

Application No: 19/3784C

Location: Land South Of, OLD MILL ROAD, SANDBACH

Proposal: Full planning application for erection of a care home (class C2), 85 new dwellings (class C3) and creation of associated access roads, public open space and landscaping.

Applicant: Mr C Muller, Muller Property Group

Expiry Date: 20-Dec-2019

Summary

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

The highways implications of the development are considered to be acceptable. This is subject to the required highway works contribution. However the parking for the proposed care home falls below the CEC Standards and this issue will form a reason for refusal.

The amenity implications of the proposed development, including noise, air quality and contaminated land are considered to be acceptable and would comply with GR6 and GR7 of the CLP and SE 12 of the CELPS.

The site is an important gateway to Sandbach and the proposed development fails to take the opportunities available for improving the character and quality of the area and is contrary to Policies SE1 and SE4 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.

The site has a challenging topography and the development would require large retaining structures and little landscape mitigation. The proposed development is therefore contrary to Policies SD2, SE1 and SE4 of the CELPS and PC2 of the SNP.

There is insufficient information in relation to the impact upon trees on the site due to the potential level changes. The development would not comply with Policy SE 5 of the CELPS.

The drainage and flood risk implications of the proposed development are considered to be acceptable and the development complies with Policy CE 13 of the CELPS.

The proposed development would affect PROW Nos 17, 18 and 19. The impact upon the PROW network is now considered to be acceptable.

The proposed development is located partly within the Sandbach Wildlife Corridor. The

proposed development would result in an overall loss of biodiversity from the designated wildlife corridor.

The application demonstrates that the development can accommodate the required level of POS to serve the proposed quantum of development. As such the proposed development complies with Policy SE6 of the CELPS, Policy GR22 of the CLP.

The impact of the development upon archaeology, infrastructure (education and health) and the affordable housing provision is acceptable and would be controlled via a S106 Agreement.

RECOMMENDATION

REFUSE

PROPOSAL:

This is a full planning application which seeks consent for the following;

- Care home (74 bed care/extra-care facility – Class C2)
- 85 dwellings (mix of 2-4 bed houses) with 30% affordable housing.
- The application will also include the associated site access (an enlarged 5 arm roundabout off Old Mill Road), internal road network, vehicular parking spaces, landscaping and public open space. There would also be an emergency access point off Houndings Lane to the south-east of the site

SITE DESCRIPTION:

The application relates to 4.55 ha of land. The site located within the open countryside as defined by the Congleton Borough Local Plan. However the site is located within the Settlement Zone Line as identified within the Sandbach Neighbourhood Plan. Part of the site is also located within a wildlife corridor.

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

There are a number of PROW which cross the site.

RELEVANT HISTORY:

19/2539C - Hybrid Planning Application for development comprising: (1) Full application for erection of a discount foodstore (Class A1), petrol filling station (sui generis) and ancillary sales kiosk (class A1), drive-through restaurant (Class A3 / A5), drive-through coffee shop (class A1 / A3), offices (class A2 / B1) and 2 no. retail 'pod' units (class A1 / A3 / A5), along with creation of associated access roads, parking spaces and landscaping. (2) Outline application, including

access for erection of a care home (class C2), up to 85 new dwellings (class C3), conversion of existing building to 2 dwellings (class C3) and refurbishment of two existing dwellings, along with creation of associated access roads, public open space and landscaping. (Resubmission of planning application ref. 18/4892C). – Refused 28th August 2019 for the following reasons;

- 1. The proposed development would have a high trade impact. There are also concerns regarding the potential loss of linked trips associated with the trade impacts on the Waitrose and Aldi anchor stores in Sandbach Town Centre. The impact on Sandbach Town Centre as a whole would be significantly adverse and would outweigh the small improvement in consumer choice that the application scheme would deliver. The proposed development would be contrary to policy EG5 of the CELPS, HC2 of the Sandbach Neighbourhood Plan and the NPPF.*
- 2. This is an important gateway location and prominent site in Sandbach. The commercial buildings are standard generic designs that pay little regard to Sandbach as a place and consequently the development will not suitably integrate and add to the overall quality to the area in architectural terms. Furthermore the topography of the site is not conducive to a large floorplate/car park format and would result substantial engineered retaining structures. The proposed development fails to take the opportunities available for improving the character and quality of the area and is contrary to Policy SE1 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.*
- 3. The commercial part of the development would be car dependent and Old Mill Road would act as a barrier between the application site and Sandbach Town Centre. Furthermore the development would not encourage linked trips and is not considered to be sustainable. The proposed development is contrary to Policies SD1, SD2, CO1 and CO2 of the CELPS, Policies GR9, GR10 and GR13 of the Congleton Local Plan and Policies H5 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.*
- 4. The proposed development would affect PROW Nos 17, 18 and 19. The PROW would be diverted along estate roads or pavements (which is an extinguishment of the public right of way) or accommodated along narrow corridors at the rear of the retail development or residential properties affording no natural surveillance and the potential for anti-social behaviour. The proposed development would be contrary to Policy CO1 of the CELPS, Policy GR16 of the Congleton Local Plan, Policies PC5 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.*
- 5. The application site is of a very challenging topography including an escarpment that runs along the central part of the site. The submitted information demonstrates that the development will require engineered retaining walls with minimal landscape mitigation along the western boundary, whilst there would also be minimal landscape mitigation along the eastern boundary with Condliffe Close and Palmer Road. On this basis the development would not achieve a sense of place and would be harmful to the character of the area. The proposed development is therefore contrary to Policies SD2, SE1 and SE4 of the CELPS, PC2 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.*

6. *The proposed development is located partly within the Sandbach Wildlife Corridor. The proposed development would result in a loss of a substantial area of habitat within the wildlife corridor. The proposed development would result in an overall loss of biodiversity from the designated wildlife corridor. As a result the proposed development would be contrary to Congleton Local Plan Policy NR4, CELPS Policy SE3, SNP Policies PC4 and JLE1 and the NPPF.*

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

1. *The proposed development would have a high trade impact. There are also concerns regarding the potential loss of linked trips associated with the trade impacts on the Waitrose and Aldi anchor stores in Sandbach Town Centre. The impact on Sandbach Town Centre as a whole would be significantly adverse and would outweigh the small improvement in consumer choice that the application scheme would deliver. The proposed development would be contrary to policy EG5 of the CELPS, HC2 of the Sandbach Neighbourhood Plan and the NPPF.*
2. *This is an important gateway location and prominent site in Sandbach. The level of information provided to demonstrate the appearance and design impact of the site engineering is inadequate. The commercial buildings are all standard designs that pay little regard to Sandbach as a place and consequently the development will not suitably integrate and add to the overall quality of the area in architectural terms. The proposed development fails to take the opportunities available for improving the character and quality of the area and is contrary to Policy SE1 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.*
3. *The commercial part of the development would be car dependent and insufficient information has been submitted with this application to show how the proposed development would be served by public transport and how the site would be linked to Sandbach Town Centre and thereby encouraging linked trips. The proposed development is contrary to Policies SD1, SD2, CO1 and CO2 of the CELPS, Policies GR9, GR10 and GR13 of the Congleton Local Plan and Policies H5 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.*
4. *The proposed development would affect PROW Nos 17, 18 and 19. The PROW would be diverted along estate roads or pavements (which is an extinguishment of the public right of way) or accommodated along narrow corridors at the rear of the retail development or residential properties affording no natural surveillance and the potential for anti-social behaviour. The proposed development would be contrary to Policy CO1 of the CELPS, Policy GR16 of the Congleton Local Plan, Policies PC5 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.*

5. *The Local Planning Authority considers that insufficient information has been provided to demonstrate that the site could accommodate the number of dwellings proposed together with the required level of Open Space/Green Infrastructure/Childrens playspace. As such the proposed development is contrary to Policy SE6 of the CELPS, Policy GR22 of the Congleton Local Plan and guidance contained within the NPPF.*
6. *The application site is of a very challenging topography including an escarpment that runs along the central part of the site. It is considered that there is insufficient information contained within the application in relation to the proposed levels and there is limited evidence of any landscape mitigation within the application. On this basis the development would not achieve a sense of place nor has design quality. The proposed development is therefore contrary to Policies SD2, SE1 and SE4 of the CELPS, PC2 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.*
7. *The proposed development is located partly within the Sandbach Wildlife Corridor and within 2-3m of the top of the bank of Arclid Brook. The proposed development would result in a loss of a substantial area of habitat within the wildlife corridor. The application does not provide a strategy to deliver compensatory habitats of the proposed development upon the wildlife corridor. Without this information the proposed development would be contrary to Congleton Local Plan Policy NR4, CELPS Policy SE3 and SNP Policies PC4 and JLE1.*
8. *The Local Planning Authority considers that insufficient information has been submitted in support of this application to allow an assessment of the impact of the development upon Water Vole. The Council therefore has insufficient information to asses the potential impacts of the proposed development upon this protected species. The proposed development is contrary to Policies NR2 of the Congleton Local Plan, SE 3 of the Cheshire East Local Plan Strategy, PC4 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.*
9. *There is a small bat roost present within an existing building on the site and this proposed development would result in a low impact upon this species as a result of the loss of this roost. The proposed development fails two of the tests contained within the Habitats Directive and as a result would also be contrary to Policies NR2 of the Congleton Local Plan, SE 3 of the Cheshire East Local Plan Strategy, PC4 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.*

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

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

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

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

13/1398S – EIA Screening – EIA Required

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

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP1 – Presumption in Favour of Sustainable Development

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG6 – Open Countryside

PG7 – Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE 3 - Biodiversity and Geodiversity

SE 4 – The Landscape

SE 5 – Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure

SE 7 – The Historic Environment

SE 9 – Energy Efficient Development

SE 12 – Pollution, Land Contamination and Land Instability

SE 13 - Flood Risk and Water Management

IN1 – Infrastructure

IN2 – Developer Contributions

SC4 – Residential Mix

SC5 – Affordable Homes

CO1 – Sustainable Travel and transport

CO2 – Enabling Growth Through transport Infrastructure

CO4 – Travel Plans and Transport Assessments

Congleton Borough Local Plan

PS4 – Towns

PS8 – Open Countryside

GR6 – Amenity and Health

GR7 – Amenity and Health

GR9 - Accessibility, servicing and provision of parking

GR10 - Accessibility, servicing and provision of parking

GR13 – Public Transport Measures

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

NR3 – Habitats

NR4 - Non-statutory sites

NR5 – Non-statutory sites

Sandbach Neighbourhood Plan (SNP)

The Sandbach Neighbourhood Plan was made on 12th April 2016.

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

IFT2 – Parking

IFC1 – Community Infrastructure Levy

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.

50. Wide choice of quality homes

85-90 Ensuring the Vitality of Town Centres

102-107 Promoting Sustainable Transport

124-132 Requiring good design

CONSULTATIONS

Cheshire Archaeology: In the event that planning permission is granted a programme of archaeological work will be required. This can be controlled via the imposition of a planning condition.

United Utilities: A public sewer crosses this site and UU may not permit building over it. UU will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

Conditions suggested.

Cadent Gas: General advice provided.

CEC Education: To mitigate the impact of this development the following contributions should be secured via a S106 Agreement;

$13 \times £17,959 \times 0.91 = £212,455.00$ (secondary)

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

Total education contribution: £257,955.00

CEC Housing: No objection to the application.

CEC Environmental Health: Conditions suggested in relation to piling, construction/dust management plan, electric vehicle infrastructure, low emission boilers and contaminated land. Informatives suggested in relation to contaminated land and construction hours.

CEC PROW: Object to the application. The PROW Team have been working with the developer to accommodate/divert Sandbach FP17, FP18 & FP19 in a satisfactory way but the application still depicts the PROW running along footpaths that will become part of the adopted highway. The PROW Team are happy with the proposals for the footpaths that are not running along estate roads.

The PROW Officer has advised the applicants that the parts of Sandbach FP17 and FP19 running along the estate roads were not adopted then they would remove their objection.

The risk of diverting footpaths along estate roads and that that this is effectively an extinguishment and that this can significantly lengthen the diversion/extinguishment process and is not guaranteed to be successful. During which time the current definitive line of the footpath has to be kept open and available to the public.

Highways England: No objection.

Natural England: No comments to make on this application.

CEC Head of Strategic Infrastructure: The application is considered acceptable and no objections are raised although this is subject to the access roundabout works being constructed and a contribution of £200,000 towards improvements between The Hill junction and the access roundabout.

CEC Adult Social Care: No comments received.

CEC POS: Little has changed in terms of quantity of POS, layout and design in regard to this reduced application for residential only. As a result the comments made as part of application 19/2539C still apply.

With specific reference to the main central area of POS in which a play area is shown, the POS Officer wishes to again draw the attention to this being a NEAP requirement having a minimum of 1,000m² activity zone, considering accessibility and inclusivity catering for all ages to Fields in Trust standards and taking into account the 30m buffer from the activity zone to the nearest dwelling.

A revised landscaping scheme is required to allow for informal recreation. This may mean tree planting is reduced, a cross section levels plan through the NEAP, demonstration of required

buffers along with the design and layout are submitted in detail should committee look favourably on this application.

In line with Policy SE6 Outdoor Sport contributions are required. For family dwelling of £1,000 or £500 per 2 bed apartment space.

Indoor sport contribution of £29,531 required.

NHS England: A contribution of £70,812 is required to mitigate the impact of the development.

CEC Flood Risk Manager: No objection in principle to the proposed development. However, the current drainage strategy proposes to position the attenuation basin within Flood Zone 2, this will need discussions with both ourselves and EA prior to discharging any detailed drainage strategy condition.

Environment Agency: No objection subject to the imposition of planning conditions. Advice offered to the applicant in terms of flood risk and ecology.

VIEWS OF THE TOWN COUNCIL:

Sandbach Town Council: The Town Council object to this application for the following reasons;

- Cheshire East has adequate housing for next 5 years.
- The Development is in Open Countryside.
- If this development were to go ahead it would worsen an already bad traffic situation.
- Enlarging the roundabout won't improve traffic flow as the main holdup is at the lights going towards junction 17. As referenced by Highways England in previous representations, this application does not consider the impact of traffic there, or the combined impact of this site with Capricorn. The Transport Assessment is greatly flawed in several aspects and the infrastructure in Sandbach is already stressed. Furthermore, it is unclear whether a large subsidy will still be given for the roundabout, given this application is smaller than previously submitted for this site. Greater detail is needed on how this will be addressed.
- Acceptable pollution limits in this area have almost been reached, with this site potentially worsening further the ongoing issue of Air Quality in Sandbach.
- The lack of consideration of pedestrianised, or public transport infrastructure between this development and the Town Centre could lead to elderly residents with mobility issues in the care home being effectively stranded in an out of town development.
- If the applicant expects users of this site to use the existing footpath network to reach the Town Centre, no thought appears to have been given as part of the "Roundabout Improvements" to the 60mph limit that comes into the roundabout, and the safety impact this may have on pedestrians.
- All footpaths should also be made cycle accessible.
- There will be a detrimental impact on local school places.
- There will be a detrimental impact on the Doctors surgery. The care home will especially add pressure to Ashfield's Doctors Surgery.

As a result of the above, this application is in contravention of the following Planning Policies: PC5, H1, H3, IFT1, of the Sandbach Neighbourhood Development Plan and PG2, SC5, SC6, CO1 of the Cheshire East Local Plan Strategy.

REPRESENTATIONS:

Letters of objection have been received from 53 local households which raise the following points;

Principle of Development

- There have been recent refusals on this site
- There is no need for further housing in Sandbach
- Loss of green space
- Sandbach is already overdeveloped
- Adverse impact upon the high street
- Sandbach is no longer a market town and becoming part of the Sandbach conurbation
- The application does not address the issues raised in the previous refusals
- There are many unsold houses in Sandbach
- This site is one of the last greenfield sites in Sandbach
- There are plenty of brownfield sites which can be developed
- The development does not provide sufficient affordable housing
- This application is not sustainable
- This application is contrary to the Sandbach Neighbourhood Plan
- Cheshire East has a 5-year housing land supply
- Loss of Green Belt

Design/Heritage Issues

- The proposed development is not in keeping with the historical market town of Sandbach

Highways

- Impact upon M6 J17
- Existing gridlock and long delays on the local road network
- Traffic congestion
- Problems in Sandbach when there is an accident on the M6
- The roads in Sandbach cannot cope with any further traffic
- Traffic queuing back onto the M6
- The submitted TA is not robust
- The traffic survey work was not undertaken at peak times
- There are errors within the Travel Plan
- The application should be refused or delayed until all other developments have been completed and the traffic has settled down
- The access roundabout should be extended like that at Crewe Green
- Impact upon pedestrian/cyclist safety
- Developments like this are encouraging people to live in Sandbach and commute to Manchester and Stoke
- This is not sustainable location
- Poor pedestrian/cycle access
- Increased traffic accidents

Amenity

- Noise pollution from increased stop start traffic
- Light pollution
- The development will impact upon local air quality

- There are already air quality issues in Sandbach

Green Issues

- Impact upon protected species
- Impact upon wildlife
- Impact upon the wildlife corridor
- Loss of wooded and green areas
- The development does not comply with the Governments plans for greater tree planting

Infrastructure

- Impact upon local infrastructure (A&E, doctors, dentists, police and schools)
- Infrastructure is already at capacity

Flood Risk/Drainage

- Increased risk of flooding

Other issues

- Impact upon the PROW on the site
- The site is used by children for sledging in winter
- Impact upon property value

A letter of support has been received from 1 local household which raise the following points;

- It is a great idea to support growth in Sandbach

A letter of general support has been received from 1 local household which raise the following points;

- Sandbach needs more shops, a bowling alley and cinema. The application should be changed

An objection has been received from Cllr Benson which raises the following points;

- Sandbach has more than enough housing to meet its housing needs and this location will contravene policies of the Sandbach Neighbourhood Plan which were designed to ensure that developments meet a clear need.
- The volume of traffic likely to be generated by such a development will exacerbate current traffic levels in this location.

An objection has been received from the Sandbach Footpaths Group raising the following points;

- There are four PROW crossing the site which are regularly walked by local people
- Sandbach parish has remaining only 20 PROW that lead somewhere rather than ending on a busy and treacherous main road or finishing at a dead end. This application takes in and negates 3 of them. A 15% reduction.
- It is important that the PROW are retained in perpetuity
- PROW 17 appears to have been largely rerouted and negated as a proper green footpath
- PROW 18 is squeezed into a narrow ginnel adjacent to parcel 1
- PROW 19 is rerouted from the northern part of the site to cross the spine road and then to follow it on its northern side.
- The rerouting is most unlikely to conform to the Defra Rights of Way Circular (1/09)
- It is unlikely that the PROW (17, 18 & 19) having been rerouted on ginnels, roads, courts and squares can be considered enhanced

- It is not clear if the land outside the red edge is owned by the applicant or not and whether the landowner has given permission for the rerouting and re-alignment
- Footpaths are enshrined in Law and should be preserved
- It is intolerable to lose this much of the footpath network
- The application should be refused

An objection has been received from the Sandbach Woodland and Wildlife Group (SWWG) raising the following points;

- The position has not changed since the refusal of application 18/4892C
- The Application Form still states at 13c, the area is NOT near a site of designated status, despite it being on the Sandbach Wildlife Corridor. It is also stated that surface water will discharge into an existing water course, presumably Arclid Brook. It is noted that an attenuation pond has been included.
- The comments made in relation to the PROW from the Council PROW officer and the Sandbach Footpath Group are supported.
- The comments made by Cycling UK and those by Sandbach Town Council are highly relevant
- It is of vital importance that reference is made Sandbach Neighbourhood Plan, specifically to PC4 (Biodiversity and Geodiversity) and PC5 (Footpaths and Cycling). Failure to do so is a serious omission.

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

- There are discrepancies between the submitted Transport Assessment and Planning Statement
- There should be a cycle link to Houndings Lane
- The upgrade of the link to Laurel Close as a cycle link should be considered
- Object to the footway along the spine road being shared with cyclists. Such shared footways are rarely used. They do not provide a safety benefit and the Department for Transport's Cycle Infrastructure Design Guide classifies them as the very last option when providing for cycling
- A 20mph speed limit should be considered along the spine road
- Sheltered cycle parking should be secured for the care home staff, visitors and flioter residents
- Signing should be provided to mark Houndings Lane to Mill Hill Lane as a through route for cyclists. There should be modifications to bypass the cattle grid
- The new 5-arm roundabout will mean that vehicle speeds increase at the roundabout which would be a hazard for cyclists. The existing shared cycle/pedestrian footways are hardly used as they are too narrow
- The Toucan crossing should be amended to provide a straight crossing as opposed to a staggered crossing
- To make the roundabout more pedestrian and cyclist friendly it is suggested that the Toucan crossing is left out and each arm is instead signalised.

APPRAISAL

Principle of Development

Open Countryside/Settlement Zone Line

The majority of the application site is located outside of the Sandbach Settlement Zone Line, and within the open countryside, as defined by Policy PS8 (Open Countryside) of the Congleton Local Plan (CLP). However it should be noted that the site is within the Settlement Zone Line identified on Figure 2 of the Sandbach Neighbourhood Plan. Where there is a conflict between policies within the Development Plan the PPG advises that the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (in this case the SNP).

Policy PC3 (Policy Boundary for Sandbach) of the SNP states that;

'New development involving housing, commercial and community development will be supported in principle within the policy boundary defined around Sandbach and shown on the Proposals Map for Sandbach (Fig.2)'

Furthermore there is an extant permission for up to 200 dwellings on this site as approved by application 14/1193C. Therefore the principle of residential development on this site is considered to be acceptable.

Highways Implications

A previous planning consent 13/2389C (now expired) for 200 residential dwellings has been approved on this site. The permission was in outline form with access being determined, the existing roundabout at the A533/A534 was to be significantly enlarged and a fifth arm providing access to this site.

The extant planning consent on this site under application 14/1193C is with all matters including access reserved.

Access Proposal

This application proposes a single point of access using the access strategy for the previous applications 13/2389C and 18/4892C to the roundabout on the A533/A534. The main access would be 6.7m wide together with shared pedestrian/cycle paths. An emergency access is indicated on the southern boundary of the site that links to Houndings lane.

A new toucan crossing is to be provided across the A533 located just north of the roundabout that will link the site for both pedestrians and cyclists.

The enlarged roundabout access would be delivered via a S278 agreement.

Internal Layout

The main spine road is 6.7m wide and is suitable to provide access to the proposed level of development. Tracking has been submitted to indicate that refuse vehicles can access the cul-de-sacs and turn within the turning heads. An emergency access is proposed to Houndings Lane located on the southern boundary of the site.

Car Parking

The residential units proposed have 2 car parking spaces each. This complies with the CEC car parking standards for residential units. The Care Home has 33 car parking spaces and an ambulance bay provided for its use. This level of parking is less than 50% of the CEC parking standards for this type of use that normally would require 69 spaces. This issue will form a reason for refusal.

Development Impact

An assessment of the likely traffic impact of the development has been undertaken by the applicant, the assessments have been undertaken in 2024 (5 years post application). The assessments have included a number of committed developments in Sandbach. The modelling has been based on traffic count data undertaken in 2018 at a number of junctions that would be directly affected by the proposed development; traffic growth has also been added to the committed developments flows to form the basis of the assessments.

The following junctions have been assessed as part of this proposed development;

- A533 Old Mill Road/A534 Brookhouse Road Roundbout/ Site Access
- A533 / A533 The Hill / High Street junction
- A533 Middlewich Road / A533 Old Mill Road / Crewe Road roundabout
- A534 /Crewe Road roundabout
- A533 Middlewich Road/Chapel Street / Ashfield Way junction

In relation to the assessment of the A533/A534 roundabout junction which will also serve as access to the development. The results indicate the existing roundabout layout operates well in excess on capacity in 2024 with extensive queues on most arms of the junction. The improved roundabout operates much better and is forecast to operate just in excess of capacity in 2024 with the proposed development being included; queue lengths are much reduced to moderate levels.

There is a significant interaction between The Hill signal junction and the A533/A534 roundabout. Congestion affects the operation of each junction and congestion occurs between both junctions.

The applicant has assessed The Hill junction with this improvement in place, the capacity results show that the junction operates within capacity in 2024. The proposed development is reliant upon the CEC improvement scheme being implemented in order for the junctions to operate within capacity. The enlarged roundabout would be delivered via a S278 agreement and an additional S106 contribution of £200,000 will be required for the improvements between The Hill junction and the site access roundabout.

The Crewe Road/A533 Middlewich Road roundabout is shown to operate over capacity in 2024; this roundabout has existing congestion problems during peak hours but particularly in the PM peak due to queues extending back from the A533/A534 roundabout. The CEC improvement scheme will help alleviate some of PM problems as capacity is increased at the junctions. However, in relation to the impact of this application, the with and without capacity results are very similar indicating that the development does not materially increase congestion at the roundabout.

The applicant has not modelled the capacity of the A533/Chapel Street junction but has assessed the percentage impact that the development would have at the junction. The maximum increase is forecast to be less than 1% and is stated as not representing a material increase.

Accessibility

It is important that the site is linked to the north side of the A533 for both pedestrians and cyclists, the access details submitted indicate that the site access will have a shared pedestrian/cycle path on both sides. The roundabout will also have a pedestrian/cycle path on each arm although the only controlled crossing point will be via a toucan crossing on the eastern arm of Old Mill Road.

There are a number of bus services operating in Sandbach on various routes, the nearest existing bus stops are approximately 200m from the site.

Cycle Provision

The proposed development could have cycle storage provision for both the care home and residential parts of the scheme. This could be controlled via the imposition of a planning condition.

The provision of pedestrian/cycle links from the application site onto Houndings Lane/Laurel Close could be secured via a planning condition should the application be approved.

The comments made in relation to the safety of the crossing point and roundabout access for cyclists is noted. In this case the highways officer has raised no objection to the proposed development on highway safety grounds.

Amenity

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

It should also be noted that the recently adopted Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule. Figure 11:13 of the Design Guide identifies the following separation distances;

21 metres for typical rear separation distance

18 metres for typical frontage separation distance

12 metres for reduced frontage separation distance (minimum)

The main properties affected by this development are those to the east of the site fronting onto Laurel Close. The dwellings fronting Condliffe Close and Palmer Road would be off-set from the proposed spine road.

No 8 Laurel Close is located to the east of the application site. This dwelling has been extended to the side and includes a ground floor kitchen window facing towards the application site. The proposed dwelling on plot 8 would front elevation facing No 8 Laurel Close and have a separation distance varying from 9.7m to 11m. Although the separation distance falls below the standard required it is considered that the proposed development would result in an improvement in residential amenity. Currently there is an agricultural building at a similar distance and the proposed development would result in the removal of potential amenity impacts from the use of

the farm yard at Fields Farm. This would outweigh the limited harm caused by the shortfall in separation distances.

The dwelling at No 15 Laurel Close has a blank side elevation facing the application site. There would be a separation distance of 22m to the front elevation of the dwelling on plot 13. This relationship is considered to be acceptable.

Noise

The applicant has submitted a Noise Impact Assessment (NIA) which recommends mitigation designed to ensure that occupants of the proposed dwellings are not adversely affected by road traffic noise from the A534.

The proposed mitigation is as follows;

- No mitigation is required for external amenity areas
- Internal habitable rooms would be mitigated through the provision of double glazing and trickle ventilation.

The mitigation measures recommended are considered to be sufficient to mitigate the development and the Environmental Health Officer has raised no objection to this application.

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. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

Air quality impacts have been considered within the air quality assessment submitted in support of the application.

The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO₂ and PM₁₀ impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

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

- 2018 - Verification;
- Opening year Do-Minimum (DM) (predicted traffic flows in 2021 should the proposals not proceed); and,
- Opening year Do-Something (DS) (predicted traffic flows in 2021 should the proposals be completed).

The assessment concludes that the impact of the future development on the chosen receptors will be negligible with regards to all modelled pollutants.

The proposed development is considered significant in that it is highly likely to change traffic patterns in the area. 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.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. The developer has submitted a travel plan for the development.

However, the Environmental Health Officer also believes that further robust mitigation measures are required to reduce the impact on sensitive receptors in the area. Therefore, the developer should submit information in relation the Electric Vehicle Infrastructure which could be controlled via a planning condition.

Contaminated Land

Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site. Part of the application area has a history of former mill, former pond use, and agricultural use therefore there may be localised contamination and ground gas issues associated with these features. Part of the proposed application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

Conditions could be imposed to mitigate the impact of the proposed development.

Lighting

Light spill from the development has the potential to impact upon the existing and proposed dwellings. The matter of lighting within the site could be controlled via the imposition of a planning condition.

Impact from Houndings Lane Farm

As part of the previous appeal decision on the site the Inspector expressed concern over the impact from the working farm at Houndings Lane Farm to the south on the proposed housing development.

At the request of the Case Officer the applicant has submitted a Noise Impact Assessment and an Odour Assessment in relation to Housings Lane Farm. Both the Noise and Odour reports indicate that the farm will have minimal impact upon the proposed development and the Environmental Health Officer has stated that he accepts this conclusion.

Given that the two reports indicate minimal impact on the development the Environmental Health Officer has stated that no mitigation is required in respect of noise or odour.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 124 states that:

'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to

communities. Being clear about design expectations, and how these will be tested, is essential for achieving this'

Connections - Amber

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 development would have a vehicular access to the north off Old Mill Road. There would be pedestrian/cyclist connections to Laurel Close to the east and Houndings Lane to the south. The majority of the PROW would be retained within the development and the PROW Officer is happy with the treatment of these apart from the lengths of footpaths No 19 and 17 which would be diverted along estate roads (this issue is discussed in the PROW section below).

Although a Toucan crossing would be provided to Old Mill Road to the north of the site the road would act as a vehicle dominated barrier to the development.

It is difficult to gauge how the development will integrate into its surrounding landscape but the mass and scale of the extra care is a concern (even though it is 2 storeys). It is a large building in an area characterised by smaller building sizes and on a part of the site that could make it very prominent.

The main entrance into the development is via a straight over-engineered access road which would lack natural surveillance and activity for part of its length. There is concern about the space for trees and whether the trees will have sufficient stature. Because of the location of the development site with land between it and Old Mill Road, the scheme does feel disconnected from rather than integrated into the town. Old Mill Road creates a barrier that further amplifies this sense of disconnection. The development would be dominated by a long straight access road which has been previously designed for the purposes of a retail development to the north of the site, however this does not form part of this application.

The development is orientated to be outward looking on its southern, western and eastern edges. However, the development presents rear gardens to the open land to the north in the north eastern corner. Integration with the land to the north is unclear from the submitted information. In relation to the previous mixed use scheme there could be issues in relation to the treatment of levels in this part of the site and the integration between uses depending on the type of development to the north.

Facilities and services - Amber

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

Sandbach is a Key Service Centre and as such provides a range of services and facilities to meet the needs of local people. Outline permission for residential development of the site has previously been granted; therefore the principle has been established.

Public transport - Green

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

The layout provides for bus access into the site with a turning facility designed into a 'square' to the front of the care facility. The nearest current bus stop is on Old Mill Road approximately 200m from the development.

Pedestrian connections are provided along the new spine road and connecting into the PROW and Laurel Close. The main access includes a 3m combined footpath/cycleway.

The site is roughly 2.5 km from the railway station, which is accessible on street by bicycle and is accessible via bus along Middlewich Road.

Meeting local housing requirements – Green

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

The development would provide 30% affordable housing in accordance with Policy SC 5. The Head of Strategic Infrastructure is happy with the proposed housing mix.

The proposed development would provide the following housing mix;

41 x two bed houses

35 x three bed houses

7 x four bed houses

2 x five bed houses

The layout includes a high proportion of two and three bed units and would comply with Policy SC4.

Character - Red

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

In the absence of revised architectural information for the housing and the extra care the development is rated red. The extracare in particular is of a scale and siting that will have a significant bearing upon the character of the site

There has been enhancement of the secondary 'urban' spaces within the development but concern over the character of New Crosses Square persist, notwithstanding the additional narrative and landscape information provided by the applicant.

The main access verge needs to be 3 metres wide to ensure that substantial Avenue trees can be achieved (as per the CEC residential design guide). It still looks to be 2 metres wide in the revised scheme.

Concern about the approach to the site also remains. This is a stand alone application and has to be viewed as such in the absence of a more comprehensive proposal. The site would be dominated by a straight over-engineered access road and bus turning circle. The rear boundaries of the dwellings on plots 1-8 would appear prominent as you enter into the proposed development.

Working with the site and its context – Amber

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

Fields Farm is excluded from the site but the house and certain outbuildings were proposed to be retained in the recent hybrid application. The Design and Access Statement advises there are no heritage assets within the site or its immediate vicinity but the farm and outbuildings are shown on the earliest edition OS and therefore would be considered to have some local heritage value (i.e. non-designated heritage assets). Consequently, their setting is a consideration in this application although they are not within the red line boundary. The scale and design of the Extra Care in relation to the farm complex is of concern. The higher density housing to the north east of the farm complex also needs to have regard to the farm complex in terms of relationship and design and more space should be provided around the heritage buildings.

The levels information submitted identifies that significant levels changes are proposed west of the proposed care home requiring a substantial retaining structure between it and the proposed route of FP19. No details have been submitted as to the nature of the retaining structure and no details have been provided for the proposed access. Retaining structures are also indicated on the eastern edge of the care home car park and the proposed sections drawing identifies retaining wall to the south, between the care home and the adjoining housing. More information, including details of the retaining structures and more detailed levels information and sections will assist in determining the impacts.

Whilst sections of hedgerow and trees around the edges of the site are largely being retained, two trees and sections of hedgerow are proposed to be removed. The Design and Access Statement states that the trees to be lost are of low value and that landscaping within the scheme will mitigate loss. There is a concern that further trees could be lost as part of the proposed level changes and this would increase the prominence and landscape impact of the development.

Creating well defined streets and spaces – Amber

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

For the most part buildings generally define the edges of streets in a coherent way with corner turning designs emphasising both street frontages. However the large parking area for the extra care creates a sterile section of street frontage in an important part of the layout. The integrity of the avenue also breaks down through the housing layout.

There are several smaller areas of open space that might become unloved or problem spaces over time because their management/responsibility is ambiguous.

Easy to find your way around - Green

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

The scheme is relatively modest and the location of the extra care building (not the design of the building itself) at the head of the access could create a strong visual focus at the entrance to the site).

The secondary urban spaces have been reinforced, to make them more distinctive features within the layout. Further soft landscape elements with an urban character would further strengthen those spaces. However, there is still concern about the quality of New Crosses Square as the main public realm feature.

Streets for all – Green

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

The revised plans show an additional enhancement of key urban spaces to reinforce pedestrian priority and a 20mph speed limit within the site.

New Crosses square will be a calming feature on entry to the development although there is still concern that its character is principally designed around vehicular use.

Car parking – Amber

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

There are localised pockets of frontage parking that still detract from the quality of the scheme. For example the four spaces to the front of plots 17-20 are located in a focal location, where a stronger building grouping could be created. There is a bank of 6 frontage spaces with limited landscaping in front of plots 52-55. Elsewhere there are instances of combinations of driveways and small banks of frontage parking bays that create extensive hard frontage

Public and private spaces – Amber

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

There were areas where boundaries between public and private were not sufficiently well defined. Further information has been provided regarding the design and management principles for spaces, confirming that public areas to be managed by a management company, with details of the different landscape character areas, function, planting and maintenance.

External storage and amenity space – Green

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

There would be bin and external storage to all properties together with bin collection points.

Some rear garden sizes would fall below the Councils Standards set out in the Congleton SPG.

Design Conclusion

This is a prominent site within Sandbach at a gateway location. In addition to the concerns raised above the phasing of the development to the south of the site would mean that the development is dominated by the proposed access and New Cross Square as you enter into the site. This is the same access road which was designed to serve the retail development which was refused as part of application 19/2539C. The access is designed as a long straight road which would run through the northern part of the site this would then lead to the Fields Farm complex and the rear boundaries of plots 1-8. There is no certainty as to whether development may come forward on the northern portion of the site.

The approach to developing the rear portion of the site first which would be accessed by a long straight road is illogical. This would dominate the site and together with the changing levels across the site this could impact upon the design of the future phases of the development.

The proposed development is contrary to Policy SE1 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.

Archaeology

The application site is accompanied by an Archaeological Assessment. There are no statutorily-designated Heritage Assets within the application area but the report does conclude that the site does contain several areas of archaeological potential which are likely to need further archaeological mitigation, in the event that planning permission is granted. These include historic field boundaries, that part of the Brook Mill site within the application area, the Fields Farm complex, and the field known as 'Scot's Meadow'.

The Councils Archaeologist has stated that the above features are not significant enough to generate an objection. The programme of archaeological mitigation can be controlled through the imposition of a planning condition.

Public Rights of Way

The proposed development would affect PROW Nos 17, 18, 19 & 50. Following discussions between the PROW Team and the applicant and the submission of amended plans the PROW Officer has confirmed that they have no objection to the PROW that are not proposed to run along estate roads.

It should be noted that *"any alternative alignment [of a Public Right of Way] 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"* (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.8).

The diversion or accommodation of a public right of way along estate roads or pavements is effectively an extinguishment of the public right of way and therefore not a suitable provision. This applies to Footpath no. 19 and Footpath no.17.

The majority of the previous concerns relating to the PROW on the site have been addressed apart from the diversion of the PROW along estate roads. The objection raised by the PROW Team is noted and although this is a disbenefit of the proposed development it is not considered

that a reason for refusal can be sustained on this ground alone. The connections would be retained and would be useable for pedestrians.

The proposed development is considered to be acceptable in terms of its PROW impacts.

Landscape

The application site recently formed part of a hybrid application as an outline application (19/2539C), the northern part of the site was a full application for a foodstore, a petrol station, a sales kiosk, a drive through restaurant and drive through coffee shop, offices, retail pods, parking and landscaping. The access route from the A533 roundabout serves the whole application site, namely that part of the site that also formed the previous application referred to above.

While the access route forms part of this application the cross sections that were submitted as part of application 19/2539C have not been submitted. The Cross Section Plan (Drawing No: SCP/18217/SK04 C) of application 19/2539C, this plan identifies that the cross-sections identified as J-J, K-K, A-A, B-B, C-C, D-D, E-E, F-F all cross the access route. These show a raised road approximately 6m above existing levels at J-J, at cross-section K-K this is approximately 3.5m above existing levels and a 1 in 1 slope along each boundary, by cross-section the road route is at existing ground levels. The levels previously submitted show that changes were proposed at sections A-A, B-B, C-C and D-D. As this application does not include any cross sections across the access route to the north of the proposed care home there is insufficient information in relation to the proposed levels of the access route through the site.

Other than the access the main part of the application affected by the proposed levels changes is the area of the proposed care home. Section A-A taken through the proposed care home shows that there would be a retaining structure to the western boundary and that this would measure approximately 4.9m in height. This is not considered to be acceptable and would cause harm to the character and appearance of the area.

Where the main access route meets the care home and residential development, this area is identified as New Crosses Square. The amended plans show that there are a number of changes surrounding the square. The footpath that previously extended further to the west, outside the red line boundary is now in closer proximity to the square, within the red line boundary. This has resulted in a change to the route of the path and to connecting pathways. Planting in the square remains broadly similar, with just one additional tree to the north-west corner of the care home. The road alignment to the front of the care home remains the same, although it now incorporates an extended wildflower strip along both sides of the road and an area of shrub planting. While these are positive changes, the changes are not substantial. In reality it has the appearance of a bus turning circle, an expanse of hard surfacing with seven densely crowned trees, overlooked to the by the 78 bed care home to the immediate south. This is an unsatisfactory solution to what could be positive and exemplary area of public realm.

The care home is bound to the north by New Crosses Square, to the immediate east by a car park and the access route and to the south by residential development, on an extremely constrained site, at some points to southern part of the care home building is just 3m from the rear boundary fence, this ensures that there is minimal green infrastructure around most of the proposed building. The western aspect has a number of retained existing trees and so has a more verdant aspect.

The residential area itself relies on surrounding green infrastructure. The tree lined avenue which does extend to the west of the care home terminates at the boundary of the residential area, with just a few isolated trees along the very southern part of the road. All remaining trees within the residential area are constrained by the very restricted areas for any type of green infrastructure, consequently there is no real sense of hierarchy across this part of the development site. Opportunities to provide a more varied hierarchy of trees have also been missed on the area of open space to the east of the care home.

Overall this is a disappointing scheme. While a landscape approach has been attempted, this has been of limited success due to the space allowed for any green infrastructure across the site. The resulting scheme relies on the existing retained boundary vegetation to provide any vegetation of any size or scale, this will not be remedied by the planting proposals, which are limited and of a scale that will struggle to enhance the development. More consideration should be given to the space for trees along the access route, the design and layout of New Crosses Square and the incorporation of areas to allow a wider and more varied hierarchy of tree planting across the site. In its current form the proposals are of a high enough standard to provide a positive contribution or of a high enough character or quality to either enhance or contribute to local distinctiveness, and without further consideration.

It is not considered that development would result in a design that either conserves, enhances or contributes to local distinctiveness. The proposed development would be contrary to policies SE 1 and SE4 of the CELPS.

Trees

The application is supported by an Arboricultural Impact Assessment. This identifies 1 Grade A tree (High Quality and Value), 5 Grade B trees (Moderate Quality and Value), 15 Grade C trees (Low Quality and Value) and 4 Category U trees (Trees which cannot be realistically retained as they have a life span of no longer than 5 years). The site also includes 1 Grade B group of trees and 7 hedgerows (4 Grade B and 3 Grade C).

At para 7.10 of the Arboricultural Assessment comments on the impact of proposed driveway and encroachment with the RPA of a Grade B Oak tree (T26). The Assessment suggests that the encroachment is only minor and that any damage can be minimised by proposing a Cellular Confinement System (CCS) 'no dig' construction method to form the driveway. The Councils Tree Officer has carried out a further appraisal of T26 and is of the view that there may be an argument from downgrading the tree from moderate B category as there are signs of physical decline.

Whilst the Assessment suggests the incursion within the Root Protection Area (RPA) is minor, the planning layout overlay indicates the encroachment appears to be between 19%-25% of the RPA. The difference between what is a 'minor' encroachment and up to 25% (a quarter) of the trees RPA is significant. It should also be noted that the area of the RPA shown on the drawing should not be drawn as a circle, but as a polygon, to take account of the RPA constraint to the south of the tree (Houndings Lane). The statement that there is 'additional compensatory rooting space contiguous with the RPA given the location of the proposed road' is therefore incorrect.

The issue of adoptability is straightforward as the Highway Authority would not be in a position to agree to a Cellular Confinement System to protect the rooting area of the tree if the road was to be

adopted. A condition requiring this type of design would therefore not be implementable. In light of this the Council Tree Officer has stated that whilst desirable in the overall context of its overall quality the retention of Tree T26 is not essential.

In addition to the above there is a concern over the change in levels around the proposed care home and the impact upon the nearby trees, Section A-A shows that the proposed retaining wall would be about 1.6m from the stem of a Grade C Holly (T10) and about 3.5m from a Grade C Hazel (T11). From an arboricultural perspective the loss of trees T10 and T11 is not considered to be significant due to the low quality of the trees. However the loss of the trees would raise landscape impacts due to the proposed retaining wall. It is considered appropriate that the Arboricultural Impact Assessment should take into consideration the proposed change in levels and determine whether the trees could be retained given the position of the retaining wall.

To the south of the proposed care home is a mature Grade B Sycamore (T12). The impact upon this tree from the proposed change in levels is not clear as the tree lies between the cross sections A-A and B-B and the tree is not shown on either section. Given that the cross section shows a proposed fall of 1:10 and proposed retaining wall ends short of the tree it can only be concluded from this that there is a likelihood of level changes within the RPA of this tree which has not been considered in the supporting AIA.

In response the applicants consultant has stated that *'the applicant agrees that the landscaping of the site and the detailed grading of the area surrounding T12 be undertaken in such a way as to ensure there be no change in the soil level within the RPA area of T12. The applicant would suggest no change in the position of the retaining wall is necessary to achieve this but that an approach such as installation of a geotextile matting to the slope adjacent to T12 be employed to ensure slope stability and avoid any additional soil impacting upon T12 RPA'*. However it is not clear whether this approach would be acceptable as the changes in levels may result in the requirement for further retaining structures or engineered slopes outside the RPA of T12.

Hedgerows

As part of the previous applications on the site for the purposes of the Hedgerow Regulations 1997 none of the hedgerows are deemed to be important under the various criteria under the Regulations, although as stated a number have significant local nature conservation value/wildlife benefits.

Ecology

Statutory Designated Sites

The application site falls into Natural England's SSSI impact risk zones for residential developments of over 50 units. In this case Natural England have been consulted and have raised no objection to the proposed development.

Sandbach Wildlife Corridor/Arclid Brook

The proposed development is located partly within the Sandbach Wildlife Corridor. Designated Wildlife Corridors are protected under Congleton Local Plan Policy NR4, CELPS Policy SE3 and SNP Policy PC4. The proposed development will result in a loss of a substantial area of habitat

from within the wildlife corridor. The habitat lost is however of relatively limited nature conservation value. The proposed development would result in the culverting of a small section of Arclid Brook and the loss of hedgerows (a UK BAP priority habitat and a material consideration).

Policy PC4 states that proposals which are likely to have a significant adverse impact on a Wildlife Corridors will not be permitted except in exceptional circumstances where the reasons for the proposed development clearly outweigh the value of the wildlife corridor and there are no alternatives.

A strategy to deliver compensatory habitats to address the impacts of the proposed development upon the Wildlife Corridor was submitted and accepted in respect of earlier applications at this site. Whilst the submitted application includes features such as SUDS ponds and open space areas, a specific strategy to compensate for the loss of habitat from the Wildlife Corridor has not been submitted in support of this application.

Biodiversity Net Gain

Policy SE3 requires that all developments aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity.

The Councils Ecologist recommends that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology. An assessment of this type would both quantify the residual impacts of the development and calculate in 'units' whether the proposed development would deliver a net gain or loss for biodiversity.

This approach would ensure that the overall loss/gain of biodiversity is assessed in an objective manner and determine whether adequate compensation is delivered for the loss of habitat from the Wildlife Corridor which is protected by Congleton Local Plan Policy NR4, CELPS Policy SE3 and SNP Policy PC4. The Councils Ecologist also advises that losses and gains of hedgerows habitats should also be assessed using the Defra methodology.

Without this information the proposed development would be contrary to Congleton Local Plan Policy NR4, CELPS Policy SE3 and SNP Policy PC4.

Water Voles

Water voles are known to occur on water courses in the locality of the proposed development. A recent survey did not record any evidence of water voles. The Councils ecologist advises that water voles are no likely to be present or affected by the proposed development.

Otter

Evidence of otter was recorded during the submitted water vole survey. The Councils Ecologist advises that the proposed development is not likely to result in an offence under the habitat regulations in respect of otter due to the lack of suitable features for use for shelter and protection.

The proposed access road crossing Arclid Brook is however likely to have an impact on otter as a result of loss of connectivity and increased risk of road traffic collisions. The Councils Ecologist

advises that in order to mitigate this effect the applicant must submit proposals for the incorporation of a mammal ledge under the culvert and suitable protective fencing to limit the risk of otters crossing the proposed road. This could be controlled via the imposition of a planning condition.

Roosting Bats (Buildings)

An intermittently used bat roost is known to be present within one of the buildings at Fields Farm. This roost was not in active use during the most recent bat surveys. The building which supports this roost is located outside the red line boundary of the current application. As a result roosting bats are unlikely to be directly affected by the proposed development.

Lighting

To avoid any adverse impacts on bats and other wildlife resulting from any lighting associated with the development if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Other Protected Species

Potential evidence of other protected species activity on site was recorded during the initial Phase One habitat survey. A follow survey has been undertaken and no conclusive evidence of other protected species activity was recorded.

The proposed development is unlikely to have a significant effect upon other protected species.

Nesting Birds

If planning consent is granted conditions could be imposed to safeguard and provide mitigation for nesting birds.

Flood Risk/Drainage

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

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

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

Affordable Housing

The Cheshire Homechoice waiting list shows a need with Sandbach as their first choice of 560 homes. This can be broken down to 254 x one bedroom, 178 x two bedroom, 85 x three bedroom, 24 x four bedroom and 19 x four+ bedroom dwellings. The Cheshire Home Choice data also shows a need for 114 x one bedroom and 7 x two bedroom Older Persons accommodation.

The SHMA 2013 showed the majority of the house type demand annually in Sandbach is for 18 x one bedroom, 33 x two bedroom, 18 x three bedroom and 6 x four bedroom dwellings for general needs. The SHMA 2013 also showed an annual requirement for 11 x one bedroom and 5 x two bedroom dwellings for older persons. These can be via flats, cottage style flats, bungalows and lifetime standard homes.

The proposed development consists of 85 new dwellings for C3 use. The 30% affordable housing requirement in this instance will be 26 units.

The tenure split for these properties should be in line with policy (65% affordable rent/35% intermediate). In this case the development would provide 17 affordable rent and 9 intermediate tenure.

The submitted affordable housing statement identifies that the development would provide the following affordable housing mix

Rented

12 x two bed units
5 x three bed units

Shared Ownership

7 x two bed units
2 x three bed units

The Head of Strategic Housing has considered that the affordable mix and the Affordable Housing Statement and has raised no objection to the proposed development. The affordable units are located within four groups across the site and are considered to be sufficiently pepper-potted.

Public Open Space

On Site Provision

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

There is a deficiency of children's play within 800m of the development site. A development of this size should offer a NEAP (Neighbourhood Equipped Area for Play) catering for all ages to Fields in Trust standards taking into account the 30m buffer to the nearest dwelling. Although this sites topography poses a challenge the Councils POS Officer has suggested that the NEAP should be predominantly flat and centrally located giving the development a focal point with surrounding open space for informal socialising and recreation.

Policy SE6, Table 13.1 denotes the level of green infrastructure required for major developments. This shows that the development should provide 40m² children's play and amenity green space per family dwelling. In addition to this 20m² should be allocated to G.I. Connectivity (Green Infrastructure Connectivity). In line with CELPS Policy CO1, Design Guide and BFL12 "Connections" this should be an integral part of the development connecting and integrating the site into the existing landscape in a sustainable way for both walking and cycling.

Using these figures the development would be required to provide 3,400m² of children's play and amenity green space for the family dwellings, and 1,700m² of G.I. Connectivity.

The submitted site plan shows that the development would provide a sufficient level of open space to serve the proposed development in accordance with Policy SE6. The final details in terms of the layout and design of the NEAP could be secured via a condition.

Outdoor Sport

In line with Policy SC1 and SC2 Outdoor Sport contributions are required. In this case the development would require a contribution of £1,000 for a family dwelling or £500 per 2 bed apartment space.

These contributions would be secured as part of a S106 Agreement.

Indoor Sport

Policies SC1 and SC2 of the Cheshire East Council Local Plan Strategy provide a clear policy basis to require new developments to provide or contribute towards both outdoor and indoor recreation.

In this contributions would be required to improve the quality and number of health and fitness stations at Sandbach Leisure Centre. In this case there has been a request for a contribution of £29,531. This would be secured as part of a S106 Agreement.

Education

A development of 85 dwellings is expected to generate 15 primary aged children, 13 secondary aged children and 1 SEN child.

The education department have confirmed that there is capacity within local primary schools to serve this proposed development. The reason for the change in position since the refusal of application 19/2539C is that capacity has/is being created as part of new build projects at St Johns (35 extra places) and Elworth CofE (105 spaces). On this basis there is no request for a contribution to mitigate the impact upon local primary schools.

There will be a shortfall within the local secondary schools and on this basis a contribution of £212,455.00 will be required to mitigate the impact of this development upon local secondary provision.

For 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.

Health Infrastructure

The patient list at Ashfields Medical Centre has been increasing at a significant level. Whilst the building is considered adequate, the increasing population will create significant pressure points within the practice and these are already starting to appear. Short term solutions are being looked at to review the increases in patient population. Expansion of the existing building is also being considered. On this basis a contribution of £70,812 will be required to mitigate the impact of this development if the care home is developed.

CIL Compliance

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

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

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

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

The development site is in an area of Sandbach where there is a shortfall in provision and would require POS, children's play, outdoor sport mitigation and indoor leisure mitigation in accordance with Policies within the CELPS. This is considered to be necessary and fair and reasonable in relation to the development.

The development of the site is reliant on the highway improvements between the site access roundabout and the junction with The Hill. As a result mitigation is required in accordance with Policies within the CELPS. This is considered to be necessary and fair and reasonable in relation to the development.

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

CONCLUSION

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

The highways implications of the development are considered to be acceptable. This is subject to the required highway works contribution. However the parking for the proposed care home falls below the CEC Standards and this issue will form a reason for refusal.

The amenity implications of the proposed development, including noise, air quality and contaminated land are considered to be acceptable and would comply with GR6 and GR7 of the CLP and SE 12 of the CELPS.

The site is an important gateway to Sandbach and the proposed development fails to take the opportunities available for improving the character and quality of the area and is contrary to Policies SE1 and SE4 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.

The site has a challenging topography and the development would require large retaining structures and little landscape mitigation. The proposed development is therefore contrary to Policies SD2, SE1 and SE4 of the CELPS and PC2 of the SNP.

There is insufficient information in relation to the impact upon trees on the site due to the potential level changes. The development would not comply with Policy SE 5 of the CELPS.

The drainage and flood risk implications of the proposed development are considered to be acceptable and the development complies with Policy CE 13 of the CELPS.

The proposed development would affect PROW Nos 17, 18 and 19. The impact upon the PROW network is now considered to be acceptable.

The proposed development is located partly within the Sandbach Wildlife Corridor. The proposed development would result in an overall loss of biodiversity from the designated wildlife corridor.

The application demonstrates that the development can accommodate the required level of POS to serve the proposed quantum of development. As such the proposed development complies with Policy SE6 of the CELPS, Policy GR22 of the CLP.

The impact of the development upon archaeology, infrastructure (education and health) and the affordable housing provision is acceptable and would be controlled via a S106 Agreement.

RECOMMENDATION:

REFUSE for the following reasons;

- 1. This is an important gateway location and prominent site in Sandbach. The phasing of the development would result in a development which is dominated by engineered access with a poor relationship to the frontage of the site (north). The development will not suitably integrate or add to the overall quality to the area in character or landscape terms. Furthermore the topography of the site is not conducive to a large floorplate of the care home and would result substantial engineered retaining structures. The proposed development fails to take the opportunities available for improving the character and quality of the area and is contrary to Policies SE1 and SE4 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.**

2. The application site is of a very challenging topography including an escarpment that runs along the central part of the site. The submitted information demonstrates that the care home part of the development will require engineered retaining wall with minimal landscape mitigation along the western boundary and it is unclear how land levels would be treated to avoid any changes within the RPA of a mature Sycamore Tree (T12). Furthermore the application does not include sections or levels information in relation to the proposed access north of the proposed care home. On this basis the development would not achieve a sense of place and would be harmful to the character of the area. The proposed development is therefore contrary to Policies SD2, SE1, SE4 and SE5 of the CELPS, PC2 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.
3. The proposed development includes the provision of a 74 bed care home/extra care facility with the provision of 33 car parking spaces. The level of car parking proposed falls below the standards set out within Appendix C of the Cheshire East Local Plan Strategy. This shortfall in parking would result in on-road parking within the development which would harm the character and appearance of the development and vehicle movements within the site. The proposed development is contrary to Policy CO 2 and Appendix C of the CELPS and the NPPF.
4. The proposed development is located partly within the Sandbach Wildlife Corridor. The proposed development would result in a loss of a substantial area of habitat within the wildlife corridor. The proposed development would result in an overall loss of biodiversity from the designated wildlife corridor. As a result the proposed development would be contrary to Congleton Local Plan Policy NR4, CELPS Policy SE3, SNP Policies PC4 and JLE1 and the NPPF.

In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Development Management 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.

If the application is subject to an appeal approval is given to enter into a S106 Agreement with the following Heads of Terms;

S106	Amount	Triggers
Affordable Housing	30% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan to be submitted at the reserved matters stage. No more than 80% open market occupied prior to affordable provision in each phase.
Education	For a development of 85 dwellings;	SEN – Full amount prior to first occupation of the housing development

	$13 \times £17,959 \times 0.91 = £212,455.00$ (secondary) $1 \times £50,000 \times 0.91 = £45,500.00$ (SEN) Total education contribution: £257,955	Secondary – Full amount prior to first occupation of 30 dwellings
Health	Contribution of £70,812	Full amount to be paid prior to the commencement of the housing/care home
Indoor recreation	Contribution of £29,531	Full amount to be paid prior to the commencement of the housing/care home
Outdoor recreation	Contribution of £1,000 for a family dwelling or £500 per 2 bed apartment space	Full amount prior to first occupation of 50 dwellings
Public Open Space	Private Management Company Provision of a NEAP and the open space	On first occupation On occupation of 50% of the dwellings
Highways Contribution for works between the The Hill junction and the site access roundabout	Contribution of £200,000	50% prior to the commencement 50% prior to the first occupation of the housing/care home

