

Application No: 13/5242C

Location: Land off, Hawthorne Drive, Sandbach, Cheshire, CW11 4JH

Proposal: Residential development comprising 138 dwellings, access and associated works (accompanied by an Environmental Statement).

Applicant: Adele Snook, Persimmon Homes North West

Expiry Date: 18-Feb-2015

## **SUMMARY**

The site is within the Open Countryside where, under policies H6 and PS8 there is a presumption against new residential development. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs 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 much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply. It would provide a public open space facility for proposed and existing residents, and the development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses, as well as making a significant financial contribution towards infrastructure to enable the employment uses on Strategic Site CS24.

Balanced against this are the adverse impacts of the development including the loss of open countryside and the loss of agricultural land and the moderate landscape impact.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits

## **SUMMARY RECOMMENDATION**

Approve subject to conditions and a s106 agreement.

The Secretary of State has received a request to intervene, therefore any resolution will be subject to the outcome of this process.

## **REASON FOR REPORT**

The application is a major development which is accompanied by an Environmental Statement, and therefore requires a committee decision.

The application was deferred from the SPB meeting on 27 January 2016 for the following reason:

*For officers to seek additional information relating to:*

- *Costings of the bridge across wildlife corridor*
- *Affordable housing contributions*
- *Highways impact*

Given the length of time that has passed since the deferral, the whole report has been updated to reflect the current situation.

## **PROPOSAL**

The application seeks full planning permission for 138 residential dwellings and an area of public open space.

## **SITE DESCRIPTION**

The application site comprises grazed paddocks and is located to the north of residential properties on Hawthorne Drive and to the rear of residential properties to the east along Heath Road. A public right of way (Footpath 14) crosses the site from Hawthorne Drive in a north easterly alignment and is fenced on both sides. The site is located within the Open Countryside as identified in the Congleton Borough Local Plan.

## **RELEVANT HISTORY**

16/1495D - Discharge of conditions 4, 5, 7, 8, 10, 11, 12, 13 & 14 on application 13/5239C – Not determined to date

16/1462D - Discharge of conditions 7, 8, 9, 11, 12, 15, 16, 18, 19, 20, 21, 22, 23, 26.on approval 12/4874C – Not determined to date

13/5239C - Reserved Matters following outline approval (12/4874C) for Residential development, comprising 50 homes, including 15 affordable homes to include an area of public open space and a children's play area – Approved 10.07.15

12/4874C - Outline application for residential development, comprising 50 homes, including 15 affordable homes to include an area of public open space and a children's play area – Approved 20.11.14

30591 – Change of use from agricultural to equestrian – Approved 01.02.99

20715/1 – Access road, residential, open space – Appeal dismissed 12.09.89

19528/1 – Residential development and sports facilities – Refused 03.05.88, Appeal withdrawn 16.05.89

18511/1 – Residential development – Withdrawn 30.04.87

16845/3 – Disposal of surplus material from inner relief road – Approved 31.07.85

## **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

69-78. Promoting healthy communities

### **Development Plan**

#### **Congleton Borough Local Plan Policy**

PS8 (Open countryside)

GR1 (New Development)

GR2 (Design)

GR3 (Residential Development)

GR4 (Landscaping)

GR5 (Landscaping)

GR6 (Amenity and Health)

GR7 (Amenity and Health)

GR8 (Amenity and Health - pollution impact)

GR9 (Accessibility, servicing and provision of parking)

GR10 (Accessibility for proposals with significant travel needs)

GR14 (Cycling Measures)

GR15 (Pedestrian Measures)

GR16 (Footpath, Bridleway and Cycleway networks)

GR17 (Car parking)

GR18 (Traffic Generation)

GR19 (Infrastructure provision)

GR20 (Utilities infrastructure provision)

GR21 (Flood Prevention)

GR 22 (Open Space Provision)

NR1 (Trees and Woodland)

NR2 (Statutory Sites)

NR3 (Habitats)

NR4 (Non-statutory sites)

NR5 (Creation of habitats)

H1 (Provision of new housing development)

H6 (Residential development in the open countryside)

H13 (Affordable Housing and Low Cost Housing)

## **Cheshire East Local Plan Strategy – Proposed Changes Version (CELP)**

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

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
EG1 Economic Prosperity  
EG3 Existing and allocated employment sites  
EG5 Promoting a town centre first approach to retail and commerce  
SC1 Leisure and Recreation  
SC2 Outdoor sports facilities  
SC3 Health and Well-being  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO2 Enabling business growth through transport infrastructure  
CO4 Travel plans and transport assessments

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

### **Other Material Considerations:**

National Planning Practice Guidance (NPPG)  
Interim Planning Statement: Affordable Housing  
Strategic Housing Market Assessment (SHMA)  
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994  
Sandbach Neighbourhood Development Plan (January 2016)

### **CONSULTATIONS (External to Planning)**

Environment Agency – No objections subject to conditions relating to discharge of surface water and contaminated land.

United Utilities - No objection subject to condition requiring submission of drainage details

Natural England – No objections

Environmental Health – No objections subject to conditions relating to hours of construction, environmental impact during construction, noise mitigation, incentivising low carbon travel options and contaminated land.

Public Rights of Way – No objection subject to part extinguishment of right of way.

Head of Strategic Infrastructure - Traffic impact from this development, with the offered mitigation via the funding for the junction improvement is acceptable.

Housing Strategy & Needs Manager – No objections

ANSA (open space) – No objections

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Sandbach Town Council – Object on the following grounds:

- Contrary to Policy GR18, the scale of traffic generated by development will worsen existing traffic problems to an unacceptable level
- Development proposals will generate significant travel needs and, in accordance with GR10iii a Transport Assessment is required.
- Members call for a full tree survey, in accordance with policy GR2ii.
- This is not a preferred site according to the emerging Local Plan.
- The development would have an unacceptable adverse impact on the Wildlife Corridor, thus contravening policy GR1.
- Members were greatly concerned about the accuracy of the documents provided. All plans failed to include a bungalow bordering the site, on Wrights Lane and, within the Design & Access Statement, under heading 'Landscaping' the text references a canal which Members are confident is not in existence.

## **OTHER REPRESENTATIONS**

48 letters of representation have been received from local residents and local cycling and rambling groups, objecting to the proposal on the following grounds:

- Impact on highway safety
- Increased pollution
- Impact on nature conservation
- Disruption from traffic
- Increased congestion
- Impact upon trees
- Intrusion into open countryside
- Increased flood risk
- Out of character – dormer bungalows are characteristic of area
- Overlooking
- Impact on local amenities / infrastructure
- Urban sprawl
- Inadequate access

- Destroys public right of way
- Traffic assessment does not appropriately reflect the potential traffic impact
- Poor design
- Sustainable transport facilities in the site are inadequate
- Landscape boundary treatment need improving
- Principle of developing this land has not been accepted
- No mandate to approve a policy change to this tract of land from open countryside to housing
- Single access isolates the development and discourages integration with the existing community
- Site is severed from town centre
- Brownfield sites available
- Little weight can be afforded to the emerging core strategy and consequently NPPF
- Same house types used on persimmon site in Elworth indicating lack of choice and competition, contrary to NPPF
- Absence of two bed properties and properties for elderly looking to downsize
- Gross density figure of 24 dwellings per hectare is misleading. Net density is 43 dwellings per hectare
- Loss of agricultural land
- Wildlife corridor should be protected and enhanced
- Transport Assessment claims Heath Road to be capable of up to 750 Vehicle movements per hour however no evidence provided
- Traffic Survey carried out by residents would also indicate a lower capacity than 750 vehicles per hour
- Development should make a contribution to off-site measures to improve local travel on foot/by bike.
- Highways mitigation is inadequate – TA relies on unfunded schemes
- Transport assessment carried out at inappropriate time of year giving lower than normal traffic numbers
- TA should be run through VISSIM model
- Does not enable employment
- Air quality assessment flawed
- Damages prospects of local plan
- Already exceeded housing numbers in emerging local plan
- Transport Assessment disregards impact of additional 400 cars on the road

Two petitions signed by a total of 461 people have also been submitted objecting to the proposal on the following grounds:

- Speculative proposal creating an undesirable urban sprawl on land which does not meet the criteria for sustainable development
- Development is disproportionate for Sandbach Heath and is not based on any housing need evidence for Sandbach Heath.
- Number of proposed and approved houses will distort and harm the character of Sandbach Heath
- Access arrangements are poor
- Traffic generation and impact on local roads
- Ecological impact

- Design out of keeping
- Impact on living conditions of neighbours
- Inadequate education contributions
- Housing numbers already exceed planned numbers

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted an Environmental Statement, an ecology assessment, a noise assessment, a contaminated land report, a transport assessment, a sustainability strategy, an arboricultural implications report, a design and access statement, an air quality assessment, a planning statement, a landscape and visual impact assessment, a flood risk assessment, an archaeology assessment, a consultation statement, an affordable housing statement and a viability assessment.

The planning statement outlines:

- The key consideration is whether there are other material considerations to outweigh the policy presumption against development in the open countryside
- The Council does not have a five year supply of housing land as required by the Framework.
- The presumption in favour of sustainable development therefore applies, unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted.
- The accompanying reports demonstrate that there are no adverse impacts in terms of access and highways, drainage and flooding, ecology, landscape impact or ground conditions.
- The development delivers significant economic, environmental and social benefits.
- The scheme will add value in terms of place making and contribute to the attractiveness of Sandbach as a place to live.
- Local consultation has taken place in the form of the creation of a website, a community event, and pre-application meetings with the Council, St Johns Primary School and Sandbach Town Council.
- Whilst many residents continue to object to the proposal, many others recognised the need for growth and new housing.
- Housing supply is a very important consideration in the determination of the application, and in accordance with recent appeal decisions should be given significant weight.

## **APPRAISAL**

The main issues in the consideration of this application are the suitability of the site for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, design / character and sustainability.

### **Principle of Development**

The site lies in the Open Countryside as identified in the Congleton Borough Local Plan 2005 where policies H6 and PS8 state that 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. The proposal would therefore be contrary to policies H6 and PS8 of the Congleton Borough Local Plan.

Therefore, the key issue is whether there are other material considerations associated with this proposal, which are sufficient to outweigh the local plan policy objection.

### **Emerging Policy**

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

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

1. The delivery of 20 hectares of employment land (Class B1 & B2).
2. The delivery of up to 450 new homes to support the delivery of the 20 hectares of employment land;
3. The provision of appropriate retail for local needs;
4. The provision of appropriate leisure uses, potentially including a hotel, public house or restaurant;
5. The incorporation of Green Infrastructure, including:
  - i. The retention, where possible, of important hedgerows that have a cumulative screening impact on development and contribute to the habitat value of the site;
  - ii. The protection and enhancement of the wildlife corridor and Local Wildlife sites; and
  - iii. Open space including a Multi Use Games Area and an equipped children's play space.

And the following site specific principles of development:

- a. The site will avoid development within the functional floodplain, wildlife corridor and Site of Biological Importance / Local Wildlife Site and these features will be retained within appropriate undeveloped buffer zones and a management plan will be required for them.
- b. Appropriate contributions will be made to improvements to junction 17 of the M6 motorway and the junctions on the A534 Old Mill Road corridor.
- c. Provision for improved access off Old Mill Road and a new bridge across the Brook to access the employment land beyond.
- d. Contributions to education and health infrastructure
- e. Development should consider the 'Cheshire East Green Space Strategy 2011' and include the creation of improved access to green corridors whilst protecting and

enhancing the Site of Biological Importance, watercourse and wildlife corridor already on site.

- f. Provision for future widening of the A534 Old Mill Road Corridor adjacent to the development site.
- g. A desk based archaeological assessment will be required for this site.
- h. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).
- i. Provision of a landscaped buffer between the employment land and housing areas.

In total 282 dwellings have already been approved on Strategic Site CS24 (permissions 12/4874C and 12/3948C & 15/3531C) in recent years.

The residential element of planning permission 12/3948C will provide the improved access (enhanced roundabout) from Old Mill Road into the Strategic Site at a cost of approximately £1.5m. However, an additional significant piece of infrastructure is required to allow access to the remainder of the site, in the form of a bridge across the Brook within the wildlife corridor.

This bridge was initially costed at £2,280,000m, and therefore the funding of this is a significant issue that needs to be addressed in order to provide the necessary access for all of the 20 hectares of employment land proposed in the emerging local plan. However, Members required further confirmation on the costs of the bridge, as did the applicants. The applicant's in house Quantity Surveyor has since examined the bridge crossing and agrees that £2.28m is a reasonable cost towards the bridge.

The applicant has agreed to provide a financial contribution of £2,280,000 to enable the construction of the bridge, in accordance with Strategic Site policy CS24 of the emerging plan. The viability of the proposal is such that it would mean a reduction in affordable housing to 15%.

### **Sandbach Neighbourhood Development Plan (SNDP)**

The SNDP was made on 12 April 2016

Policy PG6 (Spatial Distribution of Development) of the Cheshire East Local Plan Strategy Proposed Changes Version (2016) indicated that Sandbach should provide in the order of 2,750 new dwellings up to 2030. During the period 2010 to March 2015, 2,754 dwellings had already been approved. The emerging local plan requirement has therefore already been met for Sandbach as a whole. The SNDP seeks to promote further controlled housing growth in a more measured and incremental way, following this large scale rapid growth. Policy H1 of the SNDP states that, *Future growth to meet the housing requirement established in the Cheshire East Council Local Plan will be delivered through existing commitments, sites identified in the Cheshire East Council Local Plan (Strategy and Allocations Documents) and windfalls.* If this current application is approved, it would bring the total numbers of dwellings with planning permission on site CS24 to 420, which is below the allocation of 450 in the emerging Local Plan.

Other policies relevant to the current proposal include:

Policy PC3 of the SNDP applies similar restrictions to development in the countryside to the Congleton Borough Local plan.

Policy PC4 seeks to protect and enhance areas of high ecological value and wildlife corridors.

Policy PC5 states that proposals will be expected to establish publicly accessible links from development sites to the wider footpath and cycleways network. In addition, proposals which lead to the loss or degradation of any public right of way will not be permitted other than in very special circumstances. PC5 also states that proposals to divert public rights of way should provide clear and demonstrable benefits to the wider community.

Policy H2 requires all new developments to meet high standards of design, in keeping with local areas and distinctiveness.

Policies H3, H4 and H5 seek to ensure that all housing is designed to meet the identified needs of the community in terms of type and need, it meets the needs of an ageing population, and it is in a preferred location.

Where there is a reasonable prospect of a site being used for its intended purpose policy JLE1 states that alternative uses will not be considered unless there is no demand for the intended use, or it is unviable. This policy also seeks to protect natural environmental assets, the highways network, and safe and sustainable access.

Policy IFT1 seeks to ensure that all new development is safe and accessible by a range of transport options.

Policy IFC1 states that any required contributions to community infrastructure will be made through planning obligations or in accordance with the most up to date funding mechanisms for developer contributions and infrastructure adopted by Cheshire East Council.

Policy CW3 requires new residential developments to address the provision of appropriate medical provision as part of the development proposal.

Policy CC1 states that new development proposals must demonstrate how design, construction, landform, layout, flood prevention methods, orientation and operation minimises the use of energy and clean water.

The proposed development of 138 houses, which supports the delivery of the remaining employment site identified in the emerging Cheshire East Local Plan, is considered to comply with the objectives of the above SNDP policies.

### **Housing Land Supply**

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016, and the public consultation expired on 15 April 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14,617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

Further to this, the NPPF clearly states at paragraph 49 that:

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

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

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

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

Therefore, the key question is whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development, or whether specific policies in the Framework indicate the development should be restricted.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

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

In addition to this information from Cheshire Homechoice, shows there are currently (September 2015) 280 applicants who have selected one of the Sandbach lettings areas as their first choice. These applicants require 114x 1bd, 103x 2bd, 43x 3bd and 12x 4+bd units. 8 applicants did not specify a bedroom requirement.

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

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

The Interim Planning Statement: Affordable Housing also requires that affordable housing is pepper-potted and provided no later than occupation of 50% of the open market dwellings (or 80% if the development is phased and has high levels of pepper-potting).

The proposal initially offered 43 units (30% of 144) as affordable housing. However, as noted above, the affordable housing proposal is affected by the £2.28m financial contribution being made by the applicants to the bridge crossing. This reduces the affordable provision to 21 units (15% of 138 dwellings) provided as one and two bed units, which are appropriately pepper potted across the site.

### **Open Space**

The Congleton Borough Council Interim Policy Note on "*POS Provision for New Residential Development*" 2008 requires adequate provision of (1) amenity greenspace (AGS) and (2) children's play provision. Other land typologies such as woodland/orchards, wildlife or semi natural areas are not a standard requirement therefore these areas go beyond policy requirements however, they can be considered beneficial for the ecology, diversity, aesthetics and openness of the site.

### **Amenity Greenspace (AGS)**

Having regard to the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 144 new dwellings will generate a need for 4680sqm new AGS. An amount of AGS is to be provided on site, however few details including size of

area or landscaping are available as it is proposed that landscaping be approved by way of a pre commencement condition. However the site layout does provide areas of open space well in excess of the amount required.

It should be noted however that it is not the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore any areas of this type should be outside any suggested adoptable area for the Council and if necessary consideration should be made for the open space to be transferred to a residents' management company or other competent body.

There are hedgerows along the boundaries including some mature oak trees, with a further street tree planting running in and around throughout the site. These areas including any additional buffer or enhancement planting should be considered in some depth in light of future maintenance implications, planting distances in relation to buildings, and species type of trees. Again for liabilities and maintenance implications a residents' Management Company or other competent body would be required.

#### Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development and the developer is offering on site provision which is most welcomed. ANSA confirms that as the development is over 75 dwellings then in accordance with policy, one NEAP (Neighbourhood Equipped Area for Play) standard play area would be acceptable, but this could be delivered in conjunction with the open space provision on the adjacent 50 unit scheme. Open space provision and management will be dealt with via the s106 agreement.

#### **Education**

The proposed development of 138 dwellings is expected to generate:

- 25 primary children (138 x 0.19 – 1 SEN)
- 20 secondary children (138 x 0.15 – 1 SEN)
- 2 SEN children (138 x 0.51 x 0.03%)

The development is forecast to increase an existing shortfall predicted for 2016 and beyond for secondary provision and 2018 and beyond for primary provision, in the immediate locality. Forecasts show that local primary schools would be able to accommodate 6 pupils, therefore creating a partial claim for contributions.

To alleviate forecast pressures in secondary schools within 3 miles of the development and primary schools within 2 miles, the following contributions would be required:

$$19 \times \pounds 11,919 \times 0.91 = \pounds 206,079.51 \text{ (primary)}$$

$20 \times \text{£}17,959 \times 0.91 = \text{£}326,853.80$  (secondary)  
 $2 \times \text{£}50,000 \times 0.91 = \text{£}91,000$  (SEN)

Total education contribution: £623,933.31

Without a secured contribution of £623,933.31, Children's Services would raise an objection to this application. The objection would be on the grounds that the proposed development would have a detrimental impact upon local education provision. No objections are raised if the financial mitigation measure is agreed.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

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

The relationships of the proposed dwellings with existing properties all meet the distances above. Within the site, there are some separation distances that fall marginally below the identified standards. However, any shortfall is minimal and is not considered to have such a significantly adverse impact upon the living conditions of future occupiers to justify a refusal of planning permission.

### **Air Quality**

The development lies in the vicinity of the Sandbach (J17, M6) Air Quality Management Area, which was declared as a result of breaches of the European Standard for nitrogen dioxide (NO<sub>2</sub>).

There is concern that the cumulative impacts of developments in the area will lead to successive increases in pollution levels, and thereby increased exposure. An Air Quality Impact Assessment (AQIA) has been submitted with the application and the Environmental Statement includes a chapter on air quality.

The submission considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic movements, and changes to local traffic flows. The model predicts that the proposed residential development will all be below the air quality objectives. This is accepted by Environmental Health.

Regarding existing receptor impact, it is highlighted that there is likely to be increased exposure to airborne pollution at all five receptors modelled. Any negative impact on air quality should be mitigated against to help safeguard future air quality irrespective of whether it would lead to an exceedance of an air quality objective or the designation of an AQMA.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact of the quality of life for sensitive individuals. It is therefore considered that mitigation should be sought from the developer in the form of direct measures to reduce the traffic associated with the development.

The transport assessment submitted with the scheme makes reference to the accessibility of public transport, walking and cycling routes. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

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

Conditions relating to electric vehicle charging, travel planning and dust control are therefore recommended.

### **Noise**

The applicant submitted further information in response to concerns raised by Environmental Health relating to the impact of traffic noise from the M6 and Old Mill Road upon the living conditions of future residents. The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by traffic noise from the M6 and the A534.

The detailed mitigation measures were acceptable, but were specific to a previous version of the site plan, which has been amended through the course of the application. As such it will need to be updated to reflect the current layout, which could be dealt with by condition.

In summary the mitigation measures include:

- Protection of specified residential gardens by 1.8 metre-high close boarded fence.
- Trickle ventilation in bedrooms for specified properties
- Standard double glazing to be applied to all properties for all rooms unless specified otherwise.

### **Public Rights of Way**

The Public Rights of Way Unit initially objected to the proposal on the grounds that from inspection of the definitive map it appears that Public Footpath Sandbach No. 14 may be affected by the proposed development. A new estate road is created on the line of the existing right of way. The applicant's intention was initially to divert the right of way along the new highway within the development. However, public rights of way cannot be diverted onto adopted highways; it would need to be an extinguishment rather than a diversion.

The applicants have since held discussions with the Council's Rights of Way officers regarding the most appropriate way to proceed in terms of the public right of way, and the conclusion is that an extinguishment order for part of FP14 Sandbach is the way forward. The following process would be followed:

- The footpath would be closed on a temporary basis when works on site begin.
- The developer will provide an alternative temporary path (to be agreed).
- The developer can begin the process of applying for the Extinguishment Order but must NOT build on or otherwise permanently obstruct the
- Once the estate road is adopted the Extinguishment Order can come into operation.

- The developer is aware that there is no guarantee that an Extinguishment Order will be successful, if the Council receive objections then the Order will be sent to the Planning Inspectorate for determination.

Using an estate road as an alternative to an extinguished path is not the preferred option. Ideally it a suitable diversion for the path though a landscaped area would be sought. Indeed the Rights of Way Circular (1/09) states:

*“In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose 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.”*

However a diversion through a landscaped area is not readily achievable in this case, and given the relatively short length of extinguishment required, an estate road is considered to be acceptable in this case. The Rights of Way Unit raises no objection to the proposal provided the developer is agreeable to the above points and makes an application for an extinguishment order and provides a suitable temporary diversion.

The application documents refer to footpath connections from the site onto Daisybank Drive and Wright’s Lane. The legal status of the proposed footpaths and footpath/cycleway within the site will require agreement with the Council as the Highway Authority. The developer will need to include the maintenance of these routes within the arrangements for the open space of the site. Appropriate signage will also be required both on and off-site for these new routes. The developer should also inform prospective residents with information about walking and cycling route options for both leisure and transport purposes as part of a travel plan.

## **Highways**

Policy GR18 of the Local Plan states that proposals will only be permitted where, in the opinion of the Local Planning Authority, the scale of traffic generated by the development is not likely to worsen existing traffic problems to an unacceptable level.

The application is supported by a Transport Assessment in accordance with guidelines and this document complies with the structured approach required within the Department for Transport document: ‘Guidance on Transport Assessments’.

Cheshire East Highway Authority have developed a micro-simulation traffic model for the A534 corridor through Sandbach and it was considered necessary for the developer’s highway consultant to run the traffic generation figures for this development through the VISSIM traffic model in order to produce an accurate traffic impact figure against the model.

This is an industry recognised method for assessment of traffic impact and the results showed that there would be a significant local impact at the traffic signal junction of the A534 and The Hill and High Street. As a result of this assessment the developer’s highway consultant has identified an improvement at this junction which will mitigate for the related traffic impact and has produced an estimate for the improvement which is offered to the Authority via a S.106 Agreement.

### Transport Assessment and traffic generation.

The local highway network has been appropriately classified against guidance in the Design Manual for Roads and Bridges and this has identified that in terms of running capacity the local network has capacity to accept traffic generation from this development.

Visibility splays from the permitted development junction onto Hawthorne Drive are in accordance with Manual for Streets and this development proposal would issue traffic via this junction. Vehicle tracking for a refuse vehicle has also been identified and demonstrated to work for the site.

Sustainable links via new footpaths and a footpath/cycleway are offered to link to Daisybank Drive towards the town centre and the wider strategic site and back to the A534. This will offer good sustainable links to the local network and the surrounding infrastructure which leads back to the town centre.

The Head of Strategic Infrastructure is seeking contributions towards the improvement of local bus stops. The reasoning or justification of this is not clear, particularly given the proximity of the site to the town centre. Consequently, and particularly given the viability issues surrounding the development, such a contribution is not justified in this case.

The TA provides a TRICS assessment which demonstrates acceptable trip rates of 0.592 and 0.66 in the morning and evening peak traffic flow hours respectively. These trip rates have been used to determine the traffic generation from the site which is at its highest in the evening peak hour (17.00 – 18.00), showing 99 vehicles either leaving or entering the site throughout this hour. A multi-modal TRICS assessment has also been produced which shows the likely trips to and from the site via other more sustainable modes than the car and this will be supported by the provision of the new footpath links and cycleway mentioned earlier.

The site has sustainable credentials in terms of its proximity to local facilities.

The site is within walking distance of Sandbach Town Centre, which lies approximately 800 metres to the west of the site. This centre offers a wide range of essential facilities, and means that occupiers of the development will not be reliant on the private car.

### Junction Improvements

The TA recognises the Highway Authority's junction improvement proposals on the 534/A533 corridor and tests the signal junction improvements within the TA assessment. This junction is confirmed for treatment from this development through the VISSIM micro simulation model mentioned earlier in this report.

### Local Junction Capacity

Junction analysis has been undertaken using the PICADY software package on an agreed list of local junctions and this demonstrates that the traffic generation from the site distributed via assessment under national census travel to work data will not place a burden on any of the local junctions such that there is a material increase in queuing.

The impact at local junctions is in fact negligible when tested via industry recognised methods and the only impact where mitigation has been identified to be necessary through the Highway Authority VISSIM model is at the signal junction at The Hill/A534.

#### Signal Junction at The Hill/A534/High Street Improvement

The TA examines the existing traffic conditions at this junction and with the development traffic impact at year of opening and the future year of 2021. In addition the TA examines this junction with the proposed junction improvement in place which shows that the improvement more than mitigates for the development impact.

This improvement will be funded by this development proposal should a permission be granted.

#### Conclusion on traffic impact

The identified traffic impact from this development is shown to have an acceptable level of impact on the local infrastructure except for the signal junction on the A534. Once traffic has been distributed through more than one junction on the major road network the impact from the development is diluted to the point where there is not a material impact.

The Head of Strategic Infrastructure accepts the identified mitigation from this development proposal in providing funding for the proposed signal junction improvement at the signals at the A534 junction with The Hill. This funding will be secured by a S106 agreement should a permission be granted.

#### Parking

Concern was initially raised by the Head of Strategic Infrastructure regarding the proposed level of parking provision. Both the TA and the application form state that there will be 200% parking provision however this fails to meet the recent 2013 parking standards for Cheshire East which are now attached to the emerging Local Plan. Revised plans have therefore been submitted to bring the proposal into line with the parking standards within the emerging local plan.

The Head of Strategic Infrastructure has raised some concern regarding the layout as originally proposed not adhering to Manual for Streets principles. Commentary on the proposed layout is provided in the layout and design section of the report.

#### Conclusion on parking and traffic impact

The traffic impact from this development, with the offered mitigation via the funding for the junction improvement is accepted by the Head of Strategic Infrastructure and the parking provision complies with the parking standards in the emerging local plan, subject to the receipt of an amended plan.

Highways Officers have reviewed the previous comments and concerns raised by Members at the SPB meeting in January. However they are satisfied that the proposed financial contribution of £100,000 to assist highway improvements at The Hill/A534 will mitigate for any adverse highway impacts.

#### **Trees / landscape**

## Landscape

The site consists of agricultural land located along the north eastern part of Sandbach, just to the north of Hawthorne Drive. The application site is located to the north of existing residential properties on Hawthorne Drive and to the rear of residential properties to the east along Heath Road. A public right of way (Footpath 14 Sandbach) traverses the site from Hawthorne Drive and crosses part of the site in a north easterly alignment, both sides of the footpath are fenced.

To the north of the application site is Offley Wood, forming a strong visual feature, which screens the application site from the A534, there are a number of sections of hedgerow around the site, including a 1.6m high hawthorn hedgerow along the eastern boundary, the hedgerow along the southern boundary is less complete and has been replaced with fencing in places.

As part of the application a landscape and Visual assessment has been submitted, this has been based on Guidelines for Landscape and Visual Assessment (2002), 2<sup>nd</sup> edition, since the original assessment was carried out prior to the publication of the 3<sup>rd</sup> Edition Guidelines. The assessment identifies the National Character area, as well as the local landscape character type as identified in the Cheshire Landscape Character Assessment 2009, this identifies that the LFW2 Brereton Heath Character Area is a gently undulating landscape of a medium scale, that is predominantly medium scale agricultural land, but with woodlands that provide an important visual characteristic in the landscape. The landscape and visual assessment is accepted.

Although the application includes a planning layout that shows existing trees and woodland to be retained, it only shows indicative landscape proposals. Provided that the mitigation shown on the Site Layout Plan is retained within the scheme, and appropriately landscaped, the impacts can be mitigated. Landscaping conditions are therefore recommended.

## **Trees**

There is a significant belt of woodland to the west of the site and some mature trees on the site boundaries. The Congleton Borough Council (Sandbach Heath) TPO 1989 protects a number of individual trees on/adjacent to the site. There are two established hedgerows on field boundaries running NW to SE and some lengths of vegetation on the boundaries with existing residential properties to the south west.

A number of amendments have been made to address issues raised by the Forestry Officer, particularly in relation to conflict of the development with root protection areas of trees and hedges. The Forestry Officer does still raise some concern regarding the proximity of plots 105, 106 and 107 to the protected tree to the south. However, the edge of the canopy of the tree is 9 metres from the rear elevations of these properties at its closest point, which is considered to be an acceptable separation distance, given the specific relationships. The proposed layout also retains the main lengths of hedgerow within and bordering the site.

Conditions requiring an arboricultural method statement and a construction management plan are recommended. Additional levels details can also be secured by condition.

## **Ecology**

### Sandbach Wildlife Corridor

The proposed development site is located adjacent to the Sandbach Wildlife Corridor as shown in the Congleton Borough Local Plan. One area of the wildlife corridor is located within the application boundary, this being a rectangular block of woodland in the northern corner of the site.

The submitted indicative layout plan shows the majority of the interface between the proposed development and wildlife corridor to be open space. In addition no development is shown within that part of the site which is within the wildlife corridor, however some houses are proposed adjacent to the boundary of the corridor in this location. An access road is proposed between the dwellings and the wildlife corridor, which is considered to provide an adequate buffer to the wildlife corridor from the presence of the housing (dumping of garden waste, introduction of non-native species etc.)

#### Hedgerows

Hedgerows are a UK BAP priority habitat and hence a material consideration. It is likely that the proposed development would result in the loss of a number of hedgerow sections. However there are likely to be a number of opportunities to incorporate suitable replacement hedgerows into the open space area, which can be dealt with through landscape conditions.

#### Badgers

No evidence of badgers was recorded during the submitted survey however badgers are known to occur in this broad locality. An updated survey was carried out in April 2014. The survey was carried out during a period when badgers are active; therefore signs of activity should be apparent. The main limitation to the survey was the dense nature of some small patches of bramble however it should be noted that no mammal tracks were observed going into these areas.

The survey found no setts or holes consistent with badgers on, or within 30m, of the site. No dung pits, latrines, hairs or tracks, were observed. No evidence of badgers was recorded; therefore there badgers do not present a constraint upon the proposed development.

#### Marshy Grassland

Two areas of marshy grassland are present on this site. These are likely to be of some localised nature conservation value. The loss of these habitats could be compensated for through the SUDS scheme associated with the proposed development.

#### General nature conservation value / offsetting

With the exception of the woodland, hedgerows and marshy grassland the habitats on site are of low value. However, the development of this site may potentially lead to an overall loss of biodiversity. For a development to be sustainable it is considered that there should not be a net loss of biodiversity.

It was recommended by the nature conservation officer that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology to quantify the net loss of biodiversity in an objective way. However, in other cases where applicants have not undertaken an assessment the alternative is to provide a financial contribution that the nature conservation officer has calculated.

The developed area of the site is approximately 3.3ha, and therefore the following calculation applies:

- Cost of land purchase for habitat creation - including admin, management planning and transactional costs (3.3ha x £17,298 cost per ha) = £57,083.40 (Source RICS rural land market survey H1 2010)
- Cost of creation of Lowland Grassland 3.3ha x £4,946 (cost per ha) = £16,321.80 (Source UK BAP habitat creation/restoration costing + admin costs)

Cost of land acquisition and habitat creation would therefore be £73,405.20.

The above calculation would be for the creation of species rich UK BAP grassland, however the habitat lost on site is species poor and so the impacts of this loss of obviously less. The nature conservation officer suggests that a third of this figure would be appropriate. Therefore a sum of £24,500 has been agreed with the applicant. This would be used to fund habitat creation/enhancement works locally. The end result of this process is a development proposal that can be confidently assessed as being truly 'sustainable' in terms of ecology.

Conditions to safeguard breeding birds and to ensure additional provision is made for roosting bats and breeding birds as part of the proposed development are also recommended.

#### Non-native invasive species

Himalayan Balsam a non-native invasive plant species has been recorded on site. If planning consent is granted the nature conservation officer recommends that a condition be attached requiring the applicant to submit a method statement for the eradication of Himalayan Balsam from the site.

#### **Layout & Design**

Hawthorne Drive is characterised by bungalows and dormer bungalows, which share the southern boundary of the application site. Heath Road also comprises some bungalows but also a wide range of terraced, semi-detached and detached two-storey properties. Wrights Lane also has a mix of bungalows and two-storey dwellings.

The proposed dwellings are all either 2 or 2.5 storeys high. There are examples within the local area of two-storey properties sitting alongside bungalows or dormer bungalows as would be the case with the proposed two storey properties to the rear of the existing bungalows on Wrights Lane. This arrangement would not therefore be out of keeping with the character of the area.

Similarly, whilst the specific design and detailing of the individual housing is relatively generic, it has to be noted that the surrounding area does not provide strong design lead, and as such the design of the properties cannot be considered to be unduly out of keeping or harmful to the character of the area.

The site will have a single means of access serving the proposed development and the approved 50 dwelling scheme. However in addition to this there will be a pedestrian link to the north to the remainder of Strategic site CS24 (in the emerging local plan), together with the option of a vehicular access through to this adjacent site. FP14 Sandbach will provide pedestrian access through to Hawthorn Drive, and an additional path will connect through to

Daisybank Drive (and towards the town centre). The proposal will sit comfortably with and connect to the approved 50 unit scheme.

The proposal provides a large area of open space and children's play facilities. The location of the site close to Sandbach Town Centre will give residents good access to a range of facilities and services, including public transport.

Policy SC4 of the emerging local plan states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. In this case, the proposal provides a variety of tenures and designs ranging from 1 to 4 bed properties.

The development retains a central hedge line for the most part, with a single break in the hedge only to allow access through. Aspects of the layout are interesting and offer opportunity in relation to creating distinctive interrelationships between spaces and buildings. At the western side of the application site the semi-circular arrangement toward the green space could be a very distinctive area of the site

There are areas where the distinctiveness does weaken slightly, such as the long street to the north of the site. However, this can be enhanced with appropriate landscaping, which breaks down the impact of the frontage parking, and maximises the potential for terminating views of the woodland to west. Although tree planting is shown in parts, this could be further reinforced both with additional trees and other landscaping, not least hedging, to create smaller/landscaped groups of parallel parking.

Subject to appropriate landscaping and materials, the proposal is considered to comply with the objectives of policies GR1, GR2 and GR3 of the Congleton Borough Local Plan.

### **Flooding**

The site lies predominately within Flood Zone 1; however, a small section of the north-western boundary is shown to be located in Flood Zone 3 and Flood Zone 2. It is acknowledged that no built development is proposed within this area of the site.

The Environment Agency has no objection in principle to the proposed development but they note that the discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. As such they recommend conditions relating to a scheme to limit surface water runoff to be submitted and a scheme to manage the risk of flooding from overland flow of surface water to be submitted.

In addition, the Environment Agency recommends conditions relating to contaminated land in order to prevent the pollution of controlled waters from potential contamination on site.

### **Archaeology**

The application is supported by an archaeological desk-based assessment which has been produced by the York Archaeological Trust on behalf of the applicants. This study has

examined data held in the Cheshire Historic Environment Record, aerial photographs, historic mapping, and various secondary sources and presents a thorough summary of the site's history and archaeological potential. It concludes that this potential is limited and restricted to the site of a former farmstead, which is depicted on the Tithe Map at SJ7666 6079, and a number of boundaries depicted on the historic mapping.

The Council's Archaeologist advises that this limited archaeological potential is not sufficient to justify an objection to the development on archaeological grounds or to generate a requirement for any further predetermination work. It would, however, be reasonable to secure some further mitigation on the features described above, with the work secured by condition. This is accepted in Section 7.3 of the desk-based assessment and should take the form of a strip and record exercise on the site of the farmstead and extending to an area measuring c 30m by 30m. In addition, the historic boundaries should be investigated by means four 10m long machine-cut trenches, in order to gather information on the date and form of the boundaries. A report on the work will need to be produced and the mitigation may be secured by condition.

### **Contaminated land**

A condition is recommended requiring a further phase II contaminated land investigation for the following reasons:

- The application area has a history of landfill and agricultural use and therefore the land may be contaminated.
- This site located upon a known landfill site or area of ground that has the potential to create gas.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- The applicant has submitted Phase I Preliminary Risk Assessment and Phase II Site Investigation reports for contaminated land. Although the site investigation report shows no putrescible waste present in the on site landfill, further work including confirmatory gas monitoring is required.

## **ECONOMIC SUSTAINABILITY**

### **Agricultural Land**

The 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 higher quality."*

The site comprises mainly grade 2 (very good quality) and grade 3a (good quality) agricultural land, with smaller areas of grade 4 (poor quality)

This land has been allocated for development within the emerging local plan documents and is identified as a future development site for this part of the Borough in the Local Plan Strategy Proposed Changes Version. Having regard to this, the development of this site is considered to be necessary to meet the development requirements of Cheshire East into the future.

This land quality grade is relatively high on the land quality spectrum; however other sites within the Sandbach Heath area have a higher proportion of the best and most versatile agricultural land compared to the application site. The site is relatively small and there will be a negligible effect on agriculture from the loss of this isolated piece of good quality agricultural land. For these reasons the loss of agricultural land is considered to be acceptable in this case.

## **HEADS OF TERMS**

If the application is approved a Section 106 Agreement will be required, to secure the following:

- Education contributions of 206,079 (primary),£326,853 (secondary) and £91,000 (SEN)
- Financial contribution of £2,280,000 towards infrastructure (bridge) on Strategic Site CS24 to enable the delivery of employment uses.
- Open space provision and management arrangements.
- Financial contribution of £100,000 for highways improvements
- Provision, phasing and tenure of 15% affordable housing
- The payment of £24,500 for habitat creation/enhancement works in the locality, to offset loss of biodiversity

### **Community Infrastructure Levy (CIL) Regulations**

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

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

The provision of affordable housing, public open space provision, financial contribution towards highways improvements and financial contribution to offset the loss of biodiversity is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for school places at the secondary schools within the catchment area which are cumulatively over subscribed. In order to increase capacity of the schools which would support the proposed development, a contribution towards secondary school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

Similarly, the contribution towards infrastructure is considered to be necessary, fair and reasonable as it enables the delivery of employment uses on the remaining part of Strategic Site CS24 in accordance with the objectives of the emerging local plan.

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

## PLANNING BALANCE

The site is within the Open Countryside where, under policies H6 and PS8 there is a presumption against new residential development. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs 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 benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Council's delivery of 5 year housing land supply.
- The development would provide a public open space facility for proposed and existing residents.
- The development would provide significant contributions towards infrastructure to enable the delivery of employment uses on adjacent land.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions and the s106 agreement to secure mitigation.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is considered to be neutral.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.

The comments received in representation relating to material planning considerations have been considered in the preceding text. However, on the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

The application is therefore recommended for approval, subject to conditions. The Secretary of State has received a request to intervene with this application, therefore, any resolution will be subject to the outcome of this process.

## **RECOMMENDATION**

**The application is recommended for approval and the outcome of the referral to the Secretary of State.**

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*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 (Regulation) delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.*

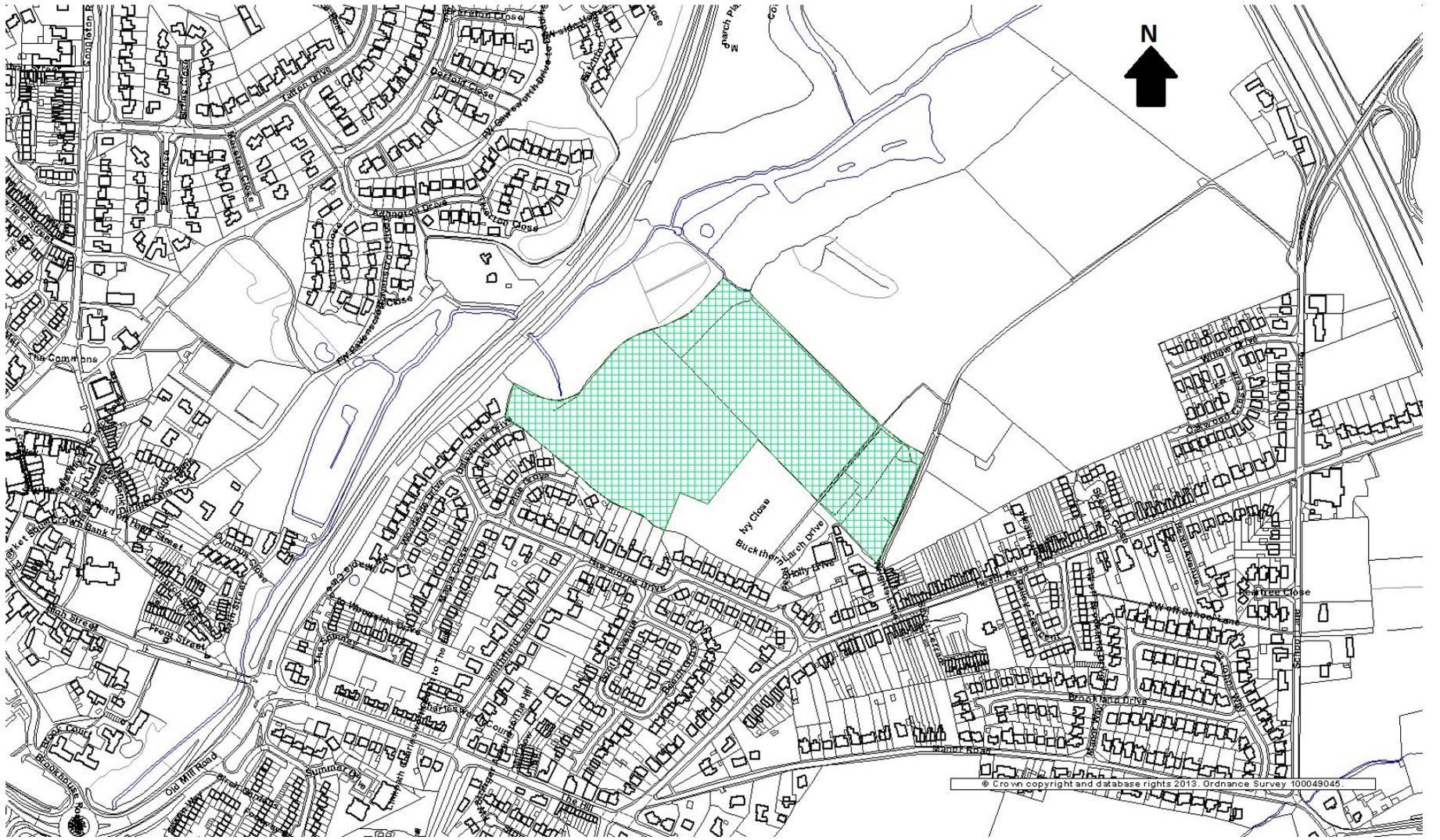
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### Application for Full Planning

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

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Pile Driving details to be submitted
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Environmental Management Plan to be submitted
7. Travel plan to be submitted
8. Electric vehicle charging points to be provided
9. Phase II investigation including gas monitoring and assessment to be submitted
10. Noise mitigation scheme to be submitted
11. Detailed suite of design and construction plans for the internal road infrastructure to be submitted
12. Arboricultural method statement to be submitted
13. Construction management plan (trees) to be submitted
14. Method statement for the eradication of Himalayan Balsam
15. Provision for roosting bats and breeding birds to be submitted
16. Foul and surface water drainage details to be submitted
17. Scheme to manage the risk of flooding from overland flow of surface water to be submitted

18. Written scheme of archaeological investigation to be submitted



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