

Application No: 13/0456C

Location: THE FORMER FODENS FACTORY, LAND OFF, MOSS LANE,
SANDBACH, CHESHIRE, CW11 3JN

Proposal: Amendment to Application 11/3956C Replan 49 units, new access onto
Moss Lane and redesign of the internal road layout

Applicant: DAVID WILSON HOMES

Expiry Date: 03-May-2013

SUMMARY RECOMMENDATION

Approve subject to conditions and completion of a deed of variation to the S106 Agreement

MAIN ISSUES

**Planning Policy And Housing Land Supply
Development Viability
Loss of Employment Land
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 and the last application was determined by the Strategic Planning Board.

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.

Residential development which was approved as part of application 11/3956C has now commenced.

2.DETAILS OF PROPOSAL

This is a full planning application for an amendment to application 11/3956C. The amendments to the scheme relate to an alteration to 49 of the units on the site.

The main alteration is the provision of a third vehicular access point to the east onto Moss Lane. This would provide a vehicular access point for 22 dwellings on the site.

3. RELEVANT PLANNING HISTORY

11/3956C - Proposed Residential Development at Land off Moss Lane The Former Fodens Factory Site For 269 Dwellings and Associated Works – Approved 13th July 2012

10/4660C - Redevelopment of the Former Foden Truck Factory for Residential (248 Units), B1c Light Industrial (3,620sq.m) and A1 Retail (360sq.m) – No formal decision issued

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 11th March 2009

4. PLANNING POLICIES

National Policy

National Planning Policy Framework

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

Other Considerations

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

5. OBSERVATIONS OF CONSULTEES

Environmental Health

Conditions suggested in relation to construction hours, hours of any piling, a travel plan, an Environmental Management Plan and Contaminated Land.

Strategic Highways Manager

The Strategic Highways Manager has assessed this application and found it necessary to ask for a number of changes to the proposal to regulate the scale and design of the proposed layout and to gain a small reduction in the proposed additional traffic generation.

The developer has provided a revised scheme which meets these agreed changes and the S.H.M. after discussion with the Local Planning Authority finds that the proposed development position is such that under current policy – in particular the NPPF – the

proposal should be deemed acceptable in terms of its low traffic generation and related impact on the local highway network.

The S.H.M notes that a revised adoptable layout will need to be included within the current S38 agreement and that this should encompass the new and now revised junction design for the additional junction onto Moss Lane.

Condition:- A suite of detailed design plans for the revised layout will be made available prior to first development. These amended plans will inform the revised S38 agreement.

Education

No comments received as part of the last application they stated that:

This proposal is for a development of some 269 new dwellings of which 265 have 2 or more bedrooms.

Applying the pupils yield of 0.162 for primary and 0.13 for secondary it is anticipated that 43 new primary aged pupils and 34 secondary aged pupils will be generated

The primary schools within the correct distances include Elworth C of E, Elworth Hall, Sandbach Community, Offley, Wheelock and Warmingham. At this current time there are 44 unfilled places at these schools. However these schools are projected to be oversubscribed by 40 places in 2013 and by 87 places in 2016.

The secondary schools are projected to have sufficient places to accommodate the additional pupils generated.

On this basis then a contribution of £466,390 will be required.

Network Rail

No comments received

Environment Agency

No objection

United Utilities

No comments received

Canal and Rivers Trust

No comments to make.

Public Rights of Way

No comments received

Amenity Greenspace

No comments received as part of the last application the Amenity Greenspace Officer stated that:

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficit in the quantity of provision. Whilst the Open Space Study (February 2005) highlights no deficiencies for Children and Young Persons within certain areas of Sandbach, it acknowledges parts of the town appear to be outside the catchment of existing play areas. In addition to this, when applying the formula taking into account the additional population arising from the development, then a facility is required on site.

The Proposed POS Layout plan indicates a LEAP play facility. The criteria of a LEAP being a minimum of 400sqm, having at least 5 play functions with impact absorbing surface, should be overlooked and have appropriate seating for adults. This is in line with good practice nationally and is similar to that of the previous legacy Councils play area strategy definitions. However, the Landscape Strategy promotes a more amenity greenspace/natural play vision throughout the site. Whilst natural play is valued and welcomed, a combination of natural and equipped play, giving a diverse opportunity for play would be preferred.

If a combination of natural and equipped play was to be implemented then, Streetscape 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 standards. 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.

Clarification as to the final location in order to ensure that the security and safety of the play facility 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 Streetscape would be prepared to take transfer of the play facility and surrounding associated informal play space if appropriately located and designed.

If the LEAP were to be adopted by the Council a 25 year maintenance fee of £299,993 would be required.

Following an assessment of the provision of Amenity Greenspace (AGS) accessible to the proposed development, if the development were to be granted planning permission, there would be a slight deficit in the quantity of provision. It is acknowledged 9,340sqm of combined AGS, play provision; linear cycleways etc are being provided on site. The area of AGS required on site is 10,050sqm. Therefore, there is an under provision. However the design is such that no further provision is necessary. It should be noted that this is the area required for AGS alone and Children and Young Persons provision 'should' be in addition.

Cheshire Brine Board

No comments received

Natural England

No comments received

6. VIEWS OF TOWN/PARISH COUNCIL

Sandbach Town Council: Members were not able to compare proposed amendments against original scheme and were therefore unable to comment.

Moston Parish Council: No comments received

7. OTHER REPRESENTATIONS

One letter of objection has been received which raises the following points:

- When the original scheme as approved one of the key traffic management proposals was that the traffic from the southern development (David Wilson Homes) would enter and exit the site via the southern end.
- The proposal would mean that a quarter of the planned traffic from the David Wilson half would be added to the original volume approved for the north end of Moss Lane
- The manner that this would be achieved is by (a) adding a new third access to the David Wilson site on Moss Lane for 22 of the homes; (b) by allowing a further 10 of their homes to enter and exit the site via the already approved northern access for the 144 homes currently being built by Barratt Homes. Overall this proposal would see an increase of 22% ($32/144 \times 100$) in traffic flow over the original approval for the northern end of Moss Lane.
- There appears to be no rationale provided for this proposal. There is also an issue of principle. After a very lengthy period of planning process during 2010 and 2011, to which much input was made by local residents, the agreement and approval given quite clearly intended that the overall site would be physically split to spread the traffic volume over the northern and southern accesses. To return to this two years later with a proposal for a significant alteration to the ratio of traffic volumes at each access is inappropriate and unnecessary.
- In addition to any principles involved there is also the location proposed for the third access onto the northern end of Moss Lane. The access onto the highway is directly adjacent to a near right angle bend in the road that means that traffic travelling north on Moss Lane would come round a blind corner and, with no warning, potentially meet traffic entering/leaving the development. From a safety point of view such a situation would be clearly unsatisfactory.
- It is conceivable that David Wilson Homes, finding themselves unable to exit their site via a new access, could then apply to change the ratio of traffic movement on and off the northern and southern ends of the site. In other words they would request that all 32 of the aforementioned homes be permitted to enter and exit the site via the existing northern access. This should be seen as unacceptable as it would, as previously mentioned, mean an increase of 22% in traffic volumes onto Moss Lane and its junction with London Road.

8. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Addendum (Produced by David Wilson Homes)

Arboricultural Implication Study (Produced by ACS Consulting and dated March 2013)

Noise Mitigation Assessment (Produced by Hepworth Acoustics and dated October 2011)

Landscape Strategy (Produced by Camlin Lonsdale and dated October 2011)

Flood Risk Assessment (Produced by Campbell Reith)

Transport Statement (Produced by Campbell Reith and dated January 2013)

Travel Plan (Produced by Barratt Homes and dated October 2011)

Badger Survey Report and Method Statement (Produced by NLG Ecology Ltd and dated October 2011)

These supporting documents are available to view on the application file

9. OFFICER APPRAISAL

Main Issues

The principle of residential development has been accepted as part of the approval of application 11/3956C and development has now commenced on this site. The development would not result in an increase in the number of dwellings and issues such as loss of employment land, affordable housing (the percentage and split would remain unchanged) and infrastructure improvements (education and PROW contributions would remain unchanged). Therefore the main issues for consideration are the highways impact of the new access, any design impact and any impact upon trees which bound the site.

Affordable Housing

The last application secured an affordable housing provision of (54 units in total) comprising 34 units affordable/social rent and 19 units shared ownership. This would remain unchanged and is considered to be acceptable.

Amenity

The majority of the residential properties are to the north-east of the site and front onto Mulberry Gardens and Foundry Lane and properties which front onto Moss Lane. The proposed alterations to the lay out would be located away from the existing residential properties and it is not considered that there would be an impact upon residential amenity.

The conditions requested by the Environmental Health Officer are noted and the conditions which will be attached will match those attached to the original consent (11/3956C).

Ecology

The Council's Ecologist has considered this application and states that *'the proposed access onto Moss Lane may result in the loss of some additional trees but this is not significant in ecological terms. The parts of the site subject to this application are also well aware from where evidence of protected species activity was previously recorded. So considering all this I don't anticipate there being additional ecological issues associated with the amended proposals'*. The previous assessment of the ecological impact of the development still applies and is repeated below:

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 were consulted as part of the last application and advised that the proposed development would not materially or significantly affect the SSSI. It is not considered that this proposal will have any further 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 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 a condition to secure 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 main impact upon trees as part of the amended scheme is as part of the additional access point although some would be affected by the revisions to plots 206 and 207.

The submitted information in relation to the trees on the site assesses that there are 3 groups of trees and 2 individual trees would be affected by this application. All of these trees are rated as Grade C (Low Quality and Value).

Given the grading of the trees which would be lost and that replacement planting would be secured it is considered that the tree losses are acceptable and would not warrant the refusal of this planning application.

Drainage and 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. 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.

The amended layout would include a greater number of dwellings fronting onto Moss Lane which is welcomed. It is considered that the other alterations to the scheme are appropriate and would respect the approved scheme. The design of the development is therefore considered to be acceptable.

Open space

As part of the approved development there would be 9,340sqm of public open space on the site. As part of the amended scheme there would be a reduction by 161sq.m which is minimal. The open space provision on the site is therefore acceptable.

As part of the last planning approval on the site the S106 secured a LEAP with a minimum of 5 pieces of equipment and an area of 400sqm. This will be secured as part of the current application.

In terms of the maintenance of the POS, this would be done via a management company which would be secured via a S106 Agreement.

Highway Safety and Traffic Generation

Since the last application was determined the NPPF has been published and in terms of traffic impact this states that:

'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'

The previous approvals have included centrally positioned open space with no through route for vehicles and the option to close off Moss Lane subject to the approval of a Traffic Regulation Order. The effect of this would be to divide the vehicle generation from the site so that the impact would be shared upon the junctions of Moss Lane/London Road and Station Road/London Road. This access strategy was based on the vehicular movements from the former Factory Site.

This current application would result in 22 dwellings from the 'southern-half' of the site (on the last approval) now being accessed via a third access point onto Moss Lane with a further 10 dwellings being accessed via the main northern access point.

In this case both the northern and southern access routes have their own constraints. In terms of the northern access via the Moss Lane/London Road, this junction does not have as good visibility and there are a number of businesses located close to this access.

An updated TA has been submitted as part of the current application and this states that a capacity analysis of the London Road/Moss Lane junction has shown that the introduction of the proposals associated with the third access generates a total of 19 additional vehicles across all movements at the London Road/Moss Lane junction in the AM peak hour and 21 additional vehicles in the PM peak hour.

The TA then goes on to conclude that the reassignment of the development traffic flows:

'does not have a noticeable impact on the operation of this junction in capacity terms and that the maximum queue predicted at this junction is less than one vehicle, with a change in queue length from the two access scenario to the three access scenario of just 0.2 vehicles'.

Although the proposal would move away from the original access strategy for the site, the development has to be considered on its own merits. Given the conclusions within the TA in terms of the traffic impact upon the junction of London Road/Moss Lane it is considered that any additional impact would be marginal and cannot be considered as severe (the test within the NPPF). The impact through traffic generation is therefore considered to be acceptable.

This application continues to offer the same junction upgrades to the local network to mitigate the development traffic impact and in particular still offers the signal controlled junction at the B5079/A533 – Station Road/London Road junction.

This signal junction solution for the Station Road/London Road junction offers traffic signals with pedestrian facilities as per the original permission. The remaining off-site highway aspects of the site align with those agreed for planning permission 11/3956C.

The Highways Officer has raised some minor concerns about the design of the access. Amended plans have now been received to address this issue and the Strategic Highways Manager has raised no objection to the proposal.

Infrastructure

The education contribution of £466,390 would still be secured as part of the current application.

Public Rights of Way

The PROW contributions secured as part of the last application (£117,748) would still be secured as part of the current application.

CIL Regulations

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

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

The provision of a contribution towards the highway works is required to help mitigate against the highways impact of the development, the PROW/Canal side improvements would mitigate against the increased use of the canal towpath and PROW. The proposed development cannot proceed without these improvements and the contribution is reasonably related in scale and kind to the development.

The development would result in increased pressures on local schools which are already at capacity. The contribution is required to increase the capacity of local schools which would serve this development. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space is a requirement of the Local Plan Policy. It is directly related to the development and is fair and reasonable.

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

9. CONCLUSIONS

In this case the application site is a brownfield site within the Sandbach Settlement Boundary and the proposal relates to an alteration to the internal layout of the site which is acceptable in principle.

The proposed development would not have a detrimental impact upon highway safety and the Strategic Highways Manager has no objection to the development.

The layout, design and scale of the proposed dwellings are considered to be appropriate.

The development would provide the same level of affordable housing and contributions towards local education provision and canal side/PROW improvements, a LEAP and POS as the earlier permission. This would be secured via a deed of variation to the S106 Agreement.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, drainage/flooding, protected species, SSSI, employment land and trees

10. RECOMMENDATION

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

Heads of terms

- **A provision of affordable housing (the numbers and tenure split to be unaltered)**
- **A contribution towards local education provision of £466,390**
- **The provision of a LEAP, Public Open Space and footway/cycle link which should be retained in perpetuity and a scheme of management**
- **A commuted payment towards canal side/PROW improvements (£117,748)**
- **An Interim Residential travel plan in accordance with DfT guidance document**
- **A commuted sum for the necessary Traffic Regulation Orders, local traffic management orders and bus stops (£44,000)**

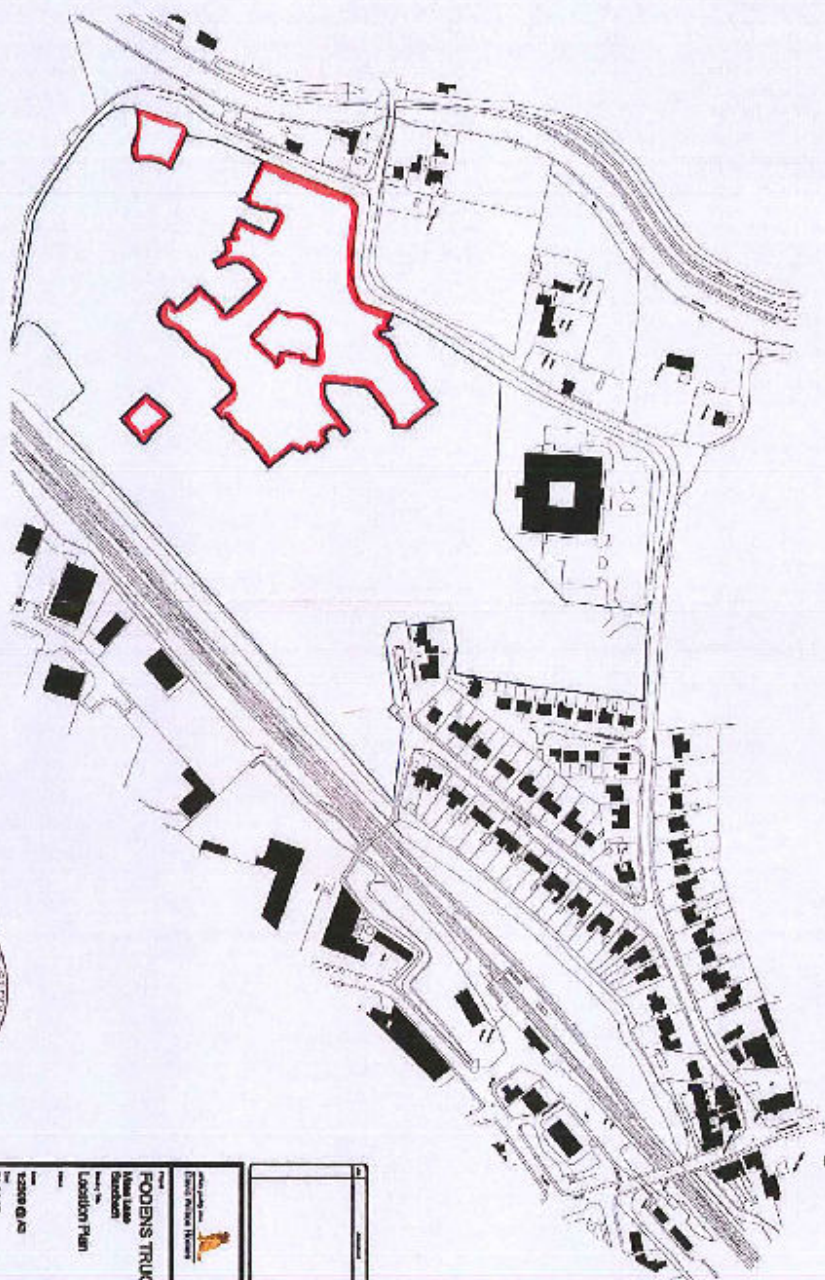
Conditions;

- 1. Standard time – 3 years**
- 2. Materials as referred to on plan H5936:04 and as referred to in section 3.0 of the Design and Access Statement**
- 3. Submission of a landscaping scheme to be approved in writing by the LPA**
- 4. Implementation of the approved landscaping scheme**
- 5. Boundary treatment details as shown on plans reference H5936:06 & 423-BTD-02**
- 6. Remove PD Rights for extensions and alterations to the approved dwellings**
- 7. If protected species are discovered during construction works, works shall stop and an ecologist shall be contacted**

8. The proposals for the incorporation of features into the scheme suitable for use by breeding birds shall be implemented
9. The proposed development to proceed in accordance with the recommendation made by the submitted Badger survey report and method statement dated October 2011.
10. The development to proceed in accordance with the approved scheme to limit the surface water run-off generated by the proposed development and the scheme to manage the risk of flooding from overland flow of surface water.
11. The hours of construction shall be limited to 08:00 – 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays
12. Any piling works shall be limited to 08:30 – 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays or Bank Holidays
13. The development shall not be occupied until the remedial/protection measures included in the reports previously submitted and approved under previous planning application numbers 10/4660C, 11/3569C and 11/3956C have been fully implemented and completed.
14. A Site Completion Report detailing the conclusions and actions taken at each stage of the works to construct each dwelling, including validation works, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first use or occupation of the dwelling to which it relates.
15. No building within 3 metres of the public sewer which crosses the site
16. Completion of the proposed off-site highway works

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

FODENS TRUCKS LOCATION PLAN



FODENS TRUCKS Main Lane Distribution London Plan 2008/04/23 21/11/13 MC		H5936:03
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