

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 160 dwellings, car parking, public open space and associated works

Applicant: Mr C R Muller, Muller Property Group

Expiry Date: 11-Mar-2022

## Summary

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. The impact upon the amenities of the surrounding residential properties is considered to be acceptable.

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.

The impact upon the trees on the site is largely acceptable. However, the impact upon Lime Tree (T19) remains a weakness in the proposed design.

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.

The impact upon ecology is considered to be acceptable and the proposed development complies with 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 160 dwellings (reduced from 170 dwellings during the course of this application).

## **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 26<sup>th</sup> 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 19<sup>th</sup> December 2019 – Appeal Allowed 12<sup>th</sup> 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 28<sup>th</sup> August 2019 – Appeal Dismissed 12<sup>th</sup> 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 1<sup>st</sup> March 2019

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

14/1193C - Outline planning application for up to 200 residential dwellings, open space with all matters reserved – Approved 12<sup>th</sup> 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 11<sup>th</sup> December 2014

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

13/1398S – EIA Screening – EIA Required

12/3329C - Mixed-Use Retail, Employment and Leisure Development – Refused 6<sup>th</sup> 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 21<sup>st</sup> March 2022.

PC2 – Landscape Character  
PC3 – Policy Boundary for Sandbach  
PC4 – Biodiversity and Geodiversity  
PC5 – Footpaths and Cycleways  
HC1 – Historic Environment  
H1 – New Housing  
H2 – Design and Layout  
H3 – Housing Mix and Type  
H4 – Housing and an Ageing Population  
IFT1 – Sustainable Transport, Safety and Accessibility  
IFT2 – Parking  
IFC1 – Community Infrastructure Levy  
CW1 – Amenity, Play, Recreation and Outdoor Sports Facilities  
CW3 – Health  
CC1 – Adapting to Climate Change

### **National Policy:**

## 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:** The applicant has reduced the total housing number to 160 and they are proposing 48 Affordable Dwellings which is 30%. Of these 48, 31 are to be rented and 17 are to be Intermediate dwellings. This amount and tenure split is policy compliant. However, there is still no Affordable Housing Statement that is required with any reserved or full application. Until the Affordable Housing Statement is provided the objection is maintained.

**CEC Environmental Health:** No comments to make.

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

- FP17 is shown aligned along the footway of the estate road, this effectively represents an extinguishment of the PROW. Whilst the current path is acknowledged to be difficult and unattractive this represents a lost opportunity to create an improved east-west off road route. This proposed development should present an opportunity to deliver and improve walking and cycle facilities for transport and leisure purposes.
- The link from FP17 and FP18 to Laurel Close is shown as a pedestrian/cycle link. If cycle access to be accommodated then it must be confined to the road network as FP18 is only proposed to be 2m wide and is not suitable for shared use.
- *FP18 is largely accommodated along the eastern boundary of the site within a green swathe although it will require a minor diversion for the section around the parking area off the end of shared surface road 4.* It is stated in that no part of this route will not be less than 6 metres wide.
- It is disappointing that there has been no reassessment of how FOP19 could be better served than placing it largely along the spine road for half of its length. The spine road does not offer the green corridor environment or avenue that has been delivered elsewhere. The verges are narrow and the route will be continually crossed by driveways and a side road. This section will also require an extinguishment of the footpath. The southern half of FP19 is proposed to be diverted and offers an acceptable alternative provision through a largely green landscape.
- FP50 – There is no accommodation of this small section of footpath where it leaves FP18. It looks like some of the proposed wildflower planting will also be across the footpath.
- Where each of the footpaths exit the site, there should be suitable provision of pedestrian gates and/or cycle access. There are also no details of the widths and surfacing of the footpaths.

**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 site layout has removed the Local Area of Play (LAP) adjacent to Plot 76 which is a positive change being in an inappropriate location. However this has not been mitigated elsewhere.
- There are still concerns regarding the levels of the main area of open space, how the SUDs storage tank and adjacent attenuation tank will impact of the open space? These aspects may influence the inclusivity, accessibility, and useability. The level plans shows a 5m – 7m difference from dwellings to Neighbourhood Equipped Area of Play (NEAP) effectively siting the play in a depression. Although the tank is below the NEAP final level. There are concerns in practice how the depression in which the NEAP sits will affect the usability.
- The NEAP is predominately flat however the surrounding space is not making it difficult for informal games.
- Concerns regarding the safety of the NEAP/open space. To the west is the bypass with tall hedges and vegetation. There is very little, if any opportunity for the facility to be visible from passing traffic. Although Footpath 9 runs alongside the facility this will give intermittent natural passing surveillance. Plots 130 – 134 are rear facing with significant planting and distance between the properties and the NEAP. To the north Plots 136 and 138 give very limited natural surveillance with only Plot 137 facing the site
- The main open space containing the NEAP should be better integrated into the scheme. It is for safety, usability, inclusivity and accessibility
- Do not support the current layout.

**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 for the following reasons;

- Given the N.E.A.P will attract people from out of the development, there does not appear to be any allocated parking available for visitors. Members are also concerned that there will be an overspill of parking on the roads of this development when the Town Centre is busy, given the development's proximity to the Town.
- Members are not happy with the new proposed route for FP17. A green path in the countryside has now been converted into a completely hardstanding path through the development that does not appear to go anywhere.
- Members would like reassurance that the proposed driveways are long enough that 2 cars parked in front of each other may park on them without overhanging the footpaths.
- As a result of the above, this application is in contravention of Policy PC5 (Footpaths and Cycleways) of the Sandbach Neighbourhood Development Plan (2022)

## **REPRESENTATIONS:**

Letters of objection have been received from 57 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

- Impact upon the PROW Network – FP17, FP18 and FP19
- PROW network is important for physical and mental health
- The PROW Network on the site is well used
- Agree with the comments made by the Sandbach Footpaths Group
- Impact upon the privacy of 11 Condliffe Close
- Greater landscape buffer should be provided to the properties fronting Condliffe Close and Laurel Close
- The PROW on the site should have a more rural aspect
- Impact upon the Town Centre
- The PROW Officer is objecting to the application
- Queuing traffic along Old Mill Road
- The footpaths on the site are well used
- The design is unimaginative and does not comply with the SNP
- Significant tree/hedgerow removal is proposed
- Impact upon the Wildlife Corridor
- Impact upon air quality
- Highways congestion
- Lack of public transport serving Sandbach
- Traffic congestion is restricting emergency vehicle movements
- The plans do not accurately show the position of openings to the side elevation of 74 Palmer Road
- Loss of privacy to 74 Palmer Road. The hedgerow does not provide sufficient screening
- The site is not allocated within the CEC Local Plan
- Loss of agricultural land

A representation has been received from Cllr Corcoran which states that he supports the comments made by Cycling UK. In particular the comments relating to 'cycle storage' v 'cycle parking' and that he supports *'The provision of pedestrian/cycle links from the application site onto Houndings Lane/Laurel Close'*

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

- The site includes the following footpaths FP19, FP18 and FP17
- Sandbach Parish only has 20 PROW which go somewhere, rather than ending in a busy main road or a dead end. This application degrades 3 of those footpaths (a 15% reduction).
- PROW are enshrined in Law in perpetuity and must be retained as best as possible.
- Regarding PROWs it seems that 21/2412C is an improvement over 19/5736C.
- The PROW Officer has objected to this application
- FP17 – it would have been preferable if this had a more open aspect, but on balance the new route is preferable to the previous which was via a cluttered yard. However, the route is traversed by 22 driveways and an alternative route would reduce this to 14 driveways. The stile to Laurel Close should be replaced with a gate or kissing gate. To make the route more accessible FP50 needs to be re-instated with a proper surface and gradient.
- FP18 – If the width is no less than 6m then this is a reasonable compromise. There should be gates or kissing gates where necessary.
- FP19 – From Houndings Lane to the farm buildings and care home plot this should be no less than 6m wide. However, FP19 joins the spine road and this would not be in compliance with DEFRA 1/09 (clause 7.8) so the Sandbach Footpath Group objects to the application. The route would be traversed by 12 driveways and would not be a safe or satisfactory footpath route. It would need extinguishment and is likely to receive a lot of local opposition.



- It is suggested that FP19 is diverted to the west of the site through the green corridor. There should be gates or kissing gates where necessary.

A representation has been received from Sandbach Woodland and Wildlife Group which raises the following comments;

- Support the comments made by the Sandbach Footpaths Group
- The largest asset in Sandbach is the Wildlife Corridor along Arclid Brook
- The junction of Old Mill Road and the Wheelock Bypass is the only interruption to safe pedestrian passage along the whole length of the wildlife corridor from the M6 to Wheelock. It is requested that this application represents an opportunity to put this right

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

- Very pleased that the three secondary entrance points are now labelled as 'pedestrian/cycle links' on the proposed plans
- The middle link should include the conversion of a footpath into a shared use
- The term 'cycle storage' should be replaced with 'cycle parking'. This may prevent unworkable cycle parking being provided

## **APPRAISAL**

### **Procedural Matters**

It should be noted that outline application 14/1193C had been due to expire on 12<sup>th</sup> 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 was due to the impact of the Coronavirus on the planning system and construction sector. Planning permissions that are affected by the provision were extended to 1<sup>st</sup> May 2021, by which time Reserved Matters had been validated on 29<sup>th</sup> 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 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.

## Housing Mix

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). Policy H3 of the SNP states that new development should demonstrate how they have been designed to meet the most up to date assessment of local housing need. New residential developments should provide a mix of dwellings to meet the identified need, e.g. affordable housing, starter homes and provision for housing an ageing population. New developments should primarily seek to deliver the following types of market housing:-

- One, two or three bedroomed housing
- Single storey housing or apartments for older people or those with reduced mobility
- Nursing and care homes and sheltered accommodation for older people

This development would provide the following mix:

- 22 x one-bedroom dwellings
- 24 x two-bedroom dwellings
- 59 x three-bedroom dwellings
- 55 x four-bedroom dwellings

All dwellings would be two-storeys in height apart from 32 units which would be 2.5 storeys/3 storeys in height.

The contents of Policy H3 of the SNP are noted. In this case the Design and Access Statement submitted as part of the outline application states that the development will consist of a mix of house types varying from 1-4 bedrooms. The proposed mix complies with this and is not dominated by larger homes, the mix is therefore considered to be acceptable.

In terms of dwelling sizes, it is noted that HOU6 of the Site Allocations and Development Policies Document (SADPD) requires that new housing developments comply with the Nationally Described Space Standards (NDSS). As part of the SADPD Inspectors post hearing comments he accepts this requirement but states that;

*'as advised in the PPG, a transitional period should be allowed following the adoption of the SADPD, to enable developers to factor the additional cost of space standards into future land acquisitions. Given that the intention to include the NDSS in the SADPD has been known since the Revised Publication Draft was published in September 2020, a 6-month transitional period for the introduction of NDSS, following the adoption of the SADPD, should be adequate. This should be included as an MM to criterion 3 of Policy HOU 6'*

In this case 7 of the proposed house types totalling 56 of the units on the site comply with the NDSS. Given the 6-month transitional period referred to above this is considered to be acceptable.

## 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 parking 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 74 have a side elevation facing No 8 Laurel Close and have a separation distance varying from 13-14m. 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 farmyard at Fields Farm.

The dwelling at No 15 Laurel Close has a blank side elevation facing the application site. There would be a separation distance of 18m to the side elevation of the dwelling on plot 76. This relationship is considered to be acceptable.

The proposed dwellings on plots 28 and 29 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 29m at the nearest point. This relationship is considered to be acceptable.

The proposed dwelling on Plot 26 would have a front elevation facing the rear boundary 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 74 Palmer Road has a door at ground floor level and a secondary first-floor window to its side elevation facing the site. Given the level changes, boundary treatment and angled relationship between No 74 and the proposed dwelling on plot 26 the relationship is considered to be acceptable.

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 23m. This relationship is considered to be acceptable.

The dwelling on plot 23 would have a side elevation facing the rear elevation of No 70 Palmer Road with a separation distance of 26m at the closest point. This relationship is considered to be acceptable.

The apartments at plots 15-20 are two-stories in height and would be positioned with their rear elevation 10m from the rear boundary of the dwellings at 7-11 Condliffe Close. There would be a separation distance of 18m to the rear elevations of these properties at the nearest point. Given the off-set relationship and level changes the impact is now 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**

### 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. However, the majority are contained by existing landscape features or would be by proposed new hedging.

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

### 5 Character (Amber)

There have been further refinements to the scheme and some provision of further information re: site engineering, updated cross sections and topographical information. Whilst revised landscape information has also been provided, more is needed to demonstrate that the approach to levels in the northern part of the site is the most sensitive approach and that design quality can be secured.

It is acknowledged that levels changes are necessary, despite the latest information provided, there is still some concern about the extent of re-modelling and its effect on the final design and character of the development. Consequently, this needs careful consideration as does the character of the proposed retention in this area and consideration of its practicality and final appearance.

Tiered, multiple gabion walls/terraces in rear gardens are being proposed for the north-eastern part of the site, which may well be a better design solution than previously identified, subject to the gabion design itself. However, a less pronounced cut and fill may be feasible to ease that change in levels.

There have been no changes to the house types (other than insertion of additional windows for plots adjoining footpaths and the rural edge) despite the concerns raised regarding some of the detailing/design quality. The character areas are generally the same as originally submitted, again despite previous comments that this seems a little arbitrary and perhaps excessive for a scheme of this size.

There has been no move to reconsider the SuDS design, other than the removal of the swale in the north-western part of the site and amended landscape treatment to the eastern, sloped side of the detention basin. As previously commented, Cheshire East is presently developing its own guidance in relation to SuDS design, and UU are also seeking more innovative SuDS trains within schemes. Consequently, delivering such a drainage scheme would help reduce the need for such a large detention storage facility and ease the effect this would have on the quality of the scheme, particularly in relation to POS.

One aspect overlooked is that the central avenue is aligned on both sides for the most part by 3 storey dwellings. Given the levels and the separation between frontages, the potential risk of this becoming overbearing would be reduced by properties being 2or 2.5 storey on the western side of the Avenue. The M unit also works far better as a semi-detached rather than as detached (plot2)

Therefore, despite the updated information provided, there is still concern about aspects of the layout, site levels and engineering and the design of house types that could affect the quality and character of the development.

#### 6 Working with the site and its context (Amber)

The primary issue is how the proposed development will positively respond to the topography of the site, not least that in the northern part of the site.

As noted above, there is still concern about how public rights of way are being affected, with the potential for amendments to ease those concerns.

The response in relation to trees and hedgerows within private gardens is noted but the Council's experience is that over time this leads to degradation or even loss of the green infrastructure. Therefore, should this arrangement be accepted then very specific management and control over retention for the areas affected should be secured.

#### 7 Well defined streets and spaces (Amber)

For the most part there are positive frontages and there is a clearly defined street hierarchy.

There has been further refinement and additional information confirming that no dead space will be created but certain areas of the layout could lead to that. A plan has been submitted identifying new hedgerow, including frontage planting, but this could be further extended in certain locations to clearly define public/private and further screen frontage car parking.

The re-arrangement of plots 130-134 has weakened the layout in this part of the site.

#### 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 - Green, 11 Public and Private Open Space – Amber, 12 External Storage and Amenity Space - Green)

#### 9 Streets for all (Amber)

There remains a clear hierarchy and the avenue is a strong primary street in that structure. However, the design guide states that avenues both principal and secondary should include minimum 3 metre verges; the proposed are 2 metres. Depending on the issue of bus provision there may be scope to narrow the carriageway and perhaps increase the verge width. A crossing point has been designed in to incorporate a link between FP17 and FP19, a further crossing point could also be provided at the northern end of the site beyond the housing, between it and the Old Mill Road junction. This would also help to calm traffic entering the development.



Whilst additional trees have been included within secondary streets, many are shown as being within service strips. It is unlikely Highways will accept that, and consequent tree reduction would erode the quality of such streets and would not achieve the NPPF requirement for streets to be tree-lined.

The street materiality is not in accord with the CEC Residential Design Guide (chapter iii, vol 2 refers) and there is no justification or explanation for this in supporting documentation.

### 10 Parking (Green)

The proposal now provides a mix of parking solution, which vary from parking courtyards, parking to the side of dwelling and limited frontage parking. The parking design on the proposed development is now acceptable.

### 11 Public and private spaces (Amber)

Despite the additional information concern remains about how the proposed site levels will impact on the usability and character of the main area of POS, including the impact of the location of the underground SuDS storage tank. The continued concerns of the open space officer are noted.

Stronger entrance landscaping is now being proposed off Old Mill Road but more could be made of this area to help characterise the site and help tie this area into the Sandbach Wildlife corridor in terms of wetland character landscape.

### 12 External storage and amenity space (Green)

The development would provide adequate private amenity and storage. Cycle parking provision will now be provided via the imposition of a planning condition.

### 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. The character of all footpaths will change with the construction of the residential development which has outline planning permission.

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 6m 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 proposed dwellings. It is considered that this application addresses the Inspector's 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. The Inspector as part of the previous appeal found that there would be moderate harm from the way that the proposal deals with FP18 and FP19.

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.

## **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.

A number of retaining walls which were located to the northern and part of the western boundary of the site have now been replaced with embankments. However, some retaining structures are retained, notably tiered gabion structures up to 1.5m in height located to the east of the main access route towards the northern part of the site, adjacent to Plots 1 - 9, a 1.75m retaining structure to the west of Plots 38-40.

To the western boundary the levels would be increased but as noted above the retaining walls have been replaced by slopes. The extensive levels changes along the western boundary range from 3.5m to 5.5m in height over a total length of approximately 160m.

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 embankments or how the proposed landscaping could be maintained. Furthermore it is not 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.

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.

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 retaining 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.

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**

### Removal of trees

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. This is subject to a comprehensive scheme of replanting within the development.

### Lime (T19) within adjacent farmyard

The Impact Assessment has been revised in respect of the impact on Lime (T19). The revised Assessment states that around 17% of the (rooting) area on the east and southeast side (of the tree) will now be affected by a proposed road (Road 6). Discussion is further provided at para 7.12 advising that this encroachment is considered to be minor, and that due to existing site conditions

adjacent hard standing within the farm), less root activity would be expected. The Assessment goes on to state that to minimise any damage to roots, a no dig construction method is proposed for the driveway.

The comments stated by the Consulting Arboriculturist raise a number of concerns:

- The suggestion that encroachment of the RPA by 17% is minor is questionable, given BS5837:2012 advises new permanent hard surfacing should not exceed 20% of existing unsurfaced ground within the RPA. The suggestion that there will be less root activity has no evidential basis
- There is a contradiction in the comments regarding the RPA; whilst it is accepted that there may be less root activity within the area of hard standing, this is not in the area proposed for the new road; where there is the likelihood of greater root activity.
- The proposed no dig does not appear to have taken into account likely changes in ground levels within the site, whether such a proposal would meet the requirements for formal adoption by the highway authority, and the location of proposed underground services which will need to avoid the no dig area. If this methodology is to be adopted, it must first be agreed by the Highway Authority and designed around any proposed level changes with underground services rerouted accordingly.
- It is noted that the Assessment does not provide any engineering specifications for the no-dig CCS driveway so there is a degree of uncertainty as to the suitability of this system in this location. In the event that the system is unsuitable, alternative solutions should be provided as part of an Arboricultural Method Statement (AMS)

The impact upon Lime Tree (T19) remains a weakness in the proposed design.

#### Preliminary Arboricultural Method Statement

A preliminary Arboricultural Method Statement is included in Rev B which states that it sets out details of Tree Protection measures and refers to a Tree Protection Plan (TPP) but this has not been provided. In the absence of a complete method statement/TPP, any approval would require pre commencement conditions with respect to tree matters.

#### **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 Arclid 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 have been submitted. The previous phase one survey highlighted the presence of trees with potential to support roosting bats. A survey/assessment of these for roosting bats has been completed with no evidence of roosting bats recorded.

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 30 years. The submitted plan must be amended to reflect this and include a work schedule to cover this timeframe.

**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 Council's 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 160 dwellings in a Key Service Centre therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 48 dwellings to be provided as affordable homes (31 units should be rented and 17 units should be intermediate tenure).

The submitted plans show that the split would be 31 units as rented and 17 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 has now been provided and an update will be provided in relation to this issue.

## **Public Open Space**

### On Site Provision

Policy SE6 of the Cheshire East Local Plan Strategy provides 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 40m<sup>2</sup> children's play and amenity green space per family dwelling. In addition to this 20m<sup>2</sup> 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 138 family homes. The proposed development would require the provision of 5,520m<sup>2</sup> of children's play and amenity green space and 2,760m<sup>2</sup> of GI.

With specific reference to the main western central area of POS in which a NEAP. 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 will be provided.

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 dwellings surrounding the site have very limited natural surveillance with only plot 137 facing the site and plots 136 and 138 giving very limited natural surveillance at obscure angles.

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. The impact upon the amenities of the surrounding residential properties is considered to be acceptable.

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.

The impact upon the trees on the site is largely acceptable. However, the impact upon Lime Tree (T19) remains a weakness in the proposed design.

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.

The impact upon ecology is considered to be acceptable and the proposed development complies with 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.**
- 1. 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.

2. 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 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.
3. 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.

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

