protection area (or canopy) of the trees on the woodland edge or
- 2) Where no trees are present a minimum 5m buffer should be provided measured from the application site boundary.

The buffer should be of semi-natural grassland habitats to compliment the adjacent Local Wildlife Site.

General Specification

There should be no change to the existing levels within any of the buffer areas. It is also suggested that a footpath link be provided along the southern boundary of the development to run between the wildlife corridor and the harder elements of the proposed development.

The buffer zone indicated above may have implications on the total numbers of dwellings that can be achieved on the site, therefore the condition will need to be worded to provide maximum protection to the wildlife corridor, whilst providing some flexibility where site circumstances allow it.

Otter and water vole

No evidence of these species was recorded and as such are unlikely to be affected by the proposed development.

Great Crested Newts

No evidence of this species was recorded during the submitted survey and as such are unlikely to be present or affected by the proposed development.

Breeding Birds

A number of Biodiversity Action Plan priority species have been recorded on site. These species are a material consideration for planning. The site, which includes the adjacent wildlife corridor and local wildlife site is considered to be of value in the local context for breeding birds. The submitted Environmental Statement identifies the adverse impact of the proposals on breeding birds as being moderate due to increased disturbance of the adjacent woodland and displacement of declining farmland and woodland birds.

It is considered that the increased undeveloped buffer as described above would assist in mitigating the adverse impacts of the proposals on breeding birds, however there is still likely to be a residual impact on breeding birds associated with the proposed development.

Bats

A high level of bat activity was recorded on site. This is mainly associated with the edge of the woodlands located in the southern half of the site. Whilst woodland habitats will be retained, the close proximity of the proposed development may have an adverse impact upon bat foraging activity if artificial lighting is required. The potential impact of the proposed development upon foraging and commuting bats associated with the wildlife corridor would be reduced through the increased size of the undeveloped buffer as described above. The impact could also be mitigated further through the careful design of the lighting scheme for the development. The submission of a lighting scheme could be made the subject of a condition if consent were granted.

Badgers

Significant evidence of badger activity was recorded during the submitted survey. The activity is mostly within the retained woodlands to the south of the site. Three setts have been identified, however these were found to be disused when the latest surveys were completed. Therefore, whilst the proposed development will result in the loss of some available badger foraging habitat this is not likely to have a substantial adverse impact upon the local badger population.

LAYOUT & DESIGN

With all matters reserved for subsequent approval only an illustrative layout has been submitted. This illustrative layout has been amended during the course of the application to

allow for changes to the proposed site access. The illustrative layout shows the provision of 247 dwellings.

Paragraph 64 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Consequently, the following matters will need to be considered as part of any reserved matters application.

Employment / mixed use

The edge along the slip road frontage is very hard, a more “balanced” edge is needed with landscape softening the impact of buildings. The quality of the buildings on this frontage will be important to the scheme and the environmental character of the area. It is the scheme’s shop window but also of Sandbach and Cheshire East from the vantage point of the motorway. Strong focal buildings are needed on the corners.

Housing

The Old Mill Road frontage needs landscape reinforcement to retain the essence of its green character beyond the site entrance, a softened profile to housing but where landscape is still a dominant characteristic. Similarly the gateway into the site needs to be appropriately scaled and landscaped to help waymark the scheme but also set a positive gateway context. The relationship to existing tree groupings needs to be positive, responding to both design and ecological considerations. A significant challenge for the applicant will therefore be to provide up to 250 residential units and deliver a character of housing appropriate to the site and its wider context.

A lower density of housing would better suit the site’s position and character and provide greater opportunity to retain landscaping as the dominant characteristic, but given the outline nature of the application a refusal on these grounds would not be justified at this time. The options would therefore be to reassess the mix of housing, providing smaller units to provide more space across the site, or reduce the number of houses. Both of these options would inevitably impact upon the viability of the development. In addition, the housing mix outlined in the viability information identifies the open market housing to be all 3, 4 or 5 bed properties, and the affordable units to be all 2 bed properties. Such an approach cannot be considered to provide tenure blind affordable units, nor are the units shown to be pepper potted across the site on the indicative layout. Therefore greater consideration will need to be given to the integration of the affordable units.

Integration between uses

Since the inclusion of the access for the business park from the J17 roundabout it seems that in accommodating this it has resulted in a very disconnected development with the housing turning its back on the employment area and no apparent pedestrian or vehicular connectivity between the two. There should be direct and attractive connections between uses, and this is not evident on the indicative layout, and will need to be addressed in the reserved matters.

Integration between application site and remainder of the strategic site

The first phase of the development of this strategic site will inevitably be divorced to some degree from the wider site due to the presence of the wildlife corridor. The recently submitted masterplan does now provide an indication of vehicle and pedestrian links across the wildlife corridor. The existing landscaping has to be a strong feature within the scheme and the

reserved matters need to ensure that connections to the wider site are acknowledged, given that the emerging local plan sees this as a single site, albeit with a strong landscape infrastructure.

Integration with the wider town and town centre

Previously concerns were raised with regard to the absence of proposals to link both the residential and mixed use elements to the wider area and the town centre. Separating the vehicular access from the originally proposed nodal point at Congleton Road presents an opportunity to significantly enhance pedestrian and cyclist facilities and present a more positive gateway into the town. The provision of the footway / cycleway from the site to High Street will help to achieve this connectivity.

Gateway/landmark character

Whilst it is inevitable that development will have an urbanising effect and the nature of the present gateway will change, there is a danger that a very hard urban character will be established, particularly given the junction improvements to J17 and the access proposals for the site on Old Mill Road. This could drastically impact upon impressions of Sandbach as an historic market town.

Therefore, considerable attention will need to be paid to the likely impressions arising from this development, allied to its strategic importance as a gateway into Sandbach; but also more widely, for visitors heading to Crewe, to the east toward Congleton and Macclesfield and so for Cheshire East more generally. This site is a real opportunity to showcase the future aspirations of Cheshire East as a place: open for business but a place where high quality and sustainable design are essential. Many thousands of people will pass this site every day, and many will be entering the Borough at this point. What impression will the development have upon them? The reserved matters will need to ensure that the site will not feature ordinary and uninspiring design, particularly when coupled with the dominance of vehicles imposed by the road infrastructure. This is another reason why there would be a presumption against big box warehousing in this location.

AMENITY

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site are reserved matters and it is considered that the dwellings could be accommodated on the site, whilst maintaining these distances between the proposed dwellings within the new estate and adequate amenity space could be provided for each new dwelling. No further significant amenity issues are raised at this stage.

The commercial aspects of the development can similarly be determined at the reserved matters stage to ensure amenity is safeguarded accordingly.

FLOODING

The Environment Agency has no objection in principle to the proposed development but do

advise that the discharge of surface water from the proposed development should mimic that which discharges from the existing site. As recommended in the Flood Risk Assessment (FRA) contained within Chapter 15 of the Environmental Statement infiltration tests should be undertaken to confirm the feasibility of such an approach for the disposal of surface water and rates.

In the event that disposal of surface water via infiltration is not shown to be appropriate, and in accordance with Building Regulations Approved Document H, discharge to watercourse should be considered. If a single rate of discharge is proposed, this is to be the mean annual runoff (Qbar) from the existing undeveloped greenfield site.

For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

The FRA suggests a series of below ground tanks for the attenuation of surface water from the residential element of the development. However, the discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. We would therefore recommend that consideration be given to the provision of SuDS features (either above or below ground) at the detailed design stage.

No flood risk objections are therefore raised subject to conditions relating to surface water runoff and the management of risk of flooding from overland flow of surface water.

OPEN SPACE

Paragraph 73 of the Framework places an emphasis on the need to provide high quality open spaces and opportunities for sport and recreation as they can make an important contribution to the health and well-being of communities.

Policy GR22 of the Local Plan and SPG1: Provision of Public Open Space in New Residential Development requires the provision of Public Open Space. Policy GR22 requires that this public open space is of *'an extent, quality, design and location in accordance with the Borough Council's currently adopted standards and having regard to existing levels of provision'*. SPG1 states that *'the requirement for public open space will normally apply to all developments of 7 or more dwellings'*. The Interim Policy Guidance on Public Open Space Provision provides details in relation to the level and types of provision which will be required for the development.

The Cheshire East Open Space Assessment (March 2012) identifies that there are no allotments within the Sandbach area and a very limited provision of children's play provision.

The emerging local plan states that a multi use games area and an equipped children's play space should be provided on this Strategic Site.

The Parks Management Officer (Streetscape) has commented on the application and calculated the open space requirements for the site in accordance with the advice, standards and formulae contained in the Congleton Borough Council Interim Policy Note on "POS

Provision for New Residential Development” 2008. This has identified a deficit of Amenity Greenspace provision and Children and Young Persons provision.

The Policy Note provides for (1) amenity greenspace (AGS) and (2) children’s play provision, other land typologies such as woodland, wildlife or semi natural areas are not a standard requirement therefore these areas go beyond policy requirements however, they are considered beneficial for the ecology, diversity, aesthetics and openness of the site.

Amenity Greenspace (AGS)

Having regard to the amount of accessible AGS within 800m of the site and the existing number of houses that use it, 250 new dwellings will generate a need for 6,000 sqm new AGS within the site. In the absence of a housing schedule the amount of Public Open Space that would be expected in respect of the new population is based on 2.4 persons per dwelling.

Amenity greenspace is shown on the indicative layout in three areas. One at either end of the existing public footpath adjacent to the boundary with Old Mill Lane, and a third to the south of the employment area adjacent to the wildlife corridor.

As this is an outline application and the layout is indicative, no specific details are available of size of areas or landscaping therefore figures are not able to be calculated at this stage and will be offered at the reserved matters application.

This development borders Sandbach Wildlife/Green corridor which includes the river Wheelock with densely planted woodland and shrubberies, and it is most welcomed that the developer has recognised the importance of this area as a local amenity.

The proposed green Infrastructure will include the retention of existing green corridors and new additional planting throughout the development. All 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. For liabilities and maintenance implications Streetscape would look to a residents’ management company or other competent body.

Although the green corridor does not fall under the definition of ‘amenity greenspace’ it could potentially mitigate some of AGS through negotiation. However some formal green/kick-about areas with natural surveillance are also required in accordance with policy. Indeed, improving access to the green corridors whilst protecting and enhancing the Site of Biological Importance, watercourse and wildlife corridor are identified as specific principles for the development of the Strategic Site.

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 by over 2 play facilities, having regard to the local standards set out in the Council’s Open Space Study for Children and Young Persons provision.

Consequently there is a requirement for new on site Children and Young Persons provision to meet the future needs arising from the development and a one larger on site facility would be preferred. This should be a NEAP facility provided by the developer containing at least 8 items of equipment and would take into account all ages of play, items including elements of DDA inclusive equipment, infrastructure and appropriate safer surfacing. This would typically

occupy an area of approximately 1000sqm. Landscaping should be kept to a minimum to ensure the best natural surveillance possible. Consideration should also be given to the design in respect of minimising future maintenance costs.

Due to the complex management required for play facilities, Streetscape considers the Council has the best competencies required to carry out effective maintenance to protect these community facilities. If however, the decision is made to transfer the play facilities to a residents management company then a full maintenance plan should be submitted prior to commencement of any works.

Open space conclusions

The policy compliant requirement for amenity greenspace is 6000 sqm, and a further area of approximately 1000sqm to provide a NEAP facility. However, the indicative layout suggests approximately 4000sqm in total can be provided on site together with limited public access to the wildlife corridor. Any alternative layout is unlikely to provide additional open space whilst maintaining viability, given that there are competing requirements of additional landscaping, tree protection, protection of the wildlife corridor. Therefore having regard to the viability situation, the important infrastructure this development will provide, and the ability to provide access to the wildlife corridor to compensate for the identified shortfall of formal open space the provision of 4000sqm is acceptable in this case. Within this, a single area of 2000sqm should be provided to accommodate a kick-about area plus a 1000sqm area to provide the NEAP facility.

The applicants have also confirmed that they will provide a management company to maintain the areas of open space, which will avoid further requirements for s106 contributions.

EDUCATION

250 dwellings are expected to generate 45 primary aged children and 33 secondary aged children.

Primary

The local primary schools are forecast to have 18 surplus places available by 2018, which Education are willing to allocate to this development. Contributions are being sought from other developments in the town on a per pupil basis. Therefore a contribution of £292,850 will be required to accommodate the additional 27 pupils of this age to be generated by the development.

Secondary

The consultation response from Education notes that the local secondary schools are forecast to be cumulatively oversubscribed (excluding 6th forms) and contributions towards secondary provision are now being sought from developers on a per pupil basis. Therefore a contribution of £539,309 will be required to accommodate the pupils of this age to be generated.

The applicants had questioned the need for the full contributions for secondary education given the very high levels of 'out of catchment' children at the two local secondary schools and there is other surplus available at other nearby schools.

However, the requirements are for the full contributions and agreement has now been reached with the applicants to provide this. The figures above can be afforded by the development with the 15% affordable provision.

ARCHAEOLOGY

The application is supported by an archaeological and cultural heritage study which is contained in Chapter 11 of the Environmental Statement. The report notes that there are currently no designated or undesignated Heritage Assets within the application site but there are a number of potential areas of interest, which merit further investigation and recording. These include the arm of an enclosure adjacent to Old Mill Road, a number of features that may be associated with a kiln (probably a post-medieval brick kiln), an area of ridge and furrow, and the boundary separating the two northern fields which appears on the Tithe map and will be destroyed by the development.

These features will require a programme of archaeological mitigation, which should consist of targeted trial trenching followed by further investigation if anything of significance is found. The mitigation should be accompanied by a programme of supervised metal detecting and a report on the work will need to be produced. The mitigation may be secured by condition.

AGRICULTURAL LAND

Paragraph 112 of the Framework states that Local Planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The proposal does involve the loss of some grade 2 agricultural land, which is some of the best and most versatile, as well as some grade 4 (poor quality).

However, Inspectors have previously considered the need for housing land supply outweighs the loss of agricultural land. It is also considered that the potential economic benefits, including job creation, of the proposal also outweigh the loss of agricultural land in this case.

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include the following heads of terms:

- Financial contribution towards primary education of £292,850
- Financial contribution towards secondary education of £539,309
- Contribution of £10,000 (air quality mitigation) towards implementation of Air Quality Action Plan in Sandbach
- The provision of a NEAP facility (comprising a minimum of 8 items of equipment) and a minimum of 4000sqm of open space to be provided on site. One area shall be a minimum of 2000 sqm.
- Management details for the maintenance of all amenity greenspace / public open space, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming private gardens or part of the adopted highway in perpetuity.

- Provision of 15% affordable housing with 50% to be provided as social rent and 50% provided as intermediate tenure
- Phasing of affordable housing
- Area of land across wildlife corridor transferred to Highway Authority
- Financial contribution of £500,000 towards bridge to cross wildlife corridor
- Clawback mechanism (in the event additional monies become available)

Community Infrastructure Levy (CIL) Regulations

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of affordable housing, provision of public open space and associated management and air quality mitigation are necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for school places at the primary and secondary schools within the catchment area which have at best only limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary and secondary school education is required based upon the maximum units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site is located within mainly within the Settlement Zone of Sandbach, with a small proportion located within the Open Countryside. The site has long been associated with, and allocated for, employment uses, however previous permissions have expired and relevant local plan policies have not been saved.

The site is intended to serve as major employment site for Sandbach being identified in the emerging local plan for the provision of up to 20ha of employment land. It is accepted that in order to bring the employment uses forward an amount of residential development is required to fund the necessary road and infrastructure for the employment site. Due to the extent of these works identified by the applicant a viability assessment has been submitted.

It has to be acknowledged that the viability of the development does compromise the sustainability of the development, and therefore the issues need to be carefully balanced. However, the employment opportunities that are created and the associated highways improvements arising from the proposed roundabout do weigh heavily in favour of the proposal. The current proposal presents an opportunity for the long-term intention for the use

of this site for employment purposes to be realised and provides potential for the wider strategic site as a whole to capitalise on its strong links to the M6, attract investment and skills to locate in the town and deliver a high quality urban extension. These matters are considered to outweigh the concerns raised above to the extent that they can be considered at this outline application stage. A recommendation of approval is therefore made subject to the Heads of Terms above and the conditions listed below.

Application for Outline Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A03OP - Time limit for submission of reserved matters
4. A06OP - Commencement of development
5. A01AP - Development in accord with approved plans
6. A22GR - Protection from noise during construction (hours of construction)
7. A32HA - Submission of construction method statement
8. A08OP - Ground levels to be submitted with reserved matters application
9. A19MC - Refuse storage facilities to be approved
10. Environmental Management Plan to be submitted
11. Details of external lighting to be submitted
12. Updated contaminated land Phase II report to be submitted
13. Noise mitigation details to be submitted with reserved matters
14. Submission of residential and business travel plans
15. Energy from decentralised and renewable or low-carbon energy sources
16. Scheme to limit the surface water runoff to be submitted
17. Scheme to manage the risk of flooding from overland flow of surface water
18. Scheme to dispose of foul and surface water to be submitted
19. Wildlife corridor buffer zone
20. Site to be drained on a separate system
21. Provision of electric car charging points
22. Reserved matters application to incorporate public right of way routes

23. Provision for pedestrians and cyclists
24. Submission of arboricultural details
25. Written scheme of archaeological investigation to be submitted
26. Hedgerow retention and enhancement
27. Details of phasing of whole development and associated roundabout to be submitted
28. Provision of pedestrian crossing to Old Mill Road
29. Provision of footway/cycleway to south side of Old Mill Road
30. Existing footway to north side of Old Mill Road to be upgraded to footway / cycleway
31. Provision of pedestrian refuge to aid crossing of Old Mill Road near to Congleton Road junction
32. Details of public access to wildlife corridor to be submitted
33. Provision of cycleway / footway from site to High St along Old Mill Road
34. Prior to commencement of development, roundabout permission 14/0043C to be implemented
35. Proposals for public right of way to be submitted and approved
36. Provision of section of access road prior to occupation of 80% of dwellings

Application No: 14/1946C

Location: LAND OFF THE HILL/ MANOR ROAD, SANDBACH HEATH, CHESHIRE

Proposal: Outline Application for residential development comprising of 75 dwellings and associated vehicular and pedestrian access, open space and landscaping.

Applicant: Ms Emily Morris, Betley Court Estate

Expiry Date: 23-Jul-2014

SUMMARY RECOMMENDATION**REFUSE****MAIN ISSUES****Impact of the development on:-**

Planning Policy and Housing Land Supply
Affordable Housing,
Highway Safety and Traffic Generation
Trees and Landscape
Ecology
Design
Amenity
Sustainability
Education

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a major development and a departure from the development plan.

DESCRIPTION OF SITE AND CONTEXT

The application relates to a parcel of agricultural land 3 hectares in size. It is relatively flat with hedgerows and trees on the boundaries and some trees within the site.

To the south is the Leonard Cheshire Care Home including 'The Hill' which is a Grade II Listed Building. There are residential properties to the west and the north and Open Countryside to the east.

The site is designated as being within the Open Countryside in the adopted Local Plan. It is also identified in the Strategic Housing Land Assessment (SHLAA), as being suitable with policy change, uncertain if it is available, achievable, but not within the 1-5 year period and developable.

DETAILS OF PROPOSAL

This is an outline application for the erection of 75 dwellings on land off The Hill/Manor Road, Sandbach. The application is in outline form with all matters reserved apart from access. However an **indicative** site layout plan has been submitted with the application.

Vehicular access is proposed from a junction to be created off The Hill (A533). Two pedestrian accesses are proposed onto Manor Road at the eastern and western ends of the site.

An **illustrative** master plan has been submitted with the application indicating that a total of 75 dwellings are proposed comprising 13, two-bed terraced and semi-detached units, 46, three-bed semi-detached units, 7, four-bed semi-detached and detached units and 9, two-bed bungalow units. All units would have 200% parking provision.

RELEVANT HISTORY

No relevant planning history relating to this site.

POLICIES

National Guidance

National Planning Policy Framework

Local Policy

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
PG5 Open Countryside
EG1 Economic Prosperity
IN1 Infrastructure
IN2 Developer Contributions

The relevant policies saved in the **Congleton Borough Local Plan First Review 2005** are:

PS8 Open Countryside
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR21 Flood Prevention
GR 22 Open Space Provision
NR1 Trees and Woodland
NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside

H13 Affordable Housing and Low Cost Housing

CONSULTATIONS (External to Planning)

Environment Agency:

No objection subject to conditions relating to flooding and drainage.

Flood Risk Manager:

None received at the time of report writing.

Strategic Highways Manager:

Recommends refusal of the application due to lack of information. The details of this are contained within the Highways section of this report.

Natural England:

Refer the Council to their standing advice.

Environmental Health:

Recommend conditions and informatives relating to contaminated land, air quality, construction management plan, noise generation, light pollution, electric vehicle infrastructure and travel plans.

United Utilities:

No objection.

Ansa Environmental Services Ltd:

Amenity Greenspace (AGS)

The developer is providing on site AGS and having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 75 new homes will generate a need for 2,100 sq m of amenity greenspace.

Applying the standards and formulae in the 2008 Guidance the Council would need a commuted sum of £24,832.50 to maintain an area of this size.

Two larger areas would be preferred however four areas are proposed for AGS on plan P3918 – 002A. Collectively they appear larger than the 2,100 sq m in accordance with policy. I leave it to you to ascertain this and decide whether you wish to secure the larger area for landscaping or other purposes and, if so (1) whether you want to secure it for private use of residents or as Public Open Space and (2) what arrangements will be appropriate for its long term ownership and maintenance.

Children and Young Persons Provision

Having calculated the existing amount of accessible Children and Young Persons Provision

within 800m of the site and the existing number of houses which use it, new homes will generate a need for a new NEAP play facility.

The Interim Policy Note September 2008 updated the legacy Borough's SPG1, however the legacy SPG1 remains relevant in the absence of a new Cheshire East Borough wide SPD. Therefore when developments of 75+ dwellings are proposed, a NEAP standard play facility is required.

Ansa can confirm that the NEAP (Neighbourhood Equipped Area for Play) standard play area would be acceptable due to the size of the development and should be suitable for all ages.

The play facility should include at least 8 items/activities incorporating DDA inclusive equipment and be in line with the standards set out by Fields In Trust Planning and Design for Outdoor Sport and Play. Ansa request that the final layout and choice of play equipment is agreed with CEC, the construction should be to BSEN standards.

Full plans showing the design must be submitted prior to the play area being installed and this 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.

Due to the complex management required for play facilities, Ansa considers the Council has the best competencies required to carry out effective maintenance to protect these community facilities. The new children's play facility and amenity green space should be secured for public use and transferred to the Council together with a 25 years commuted maintenance sum of £62,685.00 and this should be provided before 75% of the dwellings are occupied.

Countryside Access Development Officer:

The proposed pedestrian links on to Manor Road should be designed to accommodate both pedestrians and cyclists. The legal status, maintenance and specification of the proposed paths within the open space of the development site would need the agreement of the Council as Highway Authority.

The developer should be tasked to assess the pedestrian and cyclist route from the proposed site into the town centre, and to contribute to the improvement of any shortfalls in facilities.

The developer should be tasked to provide new residents with information about local walking and cycling routes and public transport options for both leisure and travel purposes.

Education:

Would require contributions as set out below:

Primary - £195,233 for 18 pupils

Secondary - £212,455 for 13 pupils

VIEWS OF THE PARISH COUNCIL

Object to the application on the grounds that the proposal is outside the urban zone, brownfield sites should take priority for development, development is not sustainable as edge of town site and proposals contravene Policies GR1, GR3 and GR5 of the local plan saved policies.

OTHER REPRESENTATIONS

At the time of report writing, approximately 58 objections have been received relating to this application. These can be viewed on the application file. They express concerns about the following issues

Highways:

- Highway safety
- Highway capacity and traffic generation
- Dangerous access
- Pedestrian access on to Manor Road would be extremely hazardous as there is no pavement, if approved traffic calming measures should be introduced
- Would cause on-street parking
- No provision for pedestrians crossing near the site
- Public transport is limited
- Residents of the Leonard Cheshire Care Home use the pavement with mobility scooters and the access would put them in danger
- Not within reasonable walking distance of local amenities and services
- Travel plan has little substance

Land Use

- Loss of open countryside/green fields
- Loss of good quality agricultural land
- Brownfield land should be used first
- Allotments and tennis courts would be a better use of the land
- If we continue to build on Greenfield sites Sandbach will become another characterless place
- The site is not in the local plan or in the Council's 5 year housing land supply
- Site was discounted in the Sandbach Town Plan Strategy
- Does not meet any of the criteria for sustainable development in the Development Strategy
- There is no need for additional development in Sandbach
- The land was left in trust by the previous owner who wished for it to remain as fields and be rented out to local farmers

Design

- If allowed the properties should be high class detached dwellings
- Bungalows should be built along Manor Road
- Inappropriate design would create a separate commuter estate
- Over intensive development on elevated land
- Over development of the site

Amenity

- Loss of privacy
- Noise, disturbance and light pollution
- Overlooking
- Visually overbearing impact
- Air quality
- Adverse impact on the amenities of the residents of the Leonard Cheshire Care Home

Trees/Landscape

- The Landscape and Visual Impact assessment only takes account of three places where residents overlook the land
- The Oak tree in the centre of the site has weathered gales and come back to life each spring and should not be removed
- Would like to retain our view over open land
- Loss of trees and vegetation

Other Matters

- Unacceptable adverse impact on wildlife
- Surface water run-off/flooding
- Concern that services such as drainage and electricity could not cope
- Lack of infrastructure such as schools and medical facilities
- Inadequate level of consultation
- Being an outline application it denies the opportunity to comment on detail
- The summary of comments received at the consultation event is not fully representative, many people did not want the scheme
- Are we content to see suburban infill as the product of pecuniary interest?
- The developer has adopted the 'salami slicing' approach to housing development which is unacceptable and unlawful. If the application is only the first stage of a much larger housing proposal on this site, then it must be rejected out of hand
- Shortage of jobs in Sandbach
- A good number of people are planning to move out of Sandbach due to rampant development
- Due the significant amount of development proposed in Sandbach an Environmental Impact Study should be carried out

These can be viewed on the application file.

OFFICER APPRAISAL

Principal of Development

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8, and PG5 within the Submission Version of the Local Plan Strategy state that, inter alia, 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 other material considerations associated with this proposal, which are a sufficient to outweigh the policy concerns.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

The NPPF clearly states at paragraph 49 that:

"housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*"where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
specific policies in the Framework indicate development should be restricted."*

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 The Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Position Statement set out that the Borough's five year housing land requirement is 8,311. This was calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, were also taken on board.

Sources of supply included sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accorded with the National Planning Policy Framework, existing guidance and the emerging National Planning Policy Guidance at that time.

A discount was applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the Five Year Housing Land Supply Position Statement demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 5.94 year housing land supply with a 5% buffer or 5.2 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Council's include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to an approximate supply of 8 years. (It should be noted that the figure is dynamic and will be subject to almost constant minor changes).

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would be appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5 year supply of housing land.

In the light of the above the Council considers that the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft Local Plan of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings/Goldfinch Close in Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies within the existing Plan.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

There are appeal decisions that appear to support this perspective, although the recent appeals in Cheshire East (mentioned above) have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by Inspectors decisions” that the settlement zone lines serve a variety of purposes – and take account of land

allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was “not sufficient directly related to housing land supply that it can be considered time expired for that purpose.” Instead the Policy is “primarily aimed at countryside & green belt protection”. These objectives are largely in conformity with the NPPF and attract “significant weight”. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions (Congleton Road and Sandbach Road North) pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On that occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply and notwithstanding the housing supply position previously identified by Inspector Major, the appeal was dismissed.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

It is acknowledged that the Council has recently consented to judgement in a High Court challenge to the Sandbach Road decision and that accordingly that decision has been quashed on the grounds that the Inspector erred in law in concluded that Policies PS4, PS8 and H6 were not a relevant policy for the supply of housing within the meaning of paragraph 49 of the national Planning Policy framework to the extent that it seeks to restrict the supply of housing. This is consistent with other recent court cases such as South Northamptonshire v Secretary of State for Communities and Local Government and Barwood Land.

Whilst the implications of this judgement are still being considered, the Council’s current stance on this matter, as put at recent inquiries, such as Weston Lane, Shavington is that, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year

supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Loss of Agricultural Land

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. Policy SE2 of the Submission Version of the Local Plan concerns the efficient use of land and states that development should safeguard natural resources including agricultural land.

In addition, the National Planning Policy Framework, states that:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

The National Planning Policy Framework highlights that the use agricultural land should be taken into account when determining planning applications. It advises local planning authorities that, ‘significant developments’ should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

The applicant has submitted an Agricultural Land Classification study which concludes that is an area of Grade 2 land, which is ‘very good quality agricultural land with minor limitations which affect crop yield, cultivation or harvesting.’

Previous appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land. However, given that Cheshire East has a greater than 5 year supply of housing, it is considered that this argument does not apply and that the loss of very good quality Grade 2 agricultural land makes the scheme less sustainable since it results in a loss of such land in the open countryside when there is no necessity to do so in housing land supply terms. The proposal is therefore considered to be contrary to policy SE2 of the Cheshire East Local Plan Strategy – Submission Version and the provisions of the NPPF in respect of loss of agricultural land.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for

Nature (WWF). The Checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The toolkit sets maximum distances between the development and local amenities.

These comprise of:

- post box (500m),
- local shop (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- secondary school (2000m)
- Public Right of Way (500m)
- Children’s playground (500m)

The application does not include such an assessment but it is considered that as the site lies adjacent to existing residential development in Sandbach, within easy walking distance of a bus route into the town centre, with bus stops on Manor Road, Heath Road and The Hill. There is a small shop on Heath Road, which whilst further away that 500m, is still within reasonable walking distance as is the public house on The Hill. There is a primary school on School Lane which is a short distance away and secondary schools within Sandbach itself. It would therefore be difficult to uphold a reason for refusal on the grounds of the site not being in a sustainable location.

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. The proposal would also generate Government funding through the New Homes bonus.

There are, however, three dimensions to sustainable development: - economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

Environmental role

The site is a greenfield site and therefore not the first priority for development. The site is within walking distance, or a short bus journey from the town centre. This centre offers a wide range of essential facilities and means that occupiers of the development will have a choice of means of transport.

Paragraph 38 of the Framework states that for larger scale residential developments, policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site, thereby minimising the need to travel.

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This is repeated within the Submission Version of the Local Plan. This could be dealt with by condition in the interests of sustainable development.

Economic Role

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning should recognise:

'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings'

The economic benefits of the development need to be balanced against the impact upon the open countryside and the loss of agricultural land.

In addition, the proposed development will help to maintain a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal will also deliver economic benefit in the form of the New Homes Bonus, additional Council Tax revenue, all of which is a material consideration.

Similarly, the NPPF makes it clear that:

"the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future."

According to paragraphs 19 to 21:

"Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations."

Social Role

The final dimension to sustainable development is its social role. In this regard, the proposal will provide 75 new family homes, including 30% affordable homes, on site public open space and financial contributions towards education provision and highway improvements.

In summary, in terms of its location and accessibility the development does not meet all the criteria in terms of the checklist. However, given the location of the site adjacent to the settlement, the failure is not significant. However, previous Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development, which this proposal will help to do.

To conclude, the benefits include the need to provide people with places to live and 30% affordable housing, which is in great need, the economic benefit of new residents and the New Homes Bonus, revenue in terms of Council Tax to the Council and more spending in the local economy, however, these do not outweigh the harm to the local environment by virtue of the loss of the open countryside.

Affordable Housing

The site falls within the Sandbach sub area for the purposes of the Strategic Housing Market Assessment (SHMA) Update 2013. This identified a net requirement for 94 affordable unit per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 18x 1bd, 33x 2bd, 18x 3bd, 9x 4+bd general needs units and 11x 1bd and 5x 2bd older persons accommodation.

In addition to this, information taken from Cheshire Homechoice shows that there are currently 336 applicants who have selected one of the Sandbach lettings areas as their first choice. These applicants require 180x 1bd, 111x 2bd, 40x 3bd and 5x 4bd units.

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

The scheme is for 75 units, therefore there is a requirement for 22 units to be provided as affordable, with 14 to be provided as affordable or social rent and 8 to be provided as intermediate tenure. The applicant in their accompanying Planning Statement states that 30% will be provided as affordable and that this will comprise 22 units as affordable. However they do not confirm the tenure proposals for the affordable units and that they meet the required tenure split.

The IPS outlines that in order to ensure full integration with open-market homes the affordable units should not be segregated in discrete or peripheral areas and therefore should be pepper-potted within the development. The external design, comprising elevation, detail and materials should be compatible with open-market homes on the development. The affordable homes should be constructed in accordance with Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

In order to ensure the proper integration of affordable housing with open market housing, particularly on larger schemes, conditions and/or legal agreements attached to a planning permission will require that the delivery of affordable units will be phased to ensure that they are delivered periodically throughout the construction period. The actual percentage will be decided on a site by site basis but the norm will be that affordable units will be provided not later than the sale or let of 50 % of the open market homes. However, in schemes that provide for a phased delivery and a high degree of 'pepper potting' of affordable homes, the maximum proportion of open market homes that may be completed before the provision of all affordable units may be increased to 80%.

The IPS states that: -

“The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended).

The IPS goes on to state: -

“In all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996.

The Council's preference is that the affordable housing is secured by way of a S106 agreement, which: -

- Secures 30% of the units as affordable, with 65% as rented and 35% as intermediate tenure
- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted at reserved matters application stage that includes full details of the affordable housing on site including location, type, tenure and size.
- Requires the affordable units to be constructed to HCA Design and Quality Standards (2007) and Level 3 of the Code for Sustainable Homes (2007).

Amenity

The application is in outline form and the site layout submitted is only indicative. Nonetheless, it is considered that the site is capable of accommodating 75 dwellings without having a significant adverse impact having regard to privacy, light loss or outlook.

Adequate private residential amenity space could be provided within the domestic curtilages of each property and minimum separation distances could be achieved between the dwellings.

In order to protect the amenity of neighbouring properties, should the application be approved conditions should be imposed relating to piling operations, external lighting, noise mitigation and contaminated land. In addition, electric vehicle charging infrastructure should be required in order to benefit air quality.

Highways Implications

This development proposal was the subject of a pre-application meeting with the developer's team. In that meeting it was made clear to the developer's agent that the traffic generation for the proposed development should be assessed for impact on the highway network via the Highway Authority's own VISSIM vehicle micro-simulation model for Sandbach.

This would allow an assessment of the traffic impact from the development against the model and allow a clear judgement to be made regarding the affect on the A534 corridor through Sandbach which is both constrained and congested and has local highway improvements identified against it.

This is consistent with other sites local to the A534 corridor which have been tested in the same way in recent months.

This application is outline with all matters reserved except for access. The application is supported by a Transport Assessment (TA) which is written in accordance with the guidelines laid down by the Department for Transport in the guidance document: 'Guidance on Transport Assessments'.

Unfortunately the TA does not include for the assessment of the site via the VISSIM model and therefore the Highway Authority is unable to examine the relationship of the traffic generation with the in-house model. This level of assessment is important as the A534 corridor through Sandbach is both constrained and heavily congested and it is important that the Highway Authority identify necessary mitigation from local developments which will impact on this corridor.

A review of the TA does suggest that the impact from the development would be acceptable in the long term however it is clearly stated in the TA that the proposed development on this site would be reliant on the delivery of local junction improvements from other development sites to mitigate for its traffic impact. The Strategic Highways Manager (SHM) is concerned that there is no offer of mitigation of traffic impact in the TA and that the reliance on improvement by other development which may not progress is not a robust position.

The S.H.M. considers therefore that as originally agreed with the applicant's agent, this development should put its traffic generation figures through the Authority VISSIM model so that an agreed level of mitigation can be determined for this development impact in traffic terms.

There is only limited information on the proposed access into the development site from the A533 'The Hill', which claims the use of Manual for Streets visibility splays. The splays offered are not adjusted against bonnet length and are not supported by an approach speed survey which is the norm for the use of MfS2 on an existing classified road and it is considered that this substantiation of the proposed visibility splays should also be provided.

This development proposal has provided reasonable assessment via the Transport Assessment however it does lack some detail and an agreed method of assessment from the pre-application discussions.

The Strategic Highways Manager considers this lack of information an issue given this site claims to rely on the delivery of junction improvements from other potential developments to mitigate for its own traffic impact when those improvements cannot be considered guaranteed at this time.

The Strategic Highways Manager recommends refusal of this application on lack of information but does recognise that this information could reasonably be delivered for assessment. The applicant's agent was made aware of this at the pre-application stage

Should this development proposal gain a planning permission the Strategic Highways Manager recommends the following conditions and informatives are attached to any planning permission which may be granted:

- Condition: Prior to first development the developer will provide a detailed suite of design and construction plans for new access junction and the internal road infrastructure of the development to the satisfaction of the LPA.
- Condition: Prior to first development the developer will enter into a Section 106 agreement with regard to the provisional sum for the funding requirement for the identified improvement scheme to the traffic signal junction at the A534/The Hill/High Street junction. The required contribution is 25% of the junction improvement cost estimate which is £62,500. Should the junction improvement be provided via alternate development the sum of monies be retained by the Authority against other A534 corridor improvements identified through the Authority VISSIM model.
- Prior to first development the developer will provide a provisional sum of £25,000 for the improvement of two local bus stops to a quality partnership standard and design. This will be secured within the S106 agreement.
- Informative: Prior to first development the developer will enter into and sign a Section 38 agreement under the Highways Act 1980 with regard to the formal adoption of the proposed internal highway infrastructure for the site.

Landscape

This is an outline application for a mixed development of up to 75 residential dwellings with associated vehicular and pedestrian access, open space and landscaping. The application site is located on agricultural land situated between Manor Road and The Hill (A533) in Sandbach Heath. Residential properties are located along the northern side of Manor Road and along the southern side of The Hill; the Leonard Cheshire Home is located to the south of the application area. The application site covers an area of approximately 3 hectares.

As part of the application a Landscape and Visual Impact Assessment has been submitted. This identifies the baseline character of the application site and identifies the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge, and also to the Cheshire Landscape Character Assessment 2009, which identifies the application as being located within Type 10 Lower Farms and Woods, specifically LFW2 Brereton Heath Character Area; the application area exhibits many of the characteristics of this landscape type. The assessment also identifies the local landscape character as included in the Congleton Landscape Character Assessment. The Congleton Landscape Character Assessment identifies this as Cheshire Plain. It should be noted that the Congleton Landscape Character assessment was not superseded by the Cheshire landscape Character Assessment, both offer different scales of assessment and remain mutually compatible.

The visual assessment includes 13 viewpoints and offers sensitivity, magnitude of visual change and a significance of visual effect for each of these viewpoints. While the assessment of these is accepted, it is considered that the significance of visual effect will be greater for Viewpoint 5 – The Hill (A533). It is considered that the predicted magnitude of change will be larger than indicated and that consequently the significance of landscape effect will be larger, although not significantly greater.

The application is an outline application and the illustrative Masterplan does show that the majority of trees and hedges on the site will be retained; it will not be apparent exactly what will be retained until the reserved matters stage, but the development of the Masterplan must respect the existing landscape characteristics and retain and conserve the majority of the trees and hedgerows. Attention to design and specification of landscape boundary treatments to the existing properties will also need to be given serious consideration at reserved matters stage.

Design & Layout

This is an outline planning application therefore the layout drawing is only **indicative**. Should the application be approved, appearance and layout would be determined at reserved matters stage.

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

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

The **indicative** layout shows a development of relatively high density in comparison to development immediately adjacent to the site. However; given adequate landscaping measures, it is considered that the development would not have any significant adverse impact on the character and appearance of the area.

Trees

There are 3 trees within the main part of the site and others on the boundaries. Of the three trees within the site, one is considered to be in a poor condition and is to be removed, another is to be removed in order to facilitate the development and one is to be retained within the site. Additional tree planting within the development is proposed and this should be secured by condition, should the application be approved.

The plots backing on to Hill House are shown with their garden areas extending to the boundary with Hill House thus including the existing trees along this boundary. It is considered that it would inevitably lead to pressure to fell or severely prune the trees, therefore at reserved matters stage, the landscape master plan should be amended to include these important trees, as set out in the landscape report submitted with the application, within the Green Infrastructure of the application.

Tree retention and protection conditions should be imposed, should the application be approved.

Ecology

Barn Owls

The Council's Nature Conservation Officer is satisfied that roosting barn owls are unlikely to be directly affected by the proposed development.

Bats

A number of trees on site have been surveyed for roosting bats. However no information has been provided on the location of the surveyed trees and so it is not possible to determine which of these trees are likely to be lost as a result of the proposed development.

The applicant should therefore provide a plan showing the locations of the trees surveyed. Any trees identified as falling with 'Category 1' for their bat roost potential which are also likely to be lost a result of the proposed development should be subject to a further bat activity survey to establish the presence/absence of roosting bats prior to the determination of the application.

At the time of report writing, this information has not been submitted therefore an update will be provided to members prior to a decision being made. If this information is not forthcoming in time, it would **not** be appropriate to secure this by condition and a reason for refusal on the grounds of insufficient information should be used.

Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. It appears likely that the proposed access would require the removal of a section of hedgerow. If outline planning consent is granted it should be ensured that all other hedgerows are retained and enhanced as part of the detailed design and that compensatory native hedgerow planting is included in the detailed landscaping scheme for the site to compensate for that lost.

Breeding Birds

The proposed development appears unlikely to be of significant ornithological value. However, the site does have the potential to support more widespread Biodiversity Action Plan priority species which are a material consideration for planning. In the event that planning consent is granted standard conditions to safeguard breeding birds will be required.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. If planning consent is granted it is recommended that a condition be imposed measures to facilitate their free movement though boundary and garden fencing.

Great Crested Newts

A full Great Crested Newt survey was undertaken in 2012. The survey was slightly constrained due to the relatively short survey period and the low water levels of the pond. No evidence of great crested newts was recorded during this survey.

A further Great Crested Newt appraisal was undertaken in 2014. This was a single site visit in January. The submitted report acknowledges that this assessment was constrained by the time of year when it was undertaken. No evidence of Great Crested Newts was recorded during this

further appraisal and the pond was assessed as being of 'poor quality' for newts and the terrestrial habitats affected by the development were assessed for the large part as being of 'below average' suitability for amphibians. The assessment concludes that there remains a possibility that great crested newts may occur on site but states that the impacts of the development would be 'Low' if great crested newts were present.

The report recommends a suite of non-licensable Reasonable Avoidance Measures to mitigate the impacts of the development in the event that great crested newts were present.

It is considered that given the lack of any evidence of Great Crested Newts being recorded during the 2012 survey and the low quality of the pond Officers are satisfied that Great Crested Newts are not reasonably likely to be present at the identified pond. In the unlikely event that Great Crested Newts were in fact present at the identified pond, Officers are also satisfied, that the risk of newts occurring on the development site is low and that the implications of the proposed Reasonable Avoidance Measures would be sufficient to mitigate any potential impact upon newts.

Therefore provided a condition requiring development to proceed in accordance with the recommendations in the Survey, is imposed, Officers consider that the proposed development would be unlikely to have an adverse impact upon Great Crested Newts. An offence under the Habitat Regulations is also not likely to occur consequently it is therefore not necessary for the Council to have regard to the Habitat Regulations in respect of Great Crested Newts during the determination of this application.

Education

A development of 75 dwellings is anticipated to generate 18 primary and 13 secondary aged pupils. As such there is a requirement for a s106 contribution towards educational provision, this is set out below:

Primary = £195,233

Secondary = £212,455

Flood Risk

At the time of report writing, a response has not been received from the Flood Risk Manager; however a Flood Risk Assessment has been submitted with the application. This concludes that there is not a risk of flooding from artificial sources or fluvial sources. It also concludes that the risk of flooding from, groundwater, sewers and overland flow, is considered to be low. As such, if the application were to be approved, conditions should be imposed requiring submission of drainage and surface water run-off details.

LEVY (CIL) REGULATIONS

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

- (a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As explained within the main report, education contributions and the provision of affordable housing would help to make the development sustainable and would be fair and reasonable.

CONCLUSIONS

The proposal involves the erection of a new residential development in the open countryside, which is contrary to established local plan policies. The Planning Acts state that development must be in accordance with the development plan unless material considerations indicate otherwise.

The site is within the Open Countryside where under Policy PS8 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council can demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy PS8.

Notwithstanding recent appeal decisions, the Council considers that it has a 5 year housing land supply, however, regardless of the housing land supply position, it is considered that open countryside policy remains up-to-date and in accordance with the NPPF.

There would be an adequate level of POS on site to comply with policy.

In terms of sustainable design, the scheme does not demonstrate its performance in terms of climate change mitigation and adaptation. However, as this is an outline application, this could be dealt with by condition.

30% affordable housing is to be provided which should be secured by Section 106 Agreement.

Subject to a suitable Section 106 package, the proposed development would provide adequate public open space/play space and equipment, the necessary affordable housing requirements to the requisite tenure mix and monies for education provision.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. Conditions could be imposed to ensure this. It therefore complies with the relevant local plan policy requirements for residential environments.

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

However, the benefits of the scheme in terms of the addition to the affordable housing stock in the area, the economic and social benefits via the new homes bonus and spending in local shops by new residents are considered to be insufficient to outweigh the harm that would be caused in terms of the loss of open countryside and agricultural land when there is no over-riding need to release the site for that purpose given the housing supply position of the Council.

The proposal is considered to be contrary to policies of the Local Plan, the Submission Version of the Local Plan and the provisions of the NPPF in this regard.

The site comprises very good quality Grade 2 Agricultural Land and as the developer has failed to demonstrate that there is a need for the development, its loss cannot be justified.

Insufficient information has been submitted in order to properly assess traffic generation on already constrained and congested roads. There is also insufficient information relating to visibility splays serving the access onto the A533.

RECOMMENDATIONS

REFUSE:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan, to the emerging Development Strategy and the principles of the National Planning Policy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.**
- 3. Insufficient information has been submitted with the application relating to traffic generation and visibility splays in order to assess adequately the impact of the proposed development having regard to highway safety. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan Policies and other material considerations.**

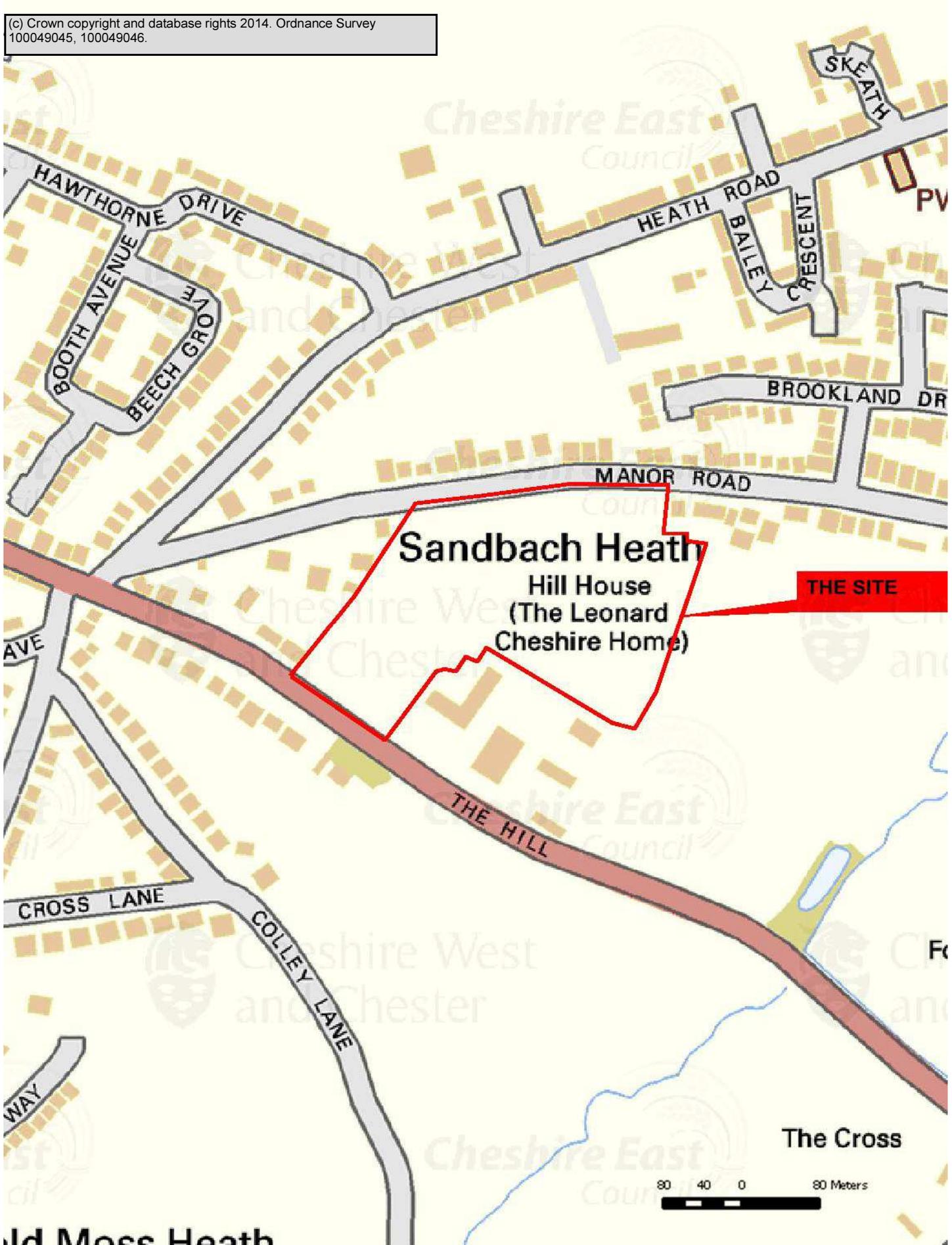
In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager has delegated authority to do so in consultation with the Chairman/Vice Chairman of the

Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman/Vice Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 25 June 2014
Report of: Adrian Fisher, Head of Strategic & Economic Planning
Title: Withdrawal of Reasons for Refusal

1.0 Purpose of Report

- 1.1 To consider a motion referred to Strategic Planning Board by Council meeting of 10 April 2014.
- 1.2 The motion proposed *"In view of the fact that planning officers have withdrawn reasons for refusal, given and voted upon by councillors at planning committees, without the consent of the members, before the matter comes to the relevant appeal hearing, council instructs the director to ensure that any future withdrawals are authorised before they are signed by the relevant planning committee in full session"*
- 1.3 This item was deferred from the SPB meeting of 28 May 2014 for further information on the current wording within the delegation to Officers.

2.0 Decision Required

- 2.1 To note the report and confirm that SPB and the Northern / Southern Committees continue to review any proposed withdrawal of conditions prior to appeals unless there are exceptional reasons / circumstances which prevent this for which discussion with the Chairman / Ward Councillor would be needed.
- 2.2 To introduce the revised wording for the 'slip rule'.
- 2.3 To notify the Ward Member of any changes to the original decision.

3.0 Background

- 3.1 Members will be aware that the Council has been subject to a high number of appeals over the last 18 months and that some of those applications subject to appeal have multiple reasons for refusal. Some of these are often considered to be 'technical' reasons which could be overcome by the submission of additional information or further evidence. For example, additional ecology surveys may be submitted before the appeal to overcome an ecological reason.

- 3.2 If such information is submitted and Officers are accepting of such details, then they will normally prepare a report for Committee which outlines the details of the updated information. They will then make a subsequent recommendation which seeks to withdraw a previous reason (or reasons) for refusal thereby negating the need to defend that issue at appeal.
- 3.3 Strategic Planning Board Members will certainly be familiar with this process during the recent plethora of appeals when the above scenario has resulted in a number of reasons being withdrawn leaving the main policy issues to be defended accordingly.
- 3.4 Officers are not aware of any recent circumstances whereby reasons for refusal from a Planning Committee have been unilaterally withdrawn without Member input. There has been the occasional example of a resubmitted application being refused for less or different reasons which may impact on any pending appeal. There may also be circumstances due to the appeal process and the associated timetable where such a decision is not able to be brought before a Committee. This may be a rare occurrence, but if Officers found that this was the position then they would seek the views of the Chairman of Committee and Ward Members before progressing. It should also be noted that there is a process for Urgent Decisions within the Council's Constitution.
- 3.5 Members may also be aware that there is already specific wording which delegates very minor changes to the wording of conditions, reasons for refusal or legal agreements to Officers in discussion with the Chairman of Committee.

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

- 3.6 This gives due delegation to Officers but is not intended to change the substantive nature of the Committee's decision. However a revised wording has been drafted by legal colleagues to provide a slightly tighter remit for officers and further reassurance to Members. The revised wording is as follows:

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to

correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

4.0 Conclusion

4.1 It is considered that the existing process of returning applications back to committee functions effectively. It gives the necessary authorisation and also transparency within the decision making process.

4.2 However, it is considered that the revised wording for the 'slip rule' should be introduced with immediate effect for SPB and Area Committee's.

5.0 Recommendation

5.1 To note the report and confirm that SPB and the Northern / Southern Committees continue to review any proposed withdrawal of conditions prior to appeals unless there are exceptional reasons / circumstances which prevent this for which discussion with the Chairman / Ward Councillor would be needed.

5.2 To introduce the revised wording for the 'slip rule'

5.3 To notify the Ward Member of any changes to the original decision.

6.0 Financial Implications

6.1 There are no financial implications.

7.0 Legal Implications

7.1 There are no legal implications with the recommendation as any decision made to withdraw reasons would be based on its own merits.

8.0 Risk Assessment

8.1 There are no risks associated with this decision.

9.0 Reasons for Recommendation

9.1 To ensure transparency within the decision making process.

For further information:

Portfolio Holder: Councillor Don Stockton
Officer: David Malcolm – Principal Planning Manager
Tel No: 01270 686744
Email: david.malcolm@cheshireeast.gov.uk

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