

Application No: 21/2412C

Location: Land South Of, OLD MILL ROAD, SANDBACH

Proposal: Reserved Matters for approval of access, appearance, landscaping, layout and scale following outline approval 14/1193C for the erection of 170 dwellings, car parking, public open space and associated works

Applicant: Mr C R Muller, Muller Property Group

Expiry Date: 29-Jul-2021

Summary

The application site is within the Settlement Zone Line as identified by the Sandbach Neighbourhood Plan (SNP) and has outline planning permission for residential development.

The highways implications of the development are considered to be acceptable and a contribution for off-site highway works is secured as part of the outline consent.

The issues of noise, air quality and contaminated land are considered to be acceptable and would comply with GR6 and GR7 of the Congleton Local Plan (CLP) and SE 12 of the Cheshire East Local Plan Strategy (CELPS). However insufficient levels of information has been provided to demonstrate that the proposed development will not cause harm to the residential amenity of the adjoining dwellings.

The site is a prominent location Sandbach and the proposed development fails to create a high quality, beautiful and sustainable place and is contrary to Policies SE1, SD1 and SD2 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.

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

There is insufficient information in relation to the impact upon trees on the site. The development would not comply with Policy SE5 of the CELPS.

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

The proposed development would affect PROW 19. The development has not taken into account the existing footpath network, would not achieve a high-quality public realm that enhances conditions for pedestrians, would not be pleasant to access on foot. As a

result, there would be conflict with Policies SE1 and CO1 of the CELPS, Policy GR16 of the CLP, and Policy PC5 of the SNP.

Insufficient information has been submitted to establish whether roosting bats are present on this site. As a result, the proposed development would be contrary to Congleton Local Plan Policy NR2 of the CLP, Policy SE3 of the CELPS, Policy PC4 of the SNP and the NPPF.

The proposed development does not integrate the open space/play area into the development, it lacks natural surveillance and the area is likely to be the subject of anti-social behaviour. The proposed development is contrary to Policies SE6, SE1, SD1 and SD2 of the Cheshire East Local Plan Strategy, and Policy H2 of the Sandbach Neighbourhood Plan.

On the basis of the above the application is recommended for refusal.

RECOMMENDATION

REFUSE

PROPOSAL

This is a Reserved Matters application following the approval of application 14/1193C. The application seeks permission for the access, appearance, landscaping, layout and scale for the erection of 170 dwellings.

SITE DESCRIPTION

The application relates to 7.21 ha of land. The site is 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 and the farm complex known as 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 east. 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 Public Rights of Way (PROW) which cross the site.

RELEVANT HISTORY

19/5736C - 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 – Refused 26th February 2020

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 – Appeal Allowed 12th October 2020

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 – Appeal Dismissed 12th October 2020

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

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

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

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

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

13/1398S – EIA Screening – EIA Required

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

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP1 – Presumption in Favour of Sustainable Development

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG6 – Open Countryside
PG7 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 - Design
SE 2 - Efficient Use of Land
SE 3 - Biodiversity and Geodiversity
SE 4 – The Landscape
SE 5 – Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 7 – The Historic Environment
SE 12 – Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management
IN1 – Infrastructure
SC4 – Residential Mix
SC5 – Affordable Homes
CO1 – Sustainable Travel and transport
CO2 – Enabling Growth Through Transport Infrastructure
CO4 – Travel Plans and Transport Assessments

Congleton Borough Local Plan

PS4 – Towns
PS8 – Open Countryside
GR6 – Amenity and Health
GR7 – Amenity and Health
GR9 - Accessibility, servicing and provision of parking
GR10 - Accessibility, servicing and provision of parking
GR13 – Public Transport Measures
GR14 - Cycling Measures
GR15 - Pedestrian Measures
GR16 - Footpaths Bridleway and Cycleway Networks
GR17 - Car parking
GR18 - Traffic Generation
NR3 – Habitats
NR4 - Non-statutory sites
NR5 – Non-statutory sites

Sandbach Neighbourhood Plan (SNP)

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

PC2 – Landscape Character
PC3 – Policy Boundary for Sandbach
PC4 – Biodiversity and Geodiversity
PC5 – Footpaths and Cycleways
HC1 – Historic Environment
H1 – Housing Growth
H2 – Housing Layout
H3 – Housing Mix and Type
H4 – Housing and an Ageing Population
H5 – Preferred Locations

IFT1 – Sustainable Transport, Safety and Accessibility
IFT2 – Parking
IFC1 – Community Infrastructure Levy
CW1 – Amenity, Play, Recreation and Outdoor Sports
CW3 – Health
CC1 – Adapting to Climate Change

National Policy:

National Planning Policy Framework
National Planning Policy Guidance

CONSULTATIONS

United Utilities: No objection subject to the imposition of a drainage condition. 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.

CEC Housing: Object to the application on the following grounds;

- The applicants have stated in their D&A Statement that 30% of the dwellings are to be affordable (51 units). 33 units should be provided as rented and 18 units should be provided as intermediate tenure.
- The applicant has not provided an Affordable Housing Scheme with this application to identify the choice of Social, Affordable or Intermediate Rent and the split is not known.
- A mix of 1, 2, 3 and 4 bedroom dwellings with older persons provision is required.
- The applicant has provided the correct mix and tenures as per the CELPS and S106, however there is no detailed Affordable Housing Statement.

CEC Environmental Health: No comments to make.

CEC PROW: Object to the application on the following grounds;

- FP17 is shown as being diverted along an estate road. This would represent an extinguishment of the public footpath and the corresponding legal order. If this draws an objection it would require the matter to be referred to the Planning Inspectorate and may require a Public Inquiry. A green corridor accommodating this route would provide a significant benefit to future and existing residents.
- FP19 is shown offset from the main spine road presumably within a green corridor and not part of the adopted highway. This alignment does not represent a satisfactory route for pedestrians as it is traversed by at least 11 private driveways.
- The south west FP19 is diverted into green space leading to the LEAP. The first section from the junction runs tight between the ends of facing gardens creating a potential privacy issue. Greater width needs to be allowed to provide a 6m green corridor. A section to the western boundary of the care home would require additional width as it is sandwiched between an existing hedge and the future boundary of the care home. The same width should be afforded as that along the southern boundary leading to the junction with the road.
- The accommodation of FP18 would require a small diversion due to the 90 degree angle shown midway along its length. The path also runs to the side and rear of all the adjacent properties

and may not be afforded natural surveillance. There is a very acute angle at the northern end of the path which would need addressing. The path appears to run within a green corridor but there is no detail of the width or surfacing.

- Each route requires a legal order under s.257 of TCPA to re-align. These processes are separate to the planning process and will require separate negotiation and agreement with the PROW team.
- Informatives are suggested.

Natural England: No objection.

Sustrans: No comments received.

Ramblers Association: No comments received.

Cheshire Wildlife Trust: No comments received.

CEC Head of Strategic Infrastructure: No objection.

CEC POS: Offer the following comments;

- The application is very similar to previous applications. The SUDS scheme is the predominant feature forming large parts of the north and south-west of the site. Only very small areas of Green Infrastructure are actual POS and therefore POS is not exceeded and it is questionable if the standards set out in SE6 are met.
- The green corridor to accommodate PRO1 FP18 includes a Local Area for Play (LAP). The LEAP (Local Equipped Area for Play) has been relocated adjacent to a large SUDS basin.
- The green corridor is referred to as a linear park. Whilst this scheme provides for healthy activities in a circular route, has benefits for urban cooling/flood alleviation and is a green visual amenity, the multifunctionality is restricted. In places, the PROW runs close to the rear of properties which residents may have cause for concern.
- The main western central area of POS includes a LEAP which is located above a water attenuation tank. This should be NEAP (Neighbourhood Equipped Area for Play) having a maximum area of 1,000sq.m. A minimum 30m buffer from the activity zone to the nearest dwelling should be provided.
- The NEAP should be predominately flat and enjoy amenity space surrounding it for informal play and recreation. The POS Officer requests that the wildflower areas shown on Planting Plan Sheet is removed as the maintenance of the two areas does not blend. Resin bound paths may need to be redirected to maximize the use of space. The POS Officer requests a revised landscaping scheme to allow for informal recreation, this may mean tree planting is reduced, a cross section levels plan through the NEAP, demonstration of required buffers along with the design and layout are submitted in detail should committee look favourably on this application. A condition is requested to secure the NEAP including the design, equipment, levels and layout.
- Contributions to enhance hub and key service centres within Sandbach are sought at £1000 per family dwelling or £500 per 2 bed space plus apartment.

CEC Flood Risk Manager: Make the following comments;

- Upon reviewing the submitted information we would have no objections in principle to the reserved matters application.

- It is worth noting that there is a significant increase in proposed ground levels on the western boundary of the site therefore can the applicant please clarify how surface water run-off will be managed safely and contained onsite in this area? Ideally in this instance we would expect to see the implementation of a cut-off drain with a positive outfall to prevent adverse flooding off-site. Has effective boundary treatment been included within the drainage strategy/overall design layout to date?
- Can the applicant please provide confirmation on the above prior to the LLFA's approval?

Environment Agency: Very little information has been provided regarding the access road crossing of Arclid Brook. The applicant has not yet provided details or drawings of the crossing design or has provided any evidence of options that have been explored.

The Environment Agency are generally opposed to the culverting of watercourses due to the negative impacts that they can have on habitats, wildlife corridors and river continuity. Culverting should not be considered until all other options, such as an open span bridge, have been explored. When culverts are unavoidable they should be kept as short as possible.

Conditions are suggested.

VIEWS OF THE TOWN COUNCIL

Sandbach Town Council: Sandbach Town Council objects to this application, further Council consideration is required to confirm the grounds for objection, which will follow in due course.

(The case officer has chased the grounds of objection but at the time of writing this report no comments had been received. An update will be provided in relation to this issue).

REPRESENTATIONS:

Letters of objection have been received from 5 local households which raise the following points;

- Increase in traffic at the roundabout to the A534/A533. The traffic levels are already higher than the roundabout can cope with
- The new development envisages an additional 372 vehicles which will increase traffic congestion and cause unacceptable access, noise pollution and air pollution.
- The Transport Assessment acknowledges that the existing infrastructure is operating beyond capacity by 2024. The redesign of the roundabout will not solve this problem.
- The Transport Plan is out of date and based on data and assumptions from 2014.
- Traffic regularly backs up at peak times and regularly uses the hatched area to avoid blocking the roundabout (an area where the current proposal would site a Toucan crossing).
- The application refers to comments made by a Planning Inspector on a different application (19/3784C). This application was for half the number of dwellings as the current application and the comments are not valid
- Loss of green space which surrounds Sandbach
- The proposed three-storey buildings along the central spine road are not in keeping with the design or aesthetic of Sandbach
- The drainage plan does not provide sufficient detail or guarantee through-life maintenance of the proposed flood storage facility. It is hard to envisage the solution being anything other than a stagnant pond.
- Sandbach has grown exponentially over the last 20 years

- The town is at gridlock if there are any problems on the M6
- Difficulty getting access to a dentist or Dr appointment
- Local schools are at capacity
- The site includes public footpaths which make a significant contribution to the area
- The approved local housing plan should be afforded high weight
- Continuous planning applications on this site
- Lack of infrastructure within Sandbach
- Sandbach does not need further housing development
- Sandbach is meeting its housing needs
- The roundabout is at capacity and cannot cope with an additional 372 vehicles
- Junction 17 is overwhelmed at peak times
- Lack of public transport
- Loss of wildlife habitat

APPRAISAL

Procedural Matters

It should be noted that outline application 14/1193C had been due to expire on 12th October 2020. However, The Business and Planning Act 2020 modified the Town and Country Planning Act to enable certain permissions in England which have lapsed or were due to lapse during 2020 to be extended. This is due to the effect of Coronavirus on the planning system and construction sector. Planning permissions that are affected by the new provisions were extended to 1st May 2021, by which time Reserved Matters had been validated on 29th April 2021.

Planning History

As can be seen within the planning history section the site has an extensive history. As well as the extant outline consent it is worth noting the two recent appeal decisions from last year following the refusal of applications 19/3784C and 19/2539C

The appeal following the refusal of application 19/3784C relates to the enlarged roundabout, spine road and the development of the far southern part of the site (a care home and 85 dwellings). This appeal was allowed.

The appeal following the refusal of application 19/2539C relates to the entire site and included a retail/commercial led development to the north with a residential part to the south. This appeal was dismissed as the Inspector found that *‘substantial harm would arise from the layout and design of the commercial development and moderate harm from the way it deals with the routing of footpaths 18 and 19. No other significant harm would arise’*. Of particular concern were the treatment of the levels on the site and the provision of extensive retaining features. The inspector found as follows;

- A paragraph 18 the proposed development would *‘involve a major remodelling of the existing landform, with obliteration of a significant proportion of the valley slopes which run through the site from north-east to south-west and loss of the gentler sloping field up towards Fields Farm. The edges of the platform, above the deep narrowed valley to the west and close to the eastern boundary, would be formed by retaining structures with a height of up to about 7m on the western side and rising to around 5m on the eastern side’*

- At paragraph 20 *'notwithstanding these mitigating factors and the explanation for the approach in the Technical Notes, the extent of the reforming of the landscape and the size of the development platform and the retaining structures that result would, to my mind, be excessive. The commercial development would not work with the flow and grain of the landscape. This approach runs counter to the need to work with topography and landscape as described by the National Design Guide, Building for Life and the Cheshire East Borough Design Guide'*
- At paragraph 21 the Inspector states that *'Some remodelling and retaining structures would be likely as a result of a housing development on the northern part of the site. However, as the floorplates of houses would be smaller scale and more adaptable to landform, a development platform of such a size would not be needed. Nor would the engineering structures need to be so large and extensive. That is not to say that a commercial development could not be successfully integrated into the landscape. But a finer grain layered approach would be required, rather than one which appears to have the objective of imposing a particular range of buildings with set floorspace all at a similar level on the site'*

In terms of the impact upon the PROW network the Inspector found as follows;

- At paragraph 46 the inspector states that *'Appeal A shows Footpaths 18 and 19 being routed close to buildings or along the spine road as it passes through the commercial development. It is likely that this would result in a more urban environment for these routes, overall, than if the site was developed solely for housing where they could be integrated into a more spacious public realm'*
- In terms of Footpath 18 the Inspector found at paragraph 48 that *'despite the width of the corridor and height of the footpath, users would have a feeling of being hemmed in when behind the coffee shop and foodstore as fencing and high hedging to the neighbouring residential properties would be retained. The steep drop to the level of the foodstore, the need for safety railings and the proximity of the bulky foodstore building would exacerbate the perception of an uncomfortable over-engineered environment'*
- At paragraph 55 the Inspector states that *'Overall, the proposals would result in a significant change in character for the footpaths. The value of the footpaths as recreational routes would be diminished. The new routes would be heavily influenced by the urban character of the development, particularly where running along the spine road and by the eastern boundary. A significant change in character would occur with a solely residential development. But it is likely that the change would be less drastic'*
- At paragraph 57 the Inspector states that *'there would be conflict with Policies SE1 and CO1 of the CELPS, Policy GR16 of the CLP, and Policy PC5 of the SNP as the commercial development has not taken into account the existing footpath network, would not achieve a high quality public realm that enhances conditions for pedestrians, would not be pleasant to access on foot, and parts of Footpaths 18 and 19 would be degraded'*

Principle of Development

The Principle of development for up to 200 dwellings has been accepted as part of application 14/1193C. Therefore the principle of residential development on this site is considered to be acceptable.

This application relates to the Reserved Matters of access, appearance, landscaping, layout and scale.

Highways Implications

As noted above the outline consent was in outline with all matters reserved. As a result the proposed access is to be determined as part of this current application.

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.

It is also noted that the appeal decision following the refusal of application 19/3784C also gave approval for an access off an enlarged five-arm roundabout to the north.

The S106 Agreement to outline application 14/1193C secures a contribution of £120,000 towards the improvement of the junction at The Hill/Old Mill Road and the widening of the A534 between the site access roundabout and the Old Mill Road/The Hill junction.

The main access would have shared pedestrian/cycle paths and 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.

Given that the access has been approved as part of two recent applications (although one has now expired), it is considered that this current scheme which is the same as that proposed as part of the appeal applications in 2019 is an acceptable highways solution in terms of traffic generation and access safety.

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

Internal Layout

The main spine road is a 6.7m wide carriageway with a 3m ped/cycle footway on one side and 2m footpath on the other. This has been designed to accommodate the proposed 170 units. The secondary roads are either 5.5m wide with footways or 4.8m shared surface carriageways.

The internal road design is consistent with CEC road design standards for adoption and the submitted design is considered acceptable. Swept paths have been submitted to indicate that a refuse vehicle is able to manoeuvre within the turning heads provided.

Car Parking

The level of car parking has been provided in accordance with CEC standards. The parking for each of the units is either on driveway or garage spaces.

Cycle Provision

The proposed development could have cycle storage provision for each dwelling. This could be controlled via the imposition of a planning condition.

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

Summary

The proposed internal road layout is acceptable with regards to the submitted design and no objections are raised to the application. It should be noted that the development is reliant upon the new enlarged roundabout access being provided as there is no alternative means of access to the site.

Amenity

The Congleton Borough SPG requires the following separation distances;

- 21.3 metres between principal elevations
- 13.8 metres between a non-principal and principal elevations

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

- 21 metres for typical rear separation distance
- 18 metres for typical frontage separation distance
- 12 metres for reduced frontage separation distance (minimum)

The main properties affected by this development are those to the east of the site fronting onto Laurel Close, Condliffe Close and Palmer Road.

No 8 Laurel Close is located to the east of the application site. This dwelling has been extended to the side and includes a ground floor kitchen window facing towards the application site. The proposed dwelling on plot 75 have a side elevation facing No 8 Laurel Close and have a separation distance varying from 12-13m. Although the separation distance falls below the standard required it is considered that the proposed development would result in an improvement in residential amenity. Currently there is an agricultural building at a similar distance and the proposed development would result in the removal of potential amenity impacts from the use of the farm yard at Fields Farm. This would outweigh the limited harm caused by the shortfall in separation distances.

The dwelling at No 15 Laurel Close has a blank side elevation facing the application site. There would be a separation distance of 25m to the front elevation of the dwelling on plot 77. This relationship is considered to be acceptable.

The proposed dwellings on plots 29 and 30 are two-storey units with front elevations facing the rear elevations of the dwellings at 74 and 76 Palmer Road with a separation distance of 30m at the nearest point. This relationship is considered to be acceptable.

The proposed dwelling on Plot 28 would have a front elevation facing the rear boundaries of the dwelling at 74 Palmer Road. There would be a separation distance of just 6.5m to the shared

boundary at the nearest point with 15.5m to the nearest point of the dwelling (which is set at an angle). No cross-sections have been provided and it is not possible to determine how this relationship would work.

The dwelling at plot 25 (two-storey unit) has a blank side elevation facing the rear elevation of 70 Palmer Road and separation distance of 26m. This relationship is considered to be acceptable.

The apartments at plots 8-13 are two-stories in height and would be positioned with their rear elevation just 6m from the rear boundary of the dwellings at 7-11 Condliffe Close. There would be a separation distance of 15m to the rear elevations of these properties at the nearest point. Again, no cross-sections or levels information for the adjacent properties has been provided and it is not possible to determine if this development would have an acceptable impact upon residential amenity.

The dwellings on plots 1 and 2 are three-storey units with secondary windows to the side elevations. There would be a separation distance of 27m between the nearest corner of 15 Condliffe Close. Due to the off-set relationship the impact is considered to be acceptable.

Air Quality

The impact upon air quality was considered as part of the outline application and conditions have been imposed relating to a Travel Plan (condition 19) and electric vehicle infrastructure (condition 21).

Contaminated Land

The issue of contaminated land was considered at the outline stage and is dealt with as part of condition 11 which requires the submission and approval of a Phase II Contaminated Land Report before development commences.

Construction Impacts

The issue of disruption caused by the construction of the development was considered as part of the outline consent and an Environmental Management Plan is secured as part of condition 12.

Impact from Houndings Lane Farm

As part of the previous appeal decision on the site the Inspector expressed concern over the impact from the working farm at Houndings Lane Farm to the south on the proposed housing development. Condition 13 of the outline approval requires the submission and approval of a noise and odour assessment before development commences.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 126 states that:

'The creation of high quality, beautiful and sustainable 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'

Integrating into the Neighbourhood (1 Connections - Amber, 2 Facilities and Services - Amber, 3 Public Transport - Amber, 4 Meeting Local Housing Requirements – Green)

It should be noted that criterion 1, 2 and 3 are permissible ambers under Building for Life (BfL), where that is as a consequence of matters outside the control of the applicant.

The site has outline permission and therefore the principle of residential is established. However, it's location on the southern side of Old Mill Way, does potentially create a barrier to movement and connectivity on foot/by cycle. Provision is made for ease of movement within the site with the primary street incorporating a combined footpath and cycleway.

Within the site, the main issue re: connectivity is how the three PROW are being accommodated within the scheme. Diversion of Public rights of way FP 17 and 19 is proposed, whilst 18 follows the eastern edge of the site. The PROW team have objected to the proposal, primarily because of the diversion entailing the PROW being on the alignment of proposed streets for much of their length through the site. Although FP19 is being maintained on its present alignment, there are certain sections where it would be less well surveyed.

The scheme generally overlooks the rural edge except the western boundary which backs onto the valley bottom and the A534.

Creating a place (5 Character - Amber, 6 Working with the Site and its Context - Red, 7 Creating Well Defined Streets and Spaces - Amber, 8 Easy to Find Your Way Around – Green)

5 Character (Amber)

Character areas have been identified but these feel arbitrary, and it isn't clear from the Design and Access Statement (DAS) how these are informing the design of units and associated spaces/landscape. A stronger DAS would have inspired more confidence re: this approach. The house type range is not particularly well detailed, and it is unclear how local context has informed the design of individual buildings, groupings and associated spaces. Furthermore, the components for the layering of townscape are not sufficiently well explained within the DAS.

The sense of arrival into the scheme off Old Mill Road is a concern given the proposed retaining structures and severity of those structures. The retention features result in a very severe urbanisation of the site at the main point of entry.

6 Working with the site and its context (Red)

In terms of the relationship to Fields Farm, care is needed regarding the setting, although the layout is positive in certain respects. The Council's Urban Design Officer has stated that less development to the west would enable a better association with the main street through the site and enable a better approach to play/open space provision and give a communal function to space in front of the farmhouse. The fact the farmhouse is not part of the detail is unfortunate, as this small and distinct character area could have been designed in its entirety, rather than

piecemeal. Which, in all likelihood, would have created a stronger and more distinctive heart for the development.

The relationship of the western edge of the development to the valley bottom is a serious concern. Retaining structures circa 6 m at the highest point, with an average in excess of 4 m, with boundary acoustic fence above, will define this narrow corridor with a swale situated at the base of this structure. This is not a positive design solution to this corridor and, as mentioned previously at the site entrance, with potential to create a very poor sense of arrival into the development from the entrance off Old Mill Road. There are also further retaining structures on the eastern side of the main access street in front of the northernmost group of housing, which again could lead to weakening of the entrance if poorly resolved.

The scheme seeks to retain most of the trees and hedges within the central area of the site, south of Fields Farm but most of the hedges would be private boundary between properties or in areas of private management, which is not the preferred approach, as often, over time this can lead to poor management practices, weakening and potentially, eventual loss of those features.

Given the concerns about the treatment of levels on the western and northern part of the site and the lack of sectional and design information for the finished levels and structures involved, it is considered a red rating is appropriate, especially as this is a residential scheme, and therefore particularly sensitive to the potential adverse effects imposed by such engineering.

7 Well defined streets and spaces (Amber)

For the most part there are positive frontages and there is a clearly defined street hierarchy, although the verges for the avenue fall below the minimum set out in the design guide. However, in certain areas there are anomalous situations, where properties will have a potentially poor relationship to streets or space, or the unusual back land relationship with fronts of properties addressing space and rear gardens (plots 151-154). In certain communal areas there could also be ambiguity of space, leading to poor management and misuse. Along the FP18 corridor, there should defensible measures designed in for end plots to create a clear distinction between public and private. The LAP located at the back of plot 78 and immediately to the side of plot 77 is something that would usually be discouraged, creating a poorly defined play opportunity and the potential for antisocial activity. The realigned FP19 route, to the north of the LEAP continues up to the Avenue between the rear garden of properties. This is a poor solution that should be discouraged in terms of community safety.

8 Easy to Find Your Way Around (Green)

Internally the access is dominated by the tree lines spine road with a number of cul-de-sacs and PROW linkages off the spine road. The linear nature of the site and design would mean that the development would be easy to find your way around.

Street and Home (9 Streets for All – Amber, 10 Parking - Amber, 11 Public and Private Open Space – Amber, 12 External Storage and Amenity Space - Amber)

9 Streets for all (Amber)

There is a clear hierarchy and the avenue is a strong primary street in that hierarchy. However, the design guide states that avenues both principal and secondary should be no more than 6.5 metres wide, if it is to accommodate a bus service. There is the potential for this to be narrowed to 5.5. if there is to be no bus provision or in localised areas. Therefore, there is scope to narrow and perhaps increase the verge width and create transitional elements along the route. Elsewhere secondary streets are 5.5 metres, where some variation down to 4.8m is possible and still comply with the design guide, whilst shared surface lanes are 4.8m (but theoretically could reduce to 4.5 m in localised situations). Auditing street widths particularly, the Avenue and the streets could help create more human scale streets and more effectively achieve the new NPPF requirement for streets to be tree lined.

10 Parking (Amber)

Whilst in some areas the parking is well handled with on plot solutions, there are some areas where the parking could be overly dominant, resulting in larger areas of hard surface with very limited scope for landscape planting to help soften those areas.

11 Public and private spaces (Amber)

It is not clear how the site levels impact on the effectiveness of the main area of POS but in this part of the site the levels information indicates a 4-metre cross fall for this area of space. This could impact upon its usability and accessibility and, it is also the location of an underground SuDS storage tank. Notwithstanding, the fundamental question of whether this is the appropriate location for formal play also needs to be considered (this is discussed below within the Public Open Space section).

The LAP sited to the rear of plot 76 is also a very poor solution to providing local play. Consequently, the open space/play strategy requires some re-consideration.

There is not a strong landscape strategy driving the design and more could be made of the space at the site entrance to define the gateway (continuing the wetland character of river valley north of Old Mill Road, and in front of Fields Farm, but this is not being designed into the scheme comprehensively).

12 External storage and amenity space (Amber borderline red)

There is little information about the ability of properties to accommodate external storage, although the larger properties have sufficiently sized gardens to adequately provide private amenity and storage. This may be more difficult to achieve on smaller properties and also there needs to be a clear strategy for bin storage and collection.

In terms of private amenity space, the apartments do not have clearly defined communal space or the provision of terraces or balconies to provide modest private space

More information is required in relation bin storage, external and secure bike storage and the design needs to ensure communal and preferably private amenity space for apartments.

Other Issues

The phasing plan shows the farm to be developed last. This could lead to its dereliction and ultimately to its loss when retention could help to better characterise part of the site. The space associated with the farmhouse could also contribute to achieving a stronger sense of place for the scheme if designed with the surrounding development.

Design Conclusion

There are a number of areas/issues within this scheme that need to be resolved. However, the most significant area of concern is in relation to the western and northern edge of the development: both how the development addresses these edges and announces arrival into the site from the north off Old Mill Road, and with particular focus upon the impact of the engineered solutions proposed in these areas of the site.

The proposed development is contrary to Policy SE1, SD1 and SD2 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.

Archaeology

The impact upon archaeology was considered at the outline stage. Condition 14 attached to the outline consent requires a scheme of investigation to be approved in writing.

Public Rights of Way

The proposed development would affect PROW Nos 17, 18, 19 & 50.

Within the recent appeal decision for the hybrid mixed use development (19/2539C), the Inspector expressed concern over the impact upon FP18. At paragraph 48 the Inspector found that

‘despite the width of the corridor and height of the footpath, users would have a feeling of being hemmed in when behind the coffee shop and foodstore as fencing and high hedging to the neighbouring residential properties would be retained. The steep drop to the level of the foodstore, the need for safety railings and the proximity of the bulky foodstore building would exacerbate the perception of an uncomfortable over-engineered environment’

At paragraph 49 the Inspector stated in relation to FP18 that;

‘Natural surveillance would be limited over the stretch behind the foodstore and coffee shop. However, the existing route lacks surveillance at this point. Although the function of the path would change, I do not consider that surveillance and any risk of anti-social behaviour or crime are matters that have a significant bearing on my consideration of the footpaths issue. Surveillance elsewhere within the development would be acceptable’

FP18 would be retained along its current route within a 5m wide corridor which would gradually widen out to the south of Laurel Close. The level plans show that FP18 would be at a similar level to the nearest dwellings. It is considered that this application addresses the Inspectors concerns in relation to the ‘perception of an uncomfortable over-engineered environment’.

In terms of FP19 this runs through the centre of the site and Circular 1/09 indicates that revisions to routes ‘should avoid the use of estate roads 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’.

At paragraph 53 of the Appeal Decision the Inspector found that;

‘Circular 1/09 does not preclude the use of estate roads. However, in this case the formation of the large platform surrounded by engineering structures close to the western boundary has resulted in the need for Footpath 19 to be diverted through the development rather than for it to form a green link close to the valley bottom as part of the development’s public realm’

The same statement applies to this current application.

At paragraph 55 the Inspector concludes that

‘Overall, the proposals would result in a significant change in character for the footpaths. The value of the footpaths as recreational routes would be diminished. The new routes would be heavily influenced by the urban character of the development, particularly where running along the spine road and by the eastern boundary. A significant change in character would occur with a solely residential development. But it is likely that the change would be less drastic’

Although the concerns relating to FP18 appear to have been addressed. It is not considered that those relating to FP19 have been. Furthermore, as discussed within the POS section below the southern end of FP19 where it runs through the proposed open space would be set at a lower level and there is no indication as to how the levels in this area would be treated as no section drawings have been provided.

As a result, there would be conflict with Policies SE1 and CO1 of the CELPS, Policy GR16 of the CLP, and Policy PC5 of the SNP as the development has not taken into account the existing footpath network, would not achieve a high-quality public realm that enhances conditions for pedestrians, would not be pleasant to access on foot, and parts of Footpath 19 would be degraded. The Action Plan contained within Appendix 3 of the SNP indicates that footpaths should not just be pavements alongside roads. Whilst this part of the SNP does not comprise development plan policy, it is a material consideration.

Landscape

Application 14/1193C established that the site has a capacity for up to 200 dwellings and as the Design and Access Statement indicates, part of the site has detailed approval for 85 residential dwellings and a care home, via an appeal based on application 19/3784C.

The submitted drawings indicate the challenges that topography plays on the site and illustrate a number of retaining features required to overcome this issue, noting the proposed height differences along the routes of these retaining structures, notably 1.8m along the structure located to the east of the main access route towards the northern part of the site, a 2.1 – 2.9m retaining structure along the central part of the proposed development, adjacent to Plots 5 – 17, a 0.75m retaining structure to the west of Plot 38 and a more extensive retaining structure along the western boundary ranging from 3.3m to 6.3m in height over a total length of approximately 210m.

There are serious concerns regarding the way in which topography has been dealt with, and while appeal 19/3784C provided detailed approval for 85 dwellings, the dwellings were located in the part of the site in which the shorter retaining structures were/are now proposed. There are serious concerns regarding the extended retaining structure along the western boundary which formed part of appeal 19/2539C. The Inspector's comments regarding this structure are very relevant and remain pertinent;

'The commercial development would be formed on a large (3 ha), gently sloping platform spanning across most of the site's width and depth. This would involve a major remodelling of the existing landform, with obliteration of a significant proportion of the valley slopes which run through the site from north-east to south-west and loss of the gentler sloping field up towards Fields Farm. The edges of the platform, above the deep narrowed valley to the west and close to the eastern boundary, would be formed by retaining structures with a height of up to about 7m on the western side and rising to around 5m on the eastern side. To the north of the petrol filling station (PFS) there would be a combination of a steep slope and a retaining wall. The length of the retaining structures would also be significant. For example, although ranging in height from 1m to about 5m, the eastern retaining structure would be some 300m long'

The submission provides no details regarding the proposed construction of these walls or how their starkness and scale could be mitigated. In addition, any mitigation that would have been provided by the proposed commercial development and scale of the development would not necessarily be as effective in a more residential development, nor is it clear how the swale indicated to the west of this retaining structure would allow the retention of existing roadside vegetation or the ability to provide any further mitigation along this boundary.

The submission identifies a number of character areas. These appear to be largely based on the built form and design features of the dwellings, with little evidence that the character areas extends or relates to soft landscape design. Overall soft landscape proposals are disappointing. While there is a tree lined avenue along the main access route through the site, this is in a 2m wide strip, considerably less than the dimensions identified in the Cheshire East Design Guide which requires 3-5m. The remaining character areas have minimal tree planting and very limited green infrastructure generally and are often dominated by car parking areas, resulting in a hard and urban street scene that does little to reinforce the character areas intended. Considerably more thought needs to be given to green infrastructure across the whole site, including mitigation along the western and eastern boundaries, the dearth of trees and of a landscape hierarchy and green infrastructure generally.

While the principle of residential development has been established the proposals do not attempt to work with the topography of the site and the resulting retaining structures may well appear stark and out of scale along the western boundary. While the remaining structures may be less discernible, some are of significant scale and may well appear incongruous and alien in a more residential environment. While the main access route tree avenue is a positive feature the Landscape Architect does have concerns at the restrictive size of the planting corridor which is significantly less than would normally be required for trees of this species. Overall, the lack of a tree planting hierarchy is worrying and note the extensive areas with no tree planting across the application site.

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

Trees

The application is supported by an Arboricultural Impact Assessment. This identifies 1 Grade A tree (High Quality and Value), 4 Grade B trees (Moderate Quality and Value), 16 Grade C trees (Low Quality and Value) and 4 Category U trees (Trees which cannot be realistically retained as they have a life span of no longer than 5 years). The site also includes 1 Grade B group of trees and 7 hedgerows (4 Grade B and 3 Grade C).

At para 7.10, the supporting Arboricultural Assessment has identified a section of a moderate (B) category group, one low (C) category group, one low (C) category tree and three hedges (part) that will require removal to accommodate the proposed development. A further four trees have been identified as unsuitable for retention (U) category and require removal irrespective of the development proposal.

It is agreed that the partial removal of the group of trees (shown as G2) comprise of a mixed group of species which form the landscape buffer to A534; the extent of removal will be approximately 30 metres in length in order to achieve the necessary access into the site. The removal will have a slight to moderate adverse impact locally at the northern end of the site, however it is accepted that the loss can be adequately compensated within the site.

With regard to the loss of low (C) category trees it is accepted that having regard to the design parameters of BS5837:2012 the loss of these trees should not be considered a significant constraint on development. However, the mitigation for the loss of these trees should be considered as part of the detailed landscape scheme to ensure a net increase in canopy cover and meet climate change national and local policy. Any tree planting that is included as part of any landscape scheme for the development should use native large species rather than short lived ornamental species.

At Para 6.4 the Assessment refers to the impact of development on the Root Protection Area (RPA) of retained trees (BS5837:2012 para 4.6 and 5.3.1 refers). Para 7.10 of the Assessment provides a table of impacts identifying proposed removals and impact on RPA of trees and a table showing there are no impacts on the RPA of trees. This is not the case however, as the site layout at Appendix A shows internal road 6 within the RPA of a mature (B) category Lime (T19) and road 10 within the RPA of a mature (B) category Oak (T26). Whilst it is noted in the Survey Schedule of the Assessment that T26 is to be removed, this and other trees proposed for removal are not clearly identified on the site layout.

The use of broken circles for RPA's, particularly the use of red is also not helpful as this is normally used to identify trees for removal. The Oak (T26) is also wrongly colour coded on the site layout as category C.

The Assessment makes reference to the successful retention of trees and the avoidance of damage to tree roots at para 6.4 and refers to T19 (which is located within the adjacent farmyard) as significant.

Given the existing topography of the site and the likely level changes required to accommodate the internal road infrastructure, a more detailed assessment is required on the impact of Road 6 on the mature Lime (T19).

The assessment at para 9.1 refers to an interim Arboricultural Method Statement but does not include any reference to the proposed excavation that would be needed for the road or details of any special measures/engineering solution required to avoid damage to the rooting environment of tree T19. Reference is made to a Tree Protection Plan (TPP) but this has not been provided either.

In light of the above, the applicant needs to alter the design of the access road to avoid the RPA of the Lime (T19) or show that the proposed access as shown can be achieved without detriment to the tree to be retained. The applicant should provide a detailed arboricultural method statement that details specific measures required within the RPA of retained trees and Tree Protection Plan that clearly shows without any ambiguity which trees are to be removed and which trees are to be retained and protected.

Ecology

Condition 4 -The landscaping reserved matter shall make provision for replacement hedge planting for any hedgerows to be removed as part of the development.

The updated Ecological Mitigation Statement advises that 171m of existing hedgerow would be lost as a result of the proposed development. As part of this application 892m of new hedgerow planting is proposed as part of the submitted landscaping scheme. This is sufficient to compensate for that lost.

Condition 10 - Provision and management of an 8-metre-wide undeveloped buffer zone alongside the Arclid Brook.

The applicant has now provided a plan to confirm that the SUDS pond and swale are beyond the 8m buffer. Pipework associated with the outfall to Arcid brook will however necessarily occur within the buffer.

Condition 17 - No development shall commence on any phase of development, until an ecological mitigation strategy for the area of development in that phase has been submitted.

The applicant has not applied to discharge this condition however a mitigation strategy has been submitted with this application. The submitted strategy reiterates the off-site habitat creation proposals secured under the outline consent at this site. One of the key ecological mitigation measures required as part of the development of this site would be the design of the culvert to ensure that it does not pose a hazard to Otters. Whilst outline proposals have been submitted for this the submitted ecological mitigation strategy requests that the detailed design be deferred by means of a planning condition.

Details of the design of the culvert and associated fencing could be secured by means of a suitable worded planning condition.

Condition 23 - All future reserved matters application shall be supported by an updated protected species survey.

An updated protected species surveys has been submitted. The previous phase one survey highlighted the presence of trees with potential to support roosting bats. A survey/assessment of the trees on site in respect of roosting bats is therefore required.

The applicant has indicated that further bat surveys are in hand and will be completed in September. As these details have not been provided this issue will form a reason for refusal.

Lighting

To avoid any adverse impacts on bats resulting from any lighting associated with the development a planning condition could be attached relating to external lighting details.

Landscape Management Plan

A landscape management plan has been submitted in support of this reserved matters application. Additional information is required in relation to the hedgerow heights, hedgerow maintenance and wildflower maintenance.

In order to ensure the viability of the landscape and habitat creation works to be provided on site it is advised that the management plan must be for a period of 25 years. The submitted plan must be amended to reflect this and include a work schedule to cover this timeframe.

The applicant has indicted that the revised Landscape Management Plan is in hand, but this is still outstanding at the time of writing.

Flood Risk/Drainage

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

In this case the Environment Agency and United Utilities have 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.

The Councils Flood Risk Officer has stated that she has no objection in principle to this application. However, the Flood Risk Officer has noted the significant increase in land levels on the site and has requested clarification how surface water run-off will be managed. These matters are subject to the pre-commencement condition attached to the outline consent (condition 7).

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 604 homes. This can be broken down to 290 x one bedroom, 168 x two bedroom, 94 x three bedroom, 29 x four bedroom and 23 x four+ bedroom dwellings.

This is a proposed development of 170 dwellings in a Key Service Centre therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 51 dwellings to be provided as affordable homes (33 units should be rented and 18 units should be intermediate tenure).

The applicant in their Design and Access statement advises that 30% (51) dwellings are to be affordable. This is in keeping with the CELPS and S106 dated 12th October 2017. The submitted plans show that the split would be 33 units as rented and 18 units as intermediate tenure. The Housing Officer has confirmed that he is happy with the mix of the proposed housing in terms of the size of the units as well as the location of the units.

The only issue is the lack of a detailed Affordable Housing Scheme. This could be secured as part of a planning condition if the application is approved.

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.

In terms of Green Infrastructure (GI), the application is very similar to that of previous applications. Much of the GI being provided is buffer planting and landscaping needed to retain existing trees and hedgerows as part of the design and to accommodate the Public Right of Way. The SUDs scheme is the predominate feature forming large parts of the north and south west of the site. In terms of POS (amenity open space, active recreation and play), only very small areas of GI are actual POS and play.

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.

Excluding the 1 bed units the proposed development would provide 146 family homes. The proposed development would require the provision of 5,860m² of children's play and amenity green space and 2,920m² of GI. The proposed plans state that the development would provide 24,550m² of public open space.

The green corridor to accommodate the Public Right of Way 18 has the addition of 100sqm Local Area for Play (LAP) adjacent to properties with a landscaped area (1,780sqm) to the South

however much of the soft boundary appears to sit at approximately 5m wide. The Local Equipped Area for Play (LEAP) has been relocated adjacent to the large SUDs retention basin.

The green corridor is referred to as a 'Linear Park'. Where possible, linear parks will have a multifunctional role, providing places for all types of activity including active pursuits, relaxation, community events, incidental recreation, playgrounds and dog off-leash areas. Whilst this scheme provides for healthy activities in a circular route, has benefits for urban cooling/flood alleviation and is a green visual amenity, the multifunctionality is restricted. In places, the PROW runs close to the rear of properties which residents may have cause for concern.

With specific reference to the main western central area of POS in which a LEAP play area is located above the water attenuation tank. This should be a NEAP for all ages, having a minimum area requirement of 1,000m² activity zone (this is identified within the S106 Agreement completed as part of the outline consent). The NEAP should include consideration to accessibility and inclusivity embracing the Equality Act and to Fields in Trust standards, a minimum 30m buffer from the activity zone to the nearest dwelling should be provided (this is 13m at the nearest point of plots 133-134 to the east and 20m to plots 143 and 144 to the north).

The NEAP should be predominately flat (no sections have been provided) and enjoy amenity space surrounding it for informal play and recreation. The POS Officer has requested that the wildflower areas shown on the planting plans are removed as the maintenance of the two areas does not blend.

The play area and open space should be centrally located and include natural surveillance from the surrounding dwellings. In this case it is noted that the proposed dwelling on plots 143 to the north faces the play area and the dwelling on plot 144 has a side elevation with secondary glazing facing the play area. Both of these dwelling would be sited at a higher level with a 4.7m retaining wall to the boundary with the open space. To the east plot 139 would have a blank elevation (apart from a secondary ground floor opening facing the play area). The apartments at plots 131-134 would back onto the open space, as would the dwellings at plots 125-128 and 170, and plot 129 would have a blank side elevation facing the open space (excluding a first floor en-suite window).

In terms of the dwellings to the east of the open space and play area, the levels plan shows that plot 139 would be 1.6m higher than the adjoining PROW and plots 131-134 would be between 3.04-2.79m higher than the adjoining PROW. However, the plans do not indicate any retaining structures and it is unclear how these level changes could be achieved. Plot 126 includes a retaining wall of 1.5m to the boundary with the open space.

The plans show that the open space and play area would be poorly sited, at a lower level than the proposed dwellings which largely back onto the open space/play area. The proposed development does not integrate the open space/play area into the development and the area is likely to be the subject of anti-social behaviour.

The submitted details are contrary to SE6, SE1, SD1 and SD2 of the CELPS, and Policy H2 of the SNP.

Outdoor Sport

The request for a contribution for Outdoor Sport from the POS Officer is noted. No contribution was secured as part of the outline application and this cannot be revisited at this stage.

Education

The impact upon education infrastructure was considered as part of the outline application and the following contributions were secured as part of the S106 Agreement;

- Primary education - £390,466.00
- Secondary education - £424,909.00

The impact upon education cannot be reconsidered at the Reserved Matters stage.

Health Infrastructure

The concerns over the impact upon health infrastructure within Sandbach are noted. No contribution was secured as part of the outline application and this cannot be revisited at this stage.

CONCLUSION

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

The highways implications of the development are considered to be acceptable and a contribution for off-site highway works is secured as part of the outline consent.

The issues of 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. However insufficient levels information has been provided to demonstrate that the proposed development will not cause harm to the residential amenity of the adjoining dwellings.

The site is a prominent location Sandbach and the proposed development fails to create a high quality, beautiful and sustainable place and is contrary to Policies SE1, SD1 and SD2 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.

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

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

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

The proposed development would affect PROW 19. The development has not taken into account the existing footpath network, would not achieve a high-quality public realm that enhances conditions for pedestrians, would not be pleasant to access on foot. As a result, there would be

conflict with Policies SE1 and CO1 of the CELPS, Policy GR16 of the CLP, and Policy PC5 of the SNP.

Insufficient information has been submitted to establish whether roosting bats are present on this site. As a result, the proposed development would be contrary to Congleton Local Plan Policy NR2 of the CLP, Policy SE3 of the CELPS, Policy PC4 of the SNP and the NPPF.

The proposed development does not integrate the open space/play area into the development, it lacks natural surveillance, and the area is likely to be the subject of anti-social behaviour. The proposed development is contrary to Policies SE6, SE1, SD1 and SD2 of the Cheshire East Local Plan Strategy, and Policy H2 of the Sandbach Neighbourhood Plan.

On the basis of the above the application is recommended for refusal.

RECOMMENDATION:

REFUSE for the following reasons;

- 1. This is a prominent site in Sandbach. The Council has undertaken a Building for Life Assessment which finds that the proposed development does not result in the creation of a high quality, beautiful and sustainable place and on this basis the development should be refused. The proposed development is contrary to Policy SE1, SD1 and SD2 of the Cheshire East Local Plan Strategy, Policy H2 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.**
- 2. The application site is of a very challenging topography in a prominent location. The application includes an engineered retaining wall and minimal landscape mitigation. Furthermore, the application does not include sections information in relation to the proposed development and further retaining structures may be required. The development would not work with the flow and grain of the landscape and cause harm to the character and appearance of the area. This approach runs counter to the need to work with topography and landscape as described by the National Design Guide, Building for Life, the Cheshire East Borough Design Guide and Policies SD2, SE1 and SE4 of the Cheshire East Local Plan Strategy, PC2 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.**
- 3. The proposed Public Open Space is located adjacent to the A534 and is sited at a lower level to the proposed dwellings which generally back onto the open space. The application does not provide the required NEAP, the relevant separation distances to the NEAP and no section drawings have been provided. The proposed development does not integrate the open space/play area into the development and the area is likely to be the subject of anti-social behaviour. The proposed development is contrary to Policies SE6, SE1, SD1 and SD2 of the Cheshire East Local Plan Strategy, and Policy H2 of the Sandbach Neighbourhood Plan.**
- 4. The proposed dwellings on plot 28 and plots 8-13 have the potential to cause a loss of amenity to the dwellings at 74 Palmer Road and 7-11 Condliffe Close due to the short separation distances to the site boundary. As no cross-section drawings have been provided it is not possible to determine the level of impact. Insufficient information has**

been provided to demonstrate that the proposed development would not have an unduly detrimental effect on their amenity. As a result, the proposed development is contrary to Policy GR6 of the Congleton Local Plan.

5. The previous phase one survey highlighted the presence of trees with potential to support roosting bats. A survey/assessment of the trees on site in respect of roosting bats is therefore required and has not been provided. The presence of bats needs to be resolved as this is a material planning consideration. As a result, the proposed development would be contrary to Congleton Local Plan Policy NR2, Cheshire East Local Plan Strategy Policy SE3, Sandbach Neighbourhood Plan Policy PC4 and the NPPF.
6. The proposed development will result in a significant change to the character of footpath FP19 which would be heavily influenced by the urban character of the development, particularly where it runs along the spine road and through the open space. As a result, there would be conflict with Policies SE1 and CO1 of the Cheshire East Local Plan Strategy, Policy GR16 of the Congleton Local Plan, and Policy PC5 of the Sandbach Neighbourhood Plan as the development has not taken into account the existing footpath network, would not achieve a high-quality public realm that enhances conditions for pedestrians, would not be pleasant to access on foot.
7. Insufficient information has been provided to demonstrate that the proposed access can be achieved without detriment to tree T19. The applicant should provide a detailed arboricultural method statement that details specific measures required within the RPA of retained trees and Tree Protection Plan that clearly shows without any ambiguity which trees are to be removed and which trees are to be retained and protected. The proposed development is contrary to Policy SE5 of the Cheshire East Local Plan Strategy and guidance contained within the NPPF.

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

