

Application No: 23/4600C

Location: Land South Of, OLD MILL ROAD, SANDBACH

Proposal: Outline planning application for the erection of 84 new dwellings (Use Class C3) with Access, Appearance, Layout and Scale for approval.

Applicant: Mr C R Muller, Muller Property Group

Expiry Date: 26-Jul-2024

## Summary

The application site is within the Settlement Zone Line as identified by the Development Plan and has an extant planning permission for residential development.

The highways implications of the development are considered to be acceptable, and the roundabout and spine road were approved as part of application 19/3784C.

The issues of noise, air quality and contaminated land are considered to be acceptable and would comply with SE 12 of the CELPS. The development will not have a detrimental impact upon residential amenity and would comply with Policies HOU12 and HOU13 of the SADPD.

The design of the proposed development has been the subject of revised plans and is now of an acceptable design. The design complies with Policies SE1, SD1 and SD2 of the CELPS, the CEC Design Guide, GEN1 of the SADPD and H2 of the SNP.

The site has a challenging topography but the development is considered to be acceptable in terms of the levels changes on the site. The landscaping details are reserved and will be considered at a later date.

The drainage/flood risk implications for this proposed development are considered to be acceptable and the development would comply with policies SE13 of the CELPS and ENV16 of the SADPD.

The proposed development would affect the PROW which cross the site. Given the views of the Inspector and the SoS within the recent appeal decisions there would be no conflict with Policies SE1 and CO1 of the CELPS, Policy INF1 of the SADPD, or Policy PC5 of the SNP.

There are no objections to the application in terms of the impact upon the trees on the site or in terms of ecology. The proposal would comply with Policies SE1, SE3, SE4, SE5, and SE6 of the CELPS, policies ENV3, EN5 and ENV6 of the SADPD and policy PC4 of the SNP.

The proposed development has a better relationship with the open space/play area than the recent appeal scheme. The proposed development complies to Policies SE6, SE1, SD1 and SD2 of the CELPS, GEN1 of the SADPD, and Policy H2 of the SNP.

On the basis of the above the application complies with the Development Plan when read as whole and the application is recommended for approval.

**Recommendation**

**APPROVE**

**PROPOSAL**

This is an outline planning application which seeks approval for the erection of 84 dwellings within two parcels of land. The matters of access, appearance, layout and scale would be determined as part of this application with landscaping reserved.

The access will be taken from a new spine road and remodelled five arm roundabout off Old Mill Road. This roundabout and spine road were approved as part of application 19/3784C. The pre-commencement conditions attached to application 19/3784C have been discharged and the permission has lawfully commenced.

**SITE DESCRIPTION**

The application relates to 3.18 hectares of land. The site is located within the Settlement Boundary as identified within the SADPD and the Sandbach Neighbourhood Plan. Part of the site is also located within a wildlife corridor.

The site comprises agricultural land and the farm complex known as Fields Farm (which has consent for demolition). The site is located to the east of the A534 and to the west of residential properties that front onto Palmer Road, Condliffe Close and Laurel Close. The site has uneven land levels which rise towards the residential properties to the east. The site includes a number of hedgerows and trees which cross the site. To the north of the site is a small brook and part of the site to the north is identified as an area of flood risk.

There are a number of Public Rights of Way (PROW) which cross the site.

**RELEVANT HISTORY**

23/4755C - Prior approval for the demolition of farm dwellings and outbuildings – Prior Approval Not Required 16<sup>th</sup> January 2024

21/2412C - Reserved Matters for approval of access, appearance, landscaping, layout and scale following outline approval 14/1193C for the erection of 160 dwellings, car parking, public open space and associated works – Refused 8<sup>th</sup> August 2022 – Appeal Lodged – Appeal Allowed 29<sup>th</sup> April 2024

19/5736C - The construction of 57 dwellings and erection of a petrol filling station (sui generis) and associated convenience store (class A1), drive-through restaurant (Class A3 / A5), drive through

café (Class A1 / A3), offices, (Class B1(a)) along with the creation of associated access roads, parking spaces and landscaping – Refused 26<sup>th</sup> February 2020

19/3784C - Full planning application for erection of a care home (class C2), 85 new dwellings (class C3) and creation of associated access roads, public open space and landscaping – Refused 19<sup>th</sup> December 2019 – Appeal Allowed 12<sup>th</sup> October 2020

19/2539C - Hybrid Planning Application for development comprising: (1) Full application for erection of a discount foodstore (Class A1), petrol filling station (sui generis) and ancillary sales kiosk (class A1), drive-through restaurant (Class A3 / A5), drive-through coffee shop (class A1 / A3), offices (class A2 / B1) and 2 no. retail 'pod' units (class A1 / A3 / A5), along with creation of associated access roads, parking spaces and landscaping. (2) Outline application, including access for erection of a care home (class C2), up to 85 new dwellings (class C3), conversion of existing building to 2 dwellings (class C3) and refurbishment of two existing dwellings, along with creation of associated access roads, public open space and landscaping. (Resubmission of planning application ref. 18/4892C). – Refused 28<sup>th</sup> August 2019 – Appeal Dismissed 12<sup>th</sup> October 2020

18/4892C - Hybrid Planning Application for development comprising: (1) Full application for erection of a foodstore (Class A1), petrol filling station (sui generis) and ancillary kiosk/convenience store (class A1), drive-through restaurant (Class A3 / A5), drive-through coffee shop (class A1 / A3), farm shop (class A1) and 2 no. retail 'pod' units (class A1 / A3 / A5), along with creation of associated access roads, parking spaces and landscaping. (2) Outline application, including access for erection of a care home (class C2), 92 new dwellings (class C3), conversion of existing building to 2 dwellings (class C3) and refurbishment of two existing dwellings along with creation of associated access roads, public open space and landscaping – Refused 1<sup>st</sup> March 2019 for the following reasons;

18/2540S - EIA Screening Opinion – EIA Required 6<sup>th</sup> June 2018

14/1193C - Outline planning application for up to 200 residential dwellings, open space with all matters reserved – Approved 12<sup>th</sup> October 2017

13/2389C - Outline Planning Application for up to 200 Residential Dwellings, Open Space and New Access off the A534/A533 Roundabout at Land South of Old Mill Road – Appeal for non-determination – Strategic Planning Board 'Minded to Refuse' – Appeal Allowed 11<sup>th</sup> December 2014

13/2767S – EIA Scoping – Decision Letter issued 7<sup>th</sup> August 2013

13/1398S – EIA Screening – EIA Required

12/3329C - Mixed-Use Retail, Employment and Leisure Development – Refused 6<sup>th</sup> December 2012. Appeal Lodged. Appeal Withdrawn

## **POLICIES**

### **Cheshire East Local Plan Strategy (CELPS)**

MP1 – Presumption in Favour of Sustainable Development

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG6 – Open Countryside

PG7 – Spatial Distribution of Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 3 - Biodiversity and Geodiversity  
SE 4 – The Landscape  
SE 5 – Trees, Hedgerows and Woodland  
SE 6 – Green Infrastructure  
SE 7 – The Historic Environment  
SE 12 – Pollution, Land Contamination and Land Instability  
SE 13 - Flood Risk and Water Management  
IN1 – Infrastructure  
SC4 – Residential Mix  
SC5 – Affordable Homes  
CO1 – Sustainable Travel and transport  
CO2 – Enabling Growth Through Transport Infrastructure  
CO4 – Travel Plans and Transport Assessments

#### **Site Allocations and Development Policies Document (SADPD)**

PG9 – Settlement Boundaries  
GEN1 – Design Principles  
ENV2 – Ecological Implementation  
ENV3 – Landscape Character  
ENV5 – Landscaping  
ENV6 – Trees, Hedgerows and Woodland Implementation  
ENV7 – Climate Change  
ENV12 – Air Quality  
ENV14 – Light Pollution  
ENV16 – Surface water Management and Flood Risk  
HER1 – Heritage Assets  
HER8 - Archaeology  
RUR5 – Best and Most Versatile Agricultural Land  
HOU1 – Housing Mix  
HOU8 – Space, Accessibility and Wheelchair Housing Standards  
HOU12 – Amenity  
HOU13 – Residential Standards  
HOU14 – Housing Density  
HOU15 – Housing Density  
INF1 – Cycleways, Bridleways and Footpaths  
INF3 – Highways Safety and Access  
INF9 – Utilities  
REC2 – Indoor Sport and Recreation Implementation  
REC3 – Open Space Implementation

#### **Sandbach Neighbourhood Plan Modification (SNP)**

The Sandbach Neighbourhood Plan was made on 21<sup>st</sup> March 2022.

PC2 – Landscape Character  
PC3 – Settlement Boundary

PC4 – Biodiversity and Geodiversity  
 PC5 – Footpaths and Cycleways  
 HC1 – Historic Environment  
 H1 – New Housing  
 H2 – Design and Layout  
 H3 – Housing Mix and Type  
 H4 – Housing and an Ageing Population  
 IFT1 – Sustainable Transport, Safety and Accessibility  
 IFT2 – Parking  
 IFC1 – Community Infrastructure Levy  
 CW1 – Amenity, Play, Recreation and Sports Facilities  
 CW3 – Health  
 CC1 – Adapting to Climate Change

## National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

11 Presumption in favour of sustainable development  
 60-81 Delivering a Sufficient Supply of Homes  
 108-117 Promoting Sustainable Transport  
 131-141 Achieving Well-Designed and Beautiful Places

## CONSULTATIONS

**United Utilities:** The drainage details are acceptable in principle and conditions are suggested relating to the drainage of the site. General advice is provided in terms of UU infrastructure.

**NHS:** A contribution will be required to mitigate the proposed development based on the following formula:

Size of Residential Unit	Developer contribution per unit at April 2023
Health Infrastructure - 1 bed unit	£713.00 per 1 bed unit
Health infrastructure - 2 bed unit	£1,019.00 per 2 bed unit
Health infrastructure - 3 bed unit	£1,426.50 per 3 bed unit
Health infrastructure - 4 bed unit	£1,783.00 per 4 bed unit
Health infrastructure - 5 bed unit	£2,445.50 per 5 bed unit

**CEC Education:** The following contributions are requested:

- £173,540.64 for Primary Education
- £212,455.00 for Secondary Education
- £45,500 for SEN

**CEC Housing:** No objection.

**CEC Environmental Health:** Conditions suggested relating to noise mitigation measures, travel plan provision, EV charging, Low Emission Boilers, and contaminated land.

**CEC PROW:** The development, if granted approved, would affect Public Footpaths Nos. 18, 19 & 50 as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way. The proposal would have a direct and significant effect on PROW which is a material planning consideration. In terms of the individual PROW they comment as follows:

- Footpath 18 – This path is accommodated to all intents and purposes but will require a minor diversion. The PROW Officer would seek a 6-metre corridor but to the south of plot 39 this narrows to around 2m. A reasonable level of surveillance is provided. The path should be surfaced and at least 2m wide.
- Footpath 19 - Disappointed that the path is realigned along estate roads, this goes against good practice and government guidelines. The situation of the path crossed by multiple access points is not satisfactory. The PROW Officer objects to the proposals for FP19 as they stand.
- Footpath 50 – This has been incorporated into the design and the specification would be determined at Reserved Matters stage.

Conditions suggested relating to a PROW scheme of management and pedestrian/cyclist signage.

There is an aspiration for an improvement to FP50 to improve active travel options. If the application is approved, then the necessary improvements should be secured through a S278 Agreement or a S106 Agreement.

There is also an aspiration to create an active travel route to the east of the site to Laurel Close and onto Mortimer Drive. If the application is approved, then the necessary improvements should be secured through a S278 Agreement or a S106 Agreement.

**CEC Head of Strategic Infrastructure:** The proposed development is considered acceptable subject to conditions being added to secure the highway improvement at the roundabout and also the construction of the spine road that provides access to the development.

**Cadent Gas:** No objection an informative is suggested.

**CEC Public Open Space (POS):** Offer the following comments;

- The design offers adequate open space and good connections/routes. The LEAP now offers sufficient amenity space for informal games and recreation.
- A development of this site would normally require a NEAP. However on this occasion the design lends itself to provide an additional 'play on the go' adjacent to the western fringe to compliment the LEAP.
- Full details of the LEAP and designs for the 'play on the go' should be provided. This includes sections.
- The applicant should consider the potential for allotment provision.
- In terms of outdoor sports a contribution will be required (£1,000 per family home and £500 per two bed space)
- Conditions are suggested.

**CEC Flood Risk Manager:** Whilst the proposals are acceptable in principle there is insufficient information on the detail of the drainage design. The drainage details can be secured via the imposition of drainage conditions.

**Environment Agency:** The proposal will only meet the NPPF's requirements in relation to Flood Risk if a condition relating to compliance with the submitted FRA is imposed.

A condition is also suggested to secure the provision of an undeveloped buffer along Arclid Brook.

## **VIEWS OF THE TOWN COUNCIL**

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

- Loss of biodiversity, and lack of details about sustainability in the documents.
- In support of the views of the Environment Agency.
- Added traffic to the roundabout at the junction of A533 and A534. Which would be further increased by the addition of an extra branch.
- Lack of school, doctor, and dental spaces to support the development.
- Lack of flood risk assessments around the area of the roundabout.

## **REPRESENTATIONS**

Letters of objection have been received from 117 local households which raise the following points;

- Heavy congestion due to increased traffic.
- There is already severe congestion between the Waitrose roundabout and Junction 17 of the M6
- Sandbach cannot cope with any further housing.
- The infrastructure within Sandbach is at capacity (GP, police, ambulance service, dentists and schools)
- Building further housing will lead to a decrease in house prices.
- Impact upon the quality of life of the existing residents.
- Increased risk of flooding.
- There are many brownfield sites within 25 miles of the application site.
- Impact upon wildlife.
- Parking problems within the town centre.
- The highways are not maintained.
- Houses should be parked out of town with a park and ride system.
- Decrease in air quality.
- Given the financial position of the Council, further housing should not be approved.
- Impact upon the PROW.
- The proposal will lead to further applications to build housing.
- There are enough homes in Sandbach.
- The existing S106 Agreements are not adhered to.
- Lack of maintenance of trees and hedgerows by developers.
- The land is Green Belt.
- Residents are travelling to other towns due to the lack of school places.
- Problems on the road network when there is an accident on the M6.
- Agree with the objection from the Sandbach Footpaths Group.
- Sandbach will join with Crewe and Middlewich.
- The road network has become gridlocked over the last 10 years.
- Loss of greenspace around Sandbach.
- The site is next to a very busy roundabout.



- Confused why this application has been submitted when the appeal application remains unresolved.
- Errors within the D&A Statement.
- Concern over access in terms of DDA compliance due to site levels.
- It is essential that no footpaths within the site have steps and all slopes meet Part M of the Building Regulations.
- Lack of detail in terms of cycle storage.
- Lack of information in terms of air quality.
- Developers pay S106 funds which are never spent. Clarity is required as to where any money will be spent.
- A footbridge should be provided over the roundabout to link the site with Waitrose.
- Houses are crammed into the site.
- Housebuilders are going bust and leaving half-finished developments.
- The proposal to increase the size of the roundabout will have limited impact upon congestion issues.
- The application does not include evidence to support the view that the 2019 highways impact would be the same today.
- If the roundabout is enlarged, there should be improved pedestrian and cyclist infrastructure to cross the road. Changes which could be made include pedestrian controlled crossings; staggered pedestrian crossings; improved access to cyclists.
- A lower speed limit would allow motorists to negotiate and exit the roundabout more safely.
- A Traffic Management Plan is required.
- Although the proposal would comply with parking standards, residents will have more cars and parking will overflow onto the road network. Tandem parking does not work and side-by-side parking should be provided.
- Renewable energy and EV charging should be provided.
- The play area is within 30m of the bypass. Impact from traffic emissions.
- Who will be able to use the play area? Who will maintain the open space?
- Cycle parking is required for the apartments.
- Traffic assumptions are unrealistic.
- No waste bins are provided within the open space.
- The driveways traverse the pavement and make it difficult for wheelchair access.
- The footpath to the western boundary is a good idea and should be provided.
- Construction traffic will cause further gridlock.
- Increased risk of flooding.
- Poor location to build more housing.
- The informal path to the west is a bad idea and should be secured.
- Should be left as countryside or developed for a use which will benefit the community.
- The data for the Air Quality Assessment is out of date.
- Increasing crime rate in Sandbach.
- The countryside has been ruined in Sandbach.
- The highway network should be upgraded first.
- Destruction of habitat
- There is no shortfall of housing in Sandbach.
- The management of the estate will be undertaken by a Management Company and this will place increased financial pain for the new occupants.
- Maintenance will not take place as envisaged.
- The Council should undertake its own ecological surveys of the site.



Nine letters of general observation received which raise the following points;

- No further housing is required.
- There is insufficient open space and play provision within Sandbach. Sports and fitness should be encouraged.
- Careful consideration should be given to how traffic is managed through the roundabout and to The Hill junction.
- The footpaths through the site should be maintained.
- The education S106 contribution should be directed to St Johns or Sandbach CP. These are the nearest schools to the development.
- Existing S106 contributions from the Persimmon site should be pooled to construct a new school.
- The Town Council and residents should be engaged in terms of how S106 sums are spent.
- Additional health, education and transport links should be factored in.
- Support the comments made by the Sandbach Footpaths Group.
- Bus stops should be provided within the site and an agreement to re-route the 317 service.
- Bus services should be improved in the area.
- The upgrading of the PROW should be supported.
- Trip hazards due to FP19 being diverted along estate roads.

Four letters of support have been received which raise the following points:

- The comments made by the PROW Officer and Cycling UK could easily be addressed. A condition could be imposed to secure a 2.5m wide shared footpath/cycle link for FP18.
- There is a well-used connection from Condliffe Close to FP18.
- Although FP19 is obliterated by development a new informal footpath would be provided along the western boundary of the site.
- This application only relates to the northern section.
- Wheelchair access should be provided.
- Affordable housing is at an all time low and desperately needed.

A representation has been received from Sandbach Footpath Group which raises the following points:

- Footpath 18 looks acceptable provided that it is kept to 6m in width.
- It is important to make footpaths easy to enter. The historical connections to Houndings Lane and Laurel Close should be retained and kept open (no stiles).
- Please to see that FP19 continues to be shown. The driveways should be fully wheelchair accessible/friendly. It would be sensible to provide a traffic island where FP19 crosses the estate road.
- Please ensure that FP17 is wheelchair friendly.
- Please to see the informal path to the western boundary of the site. This would offer an alternative to FP19. The new path would benefit from a traffic island where it crosses the spine road. The Council need to ensure that the informal path is provided.
- All footpaths should be finished with a durable surface that does not collect water.

A letter of representation has been received from the Sandbach Woodland and Wildlife Group (SWWG) which raises the following points:

- The proposed access requires the removal of an area of woodland and several mature trees and part of the ramped footpath leading into St Mary's Dell.
- The loss of the ramp and woodland is an inevitable consequence of the development, which the SWWG are obliged to accept once the development is approved. Whilst this is disappointing it does provide an opportunity to mitigate the loss of the ramp and woodland.
- To mitigate the loss of the ramp and woodland, the developer could reshape the extent of the embankment and incorporate a ramped access that would connect with the footpath. This would be an ideal solution to connect the path to Brookhouse Road.
- The SWWG are requesting a meeting with the applicant to discuss this further.

A representation has been received from Cycling UK which raises the following points:

- Please with the pedestrian/cycle link adjacent to plot 39. This would connect to Laurel Close via Footpath 18. This is an important route for cyclists. The footpath should be upgraded from a footpath to a cycle track and surfaced in tarmac. Lighting should also be provided for this route.
- One cycle parking space is required per apartment. The current plans for the apartments do not show cycle parking provision.

## **APPRAISAL**

### **Principle of Development**

The application relates to two parcels of land to either side of a spine road which was approved as part of application 19/3784C. This permission (which has lawfully commenced) also includes a new roundabout access and the erection of 85 dwellings and a care home to the south of the site.

This current application site also has permission for residential development. This follows the approval of Reserved Matters application 21/2412C on 29<sup>th</sup> April 2024 (which was submitted in relation to outline approval 14/1193C).

This is an outline application for two parcels of land which were not covered by application 19/3784C for the erection of 84 dwellings. The site lies within the Settlement Boundary for Sandbach as identified within the SADPD and the SNP.

Policy PC3 (Settlement Boundary) of the SNP identifies that new development involving housing will be supported in principle within the Sandbach Settlement Boundary.

Policy H1 (New Housing) states that within the settlement boundary developments to meet the housing requirement established in the Cheshire East Local Plan will be delivered through existing commitments and sites allocated within the CELPS. Additionally Policy H1 supports other development within the Settlement Boundary and this includes proposals that accord with CELPS Policy PG2 including, small scale (up to 30 homes) and windfall sites.

The site lies within the settlement zone boundary so conforms with Policies PG9 of the SADPD and PC3 of the SNP. Policy H1 of the SNP is concerned with the proposed scale of development appropriate to Sandbach's function as a Key Service Centre. The reference to small scale (up to 30 units) and windfall sites is not an exhaustive list due to the use of the word 'including'. Policy H1 of the SNP could include larger sites provided they are considered of an appropriate scale.

In this case the site is covered by an extant planning permission. The Council has not resisted development on this site due to it not being of an appropriate scale in the past and this has not been an issue raised by the Inspectors as part of the previous appeal decisions on this site. It is therefore concluded that the principle of development on this site within the settlement boundary of Sandbach is acceptable.

**Housing Mix**

Policy SC4 of the submission version of the CELPS requires that developments provide an appropriate mix of housing (however this does not specify a mix). In this case the development would provide the following mix:

- 7 x one bedroom dwellings
- 26 x two bedroom dwellings
- 38 x three bedroom dwellings
- 11 x four bedroom dwellings
- 2 x five bedroom dwellings

All dwellings would be two-stories in height, including the apartments apart from two bungalows

Policy HOU1 of the SADPD states that housing development should deliver a range and mix of house types, sizes and tenures. All major developments should respond to housing need, and this includes the indicative house types and tenures and sizes identified at Table 8.1. This is assessed below;

	Market Housing		Intermediate Housing		Affordable Housing for Rent	
	Table 8.1	Proposal	Table 8.1	Proposal	Table 8.1	Proposal
1 bedroom	5%	1.6%	14%	11.1%	26%	29.4%
2 bedroom	23%	22.2%	53%	55.5%	42%	41.1%
3 bedroom	53%	50.7%	28%	33.3%	20%	17.6%
4 bedroom	15%	14.2%	4%	0%	10%	11.7%
5+ bedroom	3%	3.1%	1%	0%	3%	0%

The proposals above do comply with Table 8.1 (there is some rounding with these figures). The proposal clearly provides a mix of house types, and the mix is considered to be appropriate.

Policy HOU3 states that all housing developments providing more than 30 homes should provide a proportion of serviced plots where there is evidence of unmet demand. The Council currently has a sufficient supply of self and custom build units as identified within the Councils Annual Monitoring Report so there is no evidence of unmet demand.

Policy HOU8 of the SADPD states that in order to meet the needs of the Borough’s residents and to deliver dwellings that are capable of meeting people’s changing circumstances over their lifetime, the following accessibility and wheelchair standard will be applied to major developments:

- At least 30% of the dwellings in housing developments should comply with the requirements of M4(2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings; and
- At least 6% of the dwellings in housing developments should comply with the requirement m4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings

The applicant has confirmed that the proposed development would comply with the requirements of M4 (2) house types (30%) and M4 (3) house types (6%). Determining compliance with the accessibility and wheelchair adaptable standards is the role of Building Control, but the proposed development does comply with Policy HOU8. This matter will be controlled via the imposition of planning conditions.

In terms of dwelling sizes, it is noted that HOU8 of the SADPD requires that new housing developments comply with the Nationally Described Space Standards (NDSS). The applicant has provided an assessment which demonstrates that all dwellings across the entire development are NDSS compliant.

### **Affordable Housing**

This is a proposed development of 84 dwellings within the settlement boundary of a Key Service Centre therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 26 dwellings to be provided as affordable homes. The application proposes 26 affordable units and they would be split as follows 17 units as affordable/social rent and 9 units as intermediate tenure. This meets the required split of 65:35.

The current number of those on the Cheshire Homechoice waiting list with Sandbach as their first choice is 586 and there is a need for 1-4 bedroom units. There is also a need for Intermediate Housing that will cater for those who cannot buy a property on the open market without the assistance of a discount scheme.

The Affordable Housing Statement identifies that the development will provide the following mix:

#### Rented

5 x one bedroom  
7 x two bedrooms  
3 x three bedrooms  
2 x four bedrooms

#### Intermediate Tenure

1 x one bedroom  
5 x two bedrooms  
3 x three bedrooms

The affordable housing provision on site is acceptable, as is the proposed location of the affordable units is acceptable. The application complies with Policy SC5 of the CELPS.

### **Highways Implications**

As noted above the access to the site including the new spine road and remodelled five-arm roundabout at the A533/A534 junction was approved as part of application 19/3784C. The

development proposed as part of this application would utilise this access, with access to each parcel provided from a central spine road that connects with the Old Mill Road roundabout.

The main internal spine road is 6.7m wide and has 3m shared pedestrian/cycle route to one side and 2m footpath to the other side.

There are a number of access points taken from the spine road to serve the residential dwellings, these are priority junctions with either 5.5m/4.8m wide roads with 2m footways or are shared surface roads. A number of dwellings have direct access to spine road via private drives which is considerable acceptable as this helps reduce traffic speeds along the spine road. The standard of infrastructure proposed accords with the Council's Design Guide and is acceptable.

In terms of application 19/3784C a request was made for an off-site highways contribution of £200,000 towards the costs of the highway improvement scheme between The Hill junction and the Old Mill Roundabout. As part of this appeal the Inspector found that 'it has not been demonstrated that the highway contribution of £200,000 is necessary' and as such the contribution did not meet the CIL tests.

### Car Parking

There is a mixture of house types within the site, the car parking standards required in the local plan has been met for each of the units, with parking provided either on driveways or in garages.

### Highway Impact

Given the previous planning history of the site and approvals, the traffic impact of a higher number of dwellings than in this application has been previously assessed and approved. In these circumstances, the highways officer has stated that there is no need to re-assess the trip generation of the proposal as the impact is lower than previously approved.

### Accessibility

This northern section of the site is connected to the approved main spine road that has pedestrian and cycle facilities provided along it, there are pedestrian crossing facilities on Old Mill Road as part of roundabout improvements. There are bus services available within Sandbach within acceptable walking distances of this residential site.

Additionally, the accessibility of the approved southern residential site has been assessed and approved at appeal and was considered acceptable.

### Highways Conclusion

In terms of this application for 84 dwellings the scheme is considered acceptable subject to conditions being added to secure the highway improvement at the roundabout and also the construction of the spine road that provides access to the development. The proposed development complies with policies CO2 of the CELPS, INF3 of the SADPD and H1, PC5, IFT1 and IFT2 of the SADPD.

## **Amenity**

Policy HOU13 of the SADPD includes reference to separation distances as follows:

21 metres for typical rear separation distance

18 metres for typical frontage separation distance

14 metres for a habitable room facing a non-habitable room

The main properties affected by this development are those to the east of the site fronting onto Condliffe Close and Palmer Road.

The proposed dwellings on plots 39 and 40 are two-storey units with a front elevation and a dual frontage facing the rear elevations of the dwellings at 74 and 76 Palmer Road with a separation distance of 17m at the nearest point. This relationship is considered to be acceptable given the off-set relationship and the angled nature of the existing and proposed dwellings.

The proposed dwelling on Plot 43 would have a side elevation facing the rear boundary of the dwelling at 70 Palmer Road. There would be a separation distance of 26m to the nearest point of the dwelling. This relationship is considered to be acceptable.

The apartments at plots 52-57 are two-storeys in height and there would be separation distance of 9.5m to the rear boundary of the dwellings at 7-11 Condliffe Close. There would be a separation distance varying from 18.5m-23m to the rear elevations of these properties. Given the angled nature of the existing and proposed dwellings and level changes the relationship is considered to be acceptable.

The dwellings on plots 1 and 2 would have a separation distance of 26-30m to the nearest corner of 15 Condliffe Close. Due to the off-set relationship the impact is considered to be acceptable.

## **Noise**

The applicant has submitted a Noise Impact Assessment (NIA) in support of this application. The NIA considers the impact of the noise from road traffic and Houndings Lane Farm on the proposed development has been assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings.

The report recommends noise mitigation measures (acoustic fencing to the rear gardens of certain plots and a glazing specification and trickle vent to other plots) designed to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties are not adversely affected by noise from road traffic and the farm.

Subject to the imposition of a condition relating to noise mitigation measures there is no objection in terms of the noise impact upon the future occupiers.

## **Air Quality**

The applicant has submitted an Air Quality Assessment in support of this application. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment models NO<sub>2</sub>

(Nitrogen Dioxide), PM<sub>10</sub> and PM<sub>2.5</sub> (Particulate Matter) impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- Scenario 1 – Verification Year (2019);
- Scenario 2 – 2025 ‘without proposed development’
- Scenario 3 – 2025 ‘with proposed development’

The assessment concludes that the impact of the future development on the chosen receptors will be *not significant* with regards to all the modelled pollutants. However, the proposed development is considered significant in that it is highly likely to change traffic patterns and congestion in the area.

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 appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. The Environmental Health Officer recommends the imposition of conditions relating to the imposition of a Travel Plan, EV charging and low emission boilers.

### **Contaminated Land**

Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site. The application area has a history of agricultural and former pond use and therefore the land may be contaminated.

A Phase I Contaminated Land Assessment has been submitted in support of this application which identifies potential for contaminated land on this site. The Environmental Health Officer has considered the contents of the report and advised that she has no objection to the application subject to the imposition of planning conditions.

### **Construction Impacts**

The issue of disruption caused by the construction can be controlled via the imposition of a condition relating to a Construction Management Plan.

### **Design**

The site has extant planning permissions in place and therefore the principle of residential is established. The plans below show a comparison of the approved and proposed layouts for this part of the site.

Approved as part of 21/2412C

Proposed





The location of the site on the southern side of Old Mill Road, does potentially create a barrier to movement and connectivity on foot/by cycle, however, a Toucan Crossing would be provided on Old Mill Road as part of the highway's works for application 19/3784C. Provision is made for ease of movement within the site with the primary street incorporating a combined footpath and cycleway.

Within the site, the main issue regarding connectivity is how the three PROW are being accommodated. Diversion of Public rights of way FP17 and FP19 is proposed, whilst FP18 follows the eastern edge of the site. The Design Officer has commented that the application should create a more active frontage overlooking FP18. However, the approach provided is very similar to that which was approved at appeal as part of application 21/2412C.

As noted above, the site would comply with the NDSS. The housing mix is appropriate and there would be 75% of the units on the site with 2 or 3 bedrooms and 40% of the units with 1 or 2 bedrooms. The affordable units are tenure blind.

As illustrated by the submitted sections, the proposed approach to levels in the northwestern part of the site creates a more gradual change in levels west of the Avenue than previously proposed, creating a gentler treatment of the western development edge, whilst also enabling a leisure route through the modest landscaped area between the housing and site boundary. This is an improved situation when compared to the extant planning permission as part of application 21/2412C.

The housing area to the east of the Avenue is still subject to levels changes within rear gardens requiring gabion retention, but the design does limit the impact of levels changes visible within the public realm. The provision of gabion retention was a feature within the application 21/2412C which was approved at appeal.

Although the site is modest, delivering different character areas of architecture to the eastern and western edges, the central spine and the farm hub helps to enrich the proposed development.

The house types have a contemporary flavour within a traditional built form. Generally, the materiality of red brick and dark roof reflects the dominant materials of the town and the contemporary interpretation of brick detailing on some plots re-interprets feature detailing of some more traditional buildings locally (diaper brickwork for example).

A strength of the scheme is a consistency of building line along the main spine with a consistent approach to roofscape avoiding awkward relationships between different roof forms, that will help to achieve a more coherent street scene. The scale of the units along the spine road has been reduced from the allowed appeal scheme and this provides a less dominant/tunnelling effect.

Certain issues within the house-type range which were raised by the Urban Design Officer have now been addressed as follows; the use of pale brickwork (which isn't a strong characteristic material of Sandbach) has been replaced, the detailing of certain components such as canopies/porches and the provision of chimneys have been improved and the strength of certain corner turner types where secondary elevations has been enhanced to certain plots.

The character of the site entrance and its impact on the sense of arrival remains a concern but it is also accepted that the entrance and avenue street are approved at appeal.

The avenue tree planting to be secured via the 2019 scheme is important to the character and success of this proposal. The submitted plans show that some of the trees along the spine road would need to be re-positioned due to the position of the proposed driveways but the total number of trees along the spine road would not change as shown on the indicative plan.

The streets are generally contained by continuous frontage with front doors and primary frontages addressing streets with corner turning designs marking junctions and corners. Although the landscaping is reserved, the indicative plans show hedged frontages for most plots creating clear distinction between public and private space.

The main area of open space/LEAP is now more directly overlooked by the apartment building (plots 58-61) and the future care home would also present some overlooking. It is also accessible and partially visible from the 'square' off the main Avenue.

As landscaping is a reserved matter the details of the hard landscaping would be determined at the Reserved Matter stage.

Soft landscaping is also reserved, but as discussed within the landscape section below, the landscape officer is broadly satisfied with the submitted details.

The proposed car parking meets the CEC standards and is generally quite well handled. There were a few areas where the location needed improving and the amended plans have secured improvements forward of plots 74/75, to the front of plots 27-29, within the farm hub character area.

A plan has been provided to show cycle parking provision and bin storage to the rear of the units. The cycle parking does not comply fully with the CEC Design Guide and details will be controlled via the imposition of a planning condition.

The proposed scheme has been revised during the course of this application and represents an improvement when compared with the recent scheme allowed at appeal. The proposed development would comply with Policies SE1, SD1 and SD2 of the CELPS, GEN1 of the SADPD, H2 of the SNP and guidance contained within the NPPF.

## **Public Rights of Way**

The proposed development would affect PROW Nos 17, 18, 19 & 50.

FP18 (located along the eastern boundary) would be retained along its current route within a 5m wide corridor. The level plans show that FP18 would be at a similar level to the nearest dwellings. The approach to FP18 is considered to be acceptable.

In terms of FP19 this runs through the centre of the site and Circular 1/09 indicates that revisions to routes *'should avoid the use of estate roads wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic'*.

At paragraph 53 of the Appeal Decision for application 19/3784C the Inspector found that;

*'Circular 1/09 does not preclude the use of estate roads. However, in this case the formation of the large platform surrounded by engineering structures close to the western boundary has resulted in the need for Footpath 19 to be diverted through the development rather than for it to form a green link close to the valley bottom as part of the development's public realm'*

At paragraph 55 the Inspector concludes that

*'Overall, the proposals would result in a significant change in character for the footpaths. The value of the footpaths as recreational routes would be diminished. The new routes would be heavily influenced by the urban character of the development, particularly where running along the spine road and by the eastern boundary. A significant change in character would occur with a solely residential development. But it is likely that the change would be less drastic'*

Despite the above, the Inspector allowed the appeal following the refusal of application 19/3784C.

In terms of the recent appeal as part of application as part of application 21/2412C the Secretary of State found that:

*'the Secretary of State agrees with the Inspector that proposed footpath 17 would be well lit, surfaced and usable by all sections of the community and that this benefit would apply to the entirety of the footpath and not just the section alongside the spine road. He further agrees that the proposal would improve the experience of those using the footpath but acknowledges, like the Inspector, that this improved experience would be balanced against no longer moving through rural surroundings. The Secretary of State therefore affords this benefit limited weight.'*

*The Secretary of State agrees with the Inspector's conclusion that the proposal would comply with CELPS policy SE1 and SNP policy PC5'*

(For clarification the reference to Footpath 17 within the SoS decision and Inspectors report above is a typo and it should state footpath 19)

The objections in terms of the treatment of this PROW are noted, however the treatment of FP19 and its position along the eastern side of the spine road is the same as that which was approved at appeal as part of application 19/3784C and similar to application 21/2412C. In addition, this application proposes a new pedestrian route along the western boundary of the site which would provide a pedestrian route without any potential conflict with vehicles. The treatment of FP19 is therefore considered to be acceptable.

In terms of FP17, the section through the farmyard is described in the Inspectors' decision letter at paragraph 44 for applications 19/2539C and 19/3784C states as follows;

*'Footpath 17 is not easy to navigate as it involves tackling an overgrown stile. It also passes close to a ménage and through the former farmyard of Fields Farm part of which is now used for the storage of contractor's materials. This is not typical farmyard clutter. The route, for much of its length, is not pleasant'*

The Inspector then went on to state at paragraph 46 that *'No concerns were raised at the inquiry about the realignment of Footpath 17 through the development which is understandable given its existing characteristics. The passage through residential avenues and the square would be an improvement on the existing route'*. The same view applies to this application, and it is not considered that the treatment of FP17 represents a constraint to the development.

FP50 is located at the far north of the site and joins FP18 and FP19. There is only a small section of FP50 located within the site and this would be retained along its current route.

The requests by the PROW Officer to provide a S106 contribution to upgrade FP50 and from the SWWG to provide a footpath link from St Marys Dell are noted. In this case, none of the existing applications have secured these contributions and the roundabout access and spine road have a detailed approval as part of application 19/3784C. The requested contributions are not considered to be reasonable or necessary.

The proposed development would comply with Policies SE1 and CO1 of the CELPS, Policy INF1 of the SADPD, and Policy PC5 of the SNP.

## **Landscape**

The application is in outline form with landscape as a Reserved Matter. Despite this some indicative landscape details have been provided and broadly speaking the landscape design is acceptable, the frontage, road and footpath along the western boundary seems open, secure, and 'green'.

The approved spine road has an avenue of trees proposed, and this application has provided a site plan which shows that some trees would need to be re-positioned to accommodate the proposed development, but the number of avenue trees would remain unchanged.

The secondary streets leading off the avenue now have an increased number of trees, but as with the remainder of the landscaping, the final details would not be approved until a later date.

The LEAP play area planting is a little scattered and formless, but this could well be addressed at a more detailed stage to give a greater set of spatial thematic layouts, e.g., open areas, groups of trees, vistas etc.

## **Trees**

The application is supported by an Arboricultural Impact Assessment (AIA). This identifies 1 Grade A tree (High Quality and Value), 9 Grade B trees (Moderate Quality and Value), 19 Grade C trees (Low Quality and Value) and 4 Category U trees (Trees which cannot be realistically retained as they have a life span of no longer than 5 years).

The trees within and immediately adjacent to the site are currently not protected by a Tree Preservation Order. The site does not lie within a designated Conservation Area. There is no ancient woodland, Veteran Trees, nor any Deciduous Woodland Habitat of Principal Importance located within or immediately adjacent to the site.

The Councils Tree Officer has stated that he broadly concurs with the AIAs appraisal of trees and anticipated effects from development. Six low (C) category trees are proposed for removal to accommodate development and a further three trees are deemed unsuitable for long term retention due to their poor condition. The Councils Tree Officer has stated that he is of the view that the loss of these trees will not have a substantial impact on the wider amenity of the area and can be mitigated or otherwise compensated within the application site.

A mature Moderate (B) category Lime within the existing farmhouse is to be retained within open space. Some encroachment is anticipated within the Root Protection Area of this tree and whilst it is noted that some of the RPA of this tree is already restricted by existing hard standing and structures, every effort should be made to ensure encroachment is avoided.

The Tree Officer has stated that he has no objection to this application subject to the imposition of a planning condition.

## **Ecology**

### Ecological Network

The application site falls within the CEC ecological network which forms part of the SADPD and the wildlife corridor identified within the SNP. Policy ENV1 of the SADPD and PC4 of the SNP therefore apply to the determination of this application. The Biodiversity Metric (discussed below) can be utilised to determine whether the proposed development delivers an overall gain for biodiversity and therefore contributes to the ecological network.

### Bats (Buildings)

Evidence of bat activity in the form of a minor roosts of a relatively common bat species has been recorded within the buildings on site. The usage of the building by bats is likely to be limited to small numbers of animals using the buildings for relatively short periods of time and there is no evidence to suggest a significant maternity roost is present. The loss of the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.



The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places:

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Policy SE 3 of the CELPS states that development which is likely to have a significant impact on a site with legally protected species will not be permitted except where the reasons for or the benefits of the development outweigh the impact of the development.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. ‘This may potentially justify a refusal of planning permission’.

The NPPF advises LPAs to protect and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England’s standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In terms of the Habitat Directive tests;

- The proposed development is of overriding public interest. The site is located within the Sandbach Settlement Boundary and has previously had outline planning permission. On this basis there are overriding reasons of overriding public interest and the development would provide additional housing in Sandbach.
- There is no satisfactory alternative and consent has already been granted for the removal of the buildings as part of application 23/4755C.
- The submitted report recommends the installation of bat boxes on the nearby trees as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

The Councils Ecologist has advised that if planning consent is granted the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned. This is subject to the imposition of a condition to secure the required mitigation measures.

### Bats (Trees)

Only one tree with notable bat roost potential is present within the red line boundary of the application site. This tree is shown to be retained as part of the proposed development. The proposed development is not reasonable likely to affect roosting bats within trees.

### Water vole and Otter

No evidence of Water Vole activity was recorded in the vicinity of the application, which is consistent with previous surveys. This species is not reasonable likely to be affected by the proposed development.

Whilst no evidence of otter was recorded, this species is known to be present in the wider area and is likely to pass along Arclid Brook on a transitory basis. The proposed development is unlikely to result in a significant impact upon this species.

### Hedgehog

No evidence of this priority species was recorded during the submitted survey, but it is known to occur in the broad locality. The species may therefore occur on the application site on a transitory basis. The proposed development would have a localised adverse impact on this species if present as a result of the loss of marginally suitable habitat. Features for this species can be incorporated into the proposed development by means of a condition if consent was granted.

### Development near watercourse

In order to protect the Arclid Brook during the construction phase a Construction Environmental Management Plan could be secured through the imposition of a planning condition.

### Other Protected Species

No evidence of other protected species was recorded during the submitted survey. As a result, based upon its current status on site, this species is not reasonably likely to be affected by the proposed development. As other protected species can excavate setts in a short time scale the submitted ecological assessment recommends that an updated survey be undertaken prior to commencement of development. This matter may be dealt with by means of a planning condition.

### Nesting Birds

If planning consent is granted a condition could be imposed to safeguard nesting birds.



## Lighting

To avoid any adverse impacts on bats resulting from any lighting associated with the development a condition could be attached to require the details of the external lighting to be submitted and approved.

## Hedgerows

Native hedgerow are a priority habitat and hence a material consideration. The submitted ecological assessment advises that the proposed development will result in the loss of existing hedgerows. The proposed development would result in 496m of new native hedgerow planting (as shown on indicative landscaping plans)

## Biodiversity Net Gain

All development proposals must seek to lead to an overall enhancement for biodiversity in accordance with Local Plan policy SE3(5) and deliver a Biodiversity net gain in accordance with SADPD policy ENV 2. In order to assess the overall loss/gains of biodiversity the applicant has undertaken a Biodiversity 'Metric' calculation.

The biodiversity metric as submitted shows that the proposed development would result in a net gain of 102.14% for area-based habitats and 85.44% for hedgerows.

If planning consent is granted a condition will be required to secure the submission of a detailed habitat creation method statement and 30-year monitoring and management plan reflecting the detailed habitat measures entered into the metric.

## Ecological enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the development in accordance with Local Plan Policy SE 3. An Ecological Enhancement Strategy should be provided, and this could be secured via the imposition of a planning condition.

## **Flood Risk/Drainage**

The application site is located largely within Flood Zone 1 (low probability of flooding) although the far north of the site around the existing watercourse is identified as Flood Zone 2 (medium probability of flooding) and 3 (high probability of flooding). The proposed buildings would all be located within Flood Zone 1, but part of the access is within Flood Zones 2 & 3 and the watercourse would be culverted under the proposed access (as noted elsewhere in this report the access was approved as part of application 19/3784C).

In this case the Environment Agency and United utilities have been consulted as part of this application and have raised no objection to the proposed development in relation to flood risk/drainage subject to the imposition on planning conditions.

The Councils Flood Risk Officer has stated that he has no objection in principle to this application subject to the imposition of planning conditions.

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

## **Public Open Space**

### On Site Provision

Policy SE6 of the Cheshire East Local Plan Strategy provide a clear policy basis to require new developments to provide or contribute to Children's Play Space, Amenity Green Space, Green Infrastructure Connectivity and Allotments.

The Public Open Space Officer has stated that the proposed development offers adequate open space securing good connections/routes through to open spaces offered by 19/3784C. The LEAP play facility now enjoys sufficient amenity space for informal games and recreation.

A development of this size would normally be required to provide a NEAP sized facility. However, on this occasion a LEAP would be provided, and this would supplement the LEAP provided as part of application 19/3784C. Full details of the LEAP design including proposed finished levels showing multiple cross sections through the LEAP should be submitted at the Reserved Matters stage.

A new informal footpath would be provided on the western boundary within the wide overlooked verge. Details of the path specification would be provided at the reserved matters stage.

The submitted details are contrary to SE6, SE1, SD1 and SD2 of the CELPS, and Policy H2 of the SNP.

### Outdoor Sport

The proposed development will increase demand on existing facilities and to mitigate this impact a contribution will be required of £1,000 per family dwelling and £500 per two bed apartment. This will be secured via a S106 Agreement.

## **Education**

The proposed development of 84 dwellings is expected to generate:

- 15 - Primary children
- 13 - Secondary children
- 1 - SEN children

The development is expected to impact on school places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of school places still remains.

The children expected from this development will exacerbate the shortfall. Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The 1 child expected from this development will exacerbate the shortfall.

To alleviate forecast pressures, contributions of £173,540.64 (Primary), £212,455.00 (Secondary) and £45,500 (SEN) will be required to mitigate the impact of this development and these contributions will be secured as part of a S106 Agreement.

### **Health Infrastructure**

The potential impact upon healthcare provision in Sandbach is noted and comments from the NHS states that the patient lists are increasing at Ashfields Primary Care Centre and Water's Edge Medical Centre. In order to mitigate the impact of this development a contribution has been requested and this will be secured as part of a S106 Agreement. Based on the formula provided within the NHS consultation response a contribution of £110,196 will be required to mitigate the impact of the development.

### **Climate Change**

Policy ENV7 of the SADPD requires that all 'major' residential development schemes should provide for at least 10% of their energy needs from renewable or low carbon energy generation on site unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable. This could be controlled via the imposition of a planning condition.

### **CIL Compliance**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

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

The development would result in increased demand for education provision in Sandbach where there is limited spare capacity. In order to increase capacity of the local schools which would support the proposed development, a contribution towards education provision is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development would provide on-site POS/LEAP which will require a scheme of management and would require outdoor sport mitigation in accordance with Policies within the CELPS. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in increased population which would require medical care provision. The contribution towards the NHS is in accordance with Policies within the CELPS. This is considered to be necessary and fair and reasonable in relation to the development.

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

## CONCLUSION

The application site is within the Settlement Zone Line as identified by the Development Plan and has an extant planning permission for residential development.

The highways implications of the development are considered to be acceptable, and the roundabout and spine road were approved as part of application 19/3784C.

The issues of noise, air quality and contaminated land are considered to be acceptable and would comply with SE 12 of the CELPS. The development will not have a detrimental impact upon residential amenity and would comply with Policies HOU12 and HOU13 of the SADPD.

The design of the proposed development has been the subject of revised plans and is now of an acceptable design. The design complies with Policies SE1, SD1 and SD2 of the CELPS, the CEC Design Guide, GEN1 of the SADPD and H2 of the SNP.

The site has a challenging topography but the development is considered to be acceptable in terms of the levels changes on the site. The landscaping details are reserved and will be considered at a later date.

The drainage/flood risk implications for this proposed development are considered to be acceptable and the development would comply with policies SE13 of the CELPS and ENV16 of the SADPD.

The proposed development would affect the PROW which cross the site. Given the views of the Inspectors and the SoS within the recent appeal decisions there would be no conflict with Policies SE1 and CO1 of the CELPS, Policy INF1 of the SADPD, or Policy PC5 of the SNP.

There are no objections to the application in terms of the impact upon the trees on the site or in terms of ecology. The proposal would comply with Policies SE1, SE3, SE4, SE5, and SE6 of the CELPS, policies ENV3, EN5 and ENV6 of the SADPD and policy PC4 of the SNP.

The proposed development has a better relationship with the open space/play area than the recent appeal scheme. The proposed development complies to Policies SE6, SE1, SD1 and SD2 of the CELPS, GEN1 of the SADPD, and Policy H2 of the SNP.

On the basis of the above the application complies with the Development Plan when read as whole and the application is recommended for approval.

## RECOMMENDATION

**APPROVE** subject to a S106 Agreement with the following Heads of Terms:

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	Affordable housing	In accordance with details to be submitted and approved.
<b>Amenity Green Space and Play Provision</b>	On site provision of Open Space and a LEAP.  Scheme of Management to be submitted and approved	Shall be provided prior to the first occupation of 30% of the dwellings on the site.
<b>Outdoor Sports Contribution</b>	£74,000	To be paid prior to the occupation of the 50 <sup>th</sup> dwelling
<b>NHS</b>	£110,196	To be paid prior to the first occupation of the 30 <sup>th</sup> dwelling
<b>Education</b>	£173,540.64 (Primary), £212,455.00 (Secondary) £45,500 (SEN)	- Primary to be provided prior to first occupation of the 15 <sup>th</sup> dwelling - Secondary to be provided prior to first occupation - SEN to be paid prior to the first occupation of the 15 <sup>th</sup> dwelling

**And the following conditions:**

1. Standard Outline 1
2. Standard Outline 2
3. Standard Outline 3
4. Approved Plans
5. At least 30% of the dwellings in housing developments should comply with the requirements of M4(2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings.
6. At least 6% of the dwellings in housing developments should comply with the requirement m4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.
7. Implementation of the acoustic mitigation identified within the noise report
8. Provision of a travel plan
9. Low emission boiler provision
10. Phase II Contaminated Land report to be provided
11. Contaminated land verification
12. Contaminated land – importation of soil
13. Contaminated land – unexpected contaminated land
14. Construction Management Plan to be submitted and approved
15. Materials to be submitted and approved
16. Cycle parking provision to be submitted and approved
17. Submission and approval of a tree protection scheme and Arboricultural Method Statement
18. The development shall proceed with the recommendations of the Ecological Impact Assessment (Bats)

- 19. Hedgehog mitigation (gaps in boundary fences)
- 20. Submission and approval of a Construction Environment Management Plan
- 21. Updated survey for other protected species prior to the commencement of development
- 22. Nesting birds – timing of works
- 23. BNG – submission of detailed habitat creation, monitoring and management plan.
- 24. Lighting to be submitted and approved.
- 25. Ecological Enhancement Strategy to be submitted and approved.
- 26. Submission and approval of a drainage strategy.
- 27. SuDS provision.
- 28. 10% of energy needs to be from renewable or low carbon energy

In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair of the Strategic Planning Board (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

Should the application be the subject of an appeal, approval is given to enter into a S106 Agreement with the following Heads of Terms

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	Affordable housing	In accordance with details to be submitted and approved.
<b>Amenity Green Space and Play Provision</b>	On site provision of Open Space and a LEAP.  Scheme of Management to be submitted and approved	Shall be provided prior to the first occupation of 30% of the dwellings on the site.
<b>Outdoor Sports Contribution</b>	£74,000	To be paid prior to the occupation of the 50 <sup>th</sup> dwelling
<b>NHS</b>	£110,196	To be paid prior to the first occupation of the 30 <sup>th</sup> dwelling
<b>Education</b>	£173,540.64 (Primary), £212,455.00 (Secondary) £45,500 (SEN)	- Primary to be provided prior to first occupation of the 15 <sup>th</sup> dwelling - Secondary to be provided prior to first occupation - SEN to be paid prior to the first occupation of the 15 <sup>th</sup> dwelling

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