

Application No: 18/2344C

Location: Land North Of, HIND HEATH ROAD, SANDBACH

Proposal: Outline planning permission for up to 50 dwellings, new planting and landscaping, car parking, vehicular access point from Hind Heath Road and associated ancillary works. All matters to be reserved with the exception of the main vehicular site access.

Applicant: Kodiak Land

Expiry Date: 10-Aug-2018

SUMMARY

The proposed development would be contrary to Policy PG6 of the CELPS, Policy PS8 of the Congleton Borough Local Plan and Policy PC3 of the SNP and the development would result in a loss of open countryside. Cheshire East can demonstrate a 5 year supply of deliverable housing sites.

The application site falls within an Area of Separation as defined by the SNP under Policy PC1. In this case the proposed development would result in further coalescence between Wheelock Village and Ettiley Heath. Only the cluster of dwellings onto the southern boundary of the site would remain within the area of separation and separate the two individual settlements of Wheelock Village and Ettiley Heath. This development would result in the two settlements merging and would cause significant harm.

The development would provide benefits in terms of affordable housing provision and 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, POS provision and LEAP, drainage/flood risk, trees, residential amenity/noise/air quality/contaminated land and landscaping could be secured at the reserved matters stage.

The submitted plans show that a buffer would be provided to the Wheelock Rail Trail which is adjacent to the site and this would be secured via a planning condition should the application be approved. The development would not have a detrimental impact upon protected species.

In this case the hedgerow along the frontage of the site is classed as an important hedgerow under the Hedgerow Regulations. There are no overriding reasons for allowing the development and this issue will form a reason for refusal.

The proposal would provide a safe and suitable access and would not result in a severe impact upon the road network.

As a result the application is recommended for refusal.

RECOMMENDATION

REFUSE

PROPOSAL

This application seeks outline planning permission for the erection of up to 50 dwellings at land North of Hind Heath Road, Sandbach. This application seeks approval of the access only with all other matters reserved.

The submitted plan shows that the development would provide a single point of access to the south-west of the site onto Hind Heath Road and a pedestrian access would be provided onto the Wheelock Rail Trail to the north-east.

SITE DESCRIPTION

The application site measures 2.22 hectares and consists of grassland with existing field boundary hedgerows. The site is currently used as an unregulated overflow car park for Sandbach United Football Club.

To the east of the site is the Wheelock Rail Trail which is tree lined and set at a lower level to the application site. The football pitches associated with Sandbach United are located beyond the Wheelock Rail Trail with an area of car-parking to the north of the site. Sandbach Cricket Club is located to the north-west of the site to the opposite side of Hind Heath Road with agricultural land to the east west and south-west of the site.

The nearest residential properties are to the south-east of the site and form a cluster of converted barns and two detached dwellings known as Highfields and Big Hind Heath Farm.

RELEVANT HISTORY

18/0317C - Outline planning application for up to 50 dwellings, new planting & landscaping, car parking, vehicular access point and associated ancillary works – Withdrawn 26th March 2018

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy (CELPS)

PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
PG7 - 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

Congleton Borough Local Plan First Review

The relevant Saved Policies are:

PS8 - Open Countryside
NR4 - Non-statutory sites
GR6 - Amenity and Health
GR7 - Amenity and Health
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
NR3 - Habitats
NR5 - Habitats

Sandbach Neighbourhood Plan

PC1 – Areas of Separation
PC2 – Landscape Character
PC3 – Policy Boundary for Sandbach
PC4 – Biodiversity and Geodiversity
PC5 – Footpaths and Cycleways
HC1 – Historic Environment
H1 – Housing Growth
H2 – Housing Layout
H3 – Housing Mix and Type
H4 – Housing and an Ageing Population
H5 – Preferred Locations
IFT1 – Sustainable Transport, Safety and Accessibility
CW1 – Amenity, Play, Recreation and Outdoor Sports
CW3 – Health
CC1 – Adapting to Climate Change

National Policy

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

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.
59. Delivering a Sufficient Supply of Homes
124-132. Achieving well-designed places

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
Cheshire East Design Guide

CONSULTATIONS

CEC Strategic Housing Manager: No objection

CEC Flood Risk Manager: Although there is no objection in principle to the proposals, there is a pocket of surface water risk located within the proposed site boundary. This is shown to be retained as part of the drainage strategy for the site. The attenuated storage capacity of this area pre development should be accounted for and included within the overall calculations for post-development attenuation. Condition suggested.

CEC Education: To alleviate forecast pressures, the following contributions would be required:

$9 \times £11,919 \times 0.91 = £97,617.00$ (primary)

$8 \times £17,959 \times 0.91 = £130,742.00$ (secondary)

$1 \times £50,000 \times 0.91 = £45,500.00$ (SEN)

Total education contribution: £273,859.00

Natural England: Statutory sites – no objection. For advice on protected species refer to the Natural England standing advice.

CEC Strategic Highways Manager: No objection subject to the imposition of planning conditions.

United Utilities: No objection subject to the imposition of planning conditions.

CEC Environmental Health: Conditions suggested in relation to Piling, Construction Management Plan, Dust Control, Travel Plan, Low Emission Gas Boilers, Electric Vehicle Infrastructure and contaminated land and an informative has been suggested in relation to hours of construction.

CEC Public Open Space: This development requires 1000sqm each of children's play, AGS and GI Connectivity. The buffer planting and proposed drainage pond can form part of the GI but there is still a requirement of 2000sqm of Children's play space and AGS combined.

Whilst the development Framework plan shows the "potential" for a children's play area and refers to this in several places, the Illustrative Masterplan shows the area as proposed tree planting. A play facility is required but ideally should be centrally located along with the amenity green space for informal recreation.

In line with Policy SC2 for Indoor and Outdoor Sport and Policy SC1 Leisure and Recreation a contribution of £1000.00 per family dwelling is sought.

CEC Indoor Recreation: A S106 Contribution of £9,100 will be required to provide additional health and fitness equipment at Sandbach Leisure Centre.

NHS England: No comments received.

Cheshire Brine Subsidence Board: The board is of the opinion that the site is within an area that has previously been affected by brine subsidence and future residual movements cannot be completely discounted. The board recommends therefore, that precautions are incorporated within the design of a proposed development.

CEC PROW: Request a number of requirements in relation to the Wheelock Rail Trail as follows;

- Dwellings should have an active frontage and face towards the Wheelock Rail Trail
- Provision of boundary treatment along the Wheelock Rail Trail to minimise the likelihood of unofficial connections
- A contribution of £11,827 towards lighting of the Wheelock Rail Trail with maintenance cost of £861.37
- A contribution of £54,000 towards the surfacing of the Wheelock Rail Trail between the site and Elworth Road

In terms of connections to Hind Heath Road the developer should also be required to provide connection to the shared use footway/cycleway opposite the site at the north-western extent of the site frontage in order to meet the desire lines for pedestrians and cyclists in either direction along that road.

CEC Council Ranger Service: Wish to see the play area moved away from its present proposed corner location adjacent to the boundary with the Wheelock Rail Trail as

- The play area at this location may attract children and youths from other areas and could become a focal point for gathering that could result in additional maintenance issues along the Wheelock Rail Trail resulting from anti-social behaviour, rubbish, vandalism etc.
- The Wheelock Rail Trail is a multi-use route, cyclists pass this area at speed. Accidents could result if children run out from the play area onto the Wheelock Rail Trail.

The Ranger Service also requests mesh fencing of 1.8m height to run the full length of the boundary of the development with the Wheelock Rail Trail. This is to prevent fly tipping and the creation of informal access points.

The proposed access point onto the Wheelock Rail Trail should be hard surfaced and suitably keyed in to the existing surface of the Trail.

VIEWS OF THE PARISH COUNCIL

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

- The development is within an area of separation shown in figure 3 of the Sandbach Neighbourhood Development Plan. Development in this area would close the area of separation which contravenes Policy PC1 of the Sandbach Neighbourhood Development Plan.
- The site is outside the settlement zone line, as defined in Policy PC3 of the Sandbach Neighbourhood Development Plan. This also contravenes Policy PG6 of the Cheshire East Local Plan and retained policy PS8 from the Congleton Borough Local Plan which define and limit development in the Open Countryside.
- This development would have a negative effect on the movement of wildlife from Wheelock rail trail (reference area J, figure 5 Sandbach Neighbourhood Development Plan) which contravenes Policy PC4 of the Sandbach Neighbourhood Development Plan
- Sandbach has already identified sites to meet its allocation as part of the Cheshire East Council Local Plan Strategy and 5 year Housing Supply.
- Members request that the Sandbach Extending Footpath Accessibility Document is considered with this application, particularly in relation to point 5. Members support comments made by the Sandbach Footpath Group which states that a footpath link from the Wheelock Rail Trail via the Abbeyfields area to Middlewich Road should be made.

- Furthermore, Members are very disappointed that the developer hasn't incorporated any of the Town Council's comments, especially relating to the increase in traffic (and the safe management of it) and the effect on air quality after requesting a meeting with Members. Hind Heath Road appears to remain unlit which will be dangerous on an increasingly busy road, a problem which is compounded by the fact that the proposed access is on the inside of a bend which combined with the topography limits visibility. The proposed development is at a point on Hind Heath Road with no footpath on either side of the narrow road, with no safe access or crossing point to the recently constructed footpath/cycleway behind the hedge on the opposite side of the road.
- Any proposal to light this section of Hind Heath Road, the Wheelock Railtrail or the new footpath/cycleway would emphasise the intrusion into the area of separation and disturb local wildlife
- Finally, Members are concerned that The Brine board is of the opinion that the site is within an area that has previously been affected by brine subsidence and future residual movements cannot be completely discounted.

REPRESENTATIONS

Letters of objection have been received from 47 local households raising the following points:

Principal of development

- There are enough new developments in Sandbach
- Should be kept as green fields
- This is not a strategic site within the CELPS and is unplanned
- The CELPS housing requirement for Sandbach is 2750 dwellings and 3250 dwellings would be provided exceeding the requirement
- The site is within the open countryside and outside the settlement boundary
- Contrary to the Neighbourhood Plan
- The development is contrary to the CELPS
- Loss of green gap separating Wheelock and Ettiley Heath
- Bungalows are needed for the elderly
- The proposed dwellings will not be affordable to local people
- Loss of the Area of Separation
- The development provides no benefits to local residents
- Loss of hedgerow to provide the access and visibility splays
- Sandbach is becoming unsustainable due to housing growth
- Cheshire East now has a robust 5 year housing land supply

Highways

- Increased congestion in Sandbach
- The applicants traffic data is from September 2016 and is out of date as it does not include the development sites at Ettiley Heath and Elworth
- Hind Heath Road is used as a rat run
- Hind Heath Road cannot take any further traffic
- The site access has inadequate visibility
- Increased parking on the road
- The existing roads are suffering from potholes
- Hind Heath Road is a narrow country lane
- Problems when there is an accident on the M6

- Hind Heath Road suffers flooding
- Cars speed along Hind Heath Road and the access should be designed for higher speeds
- Speed cameras should be provided along Hind Heath Road
- An alternative overflow carpark for the football club is required
- There is no continuous cycle route to the town centre or schools
- The access is on a bend
- It would be better to use the existing access to Sandbach Football Club
- Access to Lillyput Nursery is difficult
- Cumulative impact from the other consented developments upon Hind Heath Road
- Loss of overflow parking for the nursery
- Traffic control is needed along Hind Heath Road
- Additional street lighting should be provided
- Better public transport links are needed to Sandbach Station
- The submitted Transport Statement is inadequate
- The proposed access is not safe
- Pedestrian facilities along Hind Heath Road are not safe
- Public transport provision in the area is overstated
- Swept path analysis demonstrates that HGV movements cannot be made without crossing both lanes of the carriageway – this is not safe
- The proposal to provide Vehicle Activated Signage is contrary to planning law as it is not necessary
- Insufficient parking in Sandbach Town Centre
- No proposals have been put forward to increase the number of car parking spaces for Sandbach Town FC
- The proposed access is located on a blind bend
- The harm outweighs any benefits of this scheme

Green Issues

- Loss of wildlife
- Impact upon the landscape
- The development will close off views from the Wheelock Rail Trail
- Impact upon air quality
- Impact upon the peaceful Wheelock Rail Trail
- There should be no additional lighting on the Wheelock Rail Trail
- Loss of habitat
- Additional tree planting is required

Design Issues

- The site is elevated and the development will impact upon the landscape and character of the area

Infrastructure

- Schools are overcrowded
- Dentists and Doctors are full
- Leighton Hospital is at capacity
- The football club and cricket club are operating at capacity
- The drainage infrastructure cannot cope and is constantly blocked
- A token contribution to an Astro turf pitch will do little to provide lasting help to already stretched local Schools and Doctors

- Harm to the Wheelock Rail Trail Site of Biological Importance
- Sandbach needs a lifestyle Centre like Crewe
- Lack of leisure centre in Sandbach

Other Issues

- Impact of the development upon the Wheelock Rail Trail
- Lighting of the Wheelock Rail Trail will cause light pollution and impact upon wildlife
- Impact upon air quality
- The brine board have stated that the area has been previously affected by brine subsidence and future movements cannot be discounted.
- Difficulty in selling houses in Sandbach
- Limited pre-application consultation has taken place
- The owners of the stables will not allow for additional car-parking to be accessed via the access point to Lilliput Nursery

An objection has been received from Sandbach Woodland and Wildlife Group which raises the following points;

- The SWWG has as its core purpose *"To develop our role of care for the environment by ensuring the conservation of woodland and associated open areas in and around Sandbach, maintaining its wildlife importance whilst ensuring the benefits of some access for the whole community."*
- The proposed development contravenes many of the key policies and issues covered in the Sandbach Neighbourhood Plan (2016), Namely:
 - o To preserve existing farmland, publicly accessible open spaces and green spaces surrounding the town
 - o To maintain and protect the Areas of Separation which separate the distinct village settlements of Sandbach, Elworth, Ettiley Heath, Wheelock and Sandbach Heath
 - o To protect and improve the existing natural wildlife habitats and wildlife corridors
- In addition the proposed development would have a severe detrimental impact on the local wildlife living nearby (primarily the Wheelock Rail Trail)
- If, in spite of objections, the proposed development were to go ahead, the SWWG would expect to see substantial Ecological Mitigation and Enhancement, to be in line with those proposed by Cheshire East's Principal Nature Conservation Officer: *"Any future reserved matters application to be supported by a strategy for the incorporation of features to enhance the biodiversity value of the proposed development. The submitted strategy should include proposals for the provision of features for nesting birds including house sparrow and roosting bats, gaps in garden fences to facilitate the movement of hedgehogs, brash/deadwood piles, a wildlife pond and native species and fruit tree planting."*

An objection has been received from Sandbach Footpath Group which raises the following points;

- The opportunity of making a link from the Wheelock Rail Trail via Abbeyfields has not been considered. This link should be provided
- The route from the site to Abbeyfields would go some way towards compensating for the detrimental effect of this planning application.
- The proposed development is on slightly higher ground than the Wheelock Rail Trail and consequently would be a blot on the landscape, detracting from the pleasure of walking or cycling along the Rail Trail. The Rail Trail is very popular for family outdoor excursions, giving the benefit of reasonably fresh air, sunshine, relative peace, and pleasure, some of which would be reduced or negated if the development were to go ahead.

- The development would damage the Wheelock Rail Trail which is designated as a Site of Biological Importance.

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

- A connection to the Wheelock Rail Trail and to Middlewich Road should be established for walking and cycling
- The proposal for street lighting should also be extended towards the north-west of Hind Heath Road where it meets the roundabout with Elton Road and the Salt Line Way. This would improve safety.
- Cycling from the site to Wheelock or the Town Centre would mean people having to cross the road which is unlikely. Using a shared footway is more likely on the return journey
- It is unlikely that the Toucan crossing would be used for people cycling towards the train station
- The crossing should be closer to the entrance of the development
- The vehicle speed activated sign installation is welcomed but this should be changed to a speed camera
- 85% of vehicles go faster than 40.9mph which is too high for a 30mph road
- The suggested contribution to the Wheelock Rail Trail is welcomed. The surfacing needs to be carefully considered.

APPRAISAL

Principle of Development

The site lies largely in the Open Countryside as designated by Policy PG6 (Open Countryside) of the CELPS and Policy PS8 of the Congleton Borough Local Plan 2005. Policy PG6 states 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. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

Policy PC3 (Policy Boundary for Sandbach) of the Sandbach Neighbourhood Plan (SNP) states that new development will be supported in principle within the policy boundary (Sandbach), but outside of the boundary, where the application proposal lies, only a limited number of developments will be permitted. New dwellings as sought are not listed as one of these permitted developments, and therefore the scheme would be contrary to SNP Policy PC3.

The application site falls within an Area of Separation as defined by the SNP under Policy PC1. This policy aims to maintain the established pattern of development and the distinctive identities of Sandbach, Elworth, Ettiley Heath, Wheelock and Sandbach Heath. Policy PC1 states that within the Areas of Separation developments which would result in further coalescence in the Areas of Separation will not be permitted.

In this case the proposed development would result in further coalescence between Wheelock Village and Ettiley Heath. Only the cluster of dwellings onto the southern boundary of the site would remain within the area of separation and separate the two individual settlements of Wheelock Village and Ettiley Heath. This development would result in the two settlements merging and would cause significant harm.

It is important to note that there is a relevant appeal decision as part of application 14/3892C (200 dwellings at Land off Crewe Road, Sandbach) – Appeal Dismissed by the SoS – This site was also located outside the Settlement Zone Line and within the Area of Separation (Policy PC1). The SoS agreed with his Inspector that the SNP was *‘immediately out-of-date’*, however the SoS then went on to conclude as part of his planning balance that the development would result in the *‘erosion of the strategic gap would have the effect of increasing the perception of settlements beginning to merge’* and that this environmental harm would outweigh the benefits.

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 material consideration to outweigh the policy objection.

Housing Land Supply

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy. Accordingly the Cheshire East Local Plan Strategy forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means: “approving development proposals that accord with an up to date development plan without delay”

The Cheshire East Local Plan Strategy is a recently adopted plan. Upon adoption, the Examining Inspector concluded that the Local Plan would produce a five year supply of housing land, stating that *“I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years”*.

The Cheshire East Local Plan Strategy (LPS) was adopted after a lengthy examination and was produced through engagement with stakeholders who have an impact upon housing delivery. The adopted plan incorporated the recommendations of the Secretary of State. In accordance with paragraph 74 of the NPPF and footnote 38, the LPS should be considered ‘recently adopted’ until 31 October 2018 and full weight should therefore be given to the findings of the Inspector in confirming that the Local Plan would produce a five year supply of housing land.

The Council continues to monitor housing delivery and housing land supply, publishing its annual assessment through the Housing Monitoring Update. This report provides information on the delivery of sites and the supply of housing land to an annual base date of the 31 March. The most recent Housing Monitoring Update (base date 31 March 2017) was re-published in December 2017 and this confirmed a housing land supply of 5.45 years. The Housing Monitoring Update (base date 31 March 2018) is currently being produced and this is likely to show a continued

positive direction of travel in relation to completions and commitments since the previous annual assessment.

The Council's published housing land supply position has been subject to thorough scrutiny at a number of planning appeals since the LPS was adopted. The most recent of these to report involved an appeal by Gladman Developments for 46 homes at New Road Wrenbury. Here the Council's housing land supply assessment was fully updated, looking afresh at the latest position on key sites and the housing sector generally. This appeal was dismissed on the 10th April 2018 with the Inspector finding that the Council could demonstrate a deliverable 5 year housing land supply.

In the light of the above, relevant policies for the supply of housing should be considered up-to-date – and so consequently the 'tilted balance' of paragraph 11 of the NPPF is not engaged.

Location of the Site

The justification to Policy SD2 of the CELPS includes distances to facilities to serve the development and is identified below;

Public Transport	
Bus Stop	500m
Public Right of Way	500m
Railway Station	2km where geographically possible
Open Space	
Amenity Open Space	500m
Children's Playground	500m
Outdoor Sports	500m
Public Park and Village Green	1km
Services and Amenities	
Convenience Store	500m
Supermarket	1km
Post Box	500m
Post Office	1km
Bank or Cash Machine	1km
Pharmacy	1km
Primary School	1km
Secondary School	1km
Medical Centre	1km
Leisure Facilities	1km
Local Meeting Place / Community Centre	1km
Public House	1km
Child Care Facility (nursery or crèche)	1km

The site is between Wheelock, Ettiley Heath and Sandbach Town and is located in close proximity to the approved residential developments off Hind Heath Road, Abbeyfields and Lodge Road. All of the nearby residential developments were considered to be sustainably located and the same conclusion applies to this site.

Housing Mix

Paragraph 61 of the Framework states that *'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes'*.

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). This is echoed within the SNP Policies H3 (Housing Mix and Type) which states that housing should be designed to provide a mix of houses to meet identified need (e.g. affordable housing, starter homes and provision for housing an ageing population) and Policy H4 (Housing and an Ageing Population) which states that developments will be supported that provide suitable, accessible houses

A condition could be imposed to secure a mix of house types at the reserved matters stage.

Affordable Housing

This is an outline application for up to 50 dwellings and there is a requirement for 30% of dwellings to be provided as affordable dwellings. In order to meet the Council's Policy on Affordable Housing there is a requirement for 15 dwellings to be provided as affordable dwellings.

The SHMA 2013 shows that the majority of the demand in Sandbach annually until and including 2018 is for 18 x one bedroom, 33 x two bedroom, 18 x three bedroom and 9 x four bedroom general needs dwellings. The SHMA also shows a need for 11 x one bedroom and 5 x two bedroom dwellings for older persons. These can be via Bungalows, Flats, Cottage Style Flats or Lifetime standard dwellings.

The current number of those on the Cheshire Homechoice waiting list with both Sandbach and Wheelock as their first choice is 500. This can be broken down to 215 x one bedroom, 185 x two bedroom, 83 x three bedroom and 17 x four+ dwellings. On this site a mix of 1, 2, 3 and 4 general needs dwellings and 1 and 2 bedroom older persons dwellings would be acceptable.

As part of this development 10 units should be provided as Affordable rent and 5 units as Intermediate tenure. The exact mix and location of the affordable dwellings can be detailed in the Reserved Matters application.

The affordable housing provision will be secured as part of a S106 Agreement.

Public Open Space

The Design and Access Statement submitted with this application states that the development would provide 0.56 hectares of green infrastructure.

This development requires 1000sqm each of children's play, Amenity Green Space (AGS) and Green Infrastructure (GI) Connectivity. The buffer planting and proposed drainage pond can form part of the GI but there is still a requirement of 2000sqm of children's play space (a LEAP) and AGS combined. These features can be conditioned to secure the details at the Reserved Matters stage.

The concerns raised by the Council Ranger Service are noted. However it is not considered that anti-social behaviour would be an issue as the illustrative masterplan clearly shows that the proposed dwellings would be sited to overlook the proposed play area and to provide a good level of natural surveillance. The provision of boundary treatment between the play area and the Wheelock Rail Trail could be secured as part of a planning condition.

Leisure Provision

The Playing Pitch Strategy identifies the adjacent Sports facilities as a “hub” for Sandbach. New developments should not be required to address an existing shortfall of provision. However they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand. In line with Policy SC2 for Indoor and Outdoor Sport and Policy SC1 Leisure and Recreation a contribution of £1000.00 per family dwelling is sought for outdoor sports provision.

The Indoor Built Facility Strategy has identified that for Sandbach there should be focus on improvement of provision at Sandbach Leisure Centre as set out in the Strategy. Whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand for indoor leisure provision that it directly gives rise to. Furthermore, whilst the strategy acknowledges that the increased demand may not be sufficient to require substantial indoor facility investment through capital build (although some of the new population may use the existing swimming pool and sports hall facilities) there is currently a need to improve the quality and number of health and fitness stations at Sandbach Leisure Centre to accommodate localised demand for indoor physical activity. For this application a contribution of £9,100 would mitigate the proposed development.

Education

An application of 50 dwellings is expected to generate 9 primary aged children, 8 secondary aged children and 1 SEN child.

In terms of primary school education, the proposed development would be served by six local primary schools.

There will be a shortfall spaces within the local primary schools and on this basis a contribution of £97,617 will be required to mitigate the impact of this development upon local primary provision.

In terms of secondary schools, the development would be served by Sandbach High and Sandbach School. As there are capacity issues at these local schools the education department has requested a contribution of £130, 742.

In terms of SEN education provision the Councils Education department have confirmed that children in the Borough cannot be accommodated under current provision and some children are currently being educated outside the Borough. A contribution of £45,500 is required based on the increase in population.

This will be secured via a S106 Agreement should the application be approved.

Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. In this case there has been no request for a contribution from the NHS and on this basis the impact upon health care provision is considered to be acceptable.

Residential Amenity

In this case the Congleton Borough SPG requires the following separation distances:

21.3 metres between principal elevations

13.8 metres between a non-principal and principal elevations

In this case the layout and orientation of the proposed dwellings has not been provided at this outline stage. The impact upon the adjacent dwellings to the south-east of the site will be determined at the reserved matters stage.

Noise

The applicant has submitted a noise screening report in support of the application. The report suggests that additional mitigation measures may not be required however this is still to be investigated further as part of the Reserved Matters stage. It must be noted that Hind Heath Road has increased with volume of traffic due to development in the area and so a noise assessment is required to be undertaken to confirm current statements.

The assessment must assess road traffic noise from Hind Heath Road on the proposed development and be assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. The conclusions of the report and any proposed mitigation must be submitted too and approved by the local planning authority at the Reserved Matters stage.

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

A Phase I Preliminary Risk Assessment for contaminated land has been submitted with any planning application for this site and this recommends that a further Phase II investigation is undertaken for the following reasons;

- Peat has been identified to the west of the site
- There is the potential impact of mobile contamination from the former railway adjacent to the boundary
- A ground risk assessment is required for the site

The Environmental Health Officer has confirmed that the further Phase II Contaminated Land Report can be secured through the imposition of a planning condition.

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality whilst Policy H2 of the SNP states that development should not cause unacceptable air pollution. This is in accordance with paragraph 170 of the NPPF and the Government's Air Quality Strategy.

This outline proposal is for the residential development of up to 50 dwellings. This scheme is considered to be significant it does not require an air quality impact assessment. However there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular the impact of transport related emissions on Local Air Quality.

Sandbach has two Air Quality Management Areas and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

In support of the application the developer has submitted a qualitative screening assessment. The report states that a detailed assessment into the impacts of NO₂ and PM₁₀ during the operational phase is not required in accordance with EPUK and IAQM criteria based on the predicted development flows and scale of the proposal. The report also concludes that the impacts on air quality will be *not significant* subject to the appropriate mitigation measures.

The Environmental Health Officer has requested the following conditions in relation to air quality;

- Dust Control
- Travel Plan
- Electric Vehicle Infrastructure
- Ultra Low Emission Gas Boilers

Subject to the imposition of these conditions the impact upon air quality from this development is considered to be acceptable.

Public Rights of Way

There are no public footpaths crossing the site. However the Wheelock Rai Trail is located adjacent to the boundary of this site.

The proposed development is adjacent to the Wheelock Rail Trail which is a linear country park and part of the National Cycle Network. This development would provide a link onto the Wheelock Rail Trail and this would improve the permeability of the site and allow future residents to access this recreational resource.

As stated within the ecology section of the report the Wheelock Rail Trail is identified for its ecological value within the SNP and is subject to Policy PC4. In this case it is considered that the requested contribution for lighting along the Wheelock Rail Trail would not have a significant impact upon the ecological value of the Wheelock Rail Trail as this section of the Wheelock Rail Trail already has lighting to the North West and is considered to be less sensitive to ecological impacts.

The comments made by the Cheshire East Council Ranger Service are noted in terms of a 1.8m mesh fence along the boundary with the Wheelock Rail Trail are noted. Such provision would not be acceptable in design terms and the proposed dwellings would face onto the Rail Trail offering

natural surveillance to prevent fly tipping and a low knee high rail could be provided to prevent informal access points. The boundary treatment details will be secured at the Reserved Matters stage.

The suggested contribution to improve surfacing/lighting of the Wheelock Rail Trail is justified and would improve the sustainability of the site as well improving access via non-motorised transport options. On this basis the suggested contributions are reasonable and would be secured via a S106 Agreement.

Highways

Safe and suitable access

The new access design onto Hind Heath Road has been designed to adoptable standards. A new 3m wide footway/cycleway has also been proposed, with a toucan crossing to aid pedestrian/cycle movement across Hind Heath Road. The toucan crossing was initially proposed to the east of the site access but due to safety concerns has been relocated to the west of it.

There is a pedestrian/cycle route to the south side and the Wheelock Rail Trail to the north side of Hind Heath Road (which forms part of the National Cycle Route). The proposed development will provide a new access from within the proposed development onto the Wheelock Rail Trail which will encourage pedestrian and cyclist movements from existing nearby developments.

The toucan will provide a safe means of crossing for residents of the proposed and consented development, and for existing residents and users of the local and national cycle network.

Speed surveys have been carried out on Hind Heath Road to inform access visibility splay requirements; the northbound design speed at this location is 38mph and the southbound speed is 37mph.

Visibility splays reflecting these have been provided in both directions. The splay to the south encroaches onto a grass verge and there has been uncertainty as to whether this verge is highway land. Assets have provided a plan showing this land to be unadopted and the applicant has provided a plan showing it to be unregistered.

Nevertheless, the form of this land, adjacent to an access, appears to allow for access visibility from the nursery. Due to the concrete slabs and fencing, there is no vegetation that could grow into the splay and this land is maintained presumably to ensure visibility from the nursery. It is reasonable to assume that this land will be kept clear of obstructions and the visibility splay for the residential proposal will be maintained. It is also in the non-leading direction and for these reasons it has been accepted.

Network Capacity

The proposal will generate around 30 to 35 vehicle trips during the peak hour. Compared to existing and forecast vehicle flows on Hind Heath Rd this is a negligible uplift in numbers and there is no objection in terms of the traffic generation from this development.

Loss of Parking for the Football Club

A number of the representations refer to the loss of car-parking for the Football Club. In this case it should be noted that there is no planning approval for an overflow car park on this site but the land in question could be used as an overflow carpark under Permitted Development Rights for no more than 28 days in total in any calendar year. The land is in separate ownership to the Football Club and there is no requirement that the land owners allows the land to be used as a temporary car park.

Highways Conclusion

The scheme can provide a safe access for all people and the impact on the local road network will be minimal.

Trees and Hedgerows

Trees

There are trees and lengths of hedgerows in the vicinity of the site with the majority of the tree cover off site along the wooded corridor of the Wheelock Rail Trail to the north. As an outline application with only access included, the full impacts of the development would only be realised at Reserved Matters stage. However it is not envisaged that the development would result in any tree losses at this stage.

Hedgerows

On the basis of the submitted information, it appears that the proposals would require the removal of 114m of hedgerow on the Hind Heath Road frontage in order to allow the formation of the access and associated visibility splays, and to provide a combined footway/cycleway.

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, a Hedgerow Removal Notice would be normally required under the Hedgerow Regulations 1997. Therefore, for completeness in the assessment and determination of a planning application, where hedge loss is involved it is considered the hedge should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if it qualifies as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

The submitted Hedgerow Regulations Assessment conclusion in respect of Historic criteria indicates that the roadside hedge may be considered 'important' under Schedule 1 Part 2, Criterion 5a of the Regulations. It lies along the line of a boundary recorded in a document held at the relevant date at a Record Office which was part of a field system pre-dating the Inclosure Acts, (based on a relevant date of 1845).

The Assessment conclusion goes on to refer to the hedge being considered a non-designated asset under the terms of the NPPF. The Assessment comments to the effect that overall the heritage significance of the hedge is considered to be low within the spectrum of non designated assets.

The Impact on an 'Important' hedge is a material consideration. (CELPS Policy SE5 Justification para 13.43 refers) and this must carry some weight in the planning balance.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 127 states that decisions should ensure that developments;

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

Connections

Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?

The proposed development would have a single point of vehicular access to the off Hind Heath Road. It is intended that that the development would provide a cycle/pedestrian link from the site onto the Wheelock Rail Trail.

Facilities and services

Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?

The application site is highly sustainable and is within easy walking distance of the Town Centre, schools, employment, the train station, bus routes and leisure facilities. This was also found to be the case for the approved developments off Hind Heath Road, Lodge Road and at Abbeyfields.

Public transport

Does the scheme have good access to public transport to help reduce car dependency?

The application site is highly sustainable and is within easy walking distance of the Town Centre, schools, employment, the train station, bus routes and leisure facilities.

Meeting local housing requirements

Does the development have a mix of housing types and tenures that suit local requirements?

In terms of the affordable housing on site the mix and tenure would be agreed at the Reserved Matters stage in discussion with the Councils Housing Officer.

The Design and Access Statement submitted with this application states that the *'development will provide for a mix of house types, ranging from 2 bed to 5 bedroom houses, offering a mix of market housing from first time homes to larger family homes'*.

In this case a condition could be attached to ensure that the a satisfactory mix is provided at the Reserved Matters stage.

Character

Does the scheme create a place with a locally inspired or otherwise distinctive character?

The design guide identifies that Sandbach to the east is located within the Silk, Cotton & Market Towns area of the Design Guide and Elworth and Ettiley Heath to the west is located within the Salt & Engineering Towns area of the design guide. This site is split between the two areas but given the surrounding residential development to Hind Heath Road, Abbey Road and Park Lane it is considered that the site is more closely related to Sandbach. Sandbach is identified as an example settlement within the Design SPD and the design cues for this area include the following;

- Tudor, Georgian, Victorian and Edwardian architecture are all found within the town.
- A fine grain of residential lanes/secondary streets lie immediately adjacent to the main streets.
- Streets are well overlooked.
- Streets and lanes curve up the hills into the town centre creating unfolding views.
- Strong well enclosed urban spaces.
- Town centre is surrounded by rows of terraces, beyond which is a mix of 20th Century housing suburbs and estates.
- Mature 'Garden Suburb' style housing (i.e. Park Lane)

There is a variation of house-types adjoining the site. The majority are two-storey in height although there are some single-storey units in the area (adjacent to the site and to the south east along Hind Heath Road). The dwellings surrounding the site vary from detached to semi-detached.

The perimeter block type layout is at an appropriate density (30 dwellings per hectare) as identified on the illustrative masterplans contained within the D&A Statement. On this basis it is considered that an acceptable design solution could be secured at the reserved matters stage.

Working with the site and its context

Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?

The site is currently open former farmland with no existing buildings with the retention of the tree belt to the boundary with the Wheelock Rail Trail.

The only concern is the relationship to the existing dwellings adjacent to the site and the loss of hedgerow to form the access/visibility splays.

In this case the impacts upon residential amenity would be resolved at the reserved matters stage and the hedgerow implications is considered elsewhere within the report.

Creating well defined streets and spaces

Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?

The illustrative masterplan shows that the proposed dwellings are generally positioned well in a loose perimeter block layout, front doors face the street, blocks turn corners effectively in a variety of ways creating good passive surveillance and they do define the streets and spaces.

Easy to find your way around

Is the scheme designed to make it easy to find your way around?

The illustrative masterplan is legible and a varied and interesting layout including corner turning blocks and properly terminated views to aid navigation around the proposed development could be secured at the Reserved Matters stage. The proposal also provides pedestrian/cycle linkages to the Wheelock Rail Trail.

Streets for all

Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?

There is a clear hierarchy of streets identified within the submitted D&A Statement which identifies the 3 types of highway within the development. These streets could be designed in detail to slow vehicular traffic and provide a safer environment for pedestrians and cyclists.

Car parking

Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?

The illustrative masterplan shows that parking would be provided within curtilage to the side and rear of the proposed dwellings. The D&A Statement then goes identifies that '*where street parking is present, it will be broken up into blocks of a maximum of 5 bays separated by kerb buildouts. Areas of on street parking will be softened by tree and shrub planting*'.

Public and private spaces

Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?

The illustrative masterplan shows that all areas of public open space are well overlooked and would feel safe. With regard to private space, every house has a private but independently accessible rear garden that is clearly defined and most homes also have gardens to the front.

External storage and amenity space

Is there adequate external storage space for bins and recycling as well as vehicles and cycles?

The illustrative masterplan shows that all houses have adequately sized rear gardens with external access that are suitable for the storage of refuse and recycling bins as well as potentially cycles.

Design Conclusion

On the basis of the above assessment it is considered that the proposed development does score well and on this basis it is considered that the design of the development is acceptable and would comply with the Cheshire East Design guide.

Land Levels

The application is in outline form and no land levels details have been provided. If approved a condition could be imposed to require the details at the reserved matters stage.

Landscape

A Landscape and Visual Appraisal has been submitted as part of the application, this indicates that it has been based on the Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3).

The appraisal identifies the National Character Area (NCA) – Shropshire and Staffordshire Plain and that in the Cheshire Landscape Character Area that the site is situated in the East Lowland Plain, and specifically in the Wimboldsley Character Area (ELP 5). The appraisal also identifies the character of the application site as being gently undulating agricultural land with hedgerow field boundaries, located towards the southern edge of Sandbach, bound to the south by Hind Heath Road and to the north by the Wheelock Rail Trail.

The appraisal identifies that this landscape has no designations and that it is well managed agricultural land with hedgerows and hedgerow trees, in overall good condition, but offers a low value. The appraisal identifies that the landscape effects at construction will be Major/Moderate adverse and following completion as Moderate adverse on the site and the immediate context, reducing to Minor adverse at after 10 years. The visual appraisal offers 11 viewpoints and indicates that at the construction stage for receptors adjacent to the site the effects will be Major/Moderate adverse, and Minor adverse for receptors at a greater distance. The appraisal indicates that after the construction phase the visual effects for the nearby property will be Moderate adverse, minor adverse for the nearby section of the Wheelock Trail and minor adverse for users of roads.

The visual appraisal has been based on the retention of existing landscape features and the overall enhancement of the site through the additional woodland planting, hedgerow provision and habitat creation; consequently the visual effects may be as identified if the proposals are similar to those shown on the Development Framework Plan.

The appraisal identifies that the site is located within the open countryside, Policy PG 6 – Open Countryside seeks to protect open countryside from urbanising development. It recognises the intrinsic character and beauty of the countryside, which is consistent with paragraph 170 of the

NPPF. Policy PG 6 only permits development in the Open Countryside for certain essential or limited purposes appropriate to the rural area, and that in this regard identifies that particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced. Since the submitted appraisal identifies that the landscape and visual effects will remain adverse, even after a number of years, it is not clear how the proposed development will either preserve or enhance the appearance and distinctiveness of the Cheshire East countryside; as such the development does not appear to conform with Policy PG 6.

Ecology

Statutory designated Sites

This proposed site falls within Natural England's SSSI impact risk zone for developments of this type. In this case Natural England has been consulted and raised no objection to this application.

Non-statutory Sites

The Wheelock Disused Railway Local Wildlife Site (identified by Policy PC4 of the SNP) is located immediately adjacent to the northern boundary of the application site. To ensure that the Local Wildlife site is not compromised by the proposed development a buffer of open space/semi natural habitat must be provided and a suitable buffer is shown on the submitted Development Framework. If planning consent is granted the provision of this buffer must be secured by means of a planning condition.

Hedgerows

Native species hedgerows are a priority habitat and a material consideration. Whilst it appears feasible to retain the majority of the existing hedgerows on site, the proposed access point will result in the loss of a section of existing hedgerows.

If outline planning permission is granted it must be ensured that any unavoidable losses of hedgerow are compensated for by means of replacement planting at the Reserved Matters stage.

Bats

Whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development a condition should be attached requiring any additional lighting to be agreed with the LPA.

Other Protected Species

As part of this application an updated survey has been undertaken for other protected species. Whilst other protected species are active on the application site and on the adjacent land no significant impacts on other protected species are anticipated. In the event that planning permission is granted a condition could be imposed which requires any future reserved matters application be supported by an updated survey and mitigation strategy.

Ecological Mitigation and Enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development. If planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Flood Risk/Drainage

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. However there is a pocket of surface water risk located within the site boundary (this is shown to be retained as part of the drainage strategy for the site). As the site is greater than 1 hectare in size a Flood Risk Assessment has been submitted in support of this planning application.

The submitted FRA identifies that it is proposed to limit overall flows to greenfield runoff rates with flows to be attenuated onsite within an attenuation basin located in a low area of the site along the frontage with Hind Heath Road.

The Councils Flood Risk Management Team has raised no objection to this application subject to the imposition of planning conditions.

Brine Subsidence

The Cheshire Brine Subsidence Board has stated that the site is within an area that has previously been affected by brine subsidence and future residual movements cannot be completely discounted. The Brine Board recommends that precautions are incorporated within the design of the proposed development and this matter will be dealt with at the Building Control stage with an informative attached to any approved development.

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 Compliance

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

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

As explained within the main report, the area of open space/LEAP is identified on the submitted plans. It is necessary to secure these works and a scheme of management. This is directly related to the development and is fair and reasonable.

The Playing Pitch Strategy identifies an existing shortfall of provision. To ensure that this situation is not worsened and to mitigate the impact in terms of the additional demand. In line with Policy SC2 for Indoor and Outdoor Sport and Policy SC1 Leisure and Recreation a contribution of £1000.00 per family dwelling is sought. In terms of indoor leisure a contribution of £9,100 would be required to mitigate the impact of the development. This is necessary, directly related to the development and fair and reasonable.

The development would result in increased demand for primary, secondary school and SEN places in the area and there is very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary, secondary and SEN education is required. This is considered to be necessary and fair and reasonable in relation to the development.

The suggested contribution to improve surfacing of the Wheelock rail Trail is justified and would improve the sustainability of the site as well improving access via non-motorised transport options. On this basis the suggested contribution of £54,000 is necessary and would be secured via a S106 Agreement.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010 and a Deed of Variation will be required to the original S106 Agreement.

PLANNING BALANCE

The proposed development would be contrary to Policy PG6 of the CELPS, Policy PS8 of the Congleton Borough Local Plan and Policy PC3 of the SNP and the development would result in a loss of open countryside. Cheshire East can demonstrate a 5 year supply of deliverable housing sites.

The application site falls within an Area of Separation as defined by the SNP under Policy PC1. In this case the proposed development would result in further coalescence between Wheelock Village and Ettiley Heath. Only the cluster of dwellings onto the southern boundary of the site would remain within the area of separation and separate the two individual settlements of Wheelock Village and Ettiley Heath. This development would result in the two settlements merging and would cause significant harm.

The development would provide benefits in terms of affordable housing provision and 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, POS provision and LEAP, drainage/flood risk, trees, residential amenity/noise/air quality/contaminated land and landscaping could be secured at the reserved matters stage.

The submitted plans show that a buffer would be provided to the Wheelock Rail Trail which is adjacent to the site and this would be secured via a planning condition should the application be approved. The development would not have a detrimental impact upon protected species.

In this case the hedgerow along the frontage of the site is classed as an important hedgerow under the Hedgerow Regulations. There are no overriding reasons for allowing the development and this issue will form a reason for refusal.

The proposal would provide a safe and suitable access and would not result in a severe impact upon the road network.

As a result the application is recommended for refusal.

RECOMMENDATION:

REFUSE for the following reasons;

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies PG6 (Open Countryside) of the CELPS, PS8 (Open Countryside) of the Congleton Borough Local Plan and PC3 (Policy Boundary for Sandbach) of the Sandbach Neighbourhood Plan and the principles of the National Planning Policy Framework. Furthermore the development is located within an Area of Separation and would result in the coalescence of Ettiley Heath and Wheelock Village. The proposed development would therefore be contrary to Policy PC1 (Areas of Separation) of the Sandbach Neighbourhood Plan.**
- 2. The proposed development would result in the loss of a hedgerow which is classed as important under the Hedgerow Regulations. In this case there are no overriding reasons for allowing the development and as a result the proposed development is contrary to Policy SE5 of the CELPS and guidance contained within the NPPF.**

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

Should the application be 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 LEAP (5 pieces of equipment) to be maintained by a private management company**

3. Primary School Education Contribution £97,617, Secondary School Education Contribution of £130,742 and a SEN Contribution of £45,500
4. Contribution of £54,000 towards the surfacing of the Wheelock Rail Trail, £11,827 towards lighting of the Wheelock Rail Trail and £861.37 towards maintenance
5. Contribution of £1000 per family dwelling for the provision of outdoor sport
6. Contribution of £9,100 towards indoor leisure provision

