

<b>Planning Reference No:</b>	10/4660C
<b>Application Address:</b>	Former Foden Factory Site, Moss Lane, Sandbach
<b>Proposal:</b>	Redevelopment of the FORMER Foden Truck Factory for residential (248 units), B1c Light Industrial, (3,620sq.m) and A1 retail (360sq.m)
<b>Applicant:</b>	Hurstwood Landbank and Bellway Homes
<b>Application Type:</b>	Full Planning
<b>Grid Reference:</b>	373509.11 361282.23
<b>Ward:</b>	Sandbach
<b>Consultation Expiry Date:</b>	7 <sup>th</sup> January 2011
<b>Date for determination:</b>	1 <sup>st</sup> March 2011

## **SUMMARY RECOMMENDATION**

**Approve subject to conditions and completion of a S106 Agreement**

### **MAIN ISSUES**

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

## **REFERRAL**

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

## **1. SITE DESCRIPTION**

The application relates to 9ha of land, situated to the west side of the Crewe-Manchester Railway line within the Sandbach Settlement Boundary. The site is bound by Moss Lane to the north, west and south. To the north-west of the site is an existing office building which is within the ownership of the applicant. To the north-east of the site are residential properties which front onto Mulberry Gardens and Clifton Road, these properties are of varying styles and types. The land on the opposite side of Moss Lane is mainly rural in character and includes a number of detached dwellings which are set within relatively large plots. To the south of the site is the former test track. This site is within the ownership of the applicant but does not form part of this application.

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

## **2. DETAILS OF PROPOSAL**

This is a full planning application for a mixed use development of the former Foden Truckl Factory site. The development would comprise residential development, B1c employment units (12 units providing 3,620sq.m of floor space), a retail unit (360sq.m) and associated public open space.

The residential element of the development would comprise 248 dwellings at a density of 33 dwellings per hectare. The proposed dwellings consist of;

### *Market Housing*

2 bed mews – 5 units  
3 bed mews – 5 units  
3 bed semi-detached/mews – 9 units  
3 bed semi-detached – 85 units  
3 bed detached – 28 units  
4 bed detached – 42 units

### *Affordable Housing*

2 bed mews – 7 units  
3 bed mews – 7 units  
3 bed semi-detached/mews – 13 units  
3 bed semi-detached – 47 units

Two vehicular access points will serve the site. The northern access will serve the existing office block and 124 dwellings whilst the southern access will serve 124 dwellings, the B1c employment units and the retail unit.

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

## **2. RELEVANT PLANNING HISTORY**

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

## **3. PLANNING POLICIES**

### **National Policy**

PPS 1 Delivering Sustainable Development  
PPS 3 Housing  
PPS 7 Sustainable Development in Rural Areas  
PPS 9 Biodiversity and Geological Conservation  
PPG 13 Transport  
PPS 23 Planning and Pollution Control  
PPS 25 Development and Flood risk.

## **Local Plan Policy**

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

## **Regional Spatial Strategy**

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

## **4. OBSERVATIONS OF CONSULTEES**

### **Environmental Health**

In principal, the Environmental Health Department does not object to the application, subject to the following comments and recommended conditions;

The site benefits from an outline planning consent (07/0913/OUT) dating to 2007, which contains a number of conditions (9, 10, 11, 12, 23, 27 and 28) which are pertinent to the aforementioned issues, and as such would be required to be discharged prior to the development commencing. It is considered there is sufficient detail within the application and supporting documents to address these issues, subject to the following comments and recommendations:

## *Noise and Vibration*

An acoustic assessment was submitted with the application (Report Number 20860.01.v1 November 2010) which assessed the noise impact from the railway line and industrial units located to the East of the development on future sensitive receptors. In addition, there are concerns (as yet unaddressed) with respect to the proposed B1(c) Light Industrial and A1 Retail units in close proximity to proposed residential uses, and noise from the construction phase of the development.

A mitigation scheme is proposed to ensure that noise levels within sensitive dwellings and garden resulting from industrial and railway sources achieves the “reasonable” standard in accordance with BS8233:1999 “Sound Insulation and Noise Reduction for Buildings – Code of Practice”.

It is not considered, however, that the report adequately addresses concerns with respect to the proposed B1c and A1 retail uses on the site. Whilst it is accepted (as was submitted in further information) that a B1 use should not have unacceptable impact on nearby residential amenity, this does not address incidental noise associated with commercial activities (fixed plant and equipment, delivery vehicles, vehicle doors slamming, staff & customer arrivals and departures etc) which have potential to cause loss of amenity in nearby properties unless controlled.

In order to address these issues, and to ensure adequate mitigation is provided with respect to the impact of the railway and nearby existing industrial units a condition should be attached to any consent.

## *Air Quality*

There is concern that the development may adversely impact on local air quality in the immediate and surrounding area, by virtue of dust generated through the construction phase, or traffic emissions which increase as a result of the development. The applicant submitted an air quality impact assessment with the application (Doc 28953 November 2010). In addition, mitigation measures were recommended in the Transport Assessment submitted as part of the application.

The report submitted is accepted and as such conditions are recommended at the end of this report to ensure potential impacts are mitigated in accordance with PPS23.

## *Contaminated Land*

This section has would make the following comments with regard to contaminated land:

- This site is within 250m of a known landfill site or area of ground that has the potential to create gas.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- The site has a former use as a Vehicle Manufacturing Factory that may have resulted in contamination of the soils and groundwater.

The Environmental Health Department suggest the following conditions; acoustic mitigation, retention of boundary treatment to the eastern boundary of the site, operating hours of the B1c units and the A1 retail unit, acoustic attenuation to the B1c/A1 units, submission of a travel plan, submission of an environmental management plan, construction hours of

operation, no burning of waste on the site, detailed remedial strategy including a groundwater sampling regime and the submission of a completion report following the remedial works.

### **Strategic Highways Manager**

It was anticipated that there would be a satisfactory highway solution for this site given that the 2008 permission secured a solution at that time.

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

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

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

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

Accordingly, the Strategic Highways Manager recommends that the following planning conditions and informatives are attached to any permission which may be granted for this development proposal:

There are significant highway implications for these proposed developments and the traffic generation which has been identified via the Transport Assessment will require some improvements to the existing local highway infrastructure. The overall proposals for off-site highway works and planning conditions which have been identified for the application are:

1. Prior to first occupation the developer will provide traffic signal and footway widening on Moss Lane over the railway bridge. This will form part of the offsite highway works.
2. Prior to first occupation the developer will upgrade the existing A533 London Road/Station Road/Marsh Green Road junction area to a traffic signal controlled junction, including controlled pedestrian crossing facilities. This will form part of the offsite highway works.
3. Prior to first development the developer will provide a commuted sum of £3,000.00 for the closure of Moss Lane to through vehicular traffic by Traffic Regulation Order. This will be secured via a S106 agreement attached to the application by the L.P.A.
4. Prior to first occupation and subject to successful conclusion of Traffic regulation Order, the developer will construct two turning heads on Moss Lane within the development contract. This work will form part of the offsite highway works.
5. Prior to first development the developer will provide a commuted sum of £15,000 for local traffic management orders related to proposed traffic signal junction at London Road and necessary traffic management orders at the Moss Lane/A533 junction. This will be secured via a S106 agreement attached to the application by the L.P.A.

6. Prior to first occupation the developer will provide street lighting along the northern section of Moss Lane from the junction with Mulberry Gardens west to the Foden Factory site access (details to be agreed with Cheshire Highway Authority during the detail design stage). This will form part of the offsite highway works.
7. Prior to first occupation the developer will move the existing 30 m.p.h. signs on the northern section of Moss Lane from their existing position to an agreed position to the west of the proposed site access junction (details to be agreed with Cheshire East Highway Authority during the detail design stage). This will form part of the offsite highway works.
8. The developer will provide improvement to the pedestrian links along Moss Lane to London Road. Improvements to consist of minor resurfacing of existing footway, where defects have been noted and replacement of street lighting bulbs/lanterns. Extent of works to be agreed with Cheshire East Council Highway Authority and submitted for approval. This will form part of the offsite highway works.
9. The developer will provide improvement of the pedestrian link/P.R.O.W., on both sides of the railway bridge to Station Road by surfacing and lighting. Details will be submitted to the L.P.A. for approval. This will form part of the offsite highway works.
10. A contribution of £24,000 to the improvement of/or addition to local quality partnership bus stops (2 No @ £12,000), to be negotiated in conjunction with the Travel Plan detail and secured via S.106 agreement.
11. A framework Travel Plan for any commercial use-classes in the development to be agreed with the Cheshire East Council Travel Plan co-ordinator and structured in accordance with the TPC's guidance. The Travel Plan will be secured via a S.106 agreement under the Planning Act 1991.
12. An Interim Residential travel plan in accordance with DfT guidance document. The RTP will be secured via a S.106 agreement under the Planning Act 1991.
13. Prior to first occupation the developer will improve the proposed junctions of the new development with the existing highway infrastructure. Details to be submitted for approval to the L.P.A. This will form part of the offsite highway works.
14. Prior to first occupation the developer will provide widening of the southern section of Moss Lane, with footways and street lighting from the railway bridge west to the Test Track site access. Details to be submitted to the L.P.A. for approval. This will form part of the offsite highway works.
15. Prior to the commencement of development the applicant will supply a suite of detailed design plans for all off-site highway works to the satisfaction of the L.P.A. for use within the S.278 Agreement.
16. Informative:- These applications will be subject to a S278 Legal Agreement under the Highways Act 1980 in relation to all related 'offsite highway works' which are identified. These agreements will be agreed with Cheshire East Council and signed by the developer prior to any development on the site.

17. Informative:- Any part of these developments required for formal adoption as public highway will be subject to the process of a Section 38 Legal Agreement under the Highways Act 1980. These agreements will be agreed with Cheshire East Council and signed by the developer prior to any development on the site.

18. Informative:- This site may be subject to the requirements of Section 12 of the Cheshire County Council Act 1980. If Cheshire East Council invokes rights for design review under the Cheshire County Council Act 1980, the developer will enter negotiation with Cheshire East Council and resolve any design issues which may arise. This will be resolved prior to first development.

## **Education**

The Education Department have requested the following contribution towards education facilities within Sandbach;

250 dwellings X pupil yield factor of 0.182 = 45.5 X school extension cost multiplier £11,079 X regional weighting 0.91 = £458,726

## **Sustrans**

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

- A site of this size will be a significant generator of traffic so it is important that walking and cycling in particular are encouraged for local journeys to the station, to shops, to local schools etc.
- We suggest other pedestrian/cycle access points to the new site should be created in addition to the two highway entrances off Moss Lane. Included in this is the suggestion of a high quality walking/cycling route via Foundry Lane to the station entrance.
- For the residential units there should be conveniently located storage areas for buggies/bikes etc.
- For the retail and light industrial uses there ought to be cycle parking under cover at convenient locations for staff working at those sites.
- Travel planning is supported. This should be guided by targets and regular monitoring.
- For a site of this size can the development make a contribution to off-site traffic management measures/crossings to help pedestrians and cyclists on local journeys?

## **Environment Agency**

The proposed development will only be acceptable if the following planning conditions are attached to any planning permission:

- The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by, the Local Planning Authority.
- The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to, and approved in writing by, the Local Planning Authority.
- The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

The Environment Agency has also requested a condition to be attached to any permission.

## **United Utilities**

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

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge directly to soakaway/watercourse as stated within the FRA and may require the consent of the Environment Agency.
- Several public sewers cross the site and therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

## **British Waterways**

No objection

## **Public Rights of Way**

The proposed development presents an opportunity to improve walking and cycling opportunities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the policies of the Draft Cheshire East Rights of Way Improvement Plan 2011-2026 and Draft Cheshire East Local Transport Plan 2011-2026.

The Design and Access Statement submitted clearly assesses pedestrian and cyclist access to and from the site and states that "a new 'green' linear footpath/cycleway' is also proposed (paragraph 4.7). Clarification would be appreciated on the route of this proposed facility, as it appears to have multiple nodes and lengths in Figure 2 of the Design and Access Statement.

It is presumed that the 'green linear footpath/cycleway' is the 'pedestrian thoroughfare' referred to in the draft Section 106 document. The route should be dedicated as a public highway, either public right of way or cycle track, so that it is secured and available for public use in perpetuity. Closure of such a highway for maintenance purposes can only be done via an order of the highway authority. Such routes should be designed and constructed to best practice standards and signed appropriately, to and from the town centre and other facilities such as the canal.

Access to the canal and the wider countryside from the proposed development site should be secured, as indicated in Figure 2 of the Design and Access Statement, with the provision of a pedestrian/cyclist route from the proposed development site onto Moss Lane at the western side of the site.

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

Other suggestions under the Rights of Way Improvement Plan (ref. T49 and T48) relate to the provision of sections of pavement at the corner of Moss Lane at the southern edge of the proposed development site and on Watch Lane to the west. The suggestions were put forward to encourage pedestrian movement along these lanes. The poor pedestrian facilities along Moss Lane are acknowledged in section 2.2.2 of the Draft Residential Travel Plan; the

improvements to the footway could be extended in a westerly direction from those proposed in the area of the bridge over the railway. Again, contribution should be sought from the developer towards these improvements, one of which is immediately adjacent to the proposed development site boundary.

Pedestrian movement to and from the proposed development site will utilise the network of existing public footpaths. Surface improvements are required on public footpaths No. 30, 31 and 46 which run between the proposed development site and the employment and service centres of the locality. Notably, FP46 is referenced as a key pedestrian link between the site and the railway station in section 2.2.1 of the Draft Residential travel Plan, but is not currently in a condition amenable to encourage walking. Installation of lighting should be considered on this route. Contribution towards these improvements will facilitate the pedestrian movements referred to in the Design and Access Statement and Travel Plans.

### **Amenity Greenspace**

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission (in accordance with the submitted details on Planning Layout, Drawing No BHWL/103/01 Rev L, dated 20 October 2010) there would be a deficit in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. The aforementioned proposed plans do not indicate a play facility. However within the Design and Access Statement dated November 2010, Figure 2 indicates a possible 3 areas or locations (this is not clear) for equipped play space. There is a centrally located area, one to the southeast and one to the northwest, but there is no indication as to the type of facility that is intended for any of these locations.

As stated in previous consultation, Greenspaces would prefer for both the Factory Site and Test Track Site to be considered together and for one larger play area to be provided from a future maintenance perspective. Greenspaces still strongly recommend that the Fodens Factory site, Fodens Test Track site and the Canal Fields site be considered collectively, regarding public open space and equipped play areas. One larger equipped play area that serves the full age range and is combined with informal play space would better serve the requirements of a developing community in this area. Contributions towards the funding of one larger NEAP standard facility could be sought from the Fodens Test Track site and the Canal Fields site in order to accommodate the requirements of the new neighbourhood. The size of area should be taken into consideration not only to provide a play facility to meet the demands of the Factory Site but should incorporate a vision for enhancement contributions from both the Test Track and Canal Fields.

Therefore, Greenspaces would welcome the proposal to include a NEAP (Neighbourhood Equipped Area for Play) standard play facility on site as part of the development plans, however we would request that the final layout and choice of play equipment be agreed with CEC, and obtained from The Councils approved supplier and the construction should be to the Council's specification. Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works.

In addition to the above comments Greenspaces would prefer for the NEAP facility to be more centrally located within the Factory Site development and would require clarification as to the final location in order to ensure that the security and safety of the play area users has

been taken into consideration in line with Section 5 of the Councils Supplementary Planning Guidance Note. The large area of POS indicated to the centre of the plan would be the preferred location for any new facility and Greenspaces would be prepared to take transfer of the NEAP Standard facility and associated informal play space if appropriately located and designed.

Given that an opportunity has been identified for increasing the quantity of Children and Young Persons Provision on site, based on the Council's Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Maintenance:            £231,039 (25 years)

### Amenity Greenspace

Following an assessment of the provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission (in accordance with the submitted details on Landscape Master Plan, Drawing No LDS168-04, dated November 2010) it has been identified that whilst there is deficiency in the existing provision, the on-site provision proposed to mitigate this will be in excess of the quantity required to meet the needs of this scale of development. The Amenity Greenspace required from the development is 7,740 square meters and the proposed provision on site is 11,200 square meters thus making an over provision of 3,460 square meters. However it appears to be made up of a landscaped linear 'green' footpath/cycleway running north to south, a large central area split by pathways, and small pockets of open space, again split by pathways located throughout the site. While these pockets and buffers are aesthetically pleasing, Greenspaces would question the quality and value in connection to useful informal kick-a-bout/play space. It is acknowledged and appreciated that the 'green' footpath/cycleway provides good links and connectivity throughout the site and is in line with PPG13 and GR3, but again for the aforementioned reasons Greenspaces would question the usefulness.

To this regard, Greenspaces request further consideration is given to Amenity Greenspace by eliminating obstacles to create informal kick-a-bout areas. The removal of items such as tree and shrub planting and formal paths will help in this regard. This will make the central area and the area to the southwest of the site abutting Moss Lane more usable. Any redesigning to incorporate more substantial areas for informal play would be welcomed and would request this was taken into consideration when developing the Test Track adjacent.

Clarification of ownership for the rear boundary of proposed residential properties that back on to Moss Lane, Mulberry Gardens, Foundry Lane and any other private businesses/properties abutting the development would be required. There are large stretches of established mixed native hedge species along these perimeters, including a dense belt of trees along the western edge of the railway line that would have formed the original boundary hedge around the Fodens site. The Ecological Assessment identifies the importance of retaining these boundaries with regards to wildlife corridors, habitat retention and breeding birds. However, if these hedges are to become the main rear boundaries to individual units, future responsibilities relating to the retention, care and maintenance requirements of such hedges should be stipulated to future owners of the properties. In particular, attention should be drawn to the responsibility for the external faces of any such hedge. All obligations relating to the obstruction of the public highway and other footpaths need to be made clear and therefore careful consideration to 'line of sight' planting should be made.

In addition to the above, it is recommended that any screen planting proposed between the development, the railway line and adjacent to all foot path links that run throughout the development site are designed with their eventual maturity in mind, given the maintenance implications and problems that may arise. It is with this in mind, I suggest all landscaped areas are transferred to a management company, however The Council will 'consider' adopting any substantial kick-a-bout/informal play space. This will be subject to further discussions on size, layout and approval of landscaping in writing by The Council.

Given that an opportunity has been identified for increasing the quantity of Amenity Greenspace on site, based on the Council's Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer cannot be calculated due to the uncertainty of area at this stage but as a guide the cost for maintenance should be calculated at a rate of £118.25 per 10 square meters per annum for 25 years.

### **Cheshire Brine Board**

It should be noted that part of the site area lies within the currently defined consultation area. The Board are only consulted by the Local Authority with regard to proposed development within the consultation area, and precautions in respect of development outside the consultation area are presumably a matter for the developer. Should the Board be consulted with regard to development proposals within the consultation area, then the response to the Local Authority would depend on the details of the proposed development and any detailed engineering appraisals submitted therewith. At this stage, and on the basis of information currently held by the Board, it is likely that precautions would be recommended. The recommendations made by the Board would normally include the following, but obviously, the applicant would have to have due regard to prevailing ground conditions including naturally occurring movements:

#### **Foundations**

- New construction – Incorporation of reinforced foundations and floor slabs (e.g. raft foundations, reinforced strip foundations etc).
- Extensions – Designed consistent with existing foundations. Where existing foundations comprise a reinforced raft then the reinforced raft for the extension should be tied into the existing foundation.

#### **Services**

- Use of flexible materials in service runs
- Maximise gradients of drains
- Provision of movement joints where services penetrate floor slabs and walls

#### **Superstructure**

- Incorporation of flexibility (e.g. flexible couplings within portal frames in commercial buildings).
- Maximise use of movement joints.

### **Natural England**

Natural England provides the following comments;

- This proposal lies close to Sandbach Flashes SSSI but it is Natural England's opinion that the proposed development will not materially or significantly affect it.

- Natural England note from the Flood Risk Assessment the intention of the developer to drain surface water from the site by using a scheme of infiltration techniques and local attenuation to ensure that discharge of surface water will not utilise either Adopted public sewers or adjacent watercourses (paragraph 6.2.6 of the Flood Risk Assessment refers). Natural England therefore consider that potential impact on the adjacent SSSI to be low and conclude that this development as it is proposed, will not materially or significantly affect the SSSI. Natural England would recommend that an enforceable condition covering the drainage strategy is included in any approval. Should the proposed drainage strategy change between application and determination, Natural England must be re-consulted prior to any determination.
- Natural England note that a “sporadically used single hole outlier badger sett” (page 1 of the ecology report undertaken by NGL Ecology Ltd refers) was found on the site and the ecology report recommended that a Natural England badger licence would be required prior to the start of any work to close the sett. Natural England concurs with this recommendation and notes that as part of any licence application, appropriate mitigation will be required to cover areas such as loss of setts and timings of works to avoid periods when badgers are breeding.
- Provision of artificial nest sites at selected points within the development should be made to provide alternative nesting sites and to compensate for the loss of nesting sites. Further guidance as to the type and location of the artificial nests should be sought from any suitably qualified ecologist.
- Natural England notes that two trees will be removed as part of the development and therefore advises that the method statement for felling trees contained on page 8 of the ecology report undertaken by NGL Ecology Ltd is followed. This can be included as an enforceable planning condition in any planning approval.
- Natural England recommends that the Council considers Green Infrastructure, Sustainable Design, Geodiversity, Landscape Issues and Biodiversity when determining this planning application.

## **5. VIEWS OF SANDBACH TOWN COUNCIL**

Sandbach Town Council welcomes the development of this Brownfield site however it has concerns in relation to traffic and other key issues as a result of the proposed development and suggests the following:-

- Greatly concerned by the additional infrastructure burden of this development. There will be a great increase in the number of cars on local roads due to the site being located some distance from any schools, shops, medical services or bus stops.
- An independent health and safety review is undertaken at the junction of London Road and Moss Lane. Members of Sandbach Town Council feel that, due to existing safety issues at this junction with extremely limited visibility, further studies ought to be carried out before further increasing traffic levels. Developers should examine the possibility of widening the bridge to the South of the development, thus allowing for 100 percent of two-way traffic to use the route as access.
- Members were unclear of CEC's justification for requesting a 60/40 traffic access split and request clarification of the reasoning. It is felt that, because of the existing visibility problems at London Road/Moss Lane, the southern entrance ought to be nearer to 100 percent.
- Moss Lane is deemed unsuitable for HGV with clear notices in place but this ought to be highlighted clearly in planning conditions. Construction traffic should not be permitted access via Moss Lane.
- Due to existing businesses relying on parking areas along Moss Lane, it is suggested that the developers consider purchase of the existing house currently advertised for

sale on the corner of Moss Lane/London Road with a view to demolishing and providing for specific use of the businesses. Members believe that any attempt to prohibit these businesses parking cars on the roadside through possible introduction of parking restrictions would not remove the cars but simply situate them further along the road, whereas a designated car park would solve the current issue.

## **6. OTHER REPRESENTATIONS**

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

### **Principle of development**

- Too much housing in Elworth/Ettiley Heath
- The development will change the character of the village of Elworth

### **Ecology**

- Loss of habitat to protected species
- Impact upon protected species
- Stress added to wildlife
- Impact upon breeding birds
- Impact upon Elworth Flashes

### **Infrastructure**

- Overcrowding of schools
- Impact upon local doctors surgeries/dentists
- Impact upon waste disposal systems
- Impact upon local police
- Impact upon public transport

### **Highways**

- The area of proposal and surrounding area already struggles to cope at peak times with current traffic levels.
- Highway safety
- Pedestrian safety
- Cyclist/horse rider safety
- Traffic congestion
- The split for vehicle movements should be altered so that a greater proportion of traffic uses the southern access
- More traffic calming along Moss Lane is required
- Speed limits should be reduced

### **Other matters**

- Lack of consultation
- Increased flood risk
- Land contamination
- Hours of construction
- Damage to existing properties from construction works
- Noise and dust from construction works
- Questions raised over the size of the public open space
- Increased litter
- Increased noise and disturbance caused by increased occupancy/vehicles
- Detrimental impact upon the nearby open countryside
- Three-storey townhouses would dominate the sky line

- Loss of vegetation/screening to properties on Foundry Lane/ Clifton Road
- Retirement bungalows are required
- Increased vandalism
- Increased anti-social behaviour

A representation has been received from a group called Working for Cycling. This representation makes a number of suggestions to improve the cycle link which is proposed on the site.

## **7. APPLICANT'S SUPPORTING INFORMATION:**

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

This Design and Access Statement includes the following conclusion;

- The site is previously developed and sustainably located within the defined urban area of Sandbach. The scheme is entirely appropriate and acceptable in terms of: the proposed use; the amount of development; scale; appearance; landscaping; and access arrangements. Indeed, the detailed application scheme is the result of a long and careful planning process, which has involved the local authority and other relevant stakeholders throughout. The full application is therefore the culmination of the extensive work that has taken place to date, and the final scheme reflects the recommendations, comments and suggestions that have been put forward by the local authority and other parties, resulting in a high quality design solution for the site
- The final detailed application scheme creates a development with its own identity and character, which successfully responds to its surroundings and constraints. Public and private spaces within the site are clearly distinguished, while continuity and enclosure are maintained throughout. The public realm has been designed to a high standard, and the internal road/footpath layout has been carefully thought-out to provide a permeable and legible development, that prioritises pedestrian and cycle movement. Opportunities to connect the site to the wider area, and in particular to the local public transport network, have been maximised to encourage the use of sustainable modes of transport.
- The proposed development is adaptable, and the mix of house types will meet the future needs of residents and enable people to stay in the area when their personal circumstances change. This is an important element to the delivery of sustainable, inclusive and mixed communities. Importantly, the development offers diversity and choice, and incorporates a mix of uses to serve both the residents of the development and the existing community.

### **Planning Statement (Produced by Roger Tym & Partners)**

This report makes the following conclusions;

- Section 38 (6) of the Planning and Compulsory Purchase act 2004 requires that applications be determined in accordance with the statutory development plan, unless material considerations indicate otherwise. The development plan comprises the North West RSS and the saved policies of the Congleton Local Plan and the Cheshire Structure Plan.
- The proposed development accords with the strategic objectives and relevant policies of the development plan.
- The proposed scheme is also consistent with the emerging Interim Planning Policies on Affordable Housing and the Release of Land, relevant supplementary Planning Guidance as well as other relevant national guidance including PPS1, PPS3, PPS4 and PPG13 all of which are material considerations.

- The application is therefore 'in accordance with the development plan', as well as with relevant material considerations and so the application should be supported.

### **Arboricultural Appraisal (Produced by Shields Arboricultural Consultants and dated August 2010)**

- One group of trees which are considered to be Category A/B trees (high quality and value/ Moderate quality and value)
- Two groups of trees which are considered to be Category B trees (Moderate quality and value)
- Four trees are considered to be Category C trees (low quality and value)
- One group of trees and an individual tree are identified for Removal

### **Noise Assessment (Produced by Hepworth Acoustics and dated April 2010)**

This report gives the following summary and conclusions;;

- The potential impact of railway noise and commercial noise has been assessed for the residential element of a proposed mixed use development on the former Foden Trucks Factory site, Sandbach.
- The results of the railway noise measurements demonstrate that the site is exposed to relatively modest levels of noise. Nevertheless, we have recommended upgraded glazing and acoustic ventilation for some of the upper floor bedrooms in properties near to the railway line.
- Noise from the commercial units beyond the railway line was found to be low during the day and night. There are no requirements for noise mitigation measures in relation to the commercial units.

### **Affordable Housing Statement (Produced by Roger Tym & Partners and dated November 2010)**

- In compliance with the requirements of SPD6 – and the emerging IPS – it has been agreed with the Council that of the 248 proposed dwelling units, 30 per cent will be affordable. This is the same proportion of affordable housing provision that was secured on the extant outline consent.
- This equates to a total of 74 affordable units across the site, to be split 50:50 between social rented and intermediate tenure. Although we acknowledge that the draft IPS suggests a tenure split of 35 per cent intermediate and 65 per cent social rented, pre-application discussions with the Council have confirmed that the proposed tenure split remains acceptable, since this was deemed to be appropriate at outline stage and the applicant is meeting the full 30 per cent affordable requirement.
- A range of house types will be provided as affordable, as follows:

#### **Social Rented (37 units)**

- \_ 12 x 'Rufford' (three-bed semi detached)
- \_ 2 x 'Canterbury' (three-bed semi detached)
- \_ 7 x 'Powell' (three-bed semi detached)
- \_ 8 x 'Chatsworth' (three bed semi-detached/mews)
- \_ 4 x 'Kingston' (three bed mews)
- \_ 4 x 'Studley' (two bed mews)

#### **Shared Ownership (37 units)**

- \_ 9 x 'Rufford' (three-bed semi detached)
- \_ 16 x 'Canterbury' (three-bed semi detached)
- \_ 1 x 'Powell' (three-bed semi detached)
- \_ 5 x 'Chatsworth' (three bed semi-detached/mews)
- \_ 3 x 'Kingston' (three bed mews)
- \_ 3 x 'Studley' (two bed mews)

- The affordable units are distributed in clusters throughout the development. In addition, a further 25 per cent of the units will be low cost market housing.
- Accordingly, the proposed provision of affordable housing at the Fodens Factory site has been agreed in advance with the Council, and is consistent with requirements set out in SPD6 and the emerging IPS.

### **Open Space Assessment**

- The Interim Policy Note provides a step-by-step methodology for calculating the level of public open space required. This calculation is to be made by the Council, and at the time of submission no guidance has been received.
- In light of this, for the purpose of the detailed application we have used as a starting point the level of public open space approved for the extant outline consent. The signed Section 106 Agreement for the outline consent makes provision for no less than 11,200sq.m of public open space, and accordingly the detailed consent will also offer this level of provision. This will comprise a mix of informal public open space, informal play space and an equipped open area.
- The level of public open space to be provided is therefore the same as was previously agreed with the Council, despite the fact that the detailed scheme now includes fewer units within a slightly reduced site area. Therefore, it is anticipated that this level of provision should either meet or exceed the required standards.
- A large central area of public open space will act as a focal point to the development, and will serve the two 'halves' of the site. This is directly overlooked by plots 97-99, 133-140, 156-163, 181-190, and 241-242, to ensure a high level of natural surveillance. Substantial public open space is provided as part of the landscaped linear footpath/cycleway which runs north to south through the site, linking with the eastern part of the central open space area. Other smaller pockets of public open space are located throughout the site, providing attractive and useable green spaces which break up the urban area and enhance the street scene. All areas of open space will be controlled and maintained via a management company, or can be adopted by the Council.

### **Ecology Report (Produced by NLG Ecology Ltd and dated November 2010)**

- The proposed development will result in the loss of relatively small areas of semi improved neutral grassland, tall vegetation of low ecological value. Areas of regenerating scattered scrub, a small area of dense scrub and two species poor hedgerows (target notes 9, 12) will also be lost to the development. Clearance of these habitats will be subject to time constraints.
- The loss of scrub habitat to the development is considered to be insignificant in the long term as gardens and public open spaces created within the development will more than compensate for this.
- The hedgerow with mature trees on the northern site boundary is a UK BAP Priority Habitat. Consideration should be given to retaining this hedgerow within the proposed development as it is located along an existing boundary. The loss of the hedgerows to the development will, however, be more than compensated for by the planting of hedgerows within gardens in the new development.
- The band of woodland and standard trees that occur along the site boundaries are due to be retained by the development.
- The potential for impacts from the proposed development upon the nearby Sandbach Flashes SSSI is considered to be negligible. The site is separated from the SSSI by the Trent and Mersey Canal and farmland, which will act as a buffer to any potential detrimental impacts. The development of a residential housing estate should not lead to an increase in disturbance to the SSSI and its associated species assemblage,

given the previous industrial use of the site and the proximity of other industrial estates nearby.

- Opportunities exist to enhance the value of the new development for wildlife. These include planting native species rich hedgerows as boundary features and planting native tree species within public open spaces.
- Disturbance to the outlier badger sett within the grass embankment would not be avoidable under the current development plans. Therefore, closure of the sett under licence is recommended to avoid any compromise of the legal protection afforded to badgers. Sett closures are only permitted under licence between July and November inclusive, to avoid the badger breeding season. A Natural England badger licence will need to be applied for prior to the start of any work on site by a suitably experienced professional ecologist.
- The badger exclusion fence already in place should be repaired before the start of works to prevent badgers from entering the site. This should be monitored and repaired as necessary on a daily basis throughout the construction phase to ensure that it remains functional.
- The band of woodland is to be retained as part of the development and therefore there are no plans to remove the trees on the edge of the woodland that have low roosting habitat value for bats.
- The mature oak with low roosting habitat value (target note 13) may be lost to the development. Felling of the tree should be carried out according to the method statement indicated within the ecology report
- The loss of bat foraging habitat to the development will be minimal. Gardens and public open spaces created as part of the development will increase foraging opportunities for bats in the long term.
- Clearance or pruning of any potential nesting bird habitat should be undertaken outside the nesting bird season, which runs from March to August inclusive. Nesting bird habitat includes woodland, dense and scattered scrub, standard trees and hedgerows. Any de-vegetation work carried out during the breeding bird season will be subject to a bird nest survey by a suitably qualified ecologist. No work will be permitted within 5m of any active nests identified and the vegetation may only be removed once the ecologist has determined that the nest is no longer in use. Evidence of bird nesting was found during the survey so this could lead to long delays.
- The overall loss of bird nesting habitat to the development will be minimal. In the long term, the garden habitats and public open spaces created within the development will more than compensate for the bird nesting and foraging opportunities lost.
- No other protected species issues were identified during the survey. No ponds were located within the survey area and a desk study of Ordnance Survey maps at a scale of 1:25,000 revealed no ponds within 250m of the site. The site is also largely surrounded by barriers to great crested newt migration with the canal to the west and south, the railway and industrial estates to the east and a residential area to the north. Great crested newts do not therefore pose a constraint to the proposed development.

#### **Landscape Schedule (Produced by LDS Ltd and dated November 2010)**

A landscaping schedule for the proposed residential development at the site has been provided. This document is available to view on the planning file.

#### **Flood Risk Assessment (Produced by Campbell Reith Hill LLP and dated November 2010)**

This report makes the following conclusions and recommendations;

- The site is located immediately adjacent to the Trent & Mersey Canal and east of the Watch Lane Flash Nature Reserve and SSSI. The Local Planning Authority (Congleton

Borough Council) have requested that the risk of flooding be formally assessed through a Flood Risk Assessment

- The EA have no modelled flood data available for the site.
- The site is unlikely to be affected by fluvial flooding from nearby Rivers. Flooding of the site is more likely to occur as a result of the proposed drainage systems surcharging, resulting in over-land flood flows.
- A preliminary drainage design has been prepared in support of this Flood Risk Assessment which has proved that surface water run-off from the proposed development can be managed so as to ensure flows from the site following redevelopment will not exceed current levels. Redevelopment of the site will not therefore increase the flood risk to any other property.
- A proposed drainage system can be provided which will wholly contain a storm event that has a 1% (1 in 100) chance of occurring each year. Surface water run-off from the site will be restricted and attenuated on-site prior to being discharged to the adjacent Trent and Mersey Canal at equivalent Greenfield run-off rates.
- Data supplied by the Environment Agency indicates the site to within Flood Zone 1.

#### **Transport Statement (Produced by Campbell Reith Hill LLP and dated November 2010)**

This report makes the following conclusions;

- The development site has been shown to be accessible by public transport. There are a range of facilities within walking distance of the site and a significant area including Sandbach town centre. Wheelock and Middlewich can easily be reached by cycle.
- The capacity analyses of the local road junctions have shown that all junctions assessed can operate below capacity in both 2011 and 2021 with the addition of the proposed development traffic.
- The Transport Assessment also highlights the commitment of the applicants to implement sustainable travel initiatives through the production of a Travel Plan for the development.
- It is therefore concluded that there are no transportation reasons why the proposed development at the former Foden factory site should not be granted planning permission.

#### **Air Quality Assessment (Produced by ENTEC and dated November 2010)**

This statement concludes that;

- This assessment has concluded that with appropriate mitigation measures incorporated into a CEMP (Construction Environmental Management Plan), dust affects will be minimized to an acceptable level. Potential construction phase effects are therefore considered not to be significant
- The effect of road traffic emissions on modeled existing receptor locations within the local area, both existing and those proposed as part of the development is considered to be not significant

### **8. OFFICER APPRAISAL**

#### **Main Issues**

The main issues in the consideration of this application are the suitability of the site, in principle, for residential development having regard to matters of planning policy, housing land supply, loss of employment, affordable housing, amenity, ecology, design landscape, layout drainage and flooding, infrastructure, highway safety and traffic generation.

## **Planning Policy and Housing Land Supply**

The application site is shown as being within the Settlement Zone Line for Sandbach and therefore Policy PS4 is relevant. Policy PS4, states that within the settlement zone line, *'there is a general presumption in favour of development provided it is in keeping with the town's scale and character and does not conflict with the other policies of the plan'*. It goes on to say that *'any development within settlement zone lines on land which is not otherwise allocated for a particular use must also be appropriate to the character of its locality in terms of use, intensity, scale and appearance'*.

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

The NW Regional Spatial Strategy (2008) proposes a dwelling requirement of 20,700 dwellings for Cheshire East for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. The Council have decided to continue to use the housing requirement of 1,150 net additional dwellings per annum pending the adoption of the Core Strategy.

The Cheshire East SHLAA November 2010, identifies that at 31<sup>st</sup> March 2010 the Borough had 4.48 years supply of identifiable, 'deliverable' sites. In order to address the lack of a 5 year housing land supply, an Interim Planning Policy on the Release of Housing Land has been made available for consultation purposes. This policy will allow the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas to support the provision of employment, town centres and community uses.

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

## **Loss of Employment Land**

Policy E10 states that 'proposals for the change of use or redevelopment of an existing employment site or premises to non-employment uses will not be permitted unless it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes'. It should be noted that during the consideration of the current outline permission on this site that evidence was provided of marketing undertaken on the site and the viability of development on this site. In this instance it is accepted that there has been a reduction in the employment space that would be provided on the outline from 5,480sq.m to 3,620sq.m. However this is not considered to be an issue that would warrant the refusal of this planning application given that Policy E10 allows the redevelopment of an existing employment site where there would be substantial planning benefit. In this case it is considered that there is such a benefit to meet the 4 tests within Policy E10.

Policy E3 provides the criteria that the Council will be required to consider before employment development within the settlement zone lines can be granted planning permission. This includes consideration as to whether the proposal is appropriate to the local character in terms of its use, intensity, scale and appearance. Policy E3 also requires that the proposed development complies specifically with policy GR1 and also that it accords with other Local Plan policies.

In order to ensure that the employment units on the site are delivered the outline permission includes a condition which states that B1 employment units shall be constructed and made available for occupation prior to the occupation of 100 of the dwellings. In this instance the applicant has requested that the condition be altered so that prior to 100 of the dwellings being constructed the retail unit shall be constructed and the proposed B1 units shall be laid out with the access and necessary infrastructure provided on the site. This would allow the applicant to build the employment units when an occupier for each unit is found and would avoid the situation of the employments buildings sitting empty and the applicant paying tax on the empty buildings.

### **Retail Development**

The proposal would include the provision of one retail unit which would be single storey and would have a floor area of 360sq.m. Policy S2 states that new shopping development within the settlement zone line of a town should be of an appropriate scale intended to serve the needs of a locally resident community. The proposed 360sq.m retail unit is not considered to be a 'significant' shopping proposal and therefore may be considered appropriate in terms of the location of the development. Furthermore the proposal would increase the sustainability of the site.

### **Affordable Housing**

The proposed development would provide 30% affordable housing in the form of 2 and 3 bedroom properties. This equates to a total of 74 affordable units across the site, to be split 50:50 between social rented and intermediate tenure. The affordable housing mix would be as follows;

#### *Social Rented (37 units)*

- 12 x 'Rufford' (three-bed semi detached)
- 2 x 'Canterbury' (three-bed semi detached)
- 7 x 'Powell' (three-bed semi detached)
- 8 x 'Chatsworth' (three bed semi-detached/mews)
- 4 x 'Kingston' (three bed mews)
- 4 x 'Studley' (two bed mews)

#### *Shared Ownership (37 units)*

- 9 x 'Rufford' (three-bed semi detached)
- 16 x 'Canterbury' (three-bed semi detached)
- 1 x 'Powell' (three-bed semi detached)
- 5 x 'Chatsworth' (three bed semi-detached/mews)
- 3 x 'Kingston' (three bed mews)
- 3 x 'Studley' (two bed mews)

The affordable units are distributed in clusters throughout the development. In addition, a further 25 per cent of the units will be low cost market housing.

The affordable housing requirement is therefore compliant with SPD6 '*Affordable Housing and Mixed Communities*' and the Draft Interim Planning Statement on Affordable Housing.

## **Amenity**

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

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

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

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

In terms of land contamination the development is considered to be acceptable and

## **Ecology**

### Sandbach Flashes Site of Special Scientific Interest (SSSI)

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

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

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

## Badgers

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

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

## Bats

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

## Breeding Birds

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

## Hedgerows

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

## **Trees**

The application site includes a number of trees to the boundaries of the site; these trees are of varying quality and age and are not protected by a Tree Preservation Order. The submitted information in relation to the trees on the site does not fully assess the impact of the development nor does it accurately plot all of the surrounding trees.

It is considered that there are possible pinch points at plots 1, 3-12, 14, 17-30, 45-49, 71-81, 95-96, 124, 127 and the employment units plots G, H, I, J & K. Additional information has been requested in relation to the trees on the site and an update will be provided as part of the late report.

## **Drainage and Flooding**

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

In terms of flooding a Flood Risk Assessment has been provided by the applicants and this has been forwarded to the Environment Agency. The Environment Agency have assessed the FRA and raised no objection to the development subject to the imposition of planning

conditions. It is therefore considered that the development would not raise any significant flooding/drainage implications that would warrant the refusal of this application.

## **Design**

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

As part of the negotiations on this application the design and layout of the proposed development has been altered. The main points which have been negotiated are as follows;

- The scheme is bland, it really fails to create an identity of its own, the housing types and materials palette resemble many other new housing schemes
- The layout generally works, the cycle links and increased active frontages all work fine, in terms of legibility there needs to be a bigger focus on the housing surrounding the central open space
- Three storey townhouses could be positioned to surround the open space, three storeys here will also help to create a sense of enclosure around the space and add focal points of interest when viewed from other parts of the site.
- Parking appears to dominate some areas within the site
- The layout of the site does not comply with Manual for Streets and the access roads appear to dominate the site

The proposed layout has been altered although all of the requested amendments have not been achieved such as the provision of three-storey townhouses (which the applicant argues are not economically viable).

The amended layout has altered the position of dwellings to the southern access point to give the development a more prominent entrance, whilst some of the parking bays have also been broken up to reduce the dominance of the car.

In terms of legibility, the applicant has indicated that three-storey townhouses are not economically viable and this is accepted. However the applicant has suggested that they would use a varying palette of materials which would help to increase legibility across the site and this is accepted.

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

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

As part of the amendments secured some properties have been re-orientated so that a small number of properties face onto the Moss Lane landscape buffer and the Canal

Conservation Area beyond. Ideally a greater proportion of dwellings should face onto Moss Lane, however in this case this has not been achieved and any visibility from Moss Lane would be limited in any case given the existing landscape buffer. It is therefore considered that this layout is acceptable.

One of the main criticisms of the original layout was the internal highway layout which appeared over-engineered, dominated by roads and non-compliant with Manual for Streets. The layout of the site has undoubtedly improved following negotiations with the applicants' agent. The Strategic Highways Manager has yet to comment on the internal layout and an update will be provided in relation to this issue.

The proposed retail unit would be single-storey with a pitched roof, whilst the proposed employment units would be two-storeys in height with a pitched roof. Although these elements are utilitarian in appearance it is considered that they are of an acceptable design.

### **Open space**

The site plan shows that the public open space provision to serve the site would be centrally located and would be roughly rectangular in shape (this would provide 7448sq.m of Public Open Space). The development would also include two smaller areas of open space; one to the boundary with Foundry Lane (1998sq.m) and another to the boundary with Moss Lane (1783sq.m). A landscaped area surrounding the proposed footway link is also included but this area is excluded from the Public Open Space calculations. The development would therefore provide a total open space provision of 11,229sq.m.

A development of this site would require a total public open space provision of 7,740sq.m and the proposed development would therefore result in an over provision of Public Open Space which is considered to be acceptable. The location of the open space is considered to be acceptable as it is centrally located within the application site. At this stage it is not clear whether this open space would be adopted by the Local Authority or maintained by a management company and an update will be provided in relation to this issue as part of the late report.

In terms of children and young persons provision Greenspaces initially requested a larger Neighbourhood Equipped Area for Play (NEAP) which would serve both the Fodens Factory site and the Fodens Test Track site. However it is not considered to be reasonable to provide a NEAP for both sites and Greenspaces have requested the provision of smaller Local Equipped Area for Play (LEAP) with an area to be extended when the Fodens Test Track site comes forward. This is considered to be appropriate although a revised maintenance contribution for the proposed LEAP has not been updated and Greenspaces have provided a maintenance figure for a larger NEAP only. An update will be provided as part of the late report in relation to this issue.

### **Highway Safety and Traffic Generation**

Historically the site gained outline planning permission in 2008 for some 280 dwellings plus B2 and an extracare facility. All details were reserved except for highway access which was resolved satisfactorily in terms of local and significant highway improvements. Agreements for further improvements to local sustainable links were also made and included: footway repairs and upgrades and the provision of street lighting improvements.

This application initially offered a similar scheme to the original outline proposal with some changes to the residential aspects of the site (less flats and less dwellings overall), and more significantly offered a different junction solution for the B5079/A533 – Station Road/London Road junction.

This revised solution for the Station Road/London Road junction did not offer traffic signals with pedestrian facilities as per the original permission and instead proposed a simple improvement of the existing junction which required the intrusion of a projected give-way line into the carriageway of London Road to provide a visibility improvement.

The Highway Development Management Team determined that the proposal to treat this junction in this way was unsatisfactory and would not pass safety audit, or indeed manage the proposed traffic generation to the satisfaction of the Strategic Highways Manager.

To this end the claimed improvement was dismissed and negotiations opened to secure the satisfactory provision of a traffic signal junction design, similar to the one approved with the 2008 permission.

This involved survey work for both the Authority and the applicant's highway consultant and the receipt of a new Technical Addendum to the Transport Assessment which identified more specifically the requirements of the junction and resolved to offer the provision of the traffic signal junction that the S.H.M. required.

The remaining off-site highway aspects of the site aligned with those agreed for the 2008 permission and the resolved position for this application in terms of the highway access solution is now satisfactory.

It is worth mentioning that joint site visits have been made with the applicant's highway consultant to identify necessary upgrades and repairs to the existing footway links to and from the site between it and sustainable transport modes such as the railway station and the bus services on London Road and Station Road.

These improvements will be secured by schedule under a Section 278 Agreement (Highways Act 1980) and will be provided by the developer.

The benefits of these improvements align with the developer's duty to provide and promote sustainable modal choice of travel, and together with the through site link footways and cycleways and the changes to Moss Lane to the rear of the site will offer significant betterment to the general sustainable use of the Elworth area.

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

The whole site will provide an integrated and quality design and will, in the view of the Strategic Highways Manager set a standard for other similar sites locally in the future.

To this end a more holistic view is being taken by the Highway Authority towards the design process in order that subsequent development on adjacent sites can be led by example and linked by the integration of the design and sustainable links.

In addition, the H.D.M. team have also negotiated for the inclusion of the retail element on the site which is a significant addition, given that it will allow for many very local convenience shopping trips and should help reduce the need for single occupancy car journeys – another target towards sustainable transport choice.

Currently the Strategic Highways Manager has yet to comment on the revised internal layout drawing and update will be provided in relation to this issue.

## **Infrastructure**

Local residents have expressed concerns in respect of the impact of the development upon local infrastructure including schools, health and leisure facilities.

As part of the existing outline permission for this site a contribution of £40,000 was secured towards enhancing education provision (a contribution of £30,000 was also secured for the test track site to the south).

The Councils Education Department have been consulted as part of this application and the original consultation response requested a contribution of £458,726. This was calculated using the following formula;

*250 dwellings X pupil yield factor of 0.182 =45.5 X school extension cost multiplier £11,079 X regional weighting 0.91 = £458,726*

The applicant has responded to this consultation response and stated that the number of dwellings included in the calculation is not correct (250 instead of 248). The applicant states that the calculations have been made using a former County Council calculation which used data from the 2001 Census which arrives at a net impact of 0.182 primary children per household, the applicant states that applying the same principles for Cheshire East and January 2010 pupil number produces a lower figure which is more valid and accurate. The applicant has stated that according to Council Tax records there is 163,280 occupied dwellings in Cheshire East with 24,914 primary school pupils living in and being educated in Cheshire East (source DfE LEA Tables Jan 2010) and this would give a child yield of 0.153 per dwelling. Finally when taking into account the DfE cost multipliers the applicant is stating that the contribution should be £328,069.

This information has been forwarded onto the Councils Education Department who has stated that the assessment based on Census data has been used for many years and is used by numerous local authorities across the country. The Councils Education Department have also suggested adding additional costs of £68,258 for professional fees and £22,752 for furniture and IT equipment.

The Education Department have not provided any argument in response to the figures used by the applicant and have only stated that this is the traditional way that these commuted payments are calculated. This may well be the case but the data used by the Educational Department is 10 years old and the assessment made by the applicant can not be disputed. It is therefore considered that the commuted payment of £328,069 is an appropriate contribution. It should also be noted that this figure is much larger than the contribution secured as part of the outline consent.

## **Ground Conditions**

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

## **Public Rights of Way**

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

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

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

In relation to the first point the original outline planning application included a contribution of £30,000 towards canal side improvements. The applicant has indicated that they are not averse to making such contributions where they are fully justified, and they would expect a more detailed explanation from the Council as to what exactly is required and why (bearing in mind the package of off-site works we will already be proposing via the Section 278). As a result the Public Rights of Way Officer is liaising with British Waterways to respond to this point. An update will be provided in relation to this issue as part of the late report.

The improvements to Moss Lane and footpath 46 have been agreed as part of the highway works and will be provided as part of the highway works under the Section 278 Agreement. It is not considered that it would be reasonable to secure the other works suggested (improvements to Watch Lane and footpaths 30 & 31).

## **Other Issues**

The previous outline application included a contribution of £15,000 for CCTV provision on the railway footbridge. The Manager of the CCTV Section has confirmed that this contribution will no longer be required.

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

The issues of increased anti-social behaviour, vandalism and litter have been raised. These issues are not issues that would warrant the refusal of this planning application.

## **9. CONCLUSIONS**

It is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. In this case the application site is a brownfield site within the Sandbach Settlement Boundary and benefits from an outline planning permission for a residential development. It is therefore considered that the principle of a residential development on this site is acceptable.

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

The design and scale of the proposed dwellings is considered to be appropriate as is the design and scale of the proposed employment units and the retail unit. An update will be provided in relation to the internal layout of the site.

The development would provide 30% affordable housing and would involve an over-provision of Public Open Space, although further clarification will be provided in relation to the provision of a LEAP and the requirement maintenance arrangements.

The development would make an appropriate contribution to educational provision and an update will be provided in relation to contribution to canal side improvements.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, drainage/flooding, protected species, SSSI, employment land. An update will be provided in relation to the impact upon trees.

## **10. RECOMMENDATION**

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

### **Heads of terms**

- **A provision of 30% affordable housing (74 units) split 50:50 between social rented and intermediate tenure**
- **A contribution towards local education provision**
- **The provision of a LEAP and maintenance costs**
- **The provision of Public Open Space and a scheme of management of this public open space**
- **A commuted payment towards canal side improvements (To be confirmed)**
- **An Interim Residential travel plan in accordance with DfT guidance document**
- **A framework Travel Plan for any commercial use-classes in the development to be agreed with the Cheshire East Council Travel Plan co-ordinator**
- **A commuted sum for the necessary Traffic Regulation Orders and local traffic management orders**

**Conditions;**

1. Standard time – 3 years
2. Prior to the completion and occupation of 100 of the dwellings the retail unit shall be constructed and the infrastructure and internal road layout for the employment units shall be laid out
3. Materials to be submitted to the LPA and approved in writing
4. The B1 units shall be restricted to B1 use only
5. Submission of a landscaping scheme to be approved in writing by the LPA
6. Implementation of the approved landscaping scheme
7. No trees to be removed without the prior written consent of the LPA
8. Boundary treatment details to be submitted to the LPA and approved in writing
9. Remove PD Rights for extensions and alterations to the approved dwellings
10. If protected species are discovered during construction works, works shall stop and an ecologist shall be contacted
11. Prior to any commencement of works between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a detailed survey is required to check for nesting birds.
12. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds.
13. The proposed development to proceed in accordance with the recommendation made by the submitted Badger survey report and method statement dated January 2011.
14. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by, the Local Planning Authority.
15. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to, and approved in writing by, the Local Planning Authority.
16. The development hereby permitted shall not be commenced until such time as a scheme to discharge surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.
17. The acoustic mitigation measures as outlined in Acoustic Report 20860.01.v1 dated November 2010 submitted with the application shall be implemented.
18. The Bund and Concrete Fence to the Eastern Boundary of the site shall be retained, and maintained throughout the life of the development.
19. The operational hours, and servicing hours shall be agreed with the Local Planning Authority prior to bringing the B1c and A1 uses into operation.
20. Prior to positioning any fixed plant or equipment on the Northern or Western aspects of the B1c or A1 uses, a scheme of acoustic attenuation shall be submitted to, and approved by the Local Planning Authority addressing the acoustic impact of such units on the nearby residential uses.
21. The Travel Plan proposed in the Transport Assessment (submitted with the application) shall be submitted and agreed by the Local Planning Authority prior to the first use commencing.
22. Prior to the development commencing, an Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of;
  - a) Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a

**detailed specification of plant and equipment to be used and construction traffic routes;**

- b) Dust generation caused by construction activities and proposed mitigation methodology.**

**23. All demolition / construction works likely to be audible beyond the site boundary, and deliveries to and collections from the site shall be restricted to the following hours:**

**Monday – Friday                      07:30 – 18:30hrs**

**Saturday                                08:00 – 14:00**

**And at no time on Sundays or public holidays.**

**24. There shall be no burning of waste on the site during the demolition and construction of the development.**

**25. Prior to the commencement of development the developer shall provide justification of the values detailed in Appendix E of the Detailed Remedial Strategy any alterations to the Remediation Strategy shall be agreed in writing with the LPA**

**26. Once the remedial targets have been agreed by the Local Authority and remediation of the site has been completed a Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.**

**27. Method statement for the control of any Japanese Knotweed on the site**

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

**29. Completion of the proposed off-site highway works**

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

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

**32. Waste Management Strategy to be submitted to the LPA and approved in writing**

**33. Details of how the development will secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources**

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



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