

Application No: 14/5586C

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

Proposal: Outline application for Residential development comprising 75 dwellings and associated vehicular and pedestrian access, open space and landscaping (resubmission of LPA Ref: 14/1946C)

Applicant: Betley Court Estate

Expiry Date: 10-Mar-2014

SUMMARY:

The proposed development would be contrary to Policies PS8 and H6 and the development would result in a loss of Open Countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework, where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and a NEAP and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

The adverse impacts of the development would be the loss of open countryside and agricultural land.

Taking account of the context of housing developments within the Sandbach area and the relative weight to be attached to emerging policies, it is considered that in this case the development would be premature following the publication of the draft Sandbach Neighbourhood plan and this will form the reason for refusal.

RECOMMENDATION:

Refuse

PROPOSAL

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

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

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

SITE DESCRIPTION

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

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

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

DETAILS OF PROPOSAL

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

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RELEVANT HISTORY

14/1946C - Outline Application for residential development comprising of 75 dwellings and associated vehicular and pedestrian access, open space and landscaping. – Refused 25th June 2014 for the following reasons:

- 1. The proposed residential development is unsustainable because it is located in Open Countryside, Contrary to Policies PS8 and H6 of the Congleton Borough Local Plan First Review 2005, Policy PG 5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and Open Countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to the interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan, to the emerging Development Strategy and the principles of the National Planning Policy Framework.*

2. *The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.*

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.
50. Wide choice of quality homes
- 56-68. Requiring good design

Development Plan

The Development Plan for this area is the Congleton Borough Local Plan First Review 2005, which allocates the site, under policy PS8, as open countryside.

The relevant Saved Policies are:

- PS3 – Settlement Hierarchy
- PS8 - Open Countryside
- GR21- Flood Prevention
- GR1- New Development
- GR2 – Design
- GR3 - Residential Development
- GR4 – Landscaping
- GR5 – Landscaping
- GR9 - Accessibility, servicing and provision of parking
- GR14 - Cycling Measures
- GR15 - Pedestrian Measures
- GR16 - Footpaths Bridleway and Cycleway Networks
- GR17 - Car parking
- GR18 - Traffic Generation
- NR1 - Trees and Woodland
- NR3 – Habitats
- 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

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
CO1 Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
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 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE 13 Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions

Sandbach Neighbourhood Development Plan (Draft for Consultation)

H1 – Housing Growth
H2 – Design and layout
H3 – Housing Mix and type
H4 – Preferred Locations
PC2 – Landscape Character

Supplementary Planning Documents:

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

CONSULTATIONS

Environment Agency: No objection. Refer to Environment Agency Standing Advice.

CE Flood Risk Manager: Conditions suggested.

United Utilities: Drainage condition suggested.

Strategic Highways Manager: No objection subject to a contribution of £62,500 towards a scheme of mitigation of traffic impact on the A533/A534 to contribute to an identified improvement schemes to that traffic corridor, £25,000 for the improvement of two local bus stops and conditions relating to the access junction.

Environmental Health: Conditions/Informatives suggested relating to construction hours, piling hours, dust mitigation, noise mitigation, travel plan, electrical vehicle infrastructure, contaminated land, air quality and an environmental management plan.

Ansa (Public Open Space): At the time of report writing Ansa have not commented on the application. However, this is a resubmission of a previous scheme and their comments identified a need for contributions to amenity greenspace and children and young persons provision.

Natural England: No objection in relation to statutory nature conservation sites. For advice on protected species refer to the Natural England Standing Advice.

Archaeology: Condition suggested.

Countryside Access Team: Proposed developments should present an opportunity to deliver and improve walking, cycling and equestrian facilities for transport and leisure purposes, both within the proposed development site and in providing access to local facilities for education, employment, health etc. These aims are stated within the policies and initiatives of the Council's statutory Rights of Way Improvement Plan and also in the Cheshire East Local Plan Strategy:-

The Masterplan shows two accesses marked as 'pedestrian links' to the north of the site. Such links would increase the permeability of the proposed site to non-motorised users. However, consideration should be given to the fact that these trajectories could be anticipated to be desire lines for cyclists in addition to pedestrians, and such routes designed to accommodate both categories of users, to best practice, as suggested in the Transport Assessment.

The legal status, maintenance and specification of the proposed pedestrian/cyclist routes would need the agreement of the Council as the Highway Authority. If the routes are not adopted as public highway or Public Rights of Way with the provision of a commuted maintenance sum, the routes would need to be maintained for use under the arrangements for the management of the open space of the site.

Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists.

The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

Education: 75 dwellings generating 14 primary (75 x 0.18) and 10 secondary (75 x 0.13)

Forecasts show that the proposed development will impact on primary and secondary education.

$14 \times 11,919 \times 0.91 = \text{£}151,848.06$ primary education

10 x 17,959 x 0.91 = £163,426.90 secondary education

Public Rights of Way: - The development does not affect a public right of way.

VIEWS OF THE PARISH COUNCIL: - Sandbach Town Council: Members object on the following grounds:

- This proposal is outside the urban zone
- Brownfield sites should take priority for development.
- Development is not sustainable as edge of Town site and will detract from the environmental quality of the site and surrounding area, thus contravening policy GR1, GR3 (B) and GR5.
- This development, in open countryside, is unsustainable contrary to Policies PS8 and H6 of the Local Plan.

REPRESENTATIONS

Letters of objection have been received from 54 local households raising the following points:

Principal of development

- Not included in the adopted or emerging local plans
- Premature to the emerging Neighbourhood Plan
- Sandbach will merge with neighbouring villages
- The application is exactly the same as the previous one and should be refused for the same reason
- Development is in open countryside
- Apartments are inappropriate in this area
- Will not increase supply to first time buyers
- Site is unsustainable due to limited bus services and distance to the railway station
- Development needs to be directed to the north of the borough
- Not in character with the area

Highways

- Highway safety
- Increase in traffic
- Existing traffic congestion in Sandbach
- Dangerous access

Green Issues

- Loss of green fields
- Loss of agricultural land to tarmac and concrete
- Adverse impact on wildlife
- Run off and flood risk
- Loss of Oak trees
- Loss of a calming and tranquil environment

Infrastructure

- Sandbach cannot sustain this number of houses
- Local infrastructure cannot sustain further development

- Not enough school places
- No capacity at local doctors and dentists

Amenity Issues

- Loss of privacy
- Loss of outlook
- Loss of sunlight
- Overlooking from a site that is higher than Manor Road
- Noise and disruption
- Light pollution
- Loss of privacy to the Leonard Cheshire care home

Other issues

- Sandbach has already had more than enough housing approved
- Wrong time to be notified of a planning application (Christmas)
- 'Enough is enough'
- It is the responsibility of the Council to uphold the Human Rights Act
- Loss of land of potential historic interest
- We have to stop this constant appealing
- Further desolation and destruction of national and local heritage
- Directly opposed to the principles of localism
- Cycling should be provided for
- May lead to further development

APPRAISAL

The key issues are:

- Loss of open countryside
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Landscape Impact
- Amenity of neighbouring property
- Highway safety
- Impact upon local infrastructure

Principle of Development

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8, and PG5 within the Submission Version of the Local Plan Strategy state that, inter alia, only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning

applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

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

Sandbach Neighbourhood Development Plan

Sandbach Neighbourhood Development Plan Working Group, in conjunction with the Sandbach Town Council has prepared a draft Neighbourhood Development Plan for the Parish of Sandbach. The consultation period for the plan will run until 1st May 2015.

- Paragraph 216 of the NPPF states *From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*
 - *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
 - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

The NPPG states that an emerging neighbourhood plan may be a material consideration.

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

The NPPG also states that *‘refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process’.*

The Neighbourhood Plan is therefore a material consideration which must be weighed in the planning balance taking account of the stage that the neighbourhood plan is currently at and the context, location and scale of the proposed development relative to the Sandbach area.

Members may be aware there have been a number of legal cases that have supported Neighbourhood Plan policies even when a Local Plan has not been fully adopted. There have also been recent High Court cases which have rejected the Secretary of State's judgement on the weight he has given to emerging neighbourhood plans with the 'Woodcock' case further emphasising the clarity needed to refuse applications on prematurity grounds. Therefore the weight to be attached to the plan depends on the particular circumstances in each case with particular emphasis on scale and context.

Policy H1 within the Neighbourhood Plan aims to limit development to sites of up to 30 dwellings with exceptions being made for brownfield sites. The site is clearly a greenfield one which proposes a development of up to 75 dwellings. The size of the development would therefore be contrary to the draft policy and the wider vision for Sandbach within the draft Neighbourhood Plan.

Sandbach is an area that has been under significant development pressure over the last two years with a number of large scale unplanned developments which have been approved and/or granted at appeal due to the housing land supply situation. To give this some context the expected level of development for Sandbach within the plan period identified in the CELP – Submission Version is 2200 dwellings. Existing committed developments already account for some 2700 dwellings which clearly already exceed the planned figure by a significant margin. Even accounting for the uplift in the OAN figures that have come through the review of the housing position for the Local Plan Examination a further development of some 75 dwellings is a significant increase which threatens the proper planning of the Sandbach area.

The draft Neighbourhood Plan clearly recognises the CELP position and the existing committed developments. It will be for the Examination into the Neighbourhood Plan to determine the further extent and form of development in the Sandbach area. Comments and objections into the draft Neighbourhood Plan are noted. Nevertheless there are a number of other large-scale applications for housing developments within the Sandbach area awaiting determination all of which could be said to share similar characteristics in terms of their sustainable credentials. To allow this proposal at this time would further add to the committed but unplanned developments. Taking account of the proposals scale and cumulative impact relative to the Sandbach area it is considered that the development would have a significant impact that would be 'so substantial' that it would threaten the function that the Neighbourhood Plan is trying to perform

The scale of this development would prejudice the outcome of the neighbourhood plan making process and this issue will form a reason for refusal.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan

the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

Sustainability

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

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

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

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

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

Environmental Sustainability

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

Landscape

As part of the application a Landscape and Visual Impact Assessment has been submitted. This identifies the baseline character of the application site and identifies the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge, and also to the Cheshire Landscape Character Assessment 2009, which identifies the application as being located within Type 10 Lower Farms and Woods , specifically LFW2 Brereton Heath Character Area; the application area exhibits many of the characteristics of this landscape type. The assessment also identifies the local landscape character as included in the Congleton Landscape Character Assessment. The Congleton Landscape Character Assessment identifies this as Cheshire Plain.

The visual assessment includes 13 viewpoints and offers sensitivity, magnitude of visual change and a significance of visual effect for each of these viewpoints. Whilst Officers agree with the assessment of most of these it is considered that the significance of visual effect will be greater for Viewpoint 5 – The Hill (A533). Officers would also broadly agree with the landscape assessment as presented. The proposed development may be representative of that locality, but consider that the predicted magnitude of change will be larger than indicated and that consequently the significance of landscape effect will be larger, although not significantly greater.

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

Ecology

Officers are satisfied that based on the submitted indicative master plan the proposed development is unlikely to affect roosting bats.

It is considered that any retained trees with bat roost potential should be incorporated into open space areas to mitigate the potential disturbance resulting from additional lighting etc. associated with the development.

Officers are satisfied that roosting barn owls are unlikely to be directly affected by the proposed development.

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

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

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. If planning consent is granted it is recommended that a condition is imposed in relation to Hedgehogs.

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

A further appraisal was undertaken in 2014. This was a single site visit in January. The submitted report acknowledges that this assessment was constrained by the time of year when it was undertaken. No evidence of Great Crested Newts was recorded during this further appraisal and the pond was assessed as being of 'poor quality' for newts and the terrestrial habitats affected by the development were assessed for the large part as being of 'below average' suitability for amphibians. The assessment concludes that there remains a possibility that Great Crested Newts may occur on site but states that the impacts of the development would be 'Low' if they were present.

The report recommends a suite of non-licensable Reasonable Avoidance Measures to mitigate the impacts of the development in the event that Great Crested Newts were present.

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

Therefore provided the following condition is attached, it is considered that the proposed development would be unlikely to have an adverse impact upon Great Crested Newts. An offence under the Habitat Regulations is also not likely to occur consequently it is not necessary for the Council to have regard to the Habitat Regulations in respect of this species during the determination of this application.

Common Toad, a UK BAP priority species and hence a material consideration was identified during the 2012 survey. It is considered that the application site is unlikely to be particularly important for this species and the implementation of the suite of reasonable avoidance

measures described above are adequate to mitigate the risk of animals being harmed during the construction phase.

Trees

On the previous application it was noted that there are 3 trees within the main part of the site and others on the boundaries. Of the three trees within the site, one is considered to be in a poor condition and is to be removed, another is to be removed in order to facilitate the development and one is to be retained within the site.

Subsequently the trees within the site have been further assessed and are the subject of a Tree Protection Order that has been served, but not as yet confirmed. This Order if confirmed would protect 5 Oak trees within and on the boundaries of the site and 2 groups of trees including Sycamore and Lime on the boundaries of Hill House.

Should the Order be confirmed the indicative layout would have to be amended, and this may result in a reduction in the number of dwellings proposed. It would not however preclude residential development on the site.

Highways

This proposal is for 75 residential units which will take access from a single priority junction off the A533. The site is greenfield and the frontage to the A533 benefits from a footway connecting to Sandbach and street lighting. The frontage speed limit is 30mph.

The access strategy and junction design was originally contested however subsequent additional information from the developer's highway consultant has resolved a position which meets standards and is agreed with the Head of Strategic Infrastructure. (HSI)

A review of the TA does identify that the impact from the development would be acceptable in the long term however it is clearly stated in the TA that the proposed development on this site would be reliant on the delivery of local junction improvements from other development sites to mitigate for its traffic impact.

Traffic generation from the site is calculated against trip rates which are representative of the development type and location when assessed via the TRICS database. This is accepted by the HSI.

The site is sustainable in that it is served by a frequent local bus service and the walking links to the town centre are good with continuous footways and pedestrian phases at the A534 signal junction.

There are capacity concerns at the A534 signal junction however the agreement to provide a pro-rata financial contribution towards identified junction improvements is considered to be both in scale with the development impact and reasonable. This will mitigate against the projected future development impact.

The scale of this contribution has been agreed in direct comparison to that for a nearby residential development which was analysed through the Authority VISSIM micro-simulation traffic model for the A534 corridor.

To this end a position has been agreed with the developer for appropriate levels of contribution towards identified local junction improvements on the A534 corridor which are both reasonable and in scale with development traffic generation. It is considered that these contributions are CIL compliant.

This contribution is the subject of recommended planning conditions and would be secured via a S106 agreement under planning legislation.

Highway related issues such as: safety of design, sustainability and sustainable modal choice are all addressed through the supporting transport and traffic work which is completed as part of the application process. The HSI assesses and validates this information and negotiates any necessary adjustment of proposal or provision in this regard.

It is notable that the provision of the simple priority junction with visibility splays will have an impact on the frontage of the site and will require the removal of certain lengths of the existing hedge infrastructure.

Should this development proposal gain a planning permission the HSI recommends conditions and informatives are attached to any planning permission which may be granted. These should relate to junction design and a s38 Agreement under the Highways Act 1980. Contributions for the identified highway improvement scheme and for the improvement of two local bus stops should be secured by Section 106 Agreement.

Loss of Agricultural Land

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

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

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

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

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

Previous appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land. However, given the conflict with the emerging Neighbourhood Plan, the levels of housing already approved in Sandbach and the loss of open countryside, the planning balance weighs against the development in terms of loss of best and most versatile agricultural land.

Archaeology

The Cheshire Archaeology Planning Advisory Service has assessed the application and recommends the imposition of a planning condition.

Design & Layout

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

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

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

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

Social Sustainability

Housing

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

In addition to this, information taken from Cheshire Homechoice shows that there are currently 301 applicants who have selected one of the Sandbach lettings areas as their first choice. These applicants require 120 x 1 bed, 113 x 2 bed, 53 x 3 bed and 9 x 4+ bed units. 6 applicants did not state their bedroom requirement.

The scheme is for 75 units, therefore there is a requirement for 22 units to be provided as affordable, with 14 to be provided as affordable or social rent and 8 to be provided as intermediate tenure. The applicant in their accompanying Planning Statement states that 30% will be provided as affordable and that this will comprise 22 units as affordable. However they

do not confirm the tenure proposals for the affordable units and that they meet the required tenure split.

Education

The Education Department were consulted and have confirmed that 75 dwellings are forecast to require 14 primary and 10 secondary school places. As such based on this forecast, a contribution of £315,274.96 is required. This should be secured by Section 106 Agreement.

Open Space

Amenity Greenspace (AGS)

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

This would be secured at the Reserved Matters Stage and would be maintained by a private management company.

Children and Young Persons Provision

Having calculated the existing amount of accessible Children and Young Persons Provision within 800m of the site and the existing number of houses which use it, new homes will generate a need for a new neighbourhood equipped area of play (NEAP) facility.

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

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

This would be secured at the Reserved Matters Stage and would be maintained by a private management company.

Economic Sustainability

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Sandbach including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

CIL Regulations

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 primary and secondary school places in Sandbach where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards primary and secondary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in increased vehicular movements along the A534 corridor which is already at capacity. In order to mitigate this impact a contribution is required towards the Council's scheme of improvements along this corridor. Improvements to 2 local bus stops would be necessary due to the impact of the occupiers of 75 new dwellings. 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 Interim Planning 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.

PLANNING BALANCE

The proposed development would be contrary to Policy PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and a NEAP, and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

The development would have a neutral impact upon education (subject to contributions), protected species/ecology, drainage, highways, trees residential amenity/noise/air quality/contaminated land and landscaping could be secured at the reserved matters stage.

The adverse impacts of the development would be the loss of open countryside and the loss of agricultural land.

Taking account of the proposals scale and cumulative impact relative to the Sandbach area it is considered that the development would have a significant impact that would be 'so substantial' that it would threaten the function that the Neighbourhood Plan is trying to perform. Having regard to the relative weight that can be attached, it is considered that the development would be premature following the publication of the consultation of the Sandbach Neighbourhood Plan.

RECOMMENDATION:

REFUSE for the following reason:

1. The Local Planning Authority considers that having regard to the context of developments in the Sandbach area and the scale of the proposed development that it would be premature following the publication consultation draft of the Sandbach Neighbourhood plan. As such allowing this development would prejudice the outcome of the neighbourhood plan-making process and would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.

2. Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that the development is unsustainable because of the conflict with the draft Sandbach Neighbourhood plan and because of the unacceptable environmental and economic impact of the scheme in terms of loss of best and most versatile agricultural land and open countryside. These factors significantly and demonstrably outweigh the social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such the proposal is contrary to Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review 2005 and Policies PG 5 and SE 2 of the Cheshire East Local Plan Strategy – Submission Version and the provisions of the NPPF.

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and a NEAP (8 pieces of equipment) to be maintained by a management company in perpetuity
3. Provision of contributions of £151,848.06 (for primary education) and £163,426.90 (for secondary school education).
4. Highways Contribution of £62,500
5. Bus stop improvement Contribution of £25,000

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