

Application No: 19/5736C

Location: Land South Of, OLD MILL ROAD, SANDBACH

Proposal: The construction of 57 dwellings and erection of a petrol filling station (sui generis) and associated convenience store (class A1), drive-through restaurant (Class A3 / A5), drive through café (Class A1 / A3), offices, (Class B1(a)) along with the creation of associated access roads, parking spaces and landscaping.

Applicant: C Muller, Muller Property Group

Expiry Date: 05-Mar-2020

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 proposal includes an out-of-centre retail/recreation development. It is accepted that there are no sequentially preferable sites.

The highways implications of the development are considered to be acceptable. However the commercial parts of the development would be dependent on private motor vehicle and Old Mill Road would act as a barrier to linkages to Sandbach Town Centre to encourage linked trips. The proposed development would be contrary to Policies SD1, SD2, CO1 and CO2 of the CELPS, Policies GR9, GR10 and GR13 of the CLP and Policies H5 and JLE1 of the SNP.

The apartments would have a harmful privacy impact upon the occupants at Condliffe Close. This would be contrary to Policy GR6 of the CLP.

All other 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, SD2 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.

The impact in relation to the trees on and adjoining the site is considered to be acceptable and would comply with Policy SE 5 of the CELPS (however the tree losses would have landscape implications).

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.

Part of the site is within the Sandbach Wildlife Corridor and the development would result in an overall loss of biodiversity, whilst there is insufficient information in relation to other protected species. The development is contrary to Policies NR2 of the Congleton Local Plan, SE 3 of the CELPS, PC4 and JLE1 of the SNP.

The proposed development would have a detrimental impact upon a number of PROW crossing the site. The proposed development would be contrary to Policy CO1 of the CELPS, Policy GR16 of the CLP, Policies PC5 and JLE1 of the SNP.

The application does not demonstrate that the proposed development provides the required level of POS to serve the 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.

Finally the development of the site would have some employment benefits as identified above and this does attract some weight. However this would be outweighed by the harm identified.

RECOMMENDATION

REFUSE

PROPOSAL

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

- 57 dwellings including apartments (mix of 1-4 bed units)
- A drive-through restaurant
- A drive-through coffee shop
- Offices extending to 849sqm and to be three-stories in height
- Petrol filling station and kiosk store to be operated by M&S
- The application will also include the associated site access (an enlarged 5 arm roundabout off Old Mill Road), internal road network, vehicular parking spaces, public open space and landscaping.

SITE DESCRIPTION

The application relates to 2.98 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 north and west of Fields Farm. This is located to the east of the A534 and to the west of residential properties that front onto Palmer Road, Condliffe 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

19/3784C - 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 – Refused 19th December 2019 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.

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 assess 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.*

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

EG3 - Existing and Allocated Employment Sites

EG5 – Promoting a Town Centre First Approach to Retail and Commerce

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
HC2 – Protection and Enhancement of the Town Centre
H1 – Housing Growth
H2 – Housing Layout
H3 – Housing Mix and Type
H4 – Housing and an Ageing Population
H5 – Preferred Locations
JLE1 – Future Employment and Retail Provision
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

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.

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

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

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

Total education contribution: $\pounds 176,242.00$

CEC Housing: Object to the application.

CEC Environmental Health: Conditions suggested in relation to noise mitigation, piling, construction/dust management plan, odour mitigation, 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 proposed development would affect PROW 17, 18 & 19. The application documents incorrectly depict the alignment of FP19 and show the PROW running along the footpath of the spine road. The alignment of any PROW should avoid the use of estate roads.

The route of FP18 would require a diversion order and need to provide a 6m corridor. Currently the route narrows to 4m alongside the proposed housing.

FP19 will be obstructed by the proposed restaurant, coffee store and the spine road. Provision of a path alongside the spine road would not be acceptable. A very short section of FP17 is also affected by the spine road.

Highways England: No objection.

Natural England: No comments to make on this application.

CEC Head of Strategic Infrastructure: No objections are raised although this is subject to the provision of the financial contribution (should application 19/3784C not receive approval) and the access roundabout works and traffic calming works being added as conditions of any approval of permission.

CEC POS: This development will require open space and green infrastructure of 3,705sqm including a LEAP facility.

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

Indoor sport contribution of $\pounds 9,750$ required.

NHS England: A contribution of $\pounds 36,432$ is required to mitigate the impact of the development.

CEC Flood Risk Manager: Support the Environment Agency's comments and the need for the applicant to ensure that compensatory flood storage is included within the site boundary.

No objections in principle to the Application subject to the imposition of planning conditions.

Environment Agency: Conditions suggested. Advice offered to the applicant.

VIEWS OF THE TOWN COUNCIL

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

- Members have concerns about road safety on the roundabout and for residences near the bypass. There will be a high volume of traffic produced by the commercial elements, which are all businesses which promote a high volume of short visits throughout the day. This will interfere with traffic which is already extremely busy on this roundabout at peak times.
- Members are also concerned by the fact that all you will see from the bypass is the concrete of the commercial element of the site, or the concrete wall that will attempt to screen it. As this is a major gateway into Sandbach, there should be much more greenery to give visitors to the Town a nicer welcome.
- Finally, Members questions whether the Offices have prospective uses, and if so, are they high value job opportunities for Sandbach?

As a result of the above, this application is in contravention of Policies H2, PC2, PC5, HC2 and IFT1 of the Sandbach Neighbourhood Plan and Policies SE4 and CO1 of the Cheshire East Local Plan Strategy.

REPRESENTATIONS

Letters of objection have been received from 66 local households which raise the following points;

Principle of Development

- There have been recent refusals on this site
- Continuous planning applications on the site
- This is not a suitable site for a restaurant, café or petrol station
- There is no need for further retail development in Sandbach
- Sandbach has a new petrol station at J17
- This development does not support local businesses
- Loss of Green Belt
- There is no need for a retirement home
- Sandbach has provided its quota of new housing development
- There is no logic behind this application as it needs to be read in combination with application 19/3784C which as already been refused
- The site is inappropriate for development
- There is plenty of office space available
- Brownfield sites should be developed first
- No need for another drive-through restaurant in Sandbach
- Impact upon the existing businesses in Sandbach Town Centre
- Waste of Council money spent on repeated applications on this site
- Cheshire East now has a 5 year housing land supply

- The application form states that no employment will be provided – this is an error
- This would only be the first phase of development – the developer will apply for further housing
- The type of employment proposed will be low value, part time and zero hours contracts
- Development creep
- The development is contrary to policies within the Sandbach Neighbourhood Plan
- Residents are tired of the repeated applications on this site
- Impact upon the independent retailers and businesses in Sandbach
- All earlier objections should automatically be transferred to this application
- CEC should inform the developer that they will not consider any further applications on this site
- Loss of green space

Design/Heritage Issues

- The proposed development is poorly designed
- The development does not comply with the CEC Design Guide
- Not in keeping with the market town ambience of Sandbach

Highways

- Increased traffic congestion
- Traffic problems in Sandbach when there is an accident on the M6
- Impact upon M6 J17
- Existing gridlock and long delays on the local road network
- Roads in Sandbach cannot cope with any further development
- Lack of cycle provision
- No safe cycle routes are proposed
- The development is at odds with sustainable living and walking from the site would not be a pleasurable experience
- The proposed development would promote car use
- The site is not suitable for development without a bypass for Sandbach
- The larger roundabout will encourage faster moving traffic to the detriment of pedestrian safety – especially when crossing the A534
- Subways should be provided under the road
- The developer should set up a fund to continuously fund a lollypop person at the new roundabout
- The maximum speed limit on the new roundabout should be 10mph
- A Toucan crossing should be provided on the A534 arm of the roundabout
- Inaccuracies within the applicants Transport Assessment
- 5 arm roundabouts are not as successful as 4 arm roundabouts
- The distances to services provided within the D&A Statement are not accurate
- The proposed businesses will be dependent on vehicle movements
- Houndings Lane is not suitable for emergency access
- Traffic congestion is causing problems for emergency services to get through Sandbach
- There has been insufficient monitoring of traffic in Sandbach
- CEC should consider a highways reason for refusal despite the previous decisions
- Residents already have problems accessing Palmer Road and the surrounding estate

Amenity

- Noise pollution
- Light pollution

- The development will impact upon local air quality
- Impact upon the quality of life of surrounding houses
- Impact upon privacy
- There are already air quality issues in Sandbach

Green Issues

- Impact upon protected species
- Impact upon wildlife
- Impact upon the wildlife corridor
- Lack of landscaping
- Loss of wooded and green areas

Infrastructure

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

Flood Risk/Drainage

- Increased risk of flooding
- Surface water run-off problems
- Part of the site is flood plain

Other issues

- Impact upon the PROW on the site
- The PROW officer has objected to this application
- This development would lead to a 15% reduction in the PROW in Sandbach
- Litter caused by drive-through establishments
- The drive-through restaurant will encourage unhealthy eating

A letter has been received from Fiona Bruce MP attaching a copy of a constituents objection and asking for the points of objection to be considered (this is considered above).

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

- Support the proposal under the terms that the housing is thrown out and the rest approved.

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
- This application disregards the existing line of the public footpaths without offering any suitable or alternative routes
- Off Hawthorne Drive in Sandbach there is an on-going public inquiry because the developer has tried to proceed with site construction without allowing for a proper and suitable diversion route for the PROW. To avoid another legal wrangle along the same lines the application should be refused until the PROW have been properly considered
- Support the comments made by the CEC PROW Officer

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;

- Would like to see a cycle link to Houndings Lane
- Consideration of a connection to Laurel Close for cycling
- Object to the use of a shared footway along the spine road for cyclists and pedestrians. These are rarely used by cyclists.
- Consideration of a 20mph speed limit along the spine road.
- Signage should be provided so that cyclists are aware of the suggested new routes.
- The remodelled roundabout will result in higher entry speeds to the roundabout which will make on-road cycling more challenging. The existing shared footways are hardly used by cyclists
- The proposed toucan crossing is 30m away from the existing crossing point and people dislike deviating from their desire line. The right-hand stagger of the pedestrian refuge should be replaced by a straight crossing for safety reasons
- To make the roundabout more pedestrian and cyclist friendly then the Toucan crossing should be removed and each arm should be 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).

Housing

As stated above the site is within the Settlement Zone Line as defined by 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.

Retail

The NPPF requires a retail impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no such threshold the default threshold of 2,500m² of gross floor space is applied). In this case the office, drive through restaurant, café, petrol filling station/kiosk and office fall below this threshold.

The NPPF also requires the application of a sequential test for main town centre uses that are not in an existing centre nor in accordance with an up-to-date development plan. The application site is an out-of-centre location.

Policy EG5 of the CELPS states that Town Centre will be promoted as the primary location for main town centre uses. Point 7 of this Policy then states that;

Proposals for main town centre uses should be located within the designated town centres or on other sites allocated for that particular type of development. Where there are no suitable sites available, edge-of-centre locations must be considered prior to out-of-centre locations. Edge-of-centre and out-of-centre proposals will be considered where:

- i. there is no significant adverse impact on the vitality and viability of the surrounding town centres; and*
- ii. it is demonstrated that the tests outlined in current government guidance can be satisfied.*
- iii. The sequential approach will not be applied to applications for small scale rural offices or other small scale rural development in line with the government guidance.*

Policy HC2 of the SNP states that out of centre retail outlets will only be supported following application of a sequential test if they do not have an adverse effect on the town and town centre. Applications will only be supported if they meet the following criteria;

- Complement and enhance the town and town centre without reducing its commercial viability.
- Are compatible with the size and scale of the existing town centre.
- Do not have an unacceptable impact on the existing road network.

Policy JLE1 (Future Employment and Retail Provision) of the SNP states amongst other things that development proposals must;

- Not adversely impact on locally identified natural environmental assets. Proposals will positively enhance watercourses and wildlife corridors and development which harms or does not demonstrate compatibility with the wildlife corridor will not be permitted.

- Demonstrate their impact upon the highway network and identify measures to mitigate any harmful impact
- Demonstrate sustainable access (public transport, pedestrian and cycle provision) and green corridors

Within the town centre the Cheshire Retail Study 2016 identifies that Sandbach Town Centre has a low vacancy rate with no long term vacancies. The majority of the units are occupied by independent retailers but there are several multiple retailers present in the centre which act to provide a good mix. Overall Sandbach is considered to be a healthy Key Service Centre.

Sequential Test

The NPPF advises that where an application fails to satisfy the sequential test then the application should be refused. This is supported by Policy EG5 of the CELPS and HC2 of the SNP.

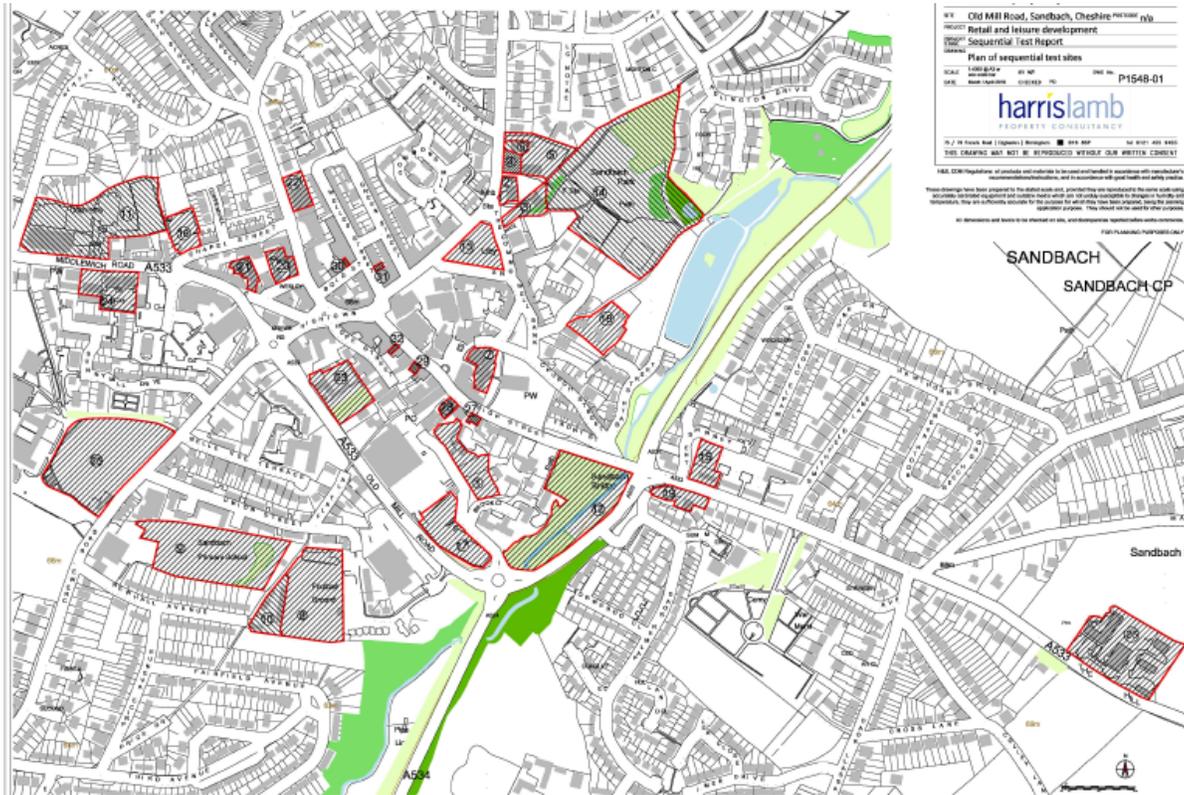
The sequential test is a key element of the NPPF. In support of this the Planning Practice Guidance states that the sequential test should be proportionate and appropriate for the given proposal and should;

- Have due regard to the requirement to demonstrate flexibility. Has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location preference should be given to sites that are well connected to the town centre.
- Is there scope or flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can be accommodate precisely the scale and form of the development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- If there are no suitable sequentially preferable locations, the sequential test is passed.

It is agreed between the parties that the site is situated in an 'out-of-centre' location in retail policy terms. As a result the sequential test needs to consider sites within and on the edge of defined centres. If suitable sites are not available, then the assessment should consider the potential alternative out-of-centre sites that are more accessible and better connected to the town centre than the application site.

It is agreed between both parties that there is no requirement to disaggregate elements of the proposed development and that the search for alternative sites should be able to accommodate the broad type of the development proposed. This view is supported by appeal decisions at Rushden Lakes and Braintree.

In this case 32 alternative sites have been considered within and outside Sandbach town centre. These are identified on the extract of the plan below;



The applicant has not adopted any minimum site size threshold in searching for potential sites within and on the edge of Sandbach Town Centre. As a result almost all of the sites are well below the size of the application site. The application site is 2.98 hectares and the commercial area is 1.48 hectares. It is accepted that the majority of the alternative sites are of an unsuitable size to accommodate the proposed development.

The remaining sites are as follows;

Sandbach Primary School Playing Field

This site extends to 1.286 hectares and is currently in use as a school playing field. It is accepted that the development of this site would affect the operation of the school and limit its outdoor facilities.

Site 11 – Westfields, Middlewich Road

This site measures 1.6 hectares and is in use as Council offices and associate car parking. It is also acknowledged that there is a small underdeveloped area to the eastern part of the site, but this has no frontage to the main road.

Given that the site is in active use. It is accepted that the site is not available for development whilst the parcel of land to the east is not suitable for the proposed development.

Site 12 – Woodland adjacent to A533/Old Mill Road

This site is heavily wooded and of an irregular shape including a watercourse. The redevelopment of this site is likely to have a negative impact upon ecology, the street-scene and the setting of The Old Hall (Grade I Listed Building). There are also flood risk implications and the site is designated as recreational space/wildlife corridor.

Site 14 – Sandbach Park, Congleton Road/The Common

Sandbach Park extends to 3.1 hectares and is designated as a protected area of open space. The site includes a children's play area, skatepark, tennis courts, open space and other community facilities.

It is agreed that the site serves an important recreational function in Sandbach and is not available for the proposed development.

Site 25 – Sandbach School Playing Field

The main school building and lodge are Grade II Listed Buildings. Any development of the playing fields is likely to have a serious detrimental impact upon the setting of the designated heritage asset.

Site 26 – Leonard Cheshire Home, The Hill

The site measures 1.1 hectares and is in an out-of-centre location and is in active use as a care home. It is accepted that the site is neither suitable or available for the proposed development.

It is accepted that there are no sites within or on the edge of Sandbach Town Centre that can be assembled into a larger site of a sufficient scale to accommodate the proposed development. Furthermore there are no alternative out of centre sites that could accommodate the proposed development and are more accessible and better connected to Sandbach Town Centre.

Impact Assessment

An impact assessment is not required as the proposed development is below the threshold of 2,500sq.m as set out within the NPPF and referred to in the CELPS. However it should be noted that EG 5 of the CELPS requires that proposals for out-of-centre retail development to demonstrate that they will have no significant adverse impact upon the vitality and viability of the surrounding town centres.

The previous application 19/2539C was refused on impact grounds. However this application included a retail foodstore (1,956sqm gross internal area and 110 vehicular parking spaces) which does not form part of this current application.

Employment Generation

Policy SD1 of the CELPS states that development should wherever possible create a '*strong, responsive and competitive economy for Cheshire East*' and '*prioritise investment and growth within Principal Towns and Key Service Centres*'.

It is not disputed that both the commercial and residential parts of the development would create employment in this area. The employment generation from the proposed development would weigh in favor of the development.

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, 18/4892C, 19/2539C and 19/3784C to the roundabout on the A533/A534. The main access would be 6.75m wide together with shared pedestrian/cycle paths.

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 6.75m wide and is suitable to provide access to the proposed level of development. Tracking has been submitted to indicate that HGV deliveries can be made to the site. There are a number of proposed access points onto the main spine access road, visibility is achievable although many of trees shown planted in the verge would affect visibility and not be acceptable.

Car Parking

The parking provision for the residential and commercial is in accordance with CEC standards and has a total of 115 spaces.

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 Roundabout/ 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 2.3% 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.

As noted above the site is out-of-centre and it is important that connections are provided between the site and Sandbach Town Centre to encourage linked trips. The developer would provide a Toucan crossing over Old Mill Road and Appendix D of the submitted Transport Assessment identifies that Brookhouse Road linking the application site with the town centre would be upgraded through an upgrade of the existing footway and lighting with speed tables introduced.

Despite this there are still serious concerns that Old Mill Road would act as a barrier and would deter people from making linked trips and walking between the site and Sandbach Town Centre.

There are a number 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 commercial and residential parts of the scheme. This could be controlled via the imposition of a planning condition.

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 Condliffe Close, Palmer Road and Laurel Close.

The proposed apartments on plots 1-12 would largely be three stories in height with a four storey central element. The closest property is 15 Condliffe Close which is located to the east with a separation distance of 17m to the nearest corner of the proposed apartments and 7m to the shared boundary. Due to the separation distance and off-set nature it is not considered that there would be any harm when viewed from the within the properties at 15-21 Condliffe Close. However the position of first and second floor windows in close proximity to the boundary would cause a loss of privacy to the rear gardens of these properties. This impact would not be acceptable.

The dwelling proposed on plot 22 is two-storeys in height and would face the rear elevations of 3-9 Condliffe Close with a separation distance of 20m. The existing and proposed properties would be angled and would not directly face each other, whilst the level changes and intervening boundary treatment would mean that the relationship is acceptable.

The dwelling proposed on plot 23 is two-storeys in height and would face the rear elevations of 74 Palmer Road with a separation distance of 21m. The existing and proposed properties would be angled and would not directly face each other, whilst the level changes and intervening boundary treatment would mean that the relationship is acceptable.

No other properties would be affected by the development.

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 and the proposed commercial units.

The proposed mitigation is as follows;

- 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 'not significant' 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 and low emission boilers 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.

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

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 pedestrian/cyclist connections to the PROW Network. Some of the FP19 would be lost as it would divert along the proposed spine road whilst in large parts the development would have a negative relationship with FP18 due to the PROW being sited between side garden boundaries of the proposed dwellings and the rear boundaries of the dwellings adjoining the site.

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. The prospective connectivity of the site to the town centre is a concern. Old Mill Road and the existing roundabout are significant obstacles and this will be made even more problematic by the changes to the roundabout and new access. It is imperative in sustainability terms that high levels of pedestrian connectivity can be

achieved, to promote linked trips with the town centre and encourage walking and cycling to the site. Getting this wrong could lead to this becoming a car borne destination that competes with rather than compliments the town centre and which adds to some of its traffic problems.

It is difficult to gauge how the development will integrate into its surrounding landscape but the mass and scale of the apartment buildings is a concern (largely 3 storeys with 4 storey elements). These large buildings would be located in an area characterised by smaller building sizes. The apartment buildings would appear very prominent on this site.

The main entrance into the development is via a straight over-engineered access road. There is concern about the space for trees and whether the trees will have sufficient stature (highways have also stated that some trees will need to be removed for visibility reasons). Old Mill Road creates a barrier that amplifies a 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 on the site.

The development is orientated to be outward looking on its northern and eastern edges. However, the development presents rear gardens to the open land to the south whilst the provision of the large retaining structures creates a negative relationship when viewed from the west and north.

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?

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

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 west of the office block. 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

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. Although there is insufficient information contained within the application to identify that this is deliverable as explained in the affordable housing section.

The proposed development would provide the following housing mix;

7 x one bed units

25 x two bed units

15 x three bed units

10 x four bed units

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

Character

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

The apartments and some of the taller housing types are of a scale and siting that will have a significant bearing upon the character of the site. The apartments appear prominent as you enter the site and would act as a poor focal point when viewed from the north.

There is a concern over the character of New Crosses Square, 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).

The detailed design of the proposed dwellings and apartments offers little in design terms and would appear bland. The scheme does not create a place with locally inspired or distinctive character.

The buildings are generic, standard designs with no indication that a strong design rationale has underpinned their design. This is amplified by them sitting in the midst of extensive areas of surface parking. The non-residential elements are a mishmash of conventional standard designs by certain potential occupiers, with their own specific corporate requirements. The applicant has attempted a more locally relevant design on certain buildings, but this seems rather randomly applied.

The scale of the 3 storey office building at the centre of the site is a concern in broader setting terms but also in relation to the retained Fields Farm and barn. The setting of these buildings also feels hemmed in by the proximity of new development and they could lose their sense of meaning, appearing as a modest island in the sea of surrounding new development.

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?

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 office, the apartments and some of the dwellings in relation to the farm complex is of concern. More space should be provided around the heritage buildings.

This is a complex site because of the land level changes which vary across the site. The submitted levels information does highlight the potential for highly engineered features within the developed which would be highly urbanising and poor in townscape terms. The topography of the site is clearly not conducive to a large floorplate/car park format and the revised design response illustrates that given the amount and scale of retention/engineering required. The cross sections illustrate the extent and impact of this. There has been no substantive or meaningful change in this regard from the previous refused scheme.

This site adjoins a key gateway and approach into the town and therefore the quality of development on the site will fundamentally affect perceptions of the town to its residents and visitors. Large footprint uses, retaining structures and extensive areas of car parking will characterise the more visible, front portion of the site, exacerbated by loss of some of the frontage landscaping associated with the new access, further opening up views of the site from Old Mill Road/Brookhouse Road. There is little opportunity for meaningful compensatory landscaping within the site.

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?

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 commercial parts of the development creates a sterile section of street frontage in an important part of the layout.

Easy to find your way around

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

The scheme is relatively modest although there is a missed opportunity with the creation of a cul-de-sac to the east of the access. It would be more appropriate if this linked into the main access.

The highways officer has commented that some of the trees would need to be removed for visibility reasons and there is still concern about the quality of New Crosses Square as the main public realm feature.

Streets for all

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

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.

The commercial parts of the scheme – petrol filling station, drive-through restaurant and drive-through café would be dominated by car-bourne trips.

Car parking

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

There are small pockets of frontage parking but on the parking solutions provided for the residential elements of the scheme would not appear prominent within the development. The courtyard car-parking for the apartments lacks any landscaping and this is a weakness in the design.

As stated above the extensive areas of car parking for the commercial elements will characterise the more visible, front portion of the site, exacerbated by loss of some of the frontage landscaping associated with the new access, further opening up views of the site from Old Mill Road/Brookhouse Road.

Public and private spaces

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

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

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 an important site to Sandbach and the quality of the proposal is not good enough having regard to the gateway location and prominence of the site.

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 submitted levels information demonstrated that the topography is not conducive to the proposed uses. The layout of the commercial element of the scheme is poor

as it is dominated by car-parking, engineering structures and fails to respect the PROW on the site.

The proposed apartments and some dwellings would appear very prominent and create a poor focal point for the development. They appear bland and offer little design quality.

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 previously 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.

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 proposed route of FP 18 along the eastern boundary would require a diversion order and would need to consistently provide a 6 metre corridor within the path runs. Currently the route narrows to 4 metres alongside the housing. Furthermore the relationship of some of the proposed dwelling and the PROW is now acceptable. There would be sections of FP 18 which would be sited between side garden boundaries of the proposed dwellings and the rear boundaries of the adjacent dwellings. There would be a lack of natural surveillance and the relationship to FP 18 is not considered to be acceptable.

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 FP 19.

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.

A very short section of FP17 is also affected by the spine road and there are no proposals for how this path would sit within the development.

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

Landscape

The main spine road sections are illustrated on the submitted Cross Section Plan and cross sections have been provided (apart from sections J-J and K-K, although these appear to be the same as those that were submitted as part of application 19/2539C). Unless information has changed for section J-J the road will be raised approximately 6m above existing levels, and by approximately 3.5m at cross-section K-K; by cross-section E-E the road is at existing ground levels.

The access route is of uniform width 7m, with a 2m wide shrub and tree lined strip along each side of the access route. While a planting strip and avenue of trees is a positive feature the Councils Landscape Officer feels that the width of planting strip and tree species (*Tilia cordata* 'Green Spire') are unsuitable for the scale of the proposed development and at the scale shown the tree planting proposals will provide a underwhelming sense of arrival and will certainly not 'reflect their location'.

There are a number of open areas and areas of public open space towards the north of the site and also to the east of the site. Although there is some tree planting this is generally composed of smaller species, there is in reality enough space to plant a far higher percentage of tall canopy trees, whilst shrub planting is also minimal which is disappointing.

There is tree planting in the residential part of the scheme, this is largely within garden space and is of smaller tree species. There are very few existing trees across the site and opportunities have been lost to try to create a hierarchy of tree planting in the proposals, with only a few higher canopy trees, planting will be dominated by smaller species. The eastern boundary itself is not being enhanced or even improved. There is a short section of existing boundary vegetation and one tree along the eastern boundary to the east of the public open space, between plots 22 and 23, and while this is being retained there are no existing trees or planting to the north of plot 22 along the eastern boundary, and none appears to be proposed.

To the west of the main spine road is the commercial part of the development. The proposed levels plans show that the development can only be accommodated on a site that has challenging topography by introducing a retaining wall, at section B-B and C-C this retaining structure is 7.10m in height. The layout and design of the commercial part of the site affords little opportunity for any significant green infrastructure and the resulting design is a hard and expansive one.

The southern part of the scheme includes New Cross Square and an office development. New Cross Square provides an expansive area of hardstanding with just 7no *Acer platanoides* 'Globosum' (Norway Maple); this is an unsatisfactory solution to what could be positive and exemplary area of public realm. On the eastern side of the spine road and to the front of the proposed office development *Liquidambar* 'Worplesdon' (Sweet Gum) trees are proposed as roadside planting, another relatively small tree species.

Overall this is a disappointing scheme. While a landscape approach has been attempted, this has been of limited success due to the scale and dearth green infrastructure across the site. The resulting scheme relies on the very limited existing retained boundary vegetation to provide any vegetation of any size or scale, this will not be remedied by the planting proposals, which are minimal and of a scale that will struggle to enhance the development. More consideration needs to 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 not 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. The scheme in its current form is contrary to policies SE1 (Design) and SE4 (The Landscape) of the CELPS, and policies H2 and PC2 of the SNP.

Trees

The Arboricultural Impact Assessment that supports this application has identified 25 individual trees, 1 group of trees and 7 hedgerows within and immediately adjacent to the application site. There are currently no Tree Preservation Orders that afford protection to trees within the site and the site does not lie within a designated Conservation Area. One Ash tree located to the south of the site on the eastern boundary is covered by the Congleton Borough Council (Hassall Road/Houndings Lane) Tree Preservation Order 1979 but is unaffected by this proposed development.

The proposed layout will result in the loss of 5 low (C) category trees to the south of the site, part of two low (C) category groups of trees (to facilitate access into the site from the roundabout to the north and for an access road to the south of the site). The loss of these trees presents no significant adverse impact on the wider amenity of the area although space for replacement planting in mitigation appears to be very limited.

Although referred to in the Assessment, the document does not include a detailed Arboricultural Method Statement (AMS) or Tree Protection Plan (TPP). This issue could be controlled through the imposition of a planning condition.

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.

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

The applicant has submitted a revised Ecological Mitigation strategy, which includes an assessment of the residual impacts of the proposed development using the Defra Biodiversity Metric. This assessment concludes that the proposed development would result in a net loss of biodiversity amounting to 5.37 units. Based upon the applicant's assessment, the proposed development will result in an overall loss of biodiversity from the designated Wildlife Corridor and also fail to deliver an overall gain for biodiversity in accordance with Local Plan policy SE3.

In this case the applicant should submit a full copy of the Biodiversity Metric calculations to enable the Council to consider the accuracy of the assessment.

The applicant's ecological consultant has suggested that further habitat creation measures are developed to off-set this loss of biodiversity and deliver an overall net gain. No details of where these measures would be located have been submitted. Further habitat creation proposals must be submitted in support of this application.

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.

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. The Councils Ecologist has suggested that further survey work should be conditioned if works do not commence by July 2020.

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)

Further surveys have been undertaken of the barn where evidence of roosting bats was previously identified during surveys undertaken in respect of earlier applications. No further evidence of roosting bats was recorded. The barn is located outside the red line of the application site. The proposed development is not likely to have an adverse impact on any building supporting bat roosts.

Bats (Trees)

Four trees of low bat roost potential were previously identified during the phase one habitat survey. These have been subject to detailed surveys and no evidence of roosting bats was recorded. The removal of trees on this site is therefore unlikely to have a direct impact upon roosting bats.

Foraging Bats

No extensive bat activity surveys have been undertaken. Bat activity recorded during the surveys of the trees on site was relatively low and so the proposed development would not be likely to have a significant impact (i.e. an offence) on foraging and commuting bats. The retention of the existing hedgerows on site would further reduce the impacts of the proposed development upon commuting and foraging bats.

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 activity on site was recorded during the initial Phase One habitat survey undertaken at this site in connection with an earlier application. A follow up survey was undertaken and no conclusive evidence of other protected species activity was recorded.

The latest survey dates from 2018 and so must now be considered out of date. A further other protected species survey should be undertaken and submitted prior to the determination of the application. Without this survey this issue will form a reason for refusal.

Nesting Birds

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

Hedgerows

Hedgerows are a priority habitat and hence a material condition. The submitted ecological mitigation strategy states that 744m of native species hedgerow would be provided to compensate for the loss of 172m of hedgerow lost as a result of the proposed development. The proposed native species planting is adequate to compensate for that lost.

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 car park to serve the M&S Kiosk is located within Flood Zones 2 & 3.

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 453 homes. This can be broken down to 202 x one bedroom, 149 x two bedroom, 67 x three bedroom, 19 x four bedroom and 16 x four+ bedroom dwellings. The Cheshire Home Choice data also shows a need for 54 x one bedroom and 9 x two bedroom Older Persons accommodation.

The proposed development consists of 57 new dwellings for C3 use. The 30% affordable housing requirement in this instance will be 17 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 11 affordable rent and 6 intermediate tenure.

The applicant has stated as part of this application that they are providing a policy compliant amount of affordable housing in the form of 1 and 2 bedroom apartments and 3 and 4 bedroom houses.

The 1 and 2 bedroom apartments would have communal entrances. The Strategic Housing Manager has stated that the council have experience that this type of apartment is not preferred by the Registered Providers. Having communal areas means that there is an additional expense for the upkeep of these areas and also the increased risk of anti social behaviour. The providers and the council prefer the cottage style flats with individual access. The housing team would need to see evidence that a provider would take the proposed apartments.

This application is a full application and all the detail of the affordable housing should be provided. None of the provided documents show the location of the affordable housing exactly and also does not show the tenure split for the 17 dwellings.

The applicant states that the houses that are to be affordable are to be 3 or 4 bedroom houses. This will not be meeting the need shown as 2 bedroom houses are required for those who wish to buy but cannot on the open market. There is a borough wide need for rented 4 bedroom dwellings, but restricting the houses to be all 3 and 4 bedroom is not meeting the need. This issue will form a reason for refusal.

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.

A development of this size should offer a LEAP (Local Equipped Area for Play) catering for all ages to Fields in Trust standards. The main area of POS is centrally located on the eastern side of the development adjacent to footpath 18. The LEAP facility should be located here and should be to Fields in Trust standards with appropriate buffers, access and inclusivity. The area should be predominately flat with a minimum of 400sqm for formal play plus space for informal 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 2,280m² of children's play and amenity green space for the family dwellings, and 1,140m² of G.I. Connectivity.

The submitted site plan shows that the development would not provide a sufficient level of open space to serve the proposed development in accordance with Policy SE6.

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 £9,750. This would be secured as part of a S106 Agreement.

Education

A development of 57 dwellings is expected to generate 10 primary aged children, 8 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 £130,742.00 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 £36,432 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 proposal includes an out-of-centre retail/recreation development. It is accepted that there are no sequentially preferable sites.

The highways implications of the development are considered to be acceptable. However the commercial parts of the development would be dependent on private motor vehicle and Old Mill Road would act as a barrier to linkages to Sandbach Town Centre to encourage linked trips. The proposed development would be contrary to Policies SD1, SD2, CO1 and CO2 of the CELPS, Policies GR9, GR10 and GR13 of the CLP and Policies H5 and JLE1 of the SNP.

The apartments would have a harmful privacy impact upon the occupants at Condliffe Close. This would be contrary to Policy GR6 of the CLP.

All other 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, SD2 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.

The impact in relation to the trees on and adjoining the site is considered to be acceptable and would comply with Policy SE 5 of the CELPS (however the tree losses would have landscape implications).

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.

Part of the site is within the Sandbach Wildlife Corridor and the development would result in an overall loss of biodiversity, whilst there is insufficient information in relation to other protected species. The development is contrary to Policies NR2 of the Congleton Local Plan, SE 3 of the CELPS, PC4 and JLE1 of the SNP.

The proposed development would have a detrimental impact upon a number of PROW crossing the site. The proposed development would be contrary to Policy CO1 of the CELPS, Policy GR16 of the CLP, Policies PC5 and JLE1 of the SNP.

The application does not demonstrate that the proposed development provides the required level of POS to serve the 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.

Finally the development of the site would have some employment benefits as identified above and this does attract some weight. However this would be outweighed by the harm identified.

RECOMMENDATION:

REFUSE for the following reasons;

- 1. 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 whilst the design of the proposed residential dwellings/apartments would create a poor focal point to the development. 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 Policies SE1 and SD2 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 development will require engineered retaining walls with minimal landscape mitigation along the western boundary, whilst there would also be minimal landscape mitigation within the site. 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.**
- 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 siting of the apartments on plots 1-12 in close proximity to the rear gardens of the dwellings at 15-21 Condliffe Close would cause a loss of privacy to the rear gardens of these properties. The proposed development is contrary to Policy GR6 of the Congleton Local Plan.**
- 5. The application contains insufficient information to demonstrate that the development would provide the required 30% affordable housing provision. The proposed development is contrary to Policy SC5 of the CELPS, Policy H3 of the Sandbach Neighbourhood Plan and the NPPF.**
- 6. 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 Badger. The Council therefore has insufficient information to assess 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.**
- 7. 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.**
- 8. The proposed development cannot 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.**
- 9. 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**

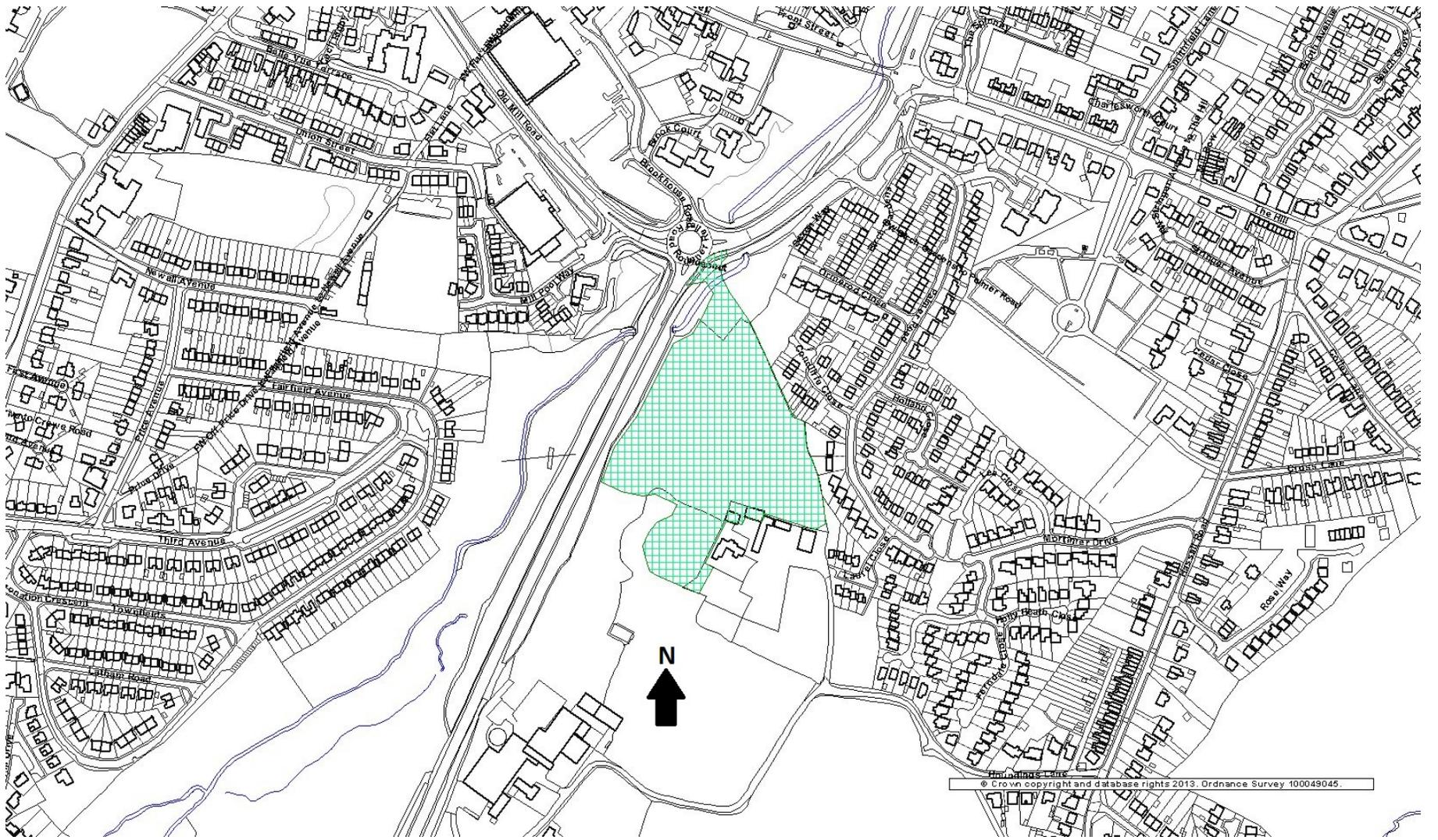
of way) or accommodated along narrow corridors at the side of residential properties affording limited natural surveillance and the potential for anti-social behaviour. The proposed development would be contrary to Policy CO1 of the CELPS, Policy GR16 of the Congleton Local Plan, Policies PC5 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.

In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Acting Head of Planning 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 57 dwellings; 8 x £17,959 x 0.91 = £130,742.00 (secondary) 1 x £50,000 x 0.91 = £45,500.00 (SEN) Total education contribution: £176,242.	SEN – Full amount prior to first occupation of the housing development Secondary – Full amount prior to first occupation of 25 dwellings
Health	Contribution of £36,432	Full amount to be paid prior to the commencement of the housing
Indoor recreation	Contribution of £9,750	Full amount prior to first occupation of 25 dwellings
Outdoor recreation	Contribution of £1,000 for a family dwelling or £500 per 2 bed apartment space	Full amount prior to first occupation of 25 dwellings

Public Open Space	Private Management Company Provision of a LEAP 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/use of any part of the development



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