

Strategic Planning Board

Agenda

Date:	Wednesday 28th August 2019
Time:	10.00 am
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

Please note that members of the public are requested to check the Council's website the week the Strategic Planning Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

It should be noted that Part 1 items of Cheshire East Council decision meetings are audio recorded and the recordings are uploaded to the Council's website.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**
2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 5 - 10)

To approve the minutes of the meeting held on 24 July 2019 as a correct record.

Please Contact: Sarah Baxter on 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Strategic Planning Board
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **WITHDRAWN-17/6471M- Land off Hazelbadge Road, Poynton, Cheshire: Full planning application for 134 dwellings on land off Hazelbadge Road with associated access improvements, landscaping and public open space for Mr Sean McBride, Persimmon Homes (North West) (Pages 11 - 52)**

To consider the above application.

6. **17/4497M - Marks and Spencer Plc, Coppice Way, Handforth SK9 3PB: Outline application for extension to the existing Marks and Spencer unit and amendments to the car park layout for Mrs Andrea Mac-Gregor Barbour, Marks and Spencer Plc (Pages 53 - 72)**

To consider the above application.

7. **19/0562M - Land to the west of Macclesfield Road, Eaton: Outline planning application for the erection of up to 150 dwellings with public open space, landscaping and a sustainable drainage system (SUDS) on land off Macclesfield Road CW12 2NB. All matters reserved except for access for Gladman Developments Ltd (Pages 73 - 98)**

To consider the above application.

8. **19/0782C - Land Off Warmingham Lane, Middlewich: Full planning permission for the partial removal of an existing pipeline corridor and the creation of a new pipeline corridor diversion for Gladman Developments (Pages 99 - 116)**

To consider the above application.

9. **19/1392M - Land North of Northwich Road, Knutsford: Reserved Matters in relation to scale, appearance, landscape and layout for the erection of 190 dwellings including allotments, community orchard, playing pitch, landscaping, open space, car and cycle parking, drainage and associated works pursuant to outline application 17/3853M for Michael Blackhurst, Redrow (Pages 117 - 136)**

To consider the above application.

10. **19/2539C - Land South Of, Old Mill Road, Sandbach: 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) for Mr C Muller, Muller Property Group (Pages 137 - 184)**

To consider the above application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 24th July, 2019 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor M Hunter (Chairman)
Councillor S Gardiner (Vice-Chairman)

Councillors S Edgar, A Farrall, P Groves, S Hogben, D Jefferay, R Moreton,
P Redstone, B Roberts, J Weatherill and P Williams

OFFICERS IN ATTENDANCE

Mr A Clarke (Principal Planning Officer), Mr P Hurdus (Highways Development Manager), Mr D Malcolm (Head of Planning (Regulation)), Ms S Orrell (Principal Planning Officer), Mr J Owens (Development Planning Manager), Mr J Thomas (Senior Planning & Highways Solicitor) and Mr P Wakefield (Principal Planning Officer)

12 APOLOGIES FOR ABSENCE

None.

13 DECLARATIONS OF INTEREST/PRE DETERMINATION

It was noted that Members had received correspondence in respect of both applications on the agenda.

In the interest of openness in respect of item 7 'Site Allocations and Development Policies' document, Councillor S Gardiner declared that he had been in communication with Mr P Yates who was a former Macclesfield Borough Council employee. He had listened to him but had not made any comments about his observations. In addition he declared that he was also acquainted with Brian Chaplin who was speaking on the item.

In the interest of openness in respect of item 7 'Site Allocations and Development Policies' document, Councillor S Edgar declared that he had listened to a member of the public but had not made any comments.

In the interest of openness in respect of item 7 'Site Allocations and Development Policies' document Councillor P Redstone declared that he had attended two meetings with officers.

In the interest of openness in respect of applications 19/1791M and 19/0083C, Councillor S Hogben declared that was a Director of ANSA who were consultees on the applications, however he had not made any comments nor discussed the applications.

In the interest of openness in respect in respect of item 7 'Site Allocations and Development Policies' document, Councillor D Jefferay declared that he had received comments from Richard Armstead and Mr P Yates but had not replied to any of the correspondence. In addition he had commented on the document last November on behalf of the residents of Wilmslow.

In respect of application 18/0083C, Councillor M Hunter declared that he had pre determined the application and therefore in accordance with the Code of Conduct would leave the room prior to consideration of the application.

In the interest of openness in respect of application G Gardiner declared that he knew

14 MINUTES OF THE PREVIOUS TWO MEETINGS

RESOLVED

That the minutes of the meeting held on 26 June 2019 be approved as a correct record and signed by the Chairman subject to the job title of Paul Hurdus being amended to Principal Development Officer.

That the minutes of the meeting held on 11 July 2019 be approved as a correct record and signed by the Chairman subject to it being clarified that in respect of Councillor S Gardiner's declaration of interest he knew Andrew Needham by virtue of the fact that he was an officer of the organisation and was not an employer.

15 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

16 19/1797M - 15 HAMPSON CRESCENT, HANDFORTH, SK9 3HF: DEMOLITION OF 15 HAMPSON CRESCENT, DIVERSION AND CULVERTING OF DOBBIN BROOK AND FORMATION OF BOTH VEHICULAR AND PEDESTRIAN ACCESS FROM MERITON ROAD / HAMPSON CRESCENT INCLUDING ASSOCIATED INFRASTRUCTURE AND LANDSCAPING WORKS, AND CREATION OF TEMPORARY CONSTRUCTION HAUL ROAD AND COMPOUND FROM SAGARS ROAD FOR MR ALEX WIGFIELD, ANWYL HOMES

Consideration was given to the above application.

(Mr Aled Brewerton, representing Handforth Parish Council, Hilary Peel, an objector and Anna Relph, representing the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out on behalf of Councillor B Burkhill, the Ward Councillor)

RESOLVED

That for the reasons set out in report and in the written update to the Board, the application be approved subject to the following conditions:-

- 1 Standard time limit
- 2 In accordance with approved plans
- 3 Landscaping details to be submitted
- 4 Implementation of approved landscaping scheme
- 5 In accordance with GCN reasonable Avoidance Measures
- 6 Updated badger survey if not commenced before 12 January 2020
- 7 Details of culvert to include mammal ledge as submitted
- 8 No removal of vegetation during bird nesting season
- 9 Development in accordance with Habitat Management Plan
- 10 Development in accord with Arboricultural Impact Assessment
- 11 Lighting details to be submitted
- 12 Any soli brought on to site to be tested
- 13 Contamination during construction to be reported /mitigated
- 14 In accordance with Construction Management Plan
- 15 Site compound time limit
- 16 Details of materials
- 17 Development to be in accordance with watercourse diversion method statement
- 18 Closure of Sagars Rd access after completion of development
- 19 Additional parking for contractors vehicles to be provided

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

(The meeting was adjourned for lunch from 12.20pm until 1.00pm. Prior to consideration of the following item, Councillor M Hunter vacated the Chair and Councillor S Gardiner took the Chair for that item).

- 17 **18/0083C - LAND EAST OF WARMINGHAM LANE, MOSTON, MIDDLEWICH: PROPOSED ERECTION OF 74 RESIDENTIAL DWELLINGS, ACCESS, LANDSCAPING AND ASSOCIATED WORKS FOR MR MICHAEL ORGILL, SEDDON CONSTRUCTION LIMITED**

Consideration was given to the above application.

(Councillor M Hunter, the Ward Councillor, Parish Councillor David Nixon, representing Moston Parish Council and Jenny Fryer, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred in order for officers and the developers to reassess the layout of the development including the number and mix of housing units.

(The meeting was adjourned for a short break. Prior to consideration of the following item, Councillor S Gardiner vacated the Chair and Councillor M Hunter retook the Chair).

18 SITE ALLOCATIONS AND DEVELOPMENT POLICIES DOCUMENT - PUBLICATION DRAFT PLAN

(During consideration of the item, Councillor S Gardiner left the meeting and did not return).

Consideration was given to the Site Allocations and Development Policies Document – Publication Draft Plan.

(Councillor S Pochin, Councillor R Bailey, Professor Mike Burdekin, representing the Bollington Civic Society, Brian Chaplin, representing the Knutsford Residents Groups aligned on Local Plan matters, Alan Morris and Danielle Bassi attended the meeting and spoke in respect of the item).

Councillor P Groves thanked Officers for all the hard work undertaken in respect of the publication of the draft plan and he hoped further progress could be made in respect of Cledford Hall. Councillor P Groves thanked Officers for all the hard work undertaken in respect of the publication of the draft plan and he hoped further progress could be made in respect of Cledford Hall. Further comments were made by the Board in respect of gypsy and traveller sites particularly the necessity to relook at transit site provision, the length of the consultation period and the current position with housing figures.

RESOLVED

That for the reasons set out in the report:-

(1) Cabinet approve for consultation the Publication Draft version of the Site Allocations and Development Policies Document (Appendix 1), its Sustainability Appraisal (Appendices 2 and 2a) and Habitats Regulation Assessment (Appendix 3) for public consultation with the consultation period to commence Monday 19 August 2019 and end Sunday 13 October 2019. In addition it was recommended that the consultation process takes fully on board engagement with the settled Gypsy and Traveller

Communities across the Borough particularly in areas of proposed residential and transit sites, with the purpose of community cohesion for both settled and transient Travellers/Gypsy communities.

(2) Cabinet approve and publish alongside the documents listed in (i), the draft Plan's supporting evidence base (Appendix 6) and the draft Statement of Common Ground (Appendix 8).

The meeting commenced at 10.00 am and concluded at 4.31 pm

Councillor M Hunter (Chairman)

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Application No: 17/6471M

Location: Land off Hazelbadge Road, Poynton, Cheshire

Proposal: Full planning application for 134 dwellings on land off Hazelbadge Road with associated access improvements, landscaping and public open space

Applicant: Mr Sean McBride, Persimmon Homes (North West)

Expiry Date: 28-Jun-2019

SUMMARY

The proposal seeks to provide 134 dwellings on a site allocated within the CELPS for around 150 dwellings. Some conflict with the site specific principles of development listed under LPS 48 of the CELPS in terms of the bus service contribution, the railway car park contribution and the retention of habitats on the site has been identified. However, whilst the contributions towards the bus service to the town centre and the railway car park are not being secured, significant contributions are being made towards the Council's strategic project of the Poynton Relief Road to mitigate for the impact of the development. Similarly, whilst LPS 48 requires the retention of habitats, again for the reasons stated this cannot be achieved if the primary policy objective of delivering housing is to be realised on the site. Adequate off site mitigation is being provided.

The comments received in representation are acknowledged, and whilst some limited conflict with LPS 48 has been identified, the proposal is considered to comply with the development plan as a whole and is therefore a sustainable form of development. In accordance with policy MP1 of the CELPS, the proposals should therefore be approved without delay.

RECOMMENDATION

Approve subject to s106 agreement and conditions

REASON FOR DEFERRAL

The application was deferred from the Strategic Planning Board on 26 June 2019 *"in order for further consideration to be given to a revised parking/drop off area for the school"*

CONSULTEES

Consultation with ANSA and Sport England was undertaken to establish their views on the principle of utilising an area of playing field for the parking / drop off area given the policy issues this raises.

ANSA – Object on the grounds that the use of the playing fields is contrary to CELPS policies which seek to protect outdoor sports facilities

Sport England – Holding objection, which may be addressed when the following is received:

- A ball strike risk assessment including details of any required ball stop mitigation and how this will be managed and maintained. This should take into account any of the mitigation package required by the loss of the playing field due to the proposed car park, such as community use.
- A mitigation package for the loss of the playing field brought about by the proposed car park

The Town Council have also provided further comments on application in light of recent events in the Town.

Poynton Town Council - This site is bordered entirely to the east by Poynton Brook, which experienced very significant flooding on 31 July 2019. While this site just avoided being flooded, there was serious flooding and damage to houses and commercial premises upstream along Poynton Brook, and downstream in Bramhall, Stockport.

The plans submitted by the developers show that the surface water drainage from the site will be discharged into Poynton Brook, so increasing the flow of water in wet weather compared to the current use as agricultural land.

Poynton Town Council requests that consideration of this planning application cease with immediate effect until the full investigations into the recent floods have been completed.

In no case should any run-off from the new houses be discharged into either Poynton Brook or the foul water sewer. The current 8 metre gap between Poynton Brook and the development should be increased. The developer should be required to provide sustainable drainage solutions wholly contained within the site, at their expense.

In addition, Cheshire East should conduct a review of all drainage and culverts to assess whether the system can cope with all three of the strategic sites in extreme (but now regular) events. This should be reviewed holistically and not each site in isolation.

REPRESENTATIONS

One letter of representation has been received from a former resident of Poynton objecting to the proposal on the following grounds:

- Flood risk
- Long term maintenance of easement to river
- Contamination from former brickworks site
- Questions need for the development

APPLICANTS SUBMISSION

The applicant has investigated the potential for providing the parking/ drop off area on the playing field and provided two options for how this could be provided on a site area of around 2,000sqm; one option showing 56 parking/drop off spaces, and the other showing 32 spaces.

They have also undertaken a costing exercise for these proposals and identified that it would cost between £60,000 and £70,000 to provide either of these options on the site. The applicant has stated that they would be make a £70,000 contribution towards the provision of the car park on the school playing field, and would like the application to proceed to a decision on this basis.

They do however wish to make clear that the application does not seek consent for the proposed car park, and therefore the issue of whether it is acceptable is not one for committee members when determining the application. The applicant also points to the views of the Council's Highways team that have confirmed that the car park is not necessary to mitigate for the impact of the development.

The provision of additional car parking either on the school site or on land within their control would be to alleviate an existing problem and not problems arising from their development, and therefore the applicant considers that additional car parking should not have to be provided on their site

KEY ISSUES

Green Belt

The application site was removed from the Green Belt under the allocation of LPS 48 when the CELPS was adopted in July 2017. However, the Green Belt boundary extended up to the southern boundary of the application, and included the school site and the site of the adjacent playing field, where Members have requested the parking / drop off area is located. As the justification to policy PG 3 of the CELPS explains, the extent of the existing Green Belt remains unchanged, apart from the removal of land from the Green Belt associated with the identified Strategic / Safeguarded Sites identified in the CELPS. As such the proposed location of the parking / drop off area on the existing playing field remains in the Green Belt.

Paragraph 146 of the Framework and policy PG3 of the CELPS identify engineering operations and local transport infrastructure which can demonstrate a requirement for a Green Belt location as forms of development that are not inappropriate development in the Green Belt, subject to them preserving the openness of the Green Belt and not conflicting with the purposes of including land within it.

It could be said that by deferring the application to investigate the provision of the parking/drop off area on the school field Members acknowledge a need for a Green Belt location for this transport infrastructure.

The parking/drop off area would cover an area of around 2,000sqm on what is a very open playing field, and as such it would not preserve the openness of the Green Belt. It can also be said that the parking / turning area proposal would conflict with two of the purposes of

Green Belts, namely safeguarding the countryside from encroachment and checking the unrestricted sprawl of large built up areas. The proposal is therefore considered to be inappropriate development in the Green Belt.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Protection of Open Space

CELPS policy SC2 seeks to protect existing indoor and outdoor sports facilities, unless they are proven surplus to need or improved alternative provision is provided and would not result in the loss of an area important for its amenity. CELPS policy SE6 4. i. seeks to protect and enhance existing open spaces and sport and recreation facilities. Similar policy requirements exist at paragraph 97 of the National Planning Policy Framework. The provision of a parking/drop off area on this playing field would conflict with these local and national policies.

ANSA have commented on the application and noted that the site is identified in the CEC Open Spaces Assessment as outdoor sports facilities. It is also identified within the more recently updated CEC Playing Pitch Strategy (PPS). Policy SC2 of the CELPS states that any proposal affecting an outdoor sports facility will be judged in relation to any emerging or adopted PPS.

Aim 1 of the Council's PPS is

- To protect the existing supply of playing pitches and ancillary facilities where it is needed for meeting current and future needs.

Recommendations:

- a. Ensure, through the use of the Playing Pitch Strategy, that playing pitches are protected through the implementation of local planning policy.
- b. Secure tenure and access to sites for high quality, development minded clubs, through a range of solutions and partnership agreements.
- c. Maximise community use of education facilities where needed

ANSA note that the Poynton area analysis has current and predicted shortages in youth grass football pitches. The proposed site has previously hosted youth football games but is now in need of some remedial work to manage the water on site.

Aim 2 of the Council's PPS is

- To enhance playing fields, pitches and ancillary facilities through improving quality and management of sites

The proposed development is already required to make an offsite contribution for the provision of ROS facilities in lieu of any on site provision. The playing fields form part of a wider network of playing field provision in an area with recognised shortfalls and deficiencies; as such it is an important community facility for existing and future residents and is protected under CELPS policy.

Sport England also raise similar concerns noting that the proposed development would not, in its current form, accord with any of the exceptions to Sport England's playing fields policy. However, they advise that their concerns may be addressed if the loss of part of the playing field is satisfactorily mitigated. They note that the most appropriate form of mitigation will depend on local circumstances, but suggestions based on experience from elsewhere would include:

- Improving the quality of the remaining playing field (e.g. through potential improvements to drainage, ground levels and/or maintenance);
- Formally securing the community use of the school's playing field through a community use agreement (unless there are already secured community access to the playing field);
- Marking out additional playing pitches on the playing field;
- Providing changing facilities as part of the development;

On this occasion, a package of mitigation measures would need to be proposed due to the extent of the impact of the proposed development.

Whilst the applicant has confirmed that they are willing to provide a financial contribution towards the provision of the car park, no mitigation measures are proposed. (As noted above, the applicant is not seeking consent for the car park). Accordingly, the proposal for a parking/drop off area on the school playing field would be contrary to policies SC2 and SE6 of the CELPS, and paragraph 97 of the Framework.

Sport England have also raised concern that the proposed residential development gives rise to a potential conflict with the use of the playing field for football. Footballs are likely to leave the playing field and land on the application site when matches are being played. Such ball strikes have the potential to constitute a nuisance under the Environmental Health legislation and as such could prejudice the sporting use of the playing field.

Further consideration is being given the ball stop netting requirement, however initial thoughts are that given that it is a concern relating to football on a primary school field the impact and regularity of any ball strikes would be very limited and as such ball stop netting would not be required.

Flood Risk

The comments from the Town Council are acknowledged, however the flood risk issues have previously been addressed in the original report. The Town Council's comments have been forwarded onto the LLFA, and if any further matters are raised, these will be reported as an update.

Conclusion

The harm arising from the loss of the open space would also need to be added to the identified harm to the Green Belt, which as noted above, attracts substantial weight. The applicant has offered a financial contribution towards the provision of this parking/drop off area, which could be secured and retained for future use within a defined period.

However, the delivery of the car park, the additional mitigation measures, and (if required) the securing of other consents such as ensuring the Council achieves best value for the site as an asset, and a possible application to the Secretary of State for Education under Section 77

of the School Standards and Framework Act seeking to dispose of land which is defined as school playing field, will all fall to the Council to provide / address. Given the significant planning policy issues highlighted above, it is not considered to be likely that the policy issues can be satisfactorily addressed, and the provision of a parking/drop off area on the site is unlikely to be realised in a timely manner. It is therefore considered that the financial contribution offered by the applicants cannot be accepted, as the requirements of the CIL regulations would not be met.

The advice from the Highways Authority is that the turning and short stay parking provision within the application is satisfactory. Accordingly, as in the original report below a recommendation of approval is made, without the requirement for additional parking/drop off areas within the playing field.

DESCRIPTION OF SITE AND CONTEXT

The site is an 8.28 hectare greenfield site lying to the west Poynton. The site is located at the northern end of Hazelbadge Road, which is a residential cul-de-sac. Lower Park Primary School and its playing field is currently located at the end of Hazelbadge Road, and the application site borders the east, west and northern boundaries of the school. Hazelbadge Road runs between the school's eastern boundary and the application site. Poynton Brook runs along the eastern boundary of the site and the railway line runs along the western boundary beyond existing woodland on the western side of the site. The woodland is formally protected by Tree Preservation Order and there is also a linear group of protected trees in the centre of the site. A number of public rights of way also cross the site. The site is allocated for housing development under policy LPS 48 in the CELPS, which allows for the delivery of around 150 new homes.

DETAILS OF PROPOSAL

This application seeks full planning permission for the erection of 134 dwellings with associated access improvements, landscaping and public open space.

RELEVANT HISTORY

10438P - RESIDENTIAL (OUTLINE) – Withdrawn 30.08.1977

10309P - RESIDENTIAL DEVELOPMENT (OUTLINE) – Withdrawn 1.09.1977

35818P – HOUSING – Refused 13.01.1984

POLICIES

Development Plan

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG7 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer Contributions
SC1 Leisure and Recreation
SC2 Indoor and Outdoor Sports Facilities
SC3 Health and wellbeing
SC4 Residential Mix
SC5 Affordable Homes
SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE7 Heritage Assets
SE9 Energy Efficient development
SE12 Pollution, land contamination and land stability
SE13 Flood risk and water management
CO1 Sustainable travel and transport
CO3 Digital connections
CO4 Travel plans and transport assessments

LPS 48 Land adjacent to Hazelbadge Road, Poynton

Macclesfield Borough Local Plan saved policies (MBLP)

NE9 Protection of River Corridors
NE11 Nature conservation
NE16 Nature Conservation priority areas
NE17 Nature conservation in major developments
NE18 Accessibility to nature conservation
RT5 Open space standards
H9 Occupation of affordable housing
DC3 Residential Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC14 Noise
DC17 Water resources
DC35 Materials and finishes
DC36 Road layouts and circulation
DC37 Landscaping
DC38 Space, light and privacy
DC40 Children's play / amenity space
DC63 Contaminated land

Other Material Considerations

National Planning Policy Framework (The Framework)

National Planning Practice Guidance Cheshire East Design Guide

Poynton Neighbourhood Plan (PNP)

Poynton Neighbourhood Plan – Regulation 17 stage reached (Examination of the plan), therefore whilst the plan is at a relatively advanced stage only limited weight can be attached to these policies.

Relevant draft policies include:

- EGB 6 Surface Water Management
- EGB 8 Natural and Historic Environment
- EGB 9 Access to the countryside
- EGB 10 Improving access to the countryside
- EGB 11 Landscape Protection and Enhancement
- EGB 12 Landscape Enhancement
- EGB 13 Woodland Retention and Enhancement
- EGB 14 Protection of Rural Landscapes
- EGB 15 Protect landscape and other key views within Poynton
- EGB 16 Nature Conservation
- EGB 17 Wildlife Corridor
- EGB 19 Development of Additional Facilities
- EGB 20 Additional Allotments
- EGB 24 Heritage Assets
- HOU 2 Amount of Housing Development
- HOU 6 Infrastructure for Strategic Housing Sites
- HOU 7 CECLP July 2017 Strategic Sites
- HOU 9 Land at Hazelbadge Road
- HOU 15 Housing Mix
- HOU 16 Density of Development
- HOU 17 Environmental Considerations
- HOU 18 Density and Site Coverage
- HOU 19 Affordable Housing
- HOU 21 Design
- TAC 1 Walking
- TAC 2 Cycling
- TAC 3 Cycle Parking
- TAC 8 Traffic Volumes
- HEWL 1 Encouraging a Healthy Lifestyle
- HEWL 2 Getting About within Poynton and its Environs
- HEWL 4 Sports and Social Activities for All
- HEWL 5 Growing Up in Poynton

CONSULTATIONS (External to Planning)

There have been two rounds of consultation on the application, one in January 2018 and one in February 2019. The responses below are the most up to date from each consultee.

Environment Agency – No objection subject to conditions relating to groundwater and contaminated land

United Utilities – No objection subject to drainage conditions

Network Rail – Provide comments on the following: S106 funds should be sought for improvements to Poynton Railway Station; requirements for open space; risk assessment for works close to railway; safety of railway; scaffolding; vibro-compaction machinery / piling machinery; drainage; excavation and earthworks; gaps to railway boundary; noise mitigation; trees; roads / hardstanding

Housing Strategy & Needs Manager – No objection

Flood Risk Manager – No objection subject to conditions relating to FRA and surface water drainage

Environmental Health – No objection subject to conditions relating to noise mitigation, electric vehicle infrastructure, ultra low emission boilers, anti-idling signage and contaminated land

Education – No objection subject to a financial contribution towards local primary and secondary schools

Public Rights of Way – Initially objected due to obstruction of 2 rights of way. Revised plan showing diversion is a welcome amendment.

Head of Strategic Infrastructure – No objections subject to conditions relating to a revised travel plan, a construction management plan, and implementation of highway improvements, and financial contributions towards the Poynton Relief Road, Traffic Regulation Order along Hazelbadge Road, provision of a new bus stop opposite Hilton Grove and bus service improvements to be secured through a s106 agreement.

ANSA – No objections subject to confirmation of play space equipment

CEC Leisure – No objection subject to a financial contribution of £22,500 for health & fitness equipment at Poynton Leisure Centre

Cheshire Archaeology Planning Advisory Service – No objection

NHS Eastern Cheshire Clinical Commissioning Group – Request financial contribution to support the development of the two GP practices in Poynton.

Poynton Town Council –

January 2018

Recommend refusal on the following grounds:

- Overdevelopment and over intensification of use causing harm to character and appearance of area
- Adverse impact on Green Belt
- Unsustainable - fails to address key matters of infrastructure, impact on local and site amenities and flood risk and mitigation
- Unacceptable increase in traffic at the junction of Hazelbadge Road and Chester Road and creates highway safety risk

- A6MARR and PRR should be completed prior to the site being considered for development
- Access along Hazelbadge Road will have detrimental impact on adjacent properties
- Contrary to sustainable environment policies SE3, SE4 and SE5 concerning matters of biodiversity and geodiversity, landscape and trees, hedgerows and woodland
- Application submission makes no attempt to assess social and community infrastructure needs to be generated from this development
- Risk of surface water run-off from the site which would drain towards Poynton Brook which has suffered serious flooding in recent years.
- Fails to comply with the Borough Council's Statement of Community Involvement
- Adverse impact on the Poynton Brook wildlife corridor
- Insufficient and contradictory information to allow a full and informed assessment of the development now being proposed
- Public Footpaths, Poynton with Worth numbers 43 and 46, will be obstructed by the proposed development
- Inadequate visibility at the point of access onto Chester Road
- Contrary to the interests of highway safety due to the fact that a number of turning movements into and out of the site
- Contrary to the interests of highway safety as it would result in additional traffic using Hazelbadge Road and Chester Road which are already used at unacceptable levels.
- The development would adversely affect the free flow of traffic on Chester Road.
- By reason of its design, in particular the 3 storey mews and apartment blocks, would adversely affect the character and appearance of the area which it is located
- The apartments and to some extent the mews houses, the scale and form of these are totally out of keeping with the surrounding buildings
- Identified by Cheshire Wildlife Trust as having medium and high values on the habitat distinctiveness score as well as a wildlife corridor. The mitigation plan only focuses on Great Crested Newts and not the other variety of wildlife such as badgers and bats
- Contamination of site in area of former gas works and brick works
- Proposals do not adequately address the impact the construction works will have on the school, in terms of noise and dust

February 2019

- Overdevelopment and over intensification of use causing harm to character and appearance of area
- Adverse impact on Green Belt
- Unsustainable - fails to address key matters of infrastructure, impact on local and site amenities and flood risk and mitigation
- Do not adequately address the adverse impact that the construction works will have on the school, in terms of noise, dust or the danger from construction traffic
- Unacceptable increase in traffic at the junction of Hazelbadge Road and Chester Road into the proposed new estate and would create highway safety risk
- A6MARR and PRR should be completed prior to the site being considered for development
- The application is unneighbourly in that the access road will have a serious detrimental impact on adjacent properties.

- The proposed development is contrary to sustainable environment policies SE3, SE4 and SE5 concerning matters of biodiversity and geodiversity, landscape and trees, hedgerows and woodland.
- The application submission makes no attempt to assess social and community infrastructure needs to be generated from this development
- There is some risk about run-off of surface water from the site which would drain towards Poynton Brook which has suffered serious flooding in recent years.
- The application fails to comply with the Borough Council's Statement of Community Involvement
- The development would have an adverse impact on the Poynton Brook wildlife corridor as identified by the Cheshire Wildlife Trust in the submitted Poynton Neighbourhood Plan
- The planning application provides both insufficient and contradictory information to allow a full and informed assessment of the development now being proposed

March 2019

- Support concern raised by parents of children attending the primary school about the highway and personal safety
- Support the assessment of the Council's Design Officer
- Cheshire East Public Right of Way team continues to object to the development as the applicants have to date failed to commence the process for the diversion of appropriate footpaths
- The Borough Council is requested to ensure that site investigative works to enable this development to progress are undertaken by the developer and their advisors and prior to the grant of any planning permission
- Highway authority approach is very limited and fails to assess the impact of the development on the local community as national planning policy requires
- The Town Council endorses the concerns expressed by the Headteacher in the published letter and would request that if planning permission is granted for the development being proposed, the council should seek to meet the Headteacher's requests through an appropriate planning agreement or condition.

OTHER REPRESENTATIONS

Letters have been received from local residents, the neighbouring school, interested parties and the local MP.

January 2018

99 letters of representation were received objecting to the proposal on the following grounds:

- Impact on local school
- Exacerbate existing issues on Hazelbadge Road
- Impact on other local services, doctors etc.
- Impact on highway safety
- No additional infrastructure planned
- Inadequate infrastructure in Poynton
- Increased congestion
- Allocation in local plan does not validate proposal to build 147 houses

- Hazelbadge Road too narrow to accommodate additional vehicles
- Safe and suitable access cannot be provided
- Service vehicle access is impossible and will not be improved by increased traffic flows
- Plans show road up to boundary with GB - contract to site specific principles of development
- No land for railway station parking and no contribution towards public transport links
- Measures need to be put in place to ensure site is built out
- Risk of injury to school pupils
- Loss of open space
- Impact on wildlife
- Effects on drainage of the area
- Disruption to residents during construction
- Existing school traffic blocks access to properties
- Little consideration given to pedestrians and cyclists
- Increased flood risk
- Allotments planned on contaminated land
- Impact on protected trees
- Visibility at Chester Road inadequate
- Double yellow lines will be ignored by parents
- Second access via Glastonbury Drive should be considered
- Loss of grassland habitats and wildlife
- Station traffic already parks on Hazelbadge Road
- 22/01/18 between 8 & 9am 84 cars delivered children to school
- 24/01/18 between 8 & 9am 109 cars delivered children
- Car park promised by Persimmon on the school playing field not provided
- Mini roundabout inadequate for coaches to turn around
- Improvements to public footpaths should be made
- Contamination to western part of site
- Loss of biodiversity
- Who will be responsible for cost of management of open spaces
- Parking will be displaced to other nearby roads
- How will yellow lines be policed
- Increased noise and pollution
- Plans do not account for public rights of way
- Riverside walk and community orchard should be provided
- Traffic survey carried out at the end of term - false results
- Negative impact on character of Poynton
- No need for site to be released from GB as other sites can meet housing targets for Poynton
- No bungalows and starter homes provided
- Inadequate traffic modelling
- Cul-de-sac exceeds guideline maximum distance of 350m
- Height of some of the dwellings is out of keeping
- Impact of dust and noise on school children
- Access to train station should be provided
- A6 MARR and PRR will not reduce traffic to this site
- Roadwork should be done during the night
- Loss of pavement opposite school - should be reinstated to maintain safe walking route
- Housing mix incorrect - 5 bed houses not required, smaller 2 & 3 bed houses needed

- 3 storey apartments are an overbearing form of building in an area of predominantly 2 storey housing contrary to design guide
- Over development
- D&A indicates density to parcels 1, 2, 3, 5 & 6 will be between 33 & 60 units per hectare - 30 units per hectare proposed in neighbourhood plan
- Garages do not appear wide enough to accommodate a car
- Biodiversity is more extensive than applicants reports suggest
- Unacceptable impact on Poynton Brook Wildlife Corridor as identified in PNP
- Access along Hazelbadge Road will have detrimental impact on adjacent properties
- Contribution required to support local infrastructure, improve pedestrian and cycle access to station, secure cycle parking
- Derelict bridge over brook should be reinstated
- Construction management plan required to protect school
- Vehicles exceed 30mph along Chester Road mean visibility should be greater
- Nearby Woodford development traffic excluded from TA
- Inadequate parking for staff on school site
- Waiting restriction will prevent availability problem of parking for staff. The school needs a car park
- Lower Park Primary will not benefit from SC06 money - should be used to address specific issues of the school. e.g. new windows of cost f £80,000, boundary fencing for privacy
- Piled foundations will cause disturbance
- Main access should be re-routed along old railway embankment route away from school
- Inadequate air quality data (start from 7/2)
- Health Impact of building phase
- Traffic modelling software struggles to reproduce current peak hour conductors and is inadequate
- Land is on a flood plain
- Impact on GB
- Over development is over intensification
- 4 years of construction will have an impact children's education
- Site plan does not include highways works
- No construction management plan submitted
- No energy statements submitted
- Highways works not clear
- No swept path analysis for larger vehicles at Hazelbadge Road / Chester Road junction
- Safety audit should be carried out
- Any fence needs to be agreed with school
- Noise assessment incorrect and impact on school not considered
- Air quality assessment does not identify school as sensitive receptor
- Details of construction process should be considered prior to determination in consultation with school
- Play area should be moved away from existing residences
- Retirement accommodation is needed
- Many other housing developments taking place to address Poynton's housing needs
- Site previously refused PP due to access

February 2019

159 letters of representation were received objecting to the proposal reiterating the points above and on the following grounds:

- Any site visit should be done during term time at peak hours
- Site specific principles of development in LPS should be adhered to
- Impact on Poynton Brook
- Risk to health of pupils and homeowners
- Impact on highway safety
- All previous comments should be considered
- Road too wide enough to cope with additional traffic
- Bee bricks and bat boxes should be incorporated into buildings
- No public access recreation provision
- Double yellow lines should only be implemented following discussion with residents
- Yellow lines must not be considered
- Land is Green Belt
- Hazelbadge / Chester Road junction is dangerous
- Does not mitigate school traffic
- Still no car park provided on playing fields
- Old bridge should be replaced
- Impact on wildlife
- Loss of greenspace
- Homes not needed
- Details of improvement works should be available for review
- Increased noise and air pollution
- Bin lorries and fire engines cannot access properties
- Impact of construction traffic
- Inadequate parking
- Impact on village infrastructure
- Increased flood risk
- Enhancement works at Kerridge Hill do not mitigate for impact of development in Poynton
- Impact on infrastructure
- Poynton Relief Road must be completed before this site should be considered for development
- Loss of trees, hedgerows and woodland
- Damage to Poynton Brook Wildlife Corridor
- Does not respond to comments of the local community
- Impact of three-storey buildings on Green Belt
- Conclusions within LVIA are worthless
- No provision of housing for the elderly or bungalows
- Discrepancies in numbers of dwellings proposed in application documents
- Concur with all 13 points raised by Town Council
- Lack of thought shown to the school and protection of its pupils
- Land should not have been removed from the Green Belt
- Yellow lines will displace parking to other roads
- Road spur to north is unnecessary and suggests boundary will not endure
- Little provision for cyclists or pedestrians

- Brownfield sites should be used
- Concern over safety and welfare of children
- School will not directly benefit from the proposal
- Additional zig-zag lines should be put into place between the two existing zig-zag lines to help prevent cars from double parking at this most critical and busiest section of Hazelbadge Road.
- Impact of construction traffic / process
- Poynton has limited employment opportunities so more people will travel out of Poynton to work, which means more traffic
- A residents survey of the traffic on Chester Road on Monday 11th February 2019 between 08.00 am and 09.00am produced the following information:
841 Vehicles traveling westwards away from Poynton centre, including 24 lorries, 5 buses and 7 bikes
693 vehicles traveling eastwards towards Poynton centre including 23 lorries and 15 bikes
202 vehicles emerging from Clifford Road to travel west.
66 uses of the Pedestrian Crossing
These figures exceed those in a previous survey taken before the opening of the bypass and it is clear that traffic has increased along Chester Road rather than decreased as residents were promised.
- Revised submission is technically deficient
- No Construction Environment Management Plan submitted
- Increased congestion
- Unneighbourly
- Might contaminate the water supply to Poynton
- Community should be fully involved
- Housing type
- Application documents refer to width of road as 5.5m wide, when it is 6.1m wide
- Fencing off contaminated land is inappropriate

OFFICER APPRAISAL

PRINCIPLE OF DEVELOPMENT

The application site is an allocated Strategic Site for housing in the CELPS. Site LPS 48 states that the development of Land adjacent to Hazelbadge Road over the Local Plan Strategy period will be achieved through:

1. The delivery of around 150 new homes;
2. Incorporation of green infrastructure including:
 - i. An appropriate level of amenity open space and children's play space;
 - ii. The creation of links with footpaths to the north and east; and
 - iii. Pedestrian and cycle links to new and existing residential areas, employment areas, shops, schools and health facilities including improved pedestrian links to the town centre and the railway station.
3. Open space provision to accommodate the need for enhanced or new indoor and outdoor sports facilities to accommodate the additional demand from the housing. Provision should be in accordance with an adopted up to date and robust Playing Pitch Strategy and Indoor Sports Strategy.

The proposal for 134 dwellings is considered to meet the definition of “around 150 new homes” and is therefore considered to be acceptable in principle. The delivery of the site for residential development will contribute towards the Council’s housing land supply and assist in meeting the development requirements of Poynton and the wider Borough. The further requirements of policy LPS 48 are considered further below.

HOUSING

Affordable Housing

Policy SC5 of the CELPS states that “in developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable.” As a full application for 134 dwellings, in order to meet the Council’s Policy on Affordable Housing there is a requirement for 40 dwellings to be provided as affordable units. 26 units should be provided as Affordable rent and 14 units as Intermediate tenure.

The current number of those on the Cheshire Homechoice waiting list with Poynton as their first choice is 114. This can be broken down to 58x 1 bedroom, 36x 2 bedroom, 15x 3 bedroom and 5 x 4+ bedroom dwellings. The majority of the need in this area is therefore for smaller dwellings.

The applicant’s Affordable Housing Statement explains that they are providing the full policy requirement in Affordable housing. The proposal will provide:

Intermediate tenure

- 3 x 1 bed three-storey “F4” apartments
- 3 x 2 bed three-storey “F4” apartments
- 8 x 3 bed two-storey semi-detached “Hanbury” dwellings

Rent

- 4 x 1 bed two-storey “Beadnell” apartments
- 3 x 3 bed two and a half storey “Moseley” mews dwellings
- 7 x 2 bed two-storey “Alnwick” terraced dwellings
- 6 x 1 bed three-storey “F4” apartments
- 6 x 2 bed three-storey “F4” apartments

The Housing Strategy and Needs Manager is satisfied that the submitted Affordable Housing Statement and the Affordable Housing Plan are meeting the identified housing need. The units are adequately pepper potted across the site, and as such the proposal is in accordance with policy SC5 of the Local Plan. A query was raised by the Housing Strategy & Needs Manager seeking confirmation that Registered Providers will take the apartments with the extra communal service charges that can be associated with them. Confirmation has been received from a Registered Provider (MSV Housing) that they are willing to take the affordable housing as proposed, which satisfies this query. The affordable housing provision should be secured as part of the s106 agreement.

Residential Mix

Policy SC4 of the CELPS states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

This is reflected in draft policies HOU 9 and HOU 15 of the Draft PNP. HOU 9 states that given the size and location of the Hazelbadge Road site, a mixture of 2, 3, and 4 bedroom properties should be achievable.

The proposed development comprises:

16 x 5 bed units

32 x 4 bed units

22 x 3 bed units

9 x 2 bed units

15 x 1 bed units

Taken together with the affordable provision outlined above, the proposed residential mix is considered to meet the requirements of policy SC4 of the CELPS, and the draft policies of the PNP.

OPEN SPACE

The local plan allocation (LPS 48) states that the development of this site should include “*an appropriate level of amenity open space and children’s play space*” and “*Open space provision to accommodate the need for enhanced or new indoor and outdoor sports facilities to accommodate the additional demand from the housing. Provision should be in accordance with an adopted up to date and robust Playing Pitch Strategy and Indoor Sports Strategy.*”

Public Open Space

Policy SE6 of the CELPS sets out the open space requirements for housing development which are (per dwelling):

- Children’s play space – 20sqm
- Amenity Green Space – 20sqm
- Allotments – 5sqm
- Green Infrastructure connectivity 20sqm

This policy states that it is likely that the total amount of 65sqm per home (plus developer contributions for outdoor sports) would be required on major greenfield and brownfield development sites.

The proposal for 134 dwellings triggers a requirement for 2,680sqm of formal and informal play provision in line with policy SE6 of the CELPS. A play area is now proposed on the northern boundary, which meets the size requirement for the children’s play space provision. The formal play area, which will include 8 items of equipment in a combined LAP and LEAP, is now located alongside an area of free-play amenity grass, to provide a comprehensive opportunity for formal and informal, imaginative and social play and activity. A gate will need to be provided between the fenced play area and amenity space, which can be dealt with as part of recommended landscape conditions.

2680sqm of amenity greenspace is also required, and the site plan indicates that over 6,000sqm of amenity greenspace will be provided, including over 3,000sqm around the protected trees in the centre of the site.

The same amount (2680sqm) is required for green infrastructure, and again provision of this type of open space exceeds the amount required by policy SE6, with over 9,000sqm being provided across the site.

In terms of allotments, the requirement is 5sqm per family dwelling. It was initially proposed to include allotments to the west of the site close to the woodland, however, due to the contamination issues associated with this part of the site (explained further below), a financial contribution for offsite provision will be required. The contribution is calculated on the basis of £562.50 per family home and £281.25 per apartment and will be used to expand, enhance and improve allotment and community garden provision in Poynton, on existing sites and new opportunities in line with policy EGB 20 of the draft Poynton Neighbourhood Plan.

There are 46 apartments and 88 family dwellings which results in a required allotment and community garden contribution of £61,937.50 (£49,500 for the family dwellings and £12,937.50 for the apartments).

Policy SC2 of the CELPS requires major residential developments to contribute, through land assembly and / or financial contributions, to new or improved sports facilities where development will increase demand and / or there is a recognised shortage in the locality that would be exacerbated by the increase in demand arising from the development.

Outdoor sports facilities

In terms of outdoor sports facilities, the proposal will increase demand on existing facilities and as such a financial contribution towards off site provision will be required. The financial contribution is required at a rate of £1,000 per family [2+bed] dwelling and £500 per 2+ bed apartment. There are 88 family dwellings and 18 2 bed apartments within the proposed development. This results in a required contribution of £97,000 (£88,000 for the dwellings and £9,000 for the apartments). The funds would be required on commencement of development and would be used in line with the Council's adopted Playing Pitch Strategy and the FA's Local Football Facilities Plan at Deva Close Playing Fields Poynton.

Indoor sports facilities

The Indoor Built Facility Strategy has identified that any existing shortfalls for Poynton should look to focus on improvement of provision at Poynton Leisure Centre. Whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by fully addressing its own impact in terms of the additional demand for indoor leisure provision that it directly gives rise to. Furthermore, whilst the strategy acknowledges that the increased demand is not sufficient to require substantial indoor facility investment through capital build there is currently a need to improve the quality and number of health and fitness stations at Poynton Leisure Centre to accommodate localised demand for indoor physical activity.

A contribution of £22,500 is therefore sought to address this increased demand. This has been calculated as follows:

134 dwellings at 1.61 people per residence = a population increase of 216

- The annual Sport England Active People Survey Results for 2016 showed 42.7% participation rate for Cheshire East = 92 additional "active population" due to the new development in Poynton

- Based on an industry average of 25 users per piece of health & fitness equipment this equates to an additional four (4) stations. Requirement for:
x 3 running machines (£6,500 per treadmill), x 1 resistance / weight pieces (£3,000 per piece). Total £22,500

For the above reasons the proposal is considered to comply with the open space and sport and recreation requirements of LPS 48 and policies SC2 and SE6 of the CELPS.

EDUCATION

One of the site specific principles of LPS 48 in the CELPS is “contributions to education and health infrastructure”.

In the case of the current proposal for 134 dwellings, this is expected to generate:

25 primary children (134×0.19) – 1 SEN

20 secondary children (134×0.15) – 1 SEN

2 SEN children ($134 \times 0.51 \times 0.023\%$)

The development is expected to impact on secondary school and SEN places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of school places still remains.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. It is acknowledged that this is an existing concern, however the 2 children expected from the proposed development will exacerbate the shortfall. The 2 SEN children, who are thought to be of mainstream education age, have been removed from the calculations above to avoid double counting.

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

$24 \times £11,919 \times 0.91 = £260,311$ (primary)

$19 \times £17,959 \times 0.91 = £310,511$ (secondary)

$2 \times £50,000 \times 0.91 = £91,000.00$ (SEN)

Total education contribution: £661,822

Without a secured contribution of £661,822 Children's Services would raise an objection to this application. This position is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 24 primary children, 19 secondary children and 2 SEN children would not have a school place in Poynton, and the proposal would not comply with LPS 48 in the CELPS.

HEALTHCARE

The NHS Eastern Cheshire Clinical Commissioning Group (CCG) has commented on the application noting that Poynton is serviced by two GP practices with a combined patient

population of 17,551. As a Key Service Area (identified in the CELPS), there are a number of sites identified for housing development within Poynton and surrounding geographical areas. Additional growth in patient numbers will add pressures to the GP practices, with an increase in clinical and non-clinical staff required in order to meet these future patient needs.

The two GP practices in Poynton - Priorsleigh Medical Centre and McIlvride Medical Centre - had 17,551 registered patients in January 2018. The predicted number of patients in 2028 (based on annual 1% growth plus known planned housing developments) is 20,390.

Priorsleigh Medical Centre operates from a purpose built, GP owned premises, which opened in 1995 and is situated in the centre of Poynton. Increases in the local ageing population, along with a vision to transform the way in which Primary Care is delivered has given rise for further development and expansion of the Medical Centre going forward. Expansion of the building has been supported by the CCG via the NHS England Estates & Technology Transformation Fund (ETTF), however it is acknowledged that this NHS funding source will not be sufficient to cover 100% of any planned expansion costs.

McIlvride Medical Practice operates from GP owned premises in the centre of Poynton. The GP practice consists of a single building which is now at capacity. Due to the location of the building, expansion options are limited. Development to restructure the internal layout of the GP practice would be supported by the CCG in order to optimise existing space.

Additional growth in patient numbers will add further pressures to the two GP practices, with an increase in clinical and non-clinical staffing numbers will require expansion or redevelopment of the Priorsleigh site and internal structural changes at the McIlvride sites. Both Priorsleigh Medical Centre and McIlvride Medical Centre are open to further development of their sites for the benefit of the local patient population, and there is an expectation that further development will be needed in order to meet the projected increase in local population over the next 5-10 years. Both GP practices are therefore actively engaged with the CCG in investigating potential primary care estates development opportunities. Both GP practices have identified estates development work which, if funding can be sourced, would allow for further expansion and greater utilisation of the buildings.

A financial contribution is therefore sought as part of this application, which is based on a calculation consisting of occupancy x number of units in the development x £360. This is based on guidance provided to other CCG areas by NHS Property Services.

Size of Unit	Occupancy	Assumptions	Health	Need/Sum
	Based on Size of Unit		Requested per unit	
1 bed unit	1.4 persons		£504 per 1 bed unit	
2 bed unit	2.0 persons		£720 per 2 bed unit	
3 bed unit	2.8 persons		£1008 per 3 bed unit	
4 bed unit	3.5 persons		£1260 per 4 bed unit	
5 bed unit	4.8 persons		£1728 per 5 bed unit	

The proposed development comprises:

- 16 x 5 bed units
- 32 x 4 bed units
- 33 x 3 bed units

25 x 2 bed units
28 x 1 bed units

As such the CCG requests a contribution to health infrastructure via Section 106 of £133,344 based on the proposed 134 dwellings, and the occupancy stated above. This would comply with policy LPS 57 of the CELPS.

LIVING CONDITIONS

Saved policy DC38 of the MBLP states that new residential developments should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

However the CE Design Guide states separation distances should be seen as guide rather than a hard and fast rule. The Design Guide does however acknowledge that the distance between rear facing habitable room windows should not drop below 21m. 18m front to front will also provide a good level of privacy, but if this applied too rigidly it will lead to uniformity and limit the potential to create strong streetscenes and variety, and so this distance could go down as low as 12m in some cases.

The nearest existing residential properties are located along the eastern spur of Hazelbadge Road and a separation distance of over 30 metres is achieved between these existing dwellings and the proposed development. Properties to the east on Kirkstall Close, Furness Close, Whitby Close and Easby Close are over 50 metres from the nearest of the proposed dwellings on the opposite side of the vegetated Brook corridor. These relationships with the nearest existing dwellings are considered to result in acceptable standards of amenity for existing and proposed residents having regard to the distance guidelines set out above.

Similarly the layout within the site ensures the relationships between the new dwellings result in acceptable standards of space, light and privacy for future occupants. The development is therefore considered to be in accordance with policies DC3 and DC38 of the MBLP.

NOISE

Policy SE12 of the CELPS seeks to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. Developers will be expected to minimise, and mitigate the effects of possible pollution arising from the development itself, or as a result of the development (including additional traffic) during both the construction and the life of the development. Where adequate mitigation cannot be provided, development will not normally be permitted.

Policy DC14 of the MBLP states that development may be permitted provided that the effects of noise can be mitigated by soundproofing measures.

The applicant has submitted an acoustic report which considers the impact of the noise from the nearby road, rail and school on the proposed development in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings Department of Transport (1988) Calculation of Road Traffic Noise (CRTN). This is an agreed methodology for assessing noise of this nature.

The noise report identifies that railway noise is sufficiently low, and no mitigation measures are necessary in respect of railway noise. However, acoustic fencing is recommended for the gardens of houses that will be nearest to the school and its playing field. The assessment of noise impact from the use of Hazelbadge Road to access the development concluded that traffic generated by the proposed development would not result in any significant noise impact upon existing dwellings on Hazelbadge Road. Environmental Health advises that the conclusions of the report and methodology used are acceptable. The proposed mitigation can be secured by condition.

A number of the letters of representation raise concern about the impact of the development upon the adjacent school particularly during the construction phase in terms of noise, as well as vibration, dust etc. Impacts during the construction phase are a temporary manifestation of the development process, and as such will be temporary in nature. A residential development itself does not raise any significant concerns in this regard and it is considered that a construction environmental management plan (CEMP) can ensure that any such impacts upon existing development are minimised. The submission and implementation of a CEMP can be secured by condition.

Subject to the conditions referred to above, the proposal will comply with policy SE12 of the CELPS and DC14 of the MBLP.

AIR QUALITY

As noted above, policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on local air quality, it is necessary to have regard to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality May 2017).

Air quality impacts have been considered within the air quality assessment submitted in support of the application. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀) impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

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

- Scenario 1 (S1): '2016 Baseline' representing the 'existing' air quality situation in 2016

- Scenario 2 (S2): '2022 Without Development' (without the proposed development in place, but with the A6 Manchester Airport Relief Road (A6MARR) and the Poynton Relief Road (PRR) in place);
- Scenario 3 (S3): '2022 With Development' (with the proposed development, the A6MARR and the PRR in place

The assessment concludes that the impact of the future development on the chosen receptors will be negligible with regards to NO₂, PM₁₀ and PM_{2.5} concentrations, with none of the receptors experiencing greater than a 1% increase.

However, it is necessary to consider the cumulative impact of a large number of developments in a particular area. Particularly, the impact of transport related emissions on Local Air Quality. Taking account of the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

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

A travel plan will be implemented for this site, which will help to promote alternatives to the private car, in the interests of air quality. However, further mitigation measures are recommended to reduce the impact on sensitive receptors in the area. Therefore, conditions are recommended relating to the provision of electric vehicle infrastructure across the site, and the provision of anti-idling signage in order to prevent accumulations of poor air quality in the area around the school, particularly where the designated short stay parking bays will be. Subject to these conditions, the proposal will comply with the air quality aspects policy SE12 of the CELPS.

Environmental Health also recommended a condition relating to the provision of ultra low emission boilers; however such a condition is not considered to be necessary or reasonable.

PUBLIC RIGHTS OF WAY

There are three public rights of way within the site, and the original layout showed that Public Footpaths Poynton with Worth nos. 43 & 46 (which head north east and north west respectively) will be obstructed by the proposed development. As there was no mention of the legal alignments requiring a diversion order under s. 257 of the TCPA 1990 or being appropriately accommodated (not along the principal streets) within the site layout the Public Rights Way team objected to the proposal.

The application documents originally showed the Public Right of Way running along the estate roads. It should be noted that national guidance on Rights Of ways states that any alternative alignment [of a Public Right of Way] should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.

Revised plans have been received that now divert footpaths 43 and 46 through the green infrastructure to the east of the site, away from estate roads. The Rights of Way team have

confirmed that the revised plans achieve the requirement to seek off road diversion routes for the public footpaths affected by development, and are therefore a welcome amendment. They also note that there would be a number of details to iron out when an application to divert under s.257 TCPA is made.

The other public right of way Footpaths Poynton with Worth no. 88 is unaffected by the proposal.

ACCESSIBILITY

Pedestrian and cycle access will be provided from the same location as the vehicular access off Hazelbadge Road. Foot and cycle access will be available to nearby facilities, namely the primary school, railway station and shops/local services in Poynton centre, which is less than 700m from the application site. The development will also provide a footpath link from the north of the site onto the existing public right of way network north of the site boundary.

Poynton railway station, which provides frequent rail services to Stockport/Manchester and Macclesfield is less than 400m from the application site and is within walking distance along existing footways.

Bus services are accessed via nearby bus stops which have services to Macclesfield and Poynton/Stockport. Further details on this service are discussed in the Highways section below.

The local plan allocation for this site (LPS 48) requires *“the creation of links with footpaths to the north and east; and pedestrian and cycle links to new and existing residential areas, employment areas, shops, schools and health facilities, including improved pedestrian links to the town centre, and the railway station.”*

In this regard, the Public Rights of Way team originally requested that the applicant delivers improvements such as:

- a) Provide a fenced surfaced path for Poynton Footpath No. 43 which runs northwards from the site along the edge of an agricultural field to Lower Park Road for pedestrians and potentially cyclists.
- b) Widen Poynton Footpath No. 88 to a minimum 3m usable width, including the bridge structure, as a shared use pedestrian/cyclist route.
- c) The improvement of the permissive path within Cheshire East land on the east side of the brook – complaints are received from the public about the condition of this path: under the development proposals the footfall would increase and therefore worsen the condition.

The development as proposed provides links with footpaths to the north and east. As such, a fenced 3m wide surfaced path for FP No. 43 running from the north of the site is not considered to be necessary to make the development acceptable in planning terms. This would also require encroachment into the Green Belt and require land that is outside of the control of the applicant or the Council. Footpath 88 leads eastwards from the site over the Brook, but opportunities for widening are restricted between two residential properties on Kirkstall Close, which prevents the widening of its full length from the site to Kirkstall Close. The PROW team have since confirmed that due to the constraints of the path width at its eastern end, and the limitations of the trajectory into the housing estate, rather than the town

centre, it is recognised that the quality and width of the bridge structure is considered to be adequate for present and future footfall.

As noted above, pedestrian and cycle access will be provided from the same location as the vehicular access off Hazelbadge Road, which will provide suitable links to those facilities specified in LPS 48. With regard to the permissive path, it appears that there is an existing issue with the surface of this path, and it is considered to be unreasonable to expect the developer to address a pre-existing issue. In addition to this the development includes diverted public rights of way routes through the green infrastructure within the site, which connect into the wider PROW network.

There are existing cycle lanes along Chester Road which start to the east of the pedestrian crossing on Chester Road and lead to the shared surface in the town centre. These lanes have faded over time and do require re-painting. Given that this will be the main route to the town centre for cyclists, and having regard to the requirements for cycle lane provision in policy LPS 48, it is considered that in order to promote cycling as a viable option for travel to and from the site, the developer should fund the painting of these lanes, which can be secured as part of the s106.

Subject to this improvement scheme, in terms of the accessibility of the site for pedestrians and cyclists, the proposal is considered to comply with the relevant requirements of LPS 48.

HIGHWAYS

Hazelbadge Road runs in a north-south direction and provides access to the existing primary school as well as other small residential roads. Along the length of Hazelbadge Road, the carriageway measures 6.1m in width with footways between 1.8m and 2m wide on either side of the carriageway. There is a kerbed build-out in the vicinity of the school which acts as traffic calming and provides a shorter pedestrian crossing point. The carriageway width in this location is effectively narrowed as on-street parking takes place in this location.

Access to Hazelbadge Road is currently achieved through a simple priority controlled T junction with the A5149 Chester Road forming the major arm. The nearby A6 extension to Manchester Airport, also known as the A6 MARR, is now operational having opened in October 2018.

To the east of the junction of Hazelbadge Road and Chester Road there is a signalised pedestrian crossing. To the east of this crossing there is a cycle lane between the footway and carriageway on both the north and south sides of the road. This runs towards Poynton town centre and terminates immediately prior to the shared surface arrangement at the A5149 Chester Road / A523 London Road / Park Lane double mini roundabout.

Along Chester Road there are bus stops as well as an eastbound bus stop with shelter and timetable information to the west of the railway line

Public Transport

Pedestrian and cycle matters have been considered above. In terms of public transport LPS 48 requires *“Contributions to existing and the provision of new, public transport links to the town centre or contributions towards or the provision of land for additional car parking for*

Poynton Railway Station". CEC Highways have requested a financial contribution of £100,000 towards bus service improvements.

The policy refers to public transport links to the town centre. The town centre is less than 700m from the application site, and is approximately 300m from the nearest bus stop at Hilton Grove. Contributions are usually sought to mitigate for the impact of a development. Having regard to the distances involved, it is considered to be very unlikely that new residents from the application site would walk to the bus stop and then get on a bus for the last 300m (approximately) of the journey to the town centre. Whilst this might happen, it would not be at a level that would place additional pressure on bus services to justify a financial contribution. This does mean that there would be some conflict with LPS 48, however given the circumstances outlined above and other contributions the applicant is making towards strategic highways projects of the Council (the Poynton Relief Road), this conflict is considered to be acceptable.

CEC Highways have also requested £5,000 to facilitate the provision of a bus stop opposite Hilton Grove, incorporating a flag pole, timetable information and appropriate kerbing. This is considered to be justified as it does help to increase the sustainability of the site by providing a bus stop for services to wider areas outside of Poynton.

With regard to the railway station car park, it is understood that since the station has started to charge to park here, it is underused, with vehicles being displaced to surrounding residential streets including, as many of the representations note, Hazelbadge Road. The case officer has visited the railway station on 3 separate occasions and every time spaces have been available. In addition given the proximity of the application site to the station, it is unlikely that residents would drive to the station. Once again a contribution or additional land for car parking is not considered to be necessary to make the development acceptable in planning terms, and again for the same reasons as the bus service contribution, this conflict with LPS 48 is considered to be acceptable.

Network Rail has provided extensive comments on the application, which include a request for financial contributions towards:

- *Level access to the ticket office area – Currently access is via the gate adjacent to the station building, this would require mods to the door & potentially ramps - £15k*
- *Cycle hoops adding to both sides of the station – £10k*
- *Resurfacing of the road leading up to the station building with additional car parking & traffic management - £30k*
- *Improve platform surfaces - £30k*
- *Store room to be converted for community use - £10k*
- *Overall cosmetic investment in the station facilities (painting, glazing in windows, new fencing etc) - £25k*

These appear to be existing issues that are not necessary to make the development acceptable in planning terms; not directly related to the development; and not fairly and reasonably related in scale and kind to the development. Accordingly they cannot be sought from the applicant. The other comments raised by network rail can be addressed by an informative / note on the decision notice to make the applicant aware of their obligations towards the railway.

Safe and suitable access and parking provision

Vehicular access to the development will be provided from Hazelbadge Road through the continuation of the existing carriageway into the site. The access road within the site will provide a standard 5.5m wide carriageway and 2m wide footways on both sides of the access road.

Immediately north of the current adopted highway boundary a mini-roundabout will provide access to the eastern and western sides of the site. This mini-roundabout will also assist with turning movements associated with the nearby school.

To assist the movement of vehicular traffic the widening of Hazelbadge Road on the eastern side of the carriageway to provide on-street parking lay-bys is proposed by the applicant. This will consist of a row of short-stay parking bays and will be located adjacent to the existing primary school. As part of the development it is proposed to introduce waiting restrictions to assist the free-flow of traffic, particularly at busy school drop off / pick up times. It is also proposed that Hazelbadge Road and the entirety of the site are subject to a 20mph speed limit. A contribution to fund the required traffic regulation order will be secured as part of the s106 agreement.

In addition to the above, the priority T junction of Hazelbadge Road / A5149 Chester Road will be widened to create a 'one lane plus flare' exit onto A5149 Chester Road. This will enable left and right-turning traffic to queue at the junction simultaneously, thereby assisting capacity. The improvements at this junction utilise land currently forming part of the residential gardens of 80 and 82 Chester Road, which is within the developer's control as demonstrated in the submitted documentation. The widening also allows an increase in the radii at the junction and widens the footway from 1.8m to 2.0m on the eastern side of Hazelbadge Road. The effect of this is that visibility splays of 2.4m x 43m are achievable in both directions along the A5149 Chester Road, which are in accordance with the current posted speed limit of 30mph.

The internal road network has been assessed and the principle of the design is acceptable subject to: service strips of 2.0m being provided on both sides of roads to become part of the adopted highway; the carriageway serving plots 123 to 132 shall be a minimum width of 4.5m, and; the proposed block material must comply the pallet of materials detailed within the Cheshire East Design Guide (May 2017). Amendments to the plans have been made to address these issues.

The movements of service vehicles including a refuse vehicle have been undertaken by means of a swept path analysis demonstrating a large refuse vehicle can be satisfactorily accommodated.

Parking within the site is compliant with current Cheshire East parking standards which state that for a principal town or key service centre, the following apply:

- 1 parking space per 1 bedroom dwelling
- 2 parking spaces per 2/3/more bedroom dwelling

Network Capacity

The capacity of the Hazelbadge Road junction with Chester Road has been tested using junction modelling for various traffic flow scenarios in both the morning and evening peak hours. The traffic flows utilised in these models have been informed by agreed (between

Highway Authority and the applicant) traffic generation figures resulting from the proposed development.

The assessments have been carried out to include base traffic flows as predicted with the A6MARR (opened in 2018) and the Poynton Relief Road due to open in 2022.

These results demonstrate that the traffic capacity and associated queueing will remain broadly the same as the scenario with no improvements and no development traffic. This illustrates that the proposed improvements to the junction mitigate the impact of the proposed development traffic and are therefore acceptable.

This analysis does highlight some queueing and delay which is demonstrated by the highest demand showing to be on Hazelbadge Road during the early afternoon, which is the peak hour for the school. Delays of up to 22 seconds are experienced on average for cars leaving Hazelbadge Road at this time.

The effect of the opening of the A6MARR on Chester Road has resulted in a slight increase in traffic flows which have a small negative effect on capacity on the Hazelbadge Road junction. However the opening of the Poynton Relief Road (PRR) scheme will reduce traffic flow along Chester Road hence creating an improvement in the operation of the Hazelbadge Road/Chester Road junction. For this reason a financial contribution of £5,500 per dwelling towards the implementation of the PRR scheme is requested by CEC Highways.

The proposal therefore raises no significant highway safety or traffic generation issues, in accordance with policy DC6 of the MBLP. Conditions relating to the implementation of the highway improvement works, provision of an amended travel plan and a construction management plan are recommended.

TREES / LANDSCAPE

Trees

The majority of the mature trees associated with the site are protected as part of the MBC (Poynton – Lower Park Road) Tree Preservation Order 1974. Accordingly the application is supported by an Arboricultural Impact Assessment (AIA) which identifies that in order to facilitate development the removal of 13 individual trees (5 Cat B, 4 Cat C, 4 Cat U) and 12 Groups including 4 parts of groups (9 Cat B, 3 Cat C). Parts of 2 woodland areas (cat B) would also be removed to preserve the species mix and allow better specimens to develop. The majority of these trees are small early mature Oaks which are not formally protected; these trees can be replaced and accommodated as part of any proposed landscape scheme. The felling and removal of those trees which form part of the on site 1974 TPO is not contested, the reasons provided are justified; replacement planting will be required and this can broadly be accommodated within the specific group designation.

The original layout raised a number of concerns in terms of construction implementation and social proximity. However the revised plans adequately addressed all of these issues. The remaining development configuration is considered to be acceptable with adequate space available to ensure that any problems associated with shading and seasonal nuisance does not result in future pressure to allow inappropriate pruning or felling of the protected trees, and are considered defensible.

The Arboricultural officer raises no objections to the proposal subject to conditions. The proposal is considered to comply with policy DC9 of the MBLP and SE5 of the CELPS.

Landscape

The site currently forms an attractive transition between the more urban areas to the south and east and the wider rural landscape to the north and west. The green infrastructure network identified on the site plan indicates the intention of retaining areas of woodland to the west and south, a green buffer along the eastern boundary and an existing line of mature trees towards the central part of the site. The Design and Access Statement also identifies opportunities for additional tree planting within rear gardens and within the corridor of open space along the eastern boundary.

The Design and Access Statement identifies a landscape strategy for the site, namely that existing elements that make up the site's green infrastructure should be retained, the retention of existing trees and hedges along Hazelbadge Road and recognition of the wider landscape setting and views into and out of the site. LPS 48 identifies one of the site specific principles of development as *"Appropriate boundary treatments should be implemented to provide a clearly defined Green Belt boundary that is likely to endure"*. The original layout showed a number of properties, along the northern edge of the site, as having gable ends hard up against the northern boundary, facing the open countryside to the north and a number of other properties that would have the proposed native hedgerow along the northern boundary as both a site and domestic garden boundary. The close proximity of some of the proposed dwellings to this proposed hedgerow boundary would have influenced its long term viability and success.

The revised plans significantly reduce the number of buildings along this boundary to create a much less dense boundary to the Green Belt, and provide a 5 metre wide landscape buffer to the boundary. This buffer is considered to satisfy the requirement for appropriate treatment of the Green Belt boundary, in accordance with LPS 48. However, this has resulted in an increase in the scale of 3 buildings that now sit close to the Green Belt boundary, but this is considered to be an acceptable compromise. No significant landscape impacts are now identified, and subject to standard landscape conditions the proposal is considered to comply with policy SE4 of the CELPS.

ECOLOGY

An updated ecological assessment has been submitted with the application, and the following matters are relevant to the proposal. It should also be noted that whilst the application has been with the Council for some time, the nature conservation officer has advised that the ecological reports that have been submitted can still be relied upon.

Priority Habitats

LPS 48 of the CELPS requires *"any woodland, priority habitats or habitats of Local Wildlife Site quality on the site should be retained and buffered by areas of open space/habitat creation"*.

Approximately 4.73ha of the semi-improved grassland,(which meets the criteria to be designated as a Local Wildlife Site) will be lost from the site in order to facilitate the proposed

development. In addition to this, a small area of the semi-natural broad-leaved woodland in the west of the site will be lost, along with ephemeral pond P17. Furthermore all of the tall ruderal and bare ground habitats will be lost as a result of the development proposals. These areas cover approximately 5 hectares, which is virtually the whole of the developable area of the site. If all of these habitats were retained, the site could not be developed. Clearly this would be contrary to the overriding objectives of the policy, to provide housing.

On other sites within the Borough the Council has accepted a financial contribution to offset the loss of habitats, in order to fund the provision or enhancement of other sites for nature conservation purposes. However, in this case, due to the extent of habitat loss, the applicant was requested to find a site that could be used to directly mitigate for the impact.

This process was carried out in consultation with the Council's nature conservation officer, and was focused within the Cheshire East area, in order to provide compensatory habitat as close to the Hazelbadge Road site as possible. The benefits of the offsetting site location being within the Cheshire East area represent a best practice approach, in order to replace habitats close to where they have been lost.

The Cheshire Wildlife Trust (CWT) has recently acquired a 7ha nature reserve on the eastern side of Kerridge Hill, Macclesfield, approximately 8km south east of Hazelbadge Road. The site comprises a mix of scrub, semi-natural grassland and plantation woodland. CWT is now seeking funding for the restoration of the site to improve its value for wildlife and a scheme for provision of this funding as offsetting for the Hazelbadge Road development has been agreed between the applicant, the CWT and the Council's nature conservation officer. The scheme includes grassland restoration, woodland restoration and grassland management, and the total cost for this will be £46,137.

The nature conservation officer has confirmed that the proposed offsetting compensation package will adequately address the compensation requirement for this application. The financial contribution will be secured as part of the s106 agreement.

Poynton Brook

Site plans include the retention of the trees along the brook margin. The submitted *Ecological Assessment* (TEP, January, 2018) recommends the production of a Construction Management Plan to set out how any indirect adverse impact on Poynton Brook will be avoided. This should include the fencing off of a buffer zone during the construction phase, and an appropriate condition is recommended to secure this plan.

Great Crested Newts

Great Crested Newts (GCN) have been recorded within the application site. The usage of the site by GCN is likely to be limited to a small population. The loss of aquatic/terrestrial habitat on this site in the absence of mitigation is likely to have a medium impact on GCN at the local level and a low impact upon the conservation status of the species as a whole.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favourable conservation status of the species will be maintained. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Alternatives

The site was identified as a development site following an extensive local plan process, which included removing land from the Green Belt. As such there are no known alternatives.

Overriding public interest

The proposed development will meet an identified social need for housing within Poynton and within the wider Cheshire East area, which is considered to be of overriding public interest.

Mitigation

The submitted report recommends the creation of two new ponds, the enhancement of two existing ponds, and the creation of a native species connective hedgerow along the northern site boundary, as a means of compensating for the loss of habitat and also recommends the timing and supervision of the works to reduce the risk posed to any GCN that may be present when the works are completed.

The nature conservation officer advises that if planning consent is granted the proposed mitigation/compensation is broadly acceptable. However to ensure that the favourable conservation status of GCN is maintained it is recommended that the 5m buffer zone along the northern site boundary in addition to, and inclusive of, the native species hedgerow is included as part of the mitigation strategy. The buffer zone should remain undeveloped and not contain any features such as gardens, car parking, etc.

Bats

The tree known as T31 in the *Ecological Assessment* (TEP, January 2018) was classed as offering low potential to roosting bats due to a potential roost feature. The tree is proposed for removal under the current plans. However, the potential risks posed to bats by the removal of the tree will be adequately mitigated against by the implementation of the reasonable avoidance measures detailed within section 6.8 of the Ecological Assessment report. Accordingly a condition is recommended to secure the implementation of the report's recommendations.

Badgers

Badger activity has been recorded on site. An updated badger survey was carried out on 13 May 2019, which confirmed that the badger situation on site had not significantly changed since the last survey in June 2017. One sett is proposed to be closed after monitoring. The applicant's Badger Mitigation Strategy is acceptable, and a condition is recommended to

ensure the development is carried out in accordance with the submitted badger mitigation strategy (TEP, January 2018).

Breeding Birds

If planning consent were to be granted a condition requiring a nesting bird survey is recommended.

Reptiles

There is a considered low risk that the proposed development may have an adverse impact upon reptile species which may occur in the surrounding habitat. The nature conservation officer is satisfied that the risks will be adequately mitigated against by the implementation of the reasonable avoidance measures detailed within the Reptile Reasonable Avoidance Measures report (TEP, 04/01/2018), which can be secured by condition.

Wildlife sensitive lighting

Prior to the installation of any lighting, details should be submitted for approval to ensure that lighting does not have any adverse impacts upon wildlife. The scheme should include dark areas and avoid light spill upon boundary hedgerows and trees. The scheme should also include details of: number and location of proposed luminaires; luminaire light distribution type; lamp type, lamp wattage and spectral distribution; mounting height; orientation direction; beam angle; type of control gear; proposed lighting regime; and projected light distribution maps of each lamp. An appropriate condition is therefore recommended.

Schedule 9 Species

The applicant should be aware that Himalayan Balsam, Japanese Knotweed and Cotoneaster species are present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause these species to grow in the wild.

Conclusion on ecological matters

Whilst the proposal does not strictly comply with the ecological criteria set out under LPS 48 due to the loss of priority habitats, adequate mitigation is provided on an alternate site. As noted, it would be virtually impossible for any meaningful development of the site to comply with these criteria. In addition to this, whilst policy SE3 of the CELPS seeks to resist development which has a significant adverse impact upon sites comprising priority habitats (amongst other designations), it does allow it where the reasons for, or the benefits of, the proposed development outweigh the impact of the development. The benefits of providing much needed housing within the local area are considered to outweigh the impact of the development in this case. The proposal will ultimately positively contribute to the conservation and enhancement of biodiversity in accordance with policy SE3 of the CELPS. No further ecological issues are raised, and it is therefore considered that the ecological aspects of the proposal comply with the development plan as a whole.

LAYOUT / DESIGN

Amongst other criteria, policy SD2 of the CELPS expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- a. Height, scale, form and grouping;
- b. Choice of materials;

- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;
- e. Green infrastructure; and
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy SE1 of the CELPS expects housing developments to achieve Building for Life 12 (BfL12) standard, and that development proposals consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located. These principles are also reflected in the CEC Design Guide. The relevant BfL12 headings are considered below:

Connections

The site is a greenfield site located on the north western edge of the Poynton settlement, positioned between Poynton Brook and the railway line. The site is accessed from a single point of access from Hazelbadge Road. Footpaths 43 and 46 cross the site and provide access to the north, and are now proposed to be diverted through the green infrastructure at the eastern side of the site. The diverted footpaths will also link in with footpath 88 which crosses the Brook ensuring connectivity to the surrounding area. To reach the nearest shops / facilities in Poynton centre, access is likely to be along Hazelbadge Road and Chester Road.

Facilities and services

Poynton centre and all its facilities and services is approximately 700m from the application site, and within walking distance. The site is therefore well served by existing facilities.

Public transport

There is a bus stop approximately 300m from the site which provides services to Middlewood and Hazel Grove. Other services to Macclesfield and Stockport are available from the town centre. In addition the railway station is less than a 5 minute walk from the application site and has regular services north to Manchester and south to Stoke-on-Trent. There is a cycle path along Chester road to the east of the pedestrian crossing, which leads to and from the shared space within the town centre.

Meeting local housing requirements

Draft policy HOU 9 of the PNP states that *“given the size and location of the Hazelbadge Road site, a mixture of 2, 3, and 4 bedroom properties should be achievable”*. The evidence base for this is not clear, however the aspiration of the policy is noted, and the majority (90) of the 134 dwellings proposed are 2, 3 or 4 bedroom properties. Provision of 1 (x28) and 5 (x16) bedroom properties increases the mix of units available. The 1 bedroom properties also meet an identified affordable housing need.

Character

A basic study of local vernacular, character and materials is included within the Design & Access Statement. The proposed houses are generally a standard product, although additional detailing and materials for some units has been requested to respond to the context of the site. For example, the elevations to the apartment blocks have been amended to give more acknowledgement to their rural edge location with the inclusion of agricultural references such as black weatherboard cladding, which also gives the buildings a more recessive appearance in the landscape, simpler window designs, exposed eaves and lower ridge heights. Corner plots turn corners well with dual aspect elevations. The density of the

developable area of the site is 31 dwellings per hectare, or of the entire site it is 16 dwellings per hectare. The requirement for 30 dwellings per hectare within draft policy HOU 16 of the PNP is acknowledged, however the proposed density is considered to be acceptable given that the development is providing fewer dwellings than the site is allocated for.

A variety of building heights are proposed, up to 11.2m for the tallest of the three-storey apartments, and some properties have chimneys which help to create an interesting and varied roofscape and skyline. The apartments are located close to the northern boundary where the site interfaces with the Green Belt. Some concern has been raised within the representations about the appropriateness of the apartments in this location. The density of the development along its northern edge has been reduced and only the three apartment buildings are proposed along this 380m long boundary. The compromise to this being that the height of the buildings has increased. As noted above, amendments to the materials and detailing of the apartments have been received to ensure the relationship between the development and rural fringe is successful. Added to this a proposed 5m wide landscape buffer is proposed along the northern boundary and, when viewed from the north, the apartments will be seen against the backdrop of the protected trees within the central belt, which are taller than the apartments with most being between 13m and 16m in height. It should also be noted that three-storey structures are not alien features to Poynton. Three-storey properties are present on Chester Road, opposite the entrance to Hazelbadge Road. For these reasons the character of the development is considered to be acceptable.

Working with the site and its context

The existing features within the site are predominantly the tree cover to the east alongside the Brook, the woodland to the west, and the central belt of protected trees. The Green Belt boundary is also a positive aspect of the site. The interface with the Green Belt has been discussed above, and all of these positive features of the site are retained as part of the development and have informed the layout and form of the development. The proposal is outward facing and provides a green buffer to the edges, softening the appearance from the long views over the adjacent landscape.

Some concern has been raised regarding the proposed road spur to the north of the site. One of the questions in the Urban Design Checklist within the design guide is whether *“the layout does allow for connections out into the surrounding area, even if they cannot be delivered at the present time”*. In addition to the public rights of way connections this spur achieves this, but does not suggest in anyway the acceptability of further development on the land to the north of the site, which is Green Belt.

Creating well defined streets and spaces

There is a defined street hierarchy with streets, lanes and shared drives identified, and areas of public space are well defined. The woodland to the west will be fenced off with railings in the interests of public safety due to the contamination issues associated with this area; however, the ecological value of the woodland will be retained, and will provide an attractive green buffer to the railway line beyond.

Easy to find your way around

The site is easily legible with feature buildings at key nodes. The street hierarchy is reflected in the surface materials, which will need to comply with the requirements of the CEC Design Guide; however, the street hierarchy could also be strengthened further, particularly in

relation to the specification of the boundary treatments to the front of plots. This can be picked up as part of landscaping conditions.

Streets for all

Materials, road widths, deflections in the carriageway are all used to reduce vehicle speeds. A 20mph limit is proposed along Hazelbadge Road and the application site in the interests of highway safety. This will help the streets to truly function as shared spaces.

Car parking

A mix of parking solutions is encouraged by the Design Guide to ensure that the street scene is not dominated by vehicles. There is a mix of different parking solutions across the site, however the Design Officer has suggested that there is a concentration of similar solutions in places, particularly where the proposal positions the parking spaces to the front of the units within the curtilage. Whilst these comments are noted, areas where parking is shown to the front of units is broken up by landscaping, which will serve to reduce the dominance of these vehicles on the street scene. The parking proposals are therefore considered to be in compliance with the design guide.

Public and private spaces

Additional windows have been added to some of the plots to the east of the site to encourage natural surveillance of the Brook area, and the diverted rights of way. The formal and informal play areas also benefit from surveillance from the outward facing properties opposite.

External storage and amenity

Features that encourage sustainable forms of transport, such as secure cycle provision has been provided for those properties that do not have garages, including the apartments.

Design conclusion

For the reasons outlined above it is considered that the proposal will comply with policies SE1 and SD2 of the CELPS and the Cheshire East Design Guide.

ARCHAEOLOGY

The application is supported by an Archaeological Desk-Based Assessment which outlines potential areas of archaeological interest within the application site. The heritage assessment highlights two areas of potential archaeological interest in the western part of the site, which includes brick works and brick kilns and to the south west a gas works. Cheshire Archaeology Planning Advisory Service has consulted relevant mapping and carefully considered the proposed development area, and note that these areas of archaeological potential sit within the area proposed for landscaping (within the woodland to the west of the site). As such, the level of impact on these areas of archaeological potential are minimal and they advise that no further archaeological mitigation is required for the brickworks, brick kiln or gas works. Accordingly, the proposal is considered to comply with the archaeological aspects of policy SE7 and LPS 48 of the CELPS.

FLOODING

Policy SE13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and

quantity within the borough and provide opportunities to enhance biodiversity, health and recreation, in line with national guidance.

The majority of the site is located within flood zone 1 with some areas adjacent to Poynton Brook lying in flood zone 2. The site was allocated for residential development following an extensive local plan process, and the sequential test has been applied in line with national planning policy. Policy PG 6 of the CELPS identifies that an additional 650 dwellings should be provided at Poynton. In the absence of alternative, reasonably available sites within or immediately adjacent to Poynton for housing development with a lower probability of flooding, the allocation of Land Adjacent to Hazelbadge Road satisfies the Sequential Test.

A site specific Flood Risk Assessment (FRA) carried out to inform the planning application should demonstrate that the proposed development would be safe from fluvial flooding, and would not increase the risk of flooding elsewhere. The Lead Local Flood Authority (LLFA) initially raised some concerns regarding the details within the FRA, and discussions have taken place on site with the applicant.

The LLFA has now confirmed that following a site walkover with the applicant and the submission of additional flood risk information, they have no objections to the proposal. There are however, a couple of points which need further consideration relating to an existing overgrown ditch line, and any possible connections to it. In addition further investigation should be carried out to identify whether a cut-off drain along the northern site boundary is required to manage potential overland flow due to the topography in this area. Accordingly, conditions are recommended which require the development to be carried out in accordance with the submitted FRA, and the submission of a surface water drainage strategy. Subject to these conditions, the proposal will comply with the requirements of policy SE13 of the CELPS.

The Environment Agency also raises no objections to the proposal subject to conditions relating to groundwater and contaminated land.

CONTAMINATED LAND

A number of reports have been submitted in support of the application. Works carried out to date in the proposed residential area have identified a low risk, with the top soil chemically suitable for residential use, in all but one location where a piece of asbestos containing cement was identified. This is to be removed and the surrounding soils tested to ensure there are no residual fibres.

On the western side of the site, within the area of the former Poynton Brick Works and Poynton Gas works, which appears to have undergone no demolition or remedial works since closure, contamination has been identified.

The proposed layout originally showed this area as public open space comprising existing woodland, ponds and allotments. Since then, further ground investigations have been carried out, and have identified contamination to be present in surface soils which is not suitable for public open space areas near residential housing. Remedial recommendations were made but these were likely to have a significantly detrimental affect on the existing habitat and protected woodland. The habitat enhancements proposed as part of the on site ecological works include woodland management which will be *“implemented to protect and retain*

amphibian habitat as well as habitat for other protected species. Native structure planting will provide additional screening for the badger sett in the south of the western woodland while also enhancing the quality of the woodland itself”.

As a result it is considered that the most appropriate solution is to fence off this entire area to the west of the site and prevent public access to the woodland. Confirmed details of this will need to be provided within a Remediation Strategy and the presence and effectiveness of such fencing will need to be demonstrated within a Verification Report. This area is currently utilised informally, such as by dog walkers, however this is private land and not an area of public open space. Given the remains of the previous structures that formerly existed here, there are physical hazards to anyone using this land. Consequently, fencing this area off will improve public safety and will not remove any identified open space, despite the existing informal use. In addition the nature conservation officer has confirmed that the woodland, which is protected by Tree Preservation Order, contains several important ecological features including great crested newt breeding ponds and a badger sett and would benefit from public access being restricted to reduce the possible disturbance and contamination of the features.

The Contaminated Land Officer has raises no objections to the proposal subject to conditions relating a remediation strategy, a verification report, the testing of imported soil, and a condition relating to any unforeseen contamination.

Subject to these conditions the proposal will comply with policy DC63 of the MBLP and policy SE12 of the CELPS.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Poynton including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

OTHER MATTERS

The issues raised in representation that are material planning considerations have been considered by the relevant specialist officers of the Council, and in the preceding text. Many of the representations relate to the impact of the development upon the adjacent primary school and the fact that the school does not benefit from the proposal. There are no planning policies that seek to secure improvements to a school (such as replacement windows) because a development is taking place next door. As noted above, impacts upon the school and local environment generally, during the construction process can be minimised through the implementation of a construction environment management plan. There are also logistical matters relating to construction that can be addressed through a construction management plan, as recommended by CEC Highways, but this will be a matter to be agreed between the applicant the Local Planning Authority and the Highway Authority.

S106 HEADS OF TERMS

Further to the comments above, a s106 agreement will be required to secure:

- 30% affordable housing
- Off site ecological mitigation contribution of £46,137
- Open space provision and management
- Education contributions of:
 - £260,311 (primary)
 - £310,511 (secondary)
 - £91,000 (SEN)
- Indoor sports contribution of £22,500
- Recreation and outdoor sport contribution of £97,000
- Allotments and community gardens contribution of £61,937.50
- Healthcare contribution of £133,344
- Contribution to Poynton Relief Road of £737,000
- £7,000 to fund TRO
- £5,000 to fund bus stop opposite Hilton Grove
- Contribution towards cycle lane improvement - TBC

CIL regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

The provision of affordable housing, off site ecological mitigation, indoor and outdoor sport (financial) mitigation, Highways (financial) mitigation, the cycle lane contribution and healthcare (financial) mitigation are all necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for school places at the secondary school within the catchment area which currently have no projected spare capacity. In order to increase the capacity of the school which would support the proposed development, a contribution towards secondary and SEN school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

PLANNING BALANCE & CONCLUSIONS

The proposal seeks to provide 134 dwellings on a site allocated within the CELPS for around 150 dwellings. Some conflict with the site specific principles of development listed under LPS 48 of the CELPS in terms of the bus service contribution, the railway car park contribution and the retention of habitats on the site has been identified above. However, whilst the contributions towards the bus service to the town centre and the railway car park are not

being secured for the reasons set out above, significant contributions are being made towards the Council's strategic project of the Poynton Relief Road to mitigate for the impact of the development. Similarly, whilst LPS 48 requires the retention of habitats, again for the reasons stated above this cannot be achieved if the primary policy objective of delivering housing is to be realised on the site. Adequate off site mitigation is being provided.

The comments received in representation have been given due consideration in the preceding text, and whilst some limited conflict with LPS 48 has been identified, the proposal is considered to comply with the development plan as a whole and is therefore a sustainable form of development. In accordance with policy MP1 of the CELPS, the proposals should therefore be approved without delay.

Accordingly a **recommendation of approval is made subject to conditions and the prior completion of a s106 agreement to secure the following:**

	Requirement	Triggers
Affordable Housing	30% (40 units) of total dwellings to be provided (65% (26 units) Affordable Rent / 35% (14 units) Intermediate)	No more than 80% open market occupied prior to affordable provision within each phase
Off site Ecological Mitigation	£46,137 towards Kerridge Hill Nature Reserve	Prior to commencement
Open Space	a) Open space scheme to be submitted b) Management scheme to be submitted	Prior to commencement Prior to occupation
Indoor Sports Contribution	£22,500 towards Poynton Leisure Centre	Prior to occupation
Recreation & Outdoor Sports Contribution	£97,000 towards Deva Close Playing Fields, Poynton	Prior to commencement
Allotments & Community Gardens Contribution	£61,937.50 towards existing facilities and new opportunities in Poynton	Prior to commencement
Education	Primary £260,311 Secondary £310,511 SEN £91,000	50% Prior to first occupation 50% at occupation of 67 th dwelling
Healthcare	£133,344 towards development of Priorsleigh Medical Centre and Mcllvride	50% Prior to first occupation 50% at occupation of 67 th dwelling

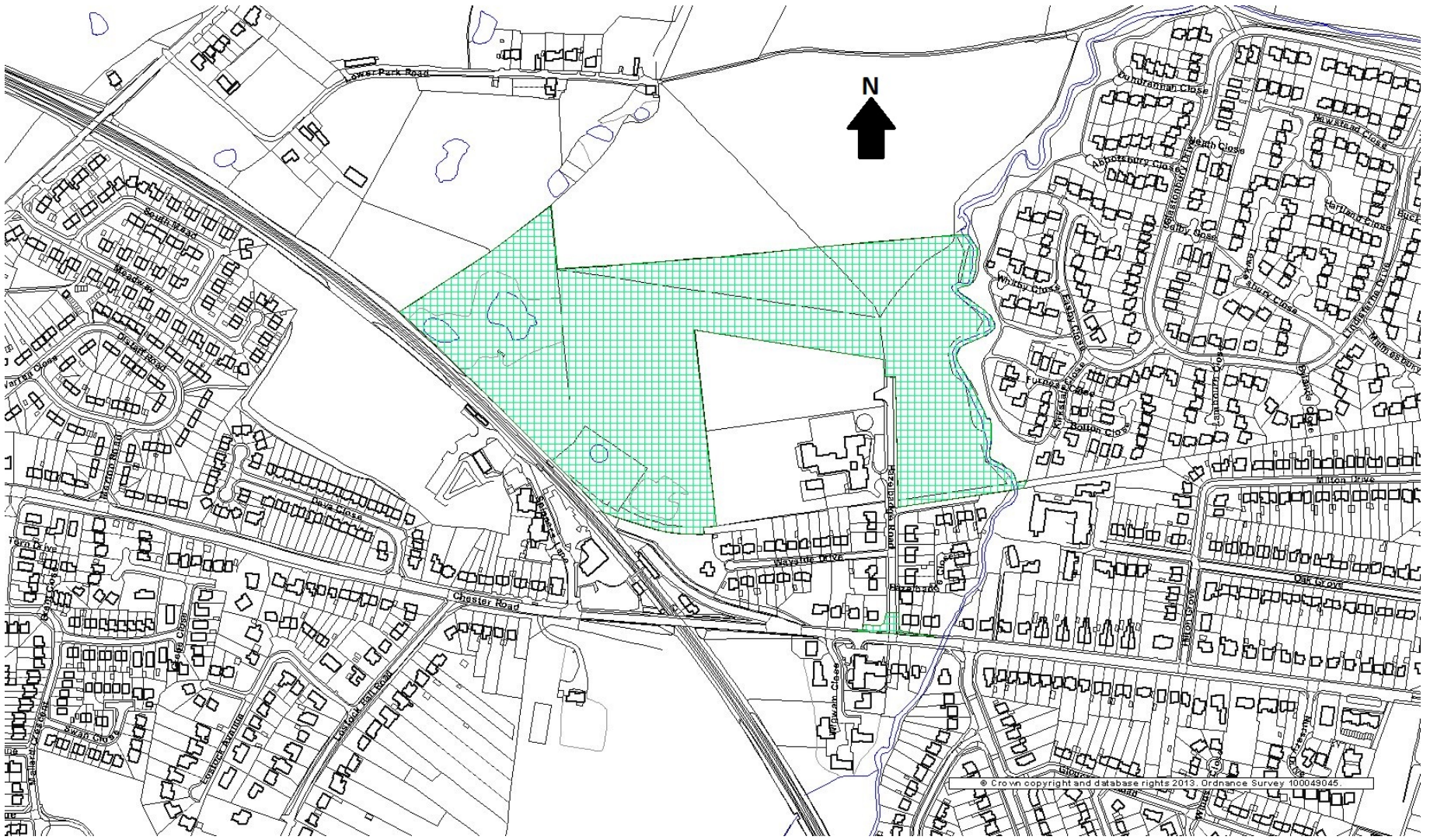
	Medical Centre	
Poynton Relief Road Contribution	£737,000 towards Poynton Relief Road	50% Prior to first occupation 50% at occupation of 67th dwelling
Traffic regulation Order Contribution	£7,000 to fund the required traffic regulation order for works on Hazelbadge Road	Prior to occupation
Bus Stop Contribution	£5,000 to facilitate the provision of a bus stop opposite Hilton Grove	Prior to occupation
Cycle Lane Contribution	TBC	Prior to occupation

Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of details of building materials
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A01TR - Tree retention
7. A02TR - Tree protection
8. A03TR - Construction specification/method statement for access road serving Plots 1-4 and for footpath adjacent to trees T24- T46
9. A05TR - Arboricultural method statement
10. A06TR - Levels details to be submitted which provides for the retention of trees on the site
11. A07TR - Service / drainage layout which provides for the long term retention of the trees to be submitted
12. Implementation of noise mitigation measures
13. Electric vehicle infrastructure to be provided
14. Anti idling signage to be provided

15. Remediation Strategy to be submitted
16. Verification report to be submitted
17. Testing of any imported soil
18. Reporting of any unforeseen contamination
19. Implementation of Highway improvements
20. Construction management plan to be submitted
21. Amended travel plan to be submitted
22. No infiltration of surface water drainage into the ground is permitted
23. Development to be carried out with GCN mitigation strategy (to include 5m buffer zone to north of site)
24. Implementation of the reasonable avoidance measures detailed within section 6.8 of the Ecological Assessment Report (bats)
25. Development to be carried out in accordance with the submitted badger mitigation strategy (TEP, January 2018).
26. Nesting birds survey to be submitted
27. Implementation of Reptile Reasonable Avoidance Measures (TEP, 04/01/2018)
28. Details of proposed external lighting scheme to be submitted
29. Foul and surface water shall be drained on separate systems.
30. Surface water drainage scheme to be submitted
31. Obscure glazing to be provided
32. Construction Environmental Management Plan to be submitted
33. Details of railings to western boundary of site to be submitted. Railings to be retained in perpetuity.
34. Construction Management Plan to demonstrate out how any indirect adverse impact on Poynton Brook will be avoided to be submitted



Application No: 17/4497M

Location: MARKS AND SPENCER PLC, COPPICE WAY, HANDFORTH,
CHESHIRE, SK9 3PB

Proposal: Outline application for extension to the existing Marks and Spencer unit
and amendments to the car park layout

Applicant: Mrs Andrea Mac-Gregor Barbour, Marks and Spencer Plc

Expiry Date: 07-Dec-2018

SUMMARY

The application proposes a retail use on a site allocated as existing employment land in the MBLP. Policy EG3 of the CELPS seek to retain employment land in employment use. In this case the site has a longstanding use as a retail park, and as such there will be no loss of employment land compared to the existing situation. The principle of retail development on this area of employment land is therefore considered to be acceptable in this case.

Whilst M&S have implemented a programme of store closures in town centres across the country in recent times, the proposal is not considered to have a significant adverse impact upon existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and does not have a significant adverse impact on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment.

However, a number of sites can be identified that have not been considered within the sequential assessment. These sites may be sequentially preferable to the application site and therefore it cannot currently be concluded that the application complies with the sequential approach required by policy EG5 of the CELPS.

No significant highway safety, flood risk, air quality or residential amenity issues are raised by the proposal. Whilst the application has been submitted in outline with all matters reserved except for access, indicative plans have been provided that show that the development can be accommodated without undue impact upon then character of the area. However, the scale, layout, appearance and landscaping will be determined as part of a later reserved matters submission.

Accordingly, due to the current conflict with policy EG5 of the CELPS in terms of the potential for sequentially preferable sites, the application is recommended for refusal

SUMMARY RECOMMENDATION

Refuse

DESCRIPTION OF SITE AND CONTEXT

The application site comprises part of the existing Marks & Spencer store at the Handforth Dean Retail Park, and the car park area immediately to the south of this building. The site is bordered by further car parking serving the retail park to the east and vacant land to the west, on the opposite side of Coppice Way. To the south, also on the opposite side of Coppice Way, there is a landscaped mound, with the construction of a care village taking place beyond the mound. The whole of the Handforth Dean Shopping Centre (including the application site) is allocated as an Existing Employment Area within the Macclesfield Borough Local Plan, but the site has long been an established out of centre retail site.

The application site was amended during the course of the application to exclude an area of land to the north west of Marks & Spencer off Kiln Croft Lane, where a new car park was proposed, due to concerns relating to the loss of employment land.

DETAILS OF PROPOSAL

This application seeks outline planning permission with all matters reserved except for access, to erect an extension to the existing Marks and Spencer store and make amendments to the car park layout. Appearance, landscaping, layout and scale are reserved for subsequent approval.

Indicative plans and elevations have been provided. The proposed extension is stated on the plans to have a floor area of 2,450sqm. The application form also states that 2,450sqm off gross internal retail floorspace is being sought. However, measurements taken from the submitted indicative plans indicate a floor area (measured externally) of approximately 2,590sqm.

The proposed extension will have a net sales area of 1,960sqm. It has been confirmed that all of the net sales area will be used for the sale of comparison goods.

POLICY

Development Plan

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG6 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer contributions

EG1 Economic Prosperity

EG3 Existing and allocated employment sites

EG5 Promoting a town centre first approach to retail and commerce

SC1 Leisure and Recreation

SC2 Outdoor sports facilities

SC3 Health and Well-being

SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE7 The Historic Environment
SE9 Energy Efficient Development
SE12 Pollution, Land contamination and land instability
SE13 Flood risk and water management
CO1 Sustainable Travel and Transport
CO2 Enabling business growth through transport infrastructure
CO4 Travel plans and transport assessments

Macclesfield Borough Local Plan (saved policies) (MBLP)

NE11 (Nature conservation interests)
E3 (Employment land – business)
E4 (Employment land – industry)
DC3 (Protection of the amenities of nearby residential properties)
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
DC8 (Requirements to provide and maintain landscape schemes for new development)
DC9 (Tree protection)
DC63 (Contaminated land)

Handforth Neighbourhood Plan (HNP)

H8 Landscape and Biodiversity
H9 Trees and Hedgerows
H11 Encouraging High Quality Design
H12 Surface water management
H13 Supporting the Local Economy
H16 Congestion and Highway Safety
H18 Promoting sustainable transport
H19 Improving access to the countryside in Handforth and the surrounding area.

Other Material Considerations

National Planning Practice Guidance
National Planning Policy Framework

CONSULTATIONS (External to Planning)

There have been two rounds of public consultation on this scheme following amendments / additional information being received. The most up to date responses are summarised below:

United Utilities – No objection subject to condition relating to drainage

Environmental Health – No objection subject to conditions relating to pile foundations, floor floating, electric vehicle infrastructure and contaminated land

Head of Strategic Infrastructure – No objection

Lead Local Flood Authority (LLFA) - No objection subject to conditions relating to drainage

Public Rights of Way – No objection – request improvements to FP91.

Handforth Parish Council – No objection but note that this will provide, not only, more adequate and safe car parking provision for employees at the site, but will also free up extra car parking spaces for customers. Request that Marks and Spencer PLC consider giving more support to the subsidy of local community bus services, either as a company or under any S106 agreement which may be drawn up as part of this development proposal.

OTHER REPRESENTATIONS

Three letters of representation were received during the first round of consultation from Peel Holdings (owners of the Peel Shopping Centre in Stockport), Eskmuir (owners of Grosvenor Shopping Centre in Macclesfield) and the Handforth Neighbourhood Plan Steering Group making the following comments:

- Any loss of woodland as a result of new car park would be contrary to HNP.
- Insufficient information to assess retail impact of proposal
- Cumulative impact of development together with Orbit and CPG applications on Earl Road needs to be considered, and a robust decision cannot be made until the Secretary of State has determined these applications.
- The potential for the development to be subdivided needs to be controlled by conditions
- Sequential search limited to one site. Other sites are available e.g. Churchill Way site in Macclesfield
- No assessment of the impact upon the viability and vitality of surrounding town centres has been undertaken

Since the second round of consultation 1 further letter has been received on behalf of Eskmuir objecting to the proposal on the following grounds:

- Material change in circumstances since last objection letter with SoS decisions on the retail applications at Earl Road, Handforth
- Macclesfield Town Centre now cannot be described as a healthy town centre. Its health is considered to be worse than that of nearby centres of Stockport (Inspectors report para 9.273) and Wythenshawe.
- Macclesfield is experiencing issues of a fall in footfall, spin off trade and vacant stock due to growth in internet sales, reduced retailer and shopper confidence and the pressure from out of centre retail parks Inspectors report paras 9.144-9.148)
- Decisions by CEC to pursue the preparation of the Strategic Regeneration Framework for Macclesfield centre and apply for funding through the Future High Streets Fund further demonstrate difficulties faced
- Impact of proposals need to be carefully considered in light of SoS decisions where two called in applications were refused due to the impact they would have on Macclesfield and Stockport centres
- Development of retail floorspace outside of designated centres is contrary to national and local planning policy

- Such proposals would make securing occupiers more difficult in Macclesfield town centre, and given high vacancy rates in the centre, would further weaken the centre's viability and vitality.
- Impact would be further magnified if the proposal is for fashion clothing in an out of centre location, as demonstrated by condition on SoS approved retail scheme restricting floorspace for such goods to 15% of total.
- Closure of M&S Macclesfield town centre store would compound this further

OFFICER APPRAISAL

Background

This application has been held in abeyance by officers whilst the outcome of 3 planning applications and 1 appeal on sites at Earl Road in Handforth, which were called in by the Secretary of State (SoS) was awaited. The decisions for these applications have now been issued by the SoS and were as follows:

15/0400M - Demolition of existing buildings and erection of five units to be used for Class A1 (non-food retail) purposes, and two units to be used for Use Class A1 (non-food retail or sandwich shop) and/or Use Class A3 and/or Use Class A5, creation of car park and provision of new access from Earl Road, together with landscaping and associated works – **Allowed subject to conditions**

16/3284M - Erection of 2,320 square metres retail floorspace – **Approved subject to conditions**

16/0802M - Erection of four Restaurants and three Drive-thru Restaurant/Café's along with associated car parking, servicing and landscaping – **Refused**

16/0138M - Construction of 23,076 square metres of class A1 retail floorspace and 2,274 square metres of class A3/A5 floorspace along with associated car parking, access and servicing arrangements and landscaping – **Refused**

A total of 8355sqm of retail floorspace has been approved as a result of these decisions (6,035sqm under application 15/0400M and 2,320sqm under application 16/3284M).

Principle of the development

As noted above the site is allocated as existing employment land in the MBLP. Policy EG3 of the CELPS seek to retain employment land in employment use. In this case the site is already in use as a retail park, and as such there will be no loss of employment land compared to the existing situation. The principle of retail development on this area of employment land is therefore considered to be acceptable in this case.

Retail Impact

CELPS policy EG5 sets out a hierarchy of retail centres in Cheshire East. The policy states that the Principal Towns will be the main focus for high quality comparison retail, supported by a range of retail, service, leisure, tourism, office and other town centre-type uses, including residential. Macclesfield is identified as a Principal Town by policy PG2 of the CELPS and Wilmslow and Handforth are the nearest centres to the site, which are identified as Key

Service Centres in the CELPS, which are approximately 2.5km and 1km from the site respectively.

Policy EG5 sets out that there will be a sequential approach to main town centre uses, including retail, with town centres being promoted as the primary location for such uses. The policy states that proposals for main town centre uses should be located within the designated town centres or on other sites allocated for that particular type of development. It is advised that where there are no suitable sites available, edge-of-centre locations must be considered prior to out-of-centre locations. The policy sets out the following criteria which must be satisfied where edge-of-centre and out-of-centre retail development is proposed:

- There is no significant adverse impact on the vitality and viability of the surrounding town centres; and
- It is demonstrated that the tests outlined in current government guidance can be satisfied.

The supporting text to Policy EG 5 states that the Council is keen to preserve and enhance the vitality and viability of its existing town centres. Therefore, it is important to make sure that proposals for town centre uses located outside of these town centres do not have a significant adverse impact on these existing centres. These impacts could include an increase in the number of vacant units and a reduction in turnover. The supporting text goes on to state that information on town centre impacts can be found in government guidance, but the Council will apply the sequential test (it is understood that this is a typo and this should read 'impact test') set out in paragraph 26 of the NPPF (now replaced by paragraph 89 of the revised NPPF) when determining retail applications with a floorspace in excess of 2,500sqm. A retail impact assessment has been submitted with the application.

Sequential assessment

Paragraph 86 of the Framework states that:

"Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up to date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre sites be considered."

Paragraph 87 continues:

"Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored."

Policy EG5 of the CELPS states that *"Proposals for main town centre uses should be located within the designated town centres or on other sites allocated for that particular type of development. Where there are no suitable sites available, edge-of-centre locations must be considered prior to out of centre locations."*

The site sits at the southern end of the Handforth Dean Shopping Centre which is not a designated retail shopping area. The Framework defines out of centre as *"a location which is not in or on the edge of a centre but not necessarily outside the urban area"*. Edge of centre for retail purposes is defined as *"a location that is well connected to, and up to 300 metres from, the primary shopping area"*. Having regard to these definitions it is clear that the site is located in an out of centre location.

As part of their original submission, the applicant undertook a search for sites which comprised the following:

- Daisy Bank Lane, Heald Green;
- Land South East of the Junction of Styal Road and Finney Lane, Heald Green;
- Metropolitan House, Cheadle Hulme;
- Massie Street Car Park, Cheadle;
- Cheshire East Leisure Centre Car Park, Wilmslow;
- Land at Meadway, Bramhall;
- Water Street, Stockport; and,
- Barracks Mill, Macclesfield.

Each of these sites was dismissed, and it is accepted that none of them are available and suitable to accommodate the proposed development, either in part or in full. The applicant was subsequently asked to consider vacant sites in Macclesfield, Stockport and Wythenshawe town centres.

Stockport

All units are too small to accommodate the extended store. The two largest vacant units in and around the town centre are the former Toys R Us unit and the former Marks & Spencer unit. At the time the updated assessment was carried out, the Toys R Us unit was under offer and was therefore unavailable for the proposed extended store. The former Marks & Spencer store is also too small for the extended store subject to this planning application and the proposed additional floorspace is intended to serve a specific purpose – i.e. meet a location specific need and extend an existing Marks & Spencer store rather than introduce a new separate retail unit – therefore this is a further reason to dismiss the former Marks & Spencer unit in Stockport.

An update on the former Toys R Us site is required to demonstrate compliance with the sequential test.

Macclesfield

The majority of vacant units shown in Macclesfield town centre are under 200sqm. there are only four larger units although these extend to only 410-520sqm and therefore there are not any suitable alternative vacant units in Macclesfield town centre.

However, other sites are known to exist in Macclesfield that have not been considered – those that were associated with the previous proposals for a leisure led redevelopment of Macclesfield Town Centre, including:

- Churchill Way Car Park
- Duke Street Car Park
- Exchange Street Car Park
- Arighi Bianchi depot (South east of Samuel Street)

An update on these sites, and any other sites in Macclesfield, is required to demonstrate compliance with the sequential test.

Wythenshawe

All vacant units in Wythenshawe town centre and are all under 300sqm. therefore, these units are not suitable alternatives to the proposed development and extended Marks & Spencer store.

Conclusion on Sequential Assessment

Whilst it is accepted that the sites that the applicant has identified are not suitable to accommodate the proposed development, there are a number of alternative sites in Stockport and Macclesfield that require assessment or an update to the previously identified situation, before the application can be considered to satisfy the sequential test.

Impact on Investment

Paragraph 89 of the Framework states:

“When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;...”*

Stockport and Macclesfield are the two centres that are likely to be most affected by the proposals. In the recent decisions for the called in applications on Earl Road in Handforth, when considering the health of town centres affected by the proposals, the Secretary of State noted the high vacancy rate in Stockport against the national average, decline in national rankings, and decreasing footfall along the primary retail frontage. A causal link between the issues faced by Stockport town centre and out of town shopping in general is also acknowledged. He also agreed with the Inspector that Macclesfield is a significantly more vulnerable centre than Stockport. The Inspector described Macclesfield as *“without seeking to be disparaging it has a functional quality with insufficient attributes to raise it to being described as a vital and viable centre.”*

In their updated retail statement, the applicant makes the following comments:

- That the current investment project at Churchill Way in Macclesfield town centre is a leisure led project and as such, the proposed extension to M&S will not impact upon the realisation of this scheme.
- That the future success of the Merseyway Shopping Centre in Stockport will not be materially affected by the proposed extension at Handforth Dean. The applicant notes that the loss of M&S from the shopping centre does create additional vacancy but is it not of a direct consequence of the Handforth Dean store extension proposal. Furthermore, the applicant refers to evidence which was put forward at the recent public inquiry to show that the shopping centre remains attractive to retailers and the future / on-going interest in the centre will be materially affected by an extension to an existing store at Handforth Dean.
- Consideration has also been given to The Peel Centre and the potential for the adjacent gasholder site. The applicant states that there is no credible suggestion that the extension of an existing Marks & Spencer store will affect existing investment in The Peel Centre which is a successful and attractive shopping destination.
- The applicant has not identified any current investment projects within either Wilmslow or Wythenshawe town centres.

With regard to the first point above, Members will be aware that the leisure proposals at Churchill Way by Ask Developments are no longer proceeding, and other options are currently being considered. However, investment has recently been made into the town in the form of the expanded and improved Grosvenor Centre by Eskmuir, the growth of high quality independent units and the growing popularity of the Treacle Market. It is understood that there is also increasing interest in town centre living that will further boost the local economy.

The applicant's retail impact assessment has been considered by independent retail consultants (WYG) on behalf of the officers, and they advise that the applicant's assessment of the planned and committed investment is acceptable and do not consider that the proposal would have a significant adverse impact on the realisation of any of the schemes identified. There are also no known additional schemes which need to be considered for the purposes of the assessment.

The proposal will therefore not have a significant impact upon existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.

Impact on Town Centre Vitality and Viability

Policy EG 5 of the CELPS requires edge of centre and out of centre proposals to have no significant adverse impact on the vitality and viability of the surrounding town centres. This requirement is reflected in paragraph 89 of the Framework.

WYG have advised that whilst they question the age of some of the data used to inform the applicant's impact assessment and the methodology used, they have undertaken their own assessment of the information submitted by the applicant.

Assessment Year

The applicant has adopted a design year of 2022 within the impact assessment. The NPPG states that the design year for impact testing should be selected to represent the year when the proposal has achieved a 'mature' trading pattern. This is conventionally taken as the second full calendar year of trading after opening of each phase of new retail development.

It is unlikely that the extension will be open for trading by 2020, and as such, 2022 is also unlikely to be the year at which the scheme will reach its mature trading pattern. However, given that the scheme relates to an extension to an existing unit and therefore the build-out period may be quicker and that altering the assessment year would likely reduce any identified impact (given that turnovers of existing destinations, population and available expenditure will all increase), WYG are comfortable with continuing the assessment using the assessment year adopted by the applicant.

Turnover of the Application Proposal

The application seeks permission for 2,450sqm of new Class A1 non-food retail floorspace. The assessment of impact has assumed that the net sales area of the extension will measure 1,960sqm, or 80% of the gross floorspace, and that all of this net sales area will be used for the sale of comparison (non-food) goods.

As such, the applicant has applied a benchmark sales density of £3,910 per sqm, which is stated to have been derived from the latest Mintel Retail Rankings 2018. In using the assumed sales density applied by the applicant, the estimated turnover of the extension is expected to be £8.1m at 2018, rising to £8.8m at 2022.

The applicant has adopted a 2013 Price Base, but have applied a benchmark sales density from 2015 (and without an allowance for VAT). WYG therefore calculate that the 2018 sales density would be closer to £4,778 per sqm (including VAT) at a 2013 Price Base. Applying this increased sales density to the net sales area would increase the turnover at 2018 to approximately £9.4m, an increase in £1.3m from the applicant's assumed figure. It is important to note that it has also previously been accepted by the applicant's agent through their evidence prepared for the Public Inquiry (called in applications) that Handforth Dean is trading well and above benchmark and as such, the applied turnover appears to underestimate how the scheme is trading.

In any event, given that it is the turnover and impact of an extension to an existing store that is being assessed, WYG accept that there is the potential for the turnover to be diluted slightly and have undertaken the assessment based on the applicant's assumptions, providing appropriate caveats where necessary.

Trade Diversion and Impact

As part of their trade diversion figures, it is important to note that other than the Next commitment at Handforth Dean, the applicant does not allow for any diversion from existing operators at Handforth Dean. This is a robust approach which is welcomed by WYG. The solus trade diversion assumptions as set out in the table below which is taken from the applicant's impact assessment are considered to represent broadly appropriate levels for the purpose of the assessment.

Destination	Solus Diversion to Proposal at 2022
Stockport town centre	£2.2m
Manchester City Centre	£1.5m
Trafford Centre	£1.0m
Cheadle Royal	£0.7m
Macclesfield town centre	£0.3m
Wilmslow town centre	£0.3m
<i>Next, Handforth Dean</i>	<i>£0.3m</i>
<i>Barracks Mill</i>	<i>£0.3m</i>
Altrincham town centre	£0.2m
The Peel Centre, Stockport	£0.1m
Stanley Green Retail Park	£0.1m
Cheadle Village	£0.1m
Inflow	£0.4m

The trade diversion figures identify at 2022 that the proposal will result in £2.2m being diverted from Stockport town centre (£2.3m when combined with the Peel Centre) and £0.3m

from Macclesfield town centre. To put this in context the pre-development turnover identified by the applicant for Stockport town centre is £608.5m (when combined with the Peel Centre it is £735.1m) and for Macclesfield it is £223.4m. As a percentage of the turnover of these centres this equates to a 0.36% impact on Stockport (0.31% when combined with Peel Centre), and a 0.13% impact upon Macclesfield town centre.

As part of the decisions on the called in applications whilst the Secretary of State does not identify a specific % impact that the schemes would have on nearby centres, he notes that by virtue of application 16/3284M small size, there are no overriding unacceptable effects arising from this proposal. It is also notable this is scheme was a similar scale to the current application from M&S.

Additionally the Inspector and the Secretary of State concluded that the impact of the Orbit proposal (15/0400M) would not undermine the vitality and viability of Stockport town centre (including the Peel Centre) to a material degree, and would not amount to a significant adverse impact on Stockport town centre.

In terms of Macclesfield town centre the Inspector referred to the 10.4% impact of the Orbit scheme (15/0400M) with commitments identified by CEC during the course of that application and appeal, noting that this was little more than that assessed and accepted by the Inspector at the Barracks Mill appeal (just outside of Macclesfield). The overall conclusions of the Inspector (and accepted by the SoS) were that the Orbit proposals would have a very limited effect on the current level of vitality and viability in the town centre and it would not undermine existing or planned investment. The overall effect would not amount to a significant adverse impact on Macclesfield town centre as a whole.

Given the figures referred to above, the level of impact arising from the current proposal would not have such significant impacts to suggest an alternative conclusion should now be reached in terms of the impacts on Macclesfield and Stockport town centres.

It is important to note what is being considered as part of this current proposal, in that the application seeks permission to extend an existing retailer at Handforth Dean instead of the introduction of a new operator at the retail park. In this regard, in the event the application is approved, it is considered to be important that the internal subdivision of the unit is controlled to ensure that the proposal does function as is presented and intended.

Whilst the monetary level of diversion from a centre is important, the consideration of impact goes beyond just solely the quantitative impact and looks at whether a proposal could result in the relocation of operators, the implications of the potential reduction in linked-trips as a result of the scheme and what impacts a potential reduction in footfall could have on a centre.

M&S is an existing retailer at an existing well-established destination. The application seeks to expand the current offer of the operator by increasing the level of comparison floorspace within the unit. It is likely that the result of the proposal will be to dilute the current turnover across the expanded floorspace. Whilst there is the potential for the larger store to attract some additional trips, it is unlikely that the application will substantially alter shopping patterns in the area. As such, when considered in isolation, it is not considered that the proposed extension to the store will have a significant adverse impact on the vitality and viability of defined centres.

The cumulative impact is considerably higher than the solus impact figures, particularly when referring back WYG's previous assessment (as presented at the call in Inquiry as evidence) that the impact on Stockport town centre could be significantly above 10% and the impact on Macclesfield also above 10% even when the added implications of the proposed extension to M&S are not taken account of. However, having regard to the recent Secretary of State decisions, and the potential impact and implications of the proposed scheme to extend the existing M&S store, it is not considered that the impact would be at a level which would be considered to be significant adverse.

The proposal is therefore considered to comply with the impact tests set out in policy EG5 of the CELPS.

It does have to be highlighted that M&S have implemented a programme of store closures in town centres across the country (the Stockport store being one that has closed) in the past year or so, and consequently, the proposed expansion of a successful out of town store at Handforth Dean inevitably raises concerns that it could result in further closures locally, notably, the Macclesfield store. As far as officers are aware, this is not an intended consequence of the proposed extension, and as noted above, in planning terms, the retail impact of the proposal is acceptable.

Design / Character

As noted above, the application is made in outline with all matters reserved except for access. Therefore the specific design and appearance of the extension will be considered in detail at the reserved matters stage. However, indicative plans and a design and access statement have been submitted to illustrate the current thinking in terms of the external appearance of the extension.

Policy SD2 of the CELPS expects all development to *"Contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:*

- a. Height, scale, form and grouping;*
- b. Choice of materials;*
- c. External design features;*
- d. Massing of development - the balance between built form and green/public spaces;*
- e. Green infrastructure; and*
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood;"*

Similar requirements are also identified in policy H11 of the HNP.

The area is largely characterised by the existing retail buildings which are predominantly two-storey in scale and constructed in red / yellow brick, render and glazing under a slate pitched roof. Further afield there are a range of utilitarian buildings serving a variety of commercial uses and the red brick and render of the care village currently being constructed on the opposite side of Coppice Way.

The extension will project from the southern elevation of the existing retail building, and will be a relatively prominent feature when viewed from Coppice Way and from within the store's own car park. Even though the indicative scale of the extension at two-storey is taller than the

existing building, it 'book ends' the existing elevation and creates a natural visual stop to the corner. The proposal offers an active frontage to all the elevations, providing a focal point and areas of natural surveillance.

The suggested materials include matching brickwork to the existing, but also incorporate more contemporary materials including glazing features and grey cladding, with a deep standing seam profile roof.

The footprint of the extension follows the existing frontage although projecting gables break up the massing. The extension projects out to the south side of the existing structure but again, the way the elevations are treated; it works well with the existing building.

Overall the proposal is considered to comply with policies SD2 of the CELPS and H11 of the HNP. The design officer has also commented on the application and noted that the indicative proposals are a well considered design which is sympathetic to the context of the site and is a welcome addition.

Policy SE9 of the CELPS requires non-residential development over 1,000sqm will be expected to secure at least 10% of its predicted energy requirements from decentralised and renewable or low carbon sources, unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable. This can be secured by condition.

Living conditions

The site is located within the car park of the existing shopping centre and is bordered by similar uses and open land. The nearest residential properties are over 60 metres from the site on the opposite side of Coppice Way, and as such no significant amenity issues are raised, and the proposal is considered to comply with policy DC3 of the MBLP.

Highways

Policy H16 of the HNP recommends that detailed traffic management studies are carried out before access routes to any new development sites are finalised. Policy H18 of the HNP seeks to promote sustainable transport options for new development. Policy DC6 of the MBLP requires pedestrian and vehicular access to be safe and convenient, and policy CO1 of the CELPS seeks to deliver the council objectives of delivering a safe, sustainable, high quality, integrated transport system that encourages a modal shift away from car travel to public transport, cycling and walking.

Sustainable access

The site is served by an hourly bus service linking the retail park (Mondays to Saturdays 0800-1800) to residential areas to the north of the site and Stockport town centre. In addition the bus and train routes serving Handforth are within walking distance of the site. Contributions towards enhancing the existing bus service/infrastructure along Earl Road and the wider retail park were secured as part of the 'Next' retail store planning permission to the north of the application site, which will benefit staff and customers visiting the application site.

Good footway provision is provided on both sides of the carriageways that abut the site and link nearby proposed and existing commercial and residential uses.

A new, purpose-built sheltered cycle parking facility will be provided within close proximity of the existing and proposed entrances to the M&S retail space. As acknowledged in the Transport Assessment and Design and Access Statement, Public Footpath No. 91 leads from the south of the application to Hall Road. This route is used by both pedestrians and cyclists to travel between the retail park, residential areas and Handforth Station. As part of the care village development, currently being constructed on the opposite side of Coppice Way, part of this footpath was diverted and constructed to an improved standard and width for the use of both pedestrians and cyclists, in recognition of the important link which this route offers. That improvement extends within the landownership of that developer, up to the landownership boundary of M&S. It leaves the short section of the footpath within the M&S land ownership (approximately 50m in length) at its existing width of approximately 1.5m. The proposed development would increase the potential number of users on this footpath, and therefore should consent be granted, the applicant has been requested to deliver the improvements to the path within their landownership in order to increase the carrying capacity of the path to mitigate the impact of the development. The works could be included within the scope of any s278 agreement for the delivery of highways works. Confirmation of the applicant's response to this request will be provided as an update.

An employee travel plan has been submitted which will be supported by the production of employee travel information packs promoted by the appointment of a travel plan co-ordinator.

Safe and suitable access and parking provision

There are some alterations to the retail park car park include minor modifications to the access (ingress) off the Coppice Way site access roundabout located adjacent to the south west corner of the retail park and alterations to vehicle access and car park circulation arrangements and car parking provisions.

No changes are proposed to the existing service yard or associated access arrangements.

The previously proposed staff car park accessed off Kiln Croft Lane has been removed under the amended plans with staff parking taking place within the existing main retail car park. A survey on current utilisation of the existing main retail car park has been undertaken and this has shown that there is spare capacity which could accommodate car parking demand, both staff and customer, associated with this proposal.

Network Capacity

An estimate of the vehicular trip attraction of the proposed use of the site has been based on trip rates derived from the TRICS database.

The traffic generation for the proposed A1 (non-food) retail extension has been estimated for the traditional highway weekday morning and evening peak periods and Saturday midday peak period using survey information contained within the Trip Rate Information Computer System for year 2017 (year of application submission) and a sensitivity test in future year 2022.

As part of the assessment process it was imperative to ensure that the proposed retail development didn't result in severe harm (in terms of the tests within paragraph 109 of the Framework) to the operation of the surrounding highway network.

The above modelling has predicted that the proposed extension would generate around 6 two-way vehicle trips per hour during the traditional weekday morning network peak period (08:00-09:00) which is a minimal volume given existing traffic flows on the local road network and is not considered to be a material impact.

To assess the weekday PM peak and Saturday midday peak traffic impacts previously agreed figures contained within the Transport Assessment that supported the mixed-use retail development located to the north east of the Retail Park (planning application reference 16/0138M) were utilised. This predicts that the proposed extension would likely generate around 46 to 67 two-way vehicle trips per hour during the weekday evening peak period and around 101 to 103 two-way vehicle trips per hour during peak periods on a Saturday.

However, not all of these trips would be new to the highway network, with a relatively high proportion likely to be linked or pass-by along with some diverted trips. Accordingly, in the context of the Framework, and considering the significant number of trips that currently occur on the local road network, the applicant states that the increase in traffic flows associated with the proposed extension would not be noticeable to other road users or have a significant adverse traffic effect on the operation of nearby junctions.

Whilst the principle of this view is accepted, the potential effect of the proposed development on the local highway network has been considered in further detail below.

Additional standalone junction capacity assessments have taken place at the following junctions at Weekday PM and Saturday peak period using appropriate software (in brackets):

- Junction 1: Retail Park Ingress / Coppice Way (Roundabout Junction)
- Junction 2: Retail Park Egress / Coppice Way (Priority Junction)
- Junction 3: Retail Park Southern Access / Coppice Way / Long Marl Drive / A34 Access (Roundabout Junction)
- Junction 4: Retail Park Northern Access / Long Marl Drive / Handforth Dean Business Park/ A34 Access (Roundabout Junction).

These assessments estimate that the proposed development has the potential to increase peak hour two-way traffic flows at the site access junctions by around 1% to 3%. The applicant states that based on these results it is considered that the potential increase in traffic flows at the site access junctions would not be significant and would be acceptable in terms of the operation of the junctions once the development traffic flows have distributed onto the network. In the context of paragraph 109 of the Framework and the 'severe' harm test the Strategic Infrastructure Manager concurs with this view.

Highways conclusions

Accordingly, the estimated traffic impact from the proposal is considered to be acceptable from a network operation, access and parking provision perspective. The proposal is therefore considered to comply with policy DC6 of the MBLP, CO1 of the CELPS and H16 and H18 of the HNP.

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

Whilst this scheme itself is of a small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow charging of electric vehicles in new, modern, sustainable commercial properties. A condition is therefore recommended requiring the provision of electric vehicle charging points. Subject to this condition the proposal will comply with policy SE12 of the CELPS.

Contaminated Land

The submitted phase I site investigation report recommends further site investigations are carried out. The contaminated land officer agrees with this and recommends that it be proportionate to the risk and end use. Appropriate conditions are therefore recommended to secure further details relating to contaminated land.

Subject to these conditions the proposal will comply with policy DC63 of the MBLP and SE12 of the CELPS.

Flood Risk

Policy SE13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the Borough and provide opportunities to enhance biodiversity, health and recreation.

The LLFA and United Utilities have been consulted on the application. The LLFA have noted that the application is acceptable in principle. The key issue moving forward with this site is ensuring all surface water is drained within site boundary at a limited greenfield run-off rate listed within submitted FRA causing no adverse overland flooding with appropriate attenuation on site. The LLFA is aware of a potential local land drainage issue within the proximity of site boundary. Consequently conditions are recommended requiring a detailed drainage strategy to be submitted. Subject to these conditions the proposal will comply with policy SE13 of the CELPS.

CONCLUSIONS

The application proposes a retail use on a site allocated as existing employment land in the MBLP. Policy EG3 of the CELPS seek to retain employment land in employment use. In this case the site has a longstanding use as a retail park, and as such there will be no loss of employment land compared to the existing situation. The principle of retail development on this area of employment land is therefore considered to be acceptable in this case.

Whilst M&S have implemented a programme of store closures in town centres across the country in recent times, the proposal is not considered to have a significant adverse impact

upon existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and does not have a significant adverse impact on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment.

However, a number of sites can be identified that have not been considered within the sequential assessment. These sites may be sequentially preferable to the application site, and therefore it cannot currently be concluded that the application complies with the sequential approach required by policy EG5 of the CELPS.

No significant highway safety, flood risk, air quality or residential amenity issues are raised by the proposal. Whilst the application has been submitted in outline with all matters reserved except for access, indicative plans have been provided that show that the development can be accommodated without undue impact upon then character of the area. However, the scale, layout, appearance and landscaping will be determined as part of a later reserved matters submission.

Accordingly, due to the current conflict with policy EG5 of the CELPS in terms of the potential for sequentially preferable sites, the application is recommended for refusal for the following reason:

- 1. The NPPG states that it is for the applicant to demonstrate compliance with the sequential test. Insufficient information has been provided by the applicant to demonstrate that other sites in Macclesfield and Stockport are unsuitable for the proposed development, and that these sites do not represent sequentially preferable alternatives. The proposed development is therefore contrary to Policy EG 5 of the CELPS and paragraph 89 of the NPPF.**

In the event that the applicant is able to demonstrate that there are no sequentially preferable alternatives, the recommendation may change to one of approval subject to the following conditions:

1. Submission of reserved matters
2. Time limit for submission of reserved matters
3. Commencement of development
4. Development in accord with approved plans
5. No subdivision of retail unit (as extended) - only to be occupied by one retailer
6. Floorspace shall not exceed 2450sqm, and shall be used for the sale of comparison goods only
7. Footway/cycleway improvements to be carried out
8. Detailed strategy / design and associated management / maintenance plan of surface water drainage to be submitted
9. Development to be carried out in accordance with submitted FRA
10. Electric vehicle infrastructure to be provided
11. Phase II ground investigation and risk assessment to be submitted
12. Verification Report prepared in accordance with the approved Remediation Strategy to be submitted

- 13. Imported soil tested for contamination
- 14. Procedures in event of unidentified contamination
- 15. At least 10% of predicted energy requirements from decentralised and renewable or low carbon sources



Application No: 19/0562M

Location: Land to the west of MACCLESFIELD ROAD, EATON

Proposal: Outline planning application for the erection of up to 150 dwellings with public open space, landscaping and a sustainable drainage system (SUDS) on land off Macclesfield Road CW12 2NB. All matters reserved except for access.

Applicant: Gladman Developments Ltd

Expiry Date: 16-Sep-2019

SUMMARY

The proposed development would be contrary to Policy PG2 and PG6 of the Cheshire East Local Plan Strategy as the development would result in a loss of open countryside. The Publication Draft of the SADPD identifies that the site would also be located within the open countryside.

As an outline application, the development could provide a sufficient quantum of POS/children's play whilst the impact upon indoor and outdoor sport could be mitigated via S106 contributions. Given the site constraints careful consideration would be needed for the siting of such amenities at reserved matters stage.

The development would provide economic benefits through the provision of employment during the construction phase, new homes, affordable and market and benefits for local businesses through new residents spending in the economy.

The impact upon education and health infrastructure would be neutral as the impact could be mitigated through a financial contribution as requested by the Education Manager and the NHS.

The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions. Most trees are retained.

The application is recommended for refusal on the basis that the development is within the open countryside, outside the designated settlement boundary for Congleton and the Council can demonstrate a 5 year housing land supply. The 'tilted balance' in the NPPF is not engaged.

The proposal would be likely to be car dependent given the inadequate provisions put forward for alternative modes of transport and the internal road layout is considered to likely result in excessive speeds. The proposal also contains insufficient information concerning ecological matters/ drainage into the adjoining Moss in ecological terms.

RECOMMENDATION

Refuse

PROPOSAL

This is an outline planning application for up to 150 dwellings.

The access point to serve the site would be taken off the (to be constructed) roundabout on Macclesfield Road as part of the Congleton Link Road.

SITE DESCRIPTION

The site lies to the north east of Congleton and is located within Eaton Parish.

The site covers an area of approximately 8.82 hectares; the majority of the application site is semi-improved grassland that is used for pasture. The topography of the application site is steeply undulating, with the highest point located centrally and falls to the east and west with levels falling by circa 9 metres. The site slopes towards Macclesfield Road, which is very apparent in views from Manchester Road.

To the west the site is bordered by the adjacent woodland of Cranberry Moss Local Wildlife Site (LWS); to the north by land which will become the Congleton Link Road. There are a number of trees and hedgerows located across the application site.

The site is bounded by the end of the Congleton Link Road currently under construction and the access point is proposed to be off an arm of the Link Road roundabout.

RELEVANT HISTORY

None

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy (CELPS)

PG2 – Settlement Hierarchy

PG6 - Open Countryside

PG7 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

CO1 Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE 3 - Biodiversity and Geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure

SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE 12 – Pollution, Land Contamination and Land Sustainability
SE 13 - Flood Risk and Water Management
SE14 - Jodrell Bank
IN1 – Infrastructure
IN2 – Developer Contributions

Macclesfield Borough Local Plan (MBLP) 2004

NE11 (Nature Conservation)
NE12 (Sites of Biological Importance)
GC14 (Jodrell Bank)
DC3 (Amenity)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree Protection)
DC35 (Materials and finishes)
DC36 (Road Layouts and Circulation)
DC37 (Landscaping)
DC38 (Space, Light and Privacy)
DC40 (Children's Play Provision and Amenity Space)

Eaton Neighbourhood Plan

Has yet to reach regulation 14 status. No weight can be attached

National Policy

The National Planning Policy Framework

Other Material considerations:

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation
Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Cheshire East SPD residential Design Guide

CONSULTATIONS

CE Flood Risk Manager: No objection. Considers could be conflict with requirements of the Councils ecologist. Conditions suggested.

CEC Strategic Housing Manager: No objection subject to 30% affordable housing in the appropriate mix

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

Strategic Highways Manager: Advises that the provision of the roundabout access is acceptable in principle subject to safety audit and financial mitigation based on £3000 per house would be required for use on wider network, based on the impact of the development. However, formal objection is raised in terms of the detailed internal road layout likely to result in excessive speeds and lack of accessibility to the site for pedestrians/ safe routes to school and no provision of cycle routes.

Environmental Health: Conditions suggested relating to piling hours, dust mitigation, noise mitigation, travel plan, electrical vehicle infrastructure, contaminated land, low emission boilers and an environmental management plan.

NHS England: Request a full contribution based on a formula consisting of occupancy x number of units in the development x £360. Estimated average occupancy of 2.8 persons is £151,200. This would need to be adjusted when true levels of occupancy are known

Jodrell Bank: No comments received.

Ansa (Public Open Space): No objection in principle but considers that the layout of the on site Children's play and kick about space needs careful positioning on this sloping site with numerous trees that would limit placement

Natural England: No objection - consider CEC should determine the ecological impacts.

CEC Education: A development of 150 houses is expected to generate

22 (Secondary) x £17,959 x 0.91 = £359,539

2 (SEN) x £50,000 x 0.91 = £91,000 (SEN)

Total education contribution: £450,539

Without such a contribution, the Education Department would object to this proposal

VIEWS OF THE PARISH COUNCIL

Eaton Parish Council : Object to the application on 2 occasions on the following grounds:

- This development is not in accordance with, nor is it considered by the Cheshire East Local Plan Strategy (2017). A fact acknowledged by the Applicant. The supposed material considerations raised in the application document do not outweigh this conflict.
- The Site Location is in open countryside, it is 2.1 km from the centre of Congleton and not on the edge of Congleton. The Site Location is rural and it is not suitable or sustainable.
- The Applicant accepts that the Site Location is 'located in the open countryside beyond existing settlements' therefore Policy PG6 Open Countryside applies
- Contrary to PG6, if this development were to be consented it would undoubtedly further erode the important gap between Congleton and Eaton village.
- This Site Location is a site of 'medium - high visual & landscape constraint' whose parkland character should be 'maintained' This was established in the North Congleton

Masterplan which forms an integral part of the Cheshire East Local Plan Strategy (2017). The harm caused by this development would be substantial

- This development runs counter to Policy SE4 landscape
- This development runs counter to Policy SE3 Biodiversity and Geodiversity.
- As recently as November 2018 Cheshire East Council's housing supply was been shown to be 7.2 years. A number which is 44% greater than the minimum target of 5 years' supply.
- This application fails to justify why this development should be used to help support Cheshire East Council or Congleton to meet its National housing objectives, over and above the levels already being achieved.
- Spur from roundabout intended for agricultural use
- Cheshire East does not require the site to meet its statutory housing obligations as it can demonstrate a supply of 7.2 years, with many more sites across the Borough allocated for housing within the CELPS.

Gawsworth Parish Council - Objection as adjoining Parish the site was not within the Cheshire East Local Plan no provision was made for the impact the additional housing will have on the A536.

REPRESENTATIONS

Approx. 48 letters of objection have been received from local households raising the following points:

- No need given range of other developments locally
- Cheshire East now has a 5 year housing land supply
- This site is not included within the Cheshire East Local Plan
- The vast majority of Eaton residents do acknowledge that some new houses are needed within the Village and surrounding Parish areas. But this should be limited to say a 10% increase in existing housing numbers.
- The Neighbourhood Plan for Eaton is still in draft format. Time should be allowed for this document to be completed which would then outline how the residents of Eaton would like to see their environment and community develop.
- Eaton will be absorbed into Congleton
- Adverse impact upon hydrology and ecology of the adjacent Moss
- The development is in the open countryside/green buffer
- erosion of green buffer
- Increased traffic congestion/ access onto link road roundabout is dangerous
- The site is not allocated for housing
- Increased pressure on local schools (both primary and secondary)
- Impact upon local health provision
- Increased demand on all facilities and utilities, electricity, water, gas
- no public transport
- impact on water table and that impact upon the Moss
- Unsubstantiated need. The housing needs assessment for the Eaton area identified sub 10 additional properties to be built by 2030 – there is no evidenced need for this development within the parish or borough as a whole
- Adverse impact on landscape character area in area of high landscape character
- Noise and disturbance/ impact on air quality

- The impact upon the character of area
- The high density of the proposed development is not acceptable
- Quarry operator raises concerns in terms of 'agent of change' principle and potential adverse impacts upon their commercial operations as a result of new residents close to Eaton Hall Quarry

APPRAISAL

The key issues are:

The Policy Position

Housing land supply

Sustainability including the proposal's Environmental, Economic and Social role

The impact upon highway safety/pedestrian safety for future residents

Impact upon trees and landscape

Impact upon ecology

Drainage

Planning Balance

Principle of Development

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

This is acknowledged in the NPPF at paragraphs 2 and 12. Paragraph 12 states that 'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Policy PG 2 'Settlement Hierarchy' sets out the council's approach to development within the Borough, which is to focus the majority of new development to the Borough's Principal Towns and Key Service Centres.

Congleton is identified in the settlement hierarchy as a Key Service Centre. Policy PG 7 'Spatial Distribution of Development' states that Congleton is expected to accommodate in the order of 4,150 new homes over the plan period (2010-2030).

The Congleton settlement boundary runs along the southern side of Moss Lane and the site is physically separated from that boundary by intervening agricultural land, Cranberry Moss and a small cluster of rural dwellings.

Accordingly, the site lies outside of the settlement boundary in open countryside as defined by Policy PG2 and Policy PG6 of the Cheshire East Local Plan Strategy (CELPS). Policy PG6 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers,

affordable housing in accordance with policy SC6 or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing (rural exception) and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Housing Land Supply

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Under transitional arrangements, where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years.

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2018) was published on the 6th November 2018. The report confirms:

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of a 5% buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).

The 2018 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19th February 2019 and this confirms a Cheshire East Housing Delivery Test Result of 183%. Housing delivery over the past three years (5,610 dwellings) has exceeded the number of homes required (3,067). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

SUSTAINABILITY

The National Planning Policy Framework definition of sustainable development is:

"Sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs"

The NPPF determines that sustainable development includes three overarching objectives – economic, social and environmental – which are interdependent and need to be pursued in mutually supportive ways (so opportunities can be taken to secure net gains across each of the different objectives).

an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and improved productivity; and by identifying and co-ordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy.

Locational Sustainability

Both policies SD1 and SD2 of the CELPS refer to supporting development in sustainable locations. Within the justification text of Policy SD2 is a sustainable development location checklist toolkit from the CELPS.

The toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),

- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- public right of way (500m)

The accessibility of the site shows that following facilities meet the minimum standard:

	Recommend ed	Actual (approx.)	Location
Any transport node	400m		Macclesfield Road bus stop on site frontage
Convenience Store	500m	1200m	McColls – Lower Heath
Post Box	500m	1200m	Jackson Road
Playground	500m	440m	Eaton Village & on site
Bus Stop	500m	840m	Macclesfield Road
Public right of way	500m	800m	Byway along Havannah Lane (Eaton BY9)
Amenity Open Space	500m		On site
Children's Play Area	500m	0m	on site
Post Office	1000m	1500	McColls – Lower Heath
Bank/Cash Point	1000m	1500m	McColls – Lower Heath
Supermarket	1000m	2000m	Tesco
Pharmacy	1000m	1300m	Salus Pharmacy
Primary School	1000m	1150m	Havannah School
Secondary School	1000m	1100m	Eaton Bank School
Medical Centre	1000m	2800m	Meadowside Medical Centre
Leisure Centre or Library	1000m	2500m	Congleton Leisure Centre Worrall St
Community Centre	1000m	1900m	Scout Hut, Worrall Street
Public House	1000m	1400m	The Plough Inn
Public Park/ Village Green	1000m	2000m	Congleton Park
Child Care Facility	1000m	2800m	Hilltop Nursery, Chapel Street
Railway Station	2000m	3900m	Congleton

The proposal fails to meet a number of standards; however, as is common in many suburban situations, the facilities in question are within a reasonable distance of those specified and are therefore accessible to the proposed development.

Macclesfield Road is served by public transport. However no proposals have been provide for any form of footway provision to Macclesfield Road and no linkages can be provided through any other part of the site due to the relationship with Cranberry Moss. No cycle provision is also provided.

Whilst it is recognised that the nearby sites that have been allocated have been determined to be locationally sustainable as part of the development of the Local Plan Strategy, the application fails to provide for any pavement and facilities other than for the motor vehicle as part of the proposals, and although the provision of the Link Road will provide some cycling infrastructure, the lack of any such linkages or provisions for modes of transport other than the car in this proposal is a serious failing.

The area is on the edge of the Congleton area and day to day facilities are available a short distance away. On this basis the site is considered to be generally locationally sustainable,

however, those trips will be heavily car reliant given the lack of infrastructure/safe routes to schools as proposed. As the area develops it is also expected that facilities will also develop and proximity to every day services would improve, in terms of this proposal, it is concluded that the site is locationally unsustainable by virtue of the lack of provision for anything other than the motor vehicle.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development would contribute to a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the local area including additional trade for local shops and businesses by virtue of people living in the houses, and the economic benefits during the construction phase including jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

Affordable Housing

The application proposes 30% affordable dwellings within a market led development. This could result in up to 45 affordable units on this site (based on the application description of up to 150 units), depending upon the resultant layout and mix and site constraints.

The Cheshire East Local Plan and the Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

The current number of those on the Cheshire Homechoice waiting list with Gawsworth and Eaton PC as their first choice is 41. This can be broken down to 15x 1 bedroom, 12x 2 bedroom, 6x 3 bedroom, 4x 4 bedroom and 4x 4+ bedroom dwellings.

The SHMA 2013 showed the majority of the house type demand annually up to and including 2018 in Macclesfield Rural is for 9x 1 bedroom, 6x 2 bedroom, 23x 3 bedroom and 11x 4 bedroom dwellings for General Needs. The SHMA also showed an annual need for 2x 1 bedroom and 8x 2 bedroom dwellings for Older Persons. These can be via flats, cottage style, bungalows or lifetime standards homes.

Of the 45 Affordable dwellings 29 units should be provided as affordable/Social rent and 16 units as Intermediate tenure.

If this Outline application is granted permission, for the Reserved Application an Affordable Housing Statement will have to be produced and agreed with the council that confirms the following:

- (a) the Agreed Mix;
- (b) the timing, location and distribution of the Affordable Housing within the Site, ensuring that the Affordable Housing is pepper-potted throughout the Site and not segregated from the Open Market Housing;
- (c) details of how the proposed design and construction of the Affordable Housing will ensure that the Affordable Housing is materially indistinguishable (in terms of outward design and appearance) from the Open Market Housing of similar size within the Development;

The Local Plan Strategy's annual affordable housing target for the borough is 7,100 across the Plan period (average of 355 per year). Affordable housing completions since 2010 are reflected in the following taken from the Councils Annual Monitoring Report (AMR).

The proposal could deliver up to 45 affordable dwellings. However this is a policy compliant level of provision that could be secured on any site considered suitable for residential development.

In terms of affordable housing need, the borough wide housing requirement for 36,000 new dwellings, includes the provision of 7,100 new affordable homes over the plan period, equating to 355 dwellings per year.

Affordable housing completions between 01.04.2010 – 31.3.2018 totalled 2812 dwellings compared to a requirement of 2840 (355x8) over the same period. However it should be noted that there has been a significant uplift in affordable housing delivery since 2014/15 with 2113 dwellings delivered over this 4 year period, equivalent to 528 dwellings per annum. This is shown in the extract from the Authority Monitoring Report 2017/18 below.

MF4 Gross total of affordable housing units provided (SA1)

12.88 Table 12.30 shows the number of affordable units completed over the last five years. In 2017/18, 27% of the gross dwellings built were affordable. This is an increase of 283 dwellings on the number of affordable dwellings built in 2016/17 and reflects the Council's policy on affordable housing provision across the Borough.

Table 12.30 Provision of Affordable Homes⁽⁵²⁾

2013/14	2014/15	2015/16	2016/17	2017/18
131	638	448	372	655

Public Open Space

The indicative plans show that the open space would measure approximately 11000sqm and located to the northern boundary with the (to be developed) noise attenuation bund associated with the Link Road. A considerable amount of this area comprises structural planting and a SUDs and existing on site pond. A further area of open space/structural planting/ecological buffer adjoins the southern boundary with the adjacent peripheral areas to the boundaries of the site. The submitted information also indicates that the applicant is prepared to provide Allotments on site

Two proposed play areas will be located within the POS to the north of the site adjacent to the proposed footpaths and development, designed to provide a range of equipment for children and provide for information recreation as well as seating areas. The Framework Plan indicates a LEAP and a LAP is to be provided. Whilst a LAP is acceptable in the northwest of the site a NEAP should be provided centrally as the main facility for play. This area should be DDA inclusive, have a minimum 30m buffer zone/separation between activity zone and the boundary of the nearest dwelling, contain a minimum of 8 pieces of play equipment including a combination multi-play unit and have sufficient space around equipment to allow children to run around and play games.

The area should be predominately flat, enjoy quality infrastructure in keeping with the site and should be to Fields in Trust (FiT) standards. FiT advise for a development of this size, a contribution towards a MUGA is required however the Greenspace Officer confirms the LAP in the northwest of the site would be more appropriate in this instance.

Allotments/Food Production – The Cheshire East Sustainable Community Strategy encourages environmentally sustainable living to help increase food security by encouraging the use of allotments and other community food schemes. There is also provision for allotments within policy SE6 requiring 5m² per family home. In this instance the Greenspace Officer is of the view that allotments are not appropriate and would encourage the applicant to secure an alternative such as community orchard or community planting areas in raised beds. As this is an outline application, this could be achieved at reserved matters stage

Outdoor Sport – Policy SC2 and SE6, Table 13.1 for Open Space Standards require developer contributions for outdoor sports facilities. In line with the recently updated Playing Pitch Strategy contributions sought would be £1,000 per family dwelling or £500 per 2 bed space (or more) apartment for off-site provision. This figure may change as Policy is updated at any time.

Policy SE6 Green Infrastructure requires all developments to strengthen and contribute to sport and playing fields through developer contributions.

Policy SC2 for Indoor and Outdoor Sports Facilities states that “*major (10 dwellings or more) residential developments contribute, through land assembly and/or financial contributions, to new or improved sports facilities where development will increase demand and/or there is a recognised shortage in the locality that would be exacerbated by the increase in demand arising from the development.*”

Indoor Sport

Policies SC1 and SC2 of the Local Plan Strategy provide a clear development plan policy basis to require developments to provide or contribute towards both outdoor and indoor recreation. Policy SC2 – states that whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand.

A contribution of £26,000 is sought towards improvements at Congleton Leisure Centre. Specified use should be included within a Section 106 agreement. This would need to be secured as part of a S106 Agreement.

Education

This is an outline application which seeks approval for the development of up to 150 dwellings. The development of 150 dwellings is expected to generate:

The development of 150 dwellings is expected to generate:

28 primary children (150 x 0.19) 29 – 1 SEN
22 secondary children (150 x 0.15) 23 – 1 SEN
2 SEN children (150 x 0.51 x 0.023%)

The development is expected to impact on secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough

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

22 x £17,959 x 0.91 = £359,539
2 x £50,000 x 0.91 = £91,000 (SEN)
Total education contribution: £450,539

Without a secured contribution of £450,539 Children's Services raise an objection to this application.

This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 22 secondary children and 2 SEN children would not have a school place in Congleton. The objection would be withdrawn if the financial mitigation measure is agreed.

Health

The East Cheshire Clinical Commissioning Group (CCG) have sought a S106 Contribution advise that the local medical centres are operating at capacity and therefore to accommodate the future residents put forward, and the Readesmoor Surgery, Lawton House Surgery, Meadowside Medical Centre will need to be developed to support their ability to provide the expected level of primary care facilities in Congleton.

The mitigation requested, as this is an outline application for up to 150 dwellings the numbers of bedrooms as yet unknown is, based on the formula consisting of occupancy x number of units in the development x £360. This equates to £151,200

The requested mitigation can be provided as part of the overall financial contributions offered. On this basis the proposal mitigates for its health related impacts

Residential Amenity

The application is in outline form and there is no reason why adequate separation distances could not be provided on site. This would form part of any reserved matters assessment and could be refused if it did not comply with policy or provide an adequate layout at that time.

ENVIRONMENTAL SUSTAINABILITY

Countryside and Landscape Impact

The application site comprises a field and covers an area of approximately 8.8 hectares; the majority of the application site is semi-improved grassland that is used for pasture. The topography of the application site is steeply undulating, with the highest point located centrally. To the south the site is bordered by the adjacent woodland of Cranberry Moss, to the north by a fence (which adjoins the route of the Congleton Link Road, with views out over the wider rural landscape. To the east lies Macclesfield Road, along which is a hedgerow and hedgerow trees. Macclesfield Road is a lower land level.

The Applicant has argued that the Congleton Link road, when built adjacent, will significantly change the landscape character. They also argue that the scheme contributes to the overall vision for growth of Congleton.

To the south the site is bounded by Eaton Cottage, and further to the south is Rose Cottage, both of which are surrounded by extensive vegetation and trees that extends along the very southern section of the application site. There are a number of trees located across the application site

As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it has been based on the Guidelines for landscape and Visual Impact assessment, 3rd Edition, 2013. As part of the assessment the baseline landscape is referred to, the Assessment identifies the National Character Area in which the application site is located, as well as the Local landscape type, in this case Higher Wooded Farmland, and more specifically within the LCA 11b: Gawsworth Character Area. The application site is formed by parts of four fields, with a number of hedgerows, hedgerow trees and a number of individual trees, and conforms well to the description of the Gawsworth Character Area as described in the Cheshire East Landscape Character Assessment, 2018.

The submitted Landscape and Visual Impact Assessment indicates that the site and the immediate landscape is of medium value and that the proposed development would have a negligent effect upon the National Character Area; a minor adverse effect on the local landscape character area (Gawsworth) and a moderate adverse effect on the site itself. The assessment identifies that the local area landscape effect would reduce to a negligible effect after 15 years and that the site character would reduce to minor adverse/negligible after 15 years. The assessment indicates that the direct impact on the landscape features will result in no more than a moderate adverse effect upon the landscape of the site, with landscape effects at year 15 no greater than minor adverse. The assessment of effects at 15 years would of course be dependent on the amount and quality of new habitat creation, tree planting and attenuation features. The visual assessment identifies that there will be moderate adverse visual effects at

completion for sensitive receptors such as users of Macclesfield Road and the Dane Valley Way and Eaton Farm, and minor adverse effects along a section of Moss Lane; the visual assessment identifies that the effects in the long term will reduce to minor adverse, and that the visual effects on a number of PROWs nearby will be no more than minor adverse after 15 years; again, this is dependant on the quality and quantity of habitat creation, tree planting and attenuation features generally.

The Landscape Architect agrees with the landscape and visual assessment at completion; this is an outline application and the longer term effects will depend on a robust new Landscape framework, including new open spaces, trees, structure planting, hedgerows and other mixed habitats, and particularly attention to design and specification of landscape boundary treatments. If these are achieved it is considered that the effects identified in the assessment are reasonable. It should also be noted that The National Planning Policy Framework (NPPF) highlights the importance of high quality design that also responds to local character and that reflects the identity of local surroundings, with appropriate landscaping; this is also reflected in Policy SE4 The Landscape in the Cheshire East local Plan Strategy.

Policy PG 6 of the CELPS seeks to protect open countryside from urbanising development. Policy PG6 recognises the intrinsic character and beauty of the countryside, which is consistent with one of the core planning principles in paragraph 17 of the Framework. Policy PG 6 only permits development in the Open Countryside for certain essential or limited purposes appropriate to the rural area, and that in this regard identifies that particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.

The Landscape and Visual Impact assessment identifies that the application site is located in the Open Countryside, and that Policy PG 6 - Open Countryside is relevant. The submitted Planning Statement also identifies that the proposed development is contrary to this policy, 'Whilst the proposals do not form a use which is supported within policy PG6 in the open countryside, they would contribute to the overall vision for growth of Congleton and would be appropriate within this landscape context'(4.4.12). The assessment also identifies adverse landscape and visual effects in the shorter term.

As adverse landscape and visual impacts have been identified, it is unlikely the proposals would preserve or enhance the appearance and distinctiveness of the Cheshire East countryside. As such the development is contrary to Policy PG 6.

Trees

The application is supported by an Arboricultural Impact Assessment (AIA). As this is an outline application, the potential impacts have not been assessed in any significant detail with only brief comments on the loss of trees and impact on Root Protection Area's (RPA).

The outline appears to show most existing trees to be retained within Open space but one Moderate category Oak (T8 not TPO'd) proposed for removal and the removal of a further two trees, a Crack Willow (T5) and Hawthorn (G1) that have been identified as unsuitable for retention for arboricultural reasons.

The Illustrative layout suggests some retained trees will interface with the indicative residential layout and the internal access provision but this and the assessment of both above and below ground constraints in relation to retained trees can be dealt with at detailed design stages having regard to BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. Particular attention should be given to existing and proposed levels due to the topography of the site (cross sections may be required to demonstrate proposed levels do not impact on the Root Protection Area of retained trees) and the provision of services in relation to retained trees.

The Assessment indicates that such losses can be mitigated by replacement planting, however no specific details have been provided to demonstrate that a net environmental benefit will be provided.

It is noted that a 15 metre buffer along the Cranberry Moss (LWS) site boundary has been incorporated into the design in order to minimise the impact on the LWS and root protection areas of trees.

Whilst a 15 metre buffer will take account of the maximum Root Protection Areas defined by BS5837:2012 consideration must also be given to the impact of shading on plots and restriction of daylight and sunlight from trees along this section. The indicative layout provides no such analysis. Further the Tree Officer considers that the indicative layout will provide for numerous social proximity conflicts between houses and many protected trees.

On this basis there is no indication provided that the indicative layout could be achieved whilst also safeguarding protected trees and also future social proximity/shading issues. The trees on this site provide a significant visual amenity to the area/ assist in biodiversity and also contribute to the landscape character of the area.

Overall, this proposal does not provide sufficient information to demonstrate that the scale/distribution of the indicative development across the site relative to the distribution of protected trees and levels issues on site can be adequately developed without causing harm to the integrity of protected trees. The lack of information is a reason for refusal.

Ecology

Non-statutory Sites – Cranberry Moss

The application site is located adjacent to Cranberry Moss Local Wildlife Site (LWS). Cranberry Moss appears on the national inventory of Lowland raised bog priority habitat. Lowland raised bogs capable of natural regeneration are listed on Schedule 1 of the EC Habitats and Species Directive and are an irreplaceable habitat for the purposes of paragraph 175 of the NPPF.

Habitats of this type are dependant on the quantity and quality of water available within their catchments. A significant proportion of the catchment of the Cranberry Moss Local Wildlife Site falls within the red line of the application.

In ecological terms therefore the proposed development has the potential to have a significant adverse effect on Cranberry Moss in a number of ways including:

- Construction phase related dust and contaminated water entering the LWS.

- Changes in hydrology and water quality entering the LWS during the occupational phase of the development.
- The introduction of non-native invasive species.
- Contamination resulting from garden and open space related pesticides and fertilisers.
- Pruning back of trees and other vegetation due to issues of shading of residential properties.

The submitted ecological assessment has also identified noise and light pollution associated with the development as potentially having adverse effects on the Local Wildlife Site. The ecological assessment states that these two impacts could be mitigated through the provision of a buffer of green infrastructure between the LWS and the residential development.

No detailed specification for the design or width of buffer required to address these impacts has been submitted as part of the application. The submitted masterplan (8426-L-03 L) includes a green buffer between the proposed development area and the boundary of the local wildlife site, this is however narrow and poorly defined.

The Ecologist advises that the buffer as shown on the submitted master plan is unlikely to be effective in avoiding impacts on the Local Wildlife Site, resulting from non native species, contamination from garden chemicals, noise and pruning.

In relation to light pollution a detailed lighting strategy for the site is required to enable the Council to assess whether lighting associated with the proposed development would have an adverse impact on the Local Wildlife Site. None has been provided

In terms of water quality, the ecological assessment states that a detailed drainage scheme will be developed at reserved matters stage to demonstrate that water quality entering the Local Wildlife Site would be maintained. The ecologist advises that in order for the Council to be able to fully assess the impacts of the proposed development upon the LWS a drainage strategy must be submitted in support of this application. The drainage strategy must be supported by an assessment of the quality of water currently entering the moss and the anticipated quality of water discharged during the occupational phase of the proposed development.

The submitted ecological assessment states that Hydrological Modelling of ground water flows into the Local Wildlife Site has been completed; however this does not appear to have been incorporated into the draft of the Ecological Assessment submitted with the application. Insufficient information has therefore been provided for the Council's ecologist to be satisfied that the proposed development would not have an adverse effect on the LWS as a result of hydrological changes.

No assessment or mitigation proposals have been submitted with the application in relation to construction phase dust and water contamination risks.

Great Crested Newts

No updated great crested newt surveys have been undertaken to inform the ecological assessment submitted in support of this application. Great Crested Newts have however been identified at a number of ponds located within 250m of the proposed development, including a pond within the redline boundary of the current application.

Previous ecological assessments undertaken in support of consented developments to the South of Moss Lane have identified Cranberry Moss as providing optimal terrestrial habitat for this species.

In the absence of mitigation the proposed development will have an adverse impact upon great crested newts as a result of the following:

- The permanent loss of immediate terrestrial habitats
- Isolation of known breeding ponds from high quality terrestrial habitat
- Severance of connectivity between known breeding ponds in the wider landscape.
- The risk of animals being killed or injured during the construction phase.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

In conclusion the ecologist advises that the proposed development is likely to have a significant adverse impact on Cranberry Moss Local Wildlife site and the priority habitat that it supports. The ecologist advises that it is unlikely that impacts on the Local Wildlife Site would be avoided or adequately mitigated. On this basis the 3 tests of the Habitat Regulations would not be passed and English Nature would refuse any Licence

It is advised that further survey information is required with regards to Pond 2 on site. This pond appears to have potential to support great crested newts, but has not been surveyed. This pond should either be subject to a presence/absence survey for great crested newts or justification should be provided for why a detailed survey is not necessary..

The submitted strategy proposes that the loss of pond 2 would be compensated for through the provision of attenuation basins created as part of the sites drainage scheme. Attenuation ponds are not acceptable as ecological mitigation due to concerns relating to water quality and the uncertainty of maintaining suitable water levels. Specific wildlife ponds should therefore be provided to compensate for any ponds unavoidable lost as a result of the scheme.

In terms of the severance effects of the proposed development the ecologist is of the opinion that the proposed layout in isolation would result in the isolation of the on site breeding pond from populations recorded to the south of Moss Lane. The proposed indicative layout does however, in his opinion, integrate acceptably with the ecological mitigation proposed as part of the consented Congleton Link Road.

In order to maintain the favourable conservation status of great crested newts the open space to the north of the development would need to be maintained as rough grassland with areas of scrub.

Inadequate survey information is provided concerning the pond.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Based on the submitted framework plan the proposed development would be likely to result in the partial loss of hedgerow 4, the complete loss of hedgerow 3 and the complete loss of hedgerow 2. The ecologist advises that this is a significant loss of priority habitat.

The ecologist has advised the Applicant that the masterplan must be amended to avoid the loss of this habitat and the masterplan be amended to show compensatory planting for hedgerows unavoidably lost as a result of the proposals. No such information has been received

Hedgehog and Pole Cat

These two priority species have been recorded in the broad locality of the application site and may occur on the application site on at least a transitory basis. Features for these species would need to be provided at the reserved matters stage. This may be dealt with by means of the ecological enhancement/mitigation

Ecological Conclusion

The submitted appraisal is by its nature only an interim assessment of the potential impacts of the proposed development and further survey and full assessment is required. Careful consideration is also required about the potential conflicting interests that arise from the Flood Risk Authority/United Utility requires for drainage on this site as opposed to the ecological implications that drainage design may have upon the delicate ecosystem of the adjacent Moss.

These reports have been requested, but have not been provided and on this basis insufficient information about the ecological impacts of the proposal have been provided. This is a reason for refusal of this application.

Design

Para 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning guidance.

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

The proposal is in outline with only the access applied for. The internal road layout has also been sought, formally, as part of the access reserved matter. The site is 7.49 ha with the residential development zone indicated as being 4.99ha. This development site would have a density of approximately 30 dwellings per hectare within that built zone. Whether or not this is achievable within the context of this sloping site would depend upon the size / mix of units and the amount of site coverage of building versus open space. The sloping nature of the site, the probable need for retaining structures due to considerable level changes, particularly as detailed for the raising

in heights towards the Macclesfield Road frontage, would be highly visible from the lower level of Macclesfield Road.

In this case an indicative layout/zone residential zone has been provided in support of this application. The indicative layout is of a very poor design and the Highways Engineer is of the view that it is too linear and will result in too high traffic speeds.

Given the sloping nature of the site also does not adequately demonstrate that the site can accommodate the number of dwellings proposed without extensive retaining structures and increasing the heights and land levels of the site, whilst also providing for adequate open space/buffers and which would also have adequate amenity/ not adversely impact upon the various trees/hedgerows within site and hydrological/ecological environment.

However, as this is an outline application with only means of access applied for with a description of 'up to' 150 dwellings. Given the outline nature of the application, it is considered that a design could be negotiated at the reserved matters stage. This could result in the overall numbers of units being significantly reduced, and/or the size/mix of smaller units and/or the distribution of development across as indicated on the illustrative masterplan being drastically reduced.

Noise

An acoustic report has been submitted in support of the application. The impact of the noise from Macclesfield Road (A536) taking into account the proposed Congleton relief road on the proposed development has been assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. This is an agreed methodology for assessing noise of this nature and specifically highlighting where amelioration is required.

The report demonstrates that with appropriate layout and design of dwellings and noise mitigation measures to be applied to identify areas of the site - the development can be made acceptable with respect to noise.

The conclusions of the report and methodology used are acceptable and the Environmental Health Officer raises no objection subject to noise level conditions.

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

Also there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

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

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

Conditions are suggested in relation to a Travel Plan, Electric Vehicle Charging Points, Dust Control and low emission boilers should the application be approved.

Contaminated Land

The contaminated land officer has no objection to the application but states that the application is for new residential properties which are a sensitive end use and could be affected by any contamination present. Furthermore there are a number of emissions within the submitted Phase I report due to areas not being assessed.

As such, and in accordance with the NPPF a condition is suggested in relation to contaminated land is added if permission is granted.

Highways

There is a single point of access to the site that will be a fourth arm on the Congleton Link Road/A535 Macclesfield Road roundabout. The submitted site access drawing indicates a carriageway width of 7m and two footways, an internal layout has been provided as formally required as part of the access proposals by the Local Planning Authority.

Development Impact

The forecast traffic generation has been calculated using TRICS, the level of trips generated in the AM and PM peak hours is 115 and 120 trips. The predicted trip rates used are considered to be acceptable.

The baseline flows used for the assessments have been taken from the CLR traffic model outputs for 2020. These traffic flows have been growthed to 2023 to be used as a base for the assessment and then the development flows added for the junction assessments in 2023.

A number of junctions were agreed with the applicant to be assessed in regards to the operational capacity with development added:

- A536 Macclesfield Road/Congleton link Road roundabout
- A34 Macclesfield Road/Congleton link Road roundabout
- Lower Heath Gyratory

The results of 2023 assessments indicate that all the junctions would operate within capacity in 2023 with minimal queuing at the junctions. It should be noted that these results are reliant upon the CLR being constructed reducing the flows on the A535 and A34 through Congleton town centre. Whilst the CLR is currently being constructed and is funded there are other measures such as traffic management measures on the local road network that are required as part of the CLR that remain unfunded. Other large housing development sites in the vicinity provided contributions to these works to mitigate for their impacts on the highway and this would be the case on this application and based upon 3k/unit precedent set elsewhere a

financial contribution £450,000 is required to mitigate for the impact of this development on the local road network.

Internal Road Layout

The layout provided is noted as being indicative, however, given that notice was served by the Local Planning Authority to require this detail in full at this stage, this is considered to be an error by the Applicant and is being assessed as a formally applied for road layout.

The design and layout of the internal road network is far too linear and would lead to high traffic speeds, a 20mph design speed is required on the internal roads. This can be achieved by an alternative road design and measures to limit traffic speeds. In addition, there is no need for a uniform road width throughout the development, the initial sections can be a minimum of 5.5m or greater but the latter part of the site can be 4.8m wide with shared surface been used.

Overall, the design submitted is not an acceptable internal road layout.

Site Accessibility

It is important that this residential development consisting of 150 units is accessible particularly for walking to local amenities and also to provide a safe walking route to school. In addition, provision of cycle infrastructure is important for both work and leisure use.

The applicant has looked at the catchments of 1km and 2km of the site for walking and 5km for cycling, there is no analysis submitted of the footpath or cycle connections to the site. In addition, the nearest public transport bus stop is a considerable distance away from the site well in excess of the recommended 400m walking distance.

In regards to accessibility the site is isolated; there is no footway provision on the development side of Macclesfield Road from Moss Lane to the access point. A very narrow path exists on the eastern side of Macclesfield Road but is well below the 2.0m standard and not enough for a children's buggy or wheelchair. There is no pedestrian/cycle connection from the proposed development to Moss Lane. People would also have to cross Macclesfield Road to access public transport or walk to Congleton

Overall, the site has no connectivity and there is no proposals submitted to mitigate/improve the accessibility of the site. This is a reason to refuse the application.

Flood Risk

The Lead Flood Risk Officer advise that the drainage strategy outlined within the Flood Risk Assessment is acceptable in principle, however he acknowledges that the Ecologist has numerous concerns about hydrology at the site vis-à-vis Cranberry Moss and there is potentially direct conflict between the requirements for drainage and the need for the water source to Cranberry Moss to be maintained in the current state.

With regard to the Drainage Strategy, the FRA indicates that infiltration will not be feasible at the site however The Flood Risk Authority advise that they require the applicant to submit ground investigations to fully discount infiltration as a drainage method for the site.

Secondly, the Lead Flood Risk Officer requires the Q bar rate for the western parcel of the site that is proposing to discharge into Cranberry Moss, as it appears that only the 1 in 30 and 1 in 100 discharge rates have been included within the FRA.

Thirdly, the FRA makes reference to increasing land levels to allow for gravitational drainage. However during the design stage the applicant will need to demonstrate that this does not have adverse flood impacts on and off site.

It should be noted that whilst United Utilities and the Council's Lead Flood Risk Officer have been consulted about this application and have raised no objection to the proposed development subject to the imposition of planning conditions, however, this is potentially in direct conflict with the drainage requirements and hydrological environment of Cranberry Moss and requirements as noted by the Council's Ecologist.

CIL Regulations

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

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

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

As explained within the main report, POS and children's play space, is a requirement of the Planning Policy. It is directly related to the development and is fair and reasonable.

The development will result in greater use of the local road network and the development is required to mitigate for that impact

The development would result in increased demand for indoor and outdoor sports provision in where there is very limited spare capacity. In order to increase capacity of the facilities which would support the proposed development, a contribution towards indoor and outdoor sport will be required. This is considered to be necessary and fair and reasonable in relation to the development.

As a result the contributions are necessary, directly related to the development and fair and reasonable.

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

CONCLUSION

The application is recommended for refusal on the basis that the development is outside the settlement boundary and within the open countryside, it is contrary to the Development Plan, there is insufficient ecological information included within the application and the development would result in the creation of unsafe access and egress for pedestrians from the site. The benefits put forward by the Applicant do not outweigh the policy presumption against the proposal.

The internal road layout is considered to be of poor design likely to result in excessive speed and be unsafe contrary to Manual for Streets and adopted planning policy. Likewise the site is considered locationally isolated and the proposals make no provision for links or modes of transport other than the private car. No footway is provided to Macclesfield Road and residential occupiers would have to cross Macclesfield Road to use the existing below standards footway on the other side.

The application contains insufficient information in relation to the ecology upon the site and Cranberry Moss adjacent and drainage for Cranberry Moss in ecological terms. Given the presence of European protected species, their favourable conservation status can not be assessed on the basis of the information submitted.

RECOMMENDATION:

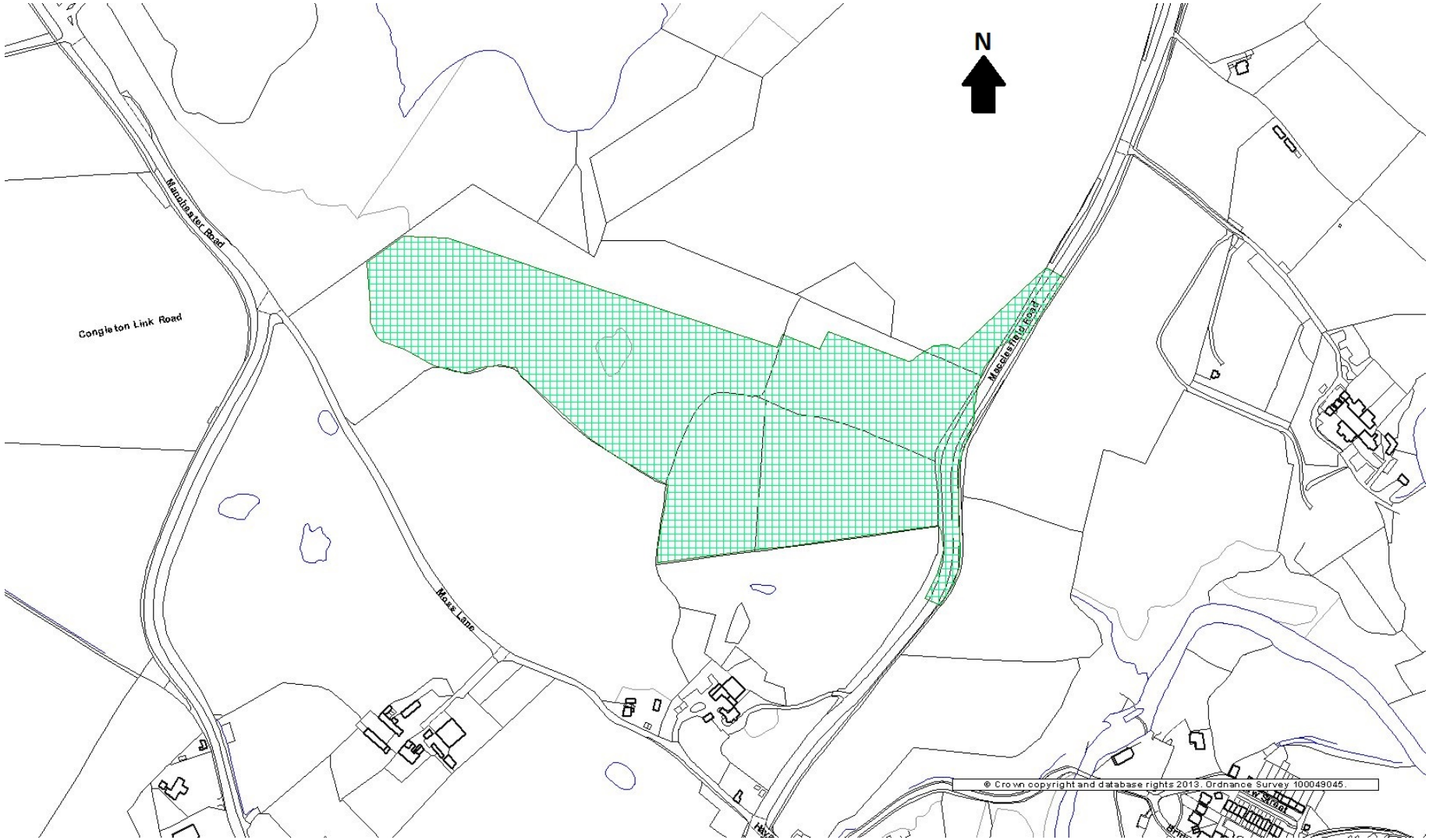
REFUSE for the following reasons:

- 1. The proposed residential development is unacceptable because it would cause harm to the Open Countryside, contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy and the National Planning Policy Framework. Any benefits provided in the form of additional housing does not outweigh the harm caused to interests of acknowledged importance. There are no material considerations to indicate that permission should be granted contrary to the development plan.**
- 2. The Local Planning Authority considers that there is insufficient information included within this application to determine the impact of the proposed development upon protected species known to occur either on or within the vicinity of the site contrary to Saved Policies NE11, NE12 and NE14 of the Macclesfield Borough Local Plan, Policy SE3 and SE4 of the Cheshire East Local Plan Strategy and guidance contained within the NPPF.**
- 3. The proposed development by virtue of its isolated location and the lack of a pedestrian linkage on the development side of Macclesfield Road taking into account the existing substandard footpath on the southern side of Macclesfield Road results in an undesirable walking environment that is likely to result in a car dependant development, thereby comprising an unsustainable development. The internal road layout is considered to be of an inadequate design and layout which will result in excessive speeds contrary to Policy SE1 and SD2 of the Cheshire East Local Plan Strategy, Saved Policy DC6 of the Macclesfield Local Plan and 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 Development Management in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

S106	Amount	Triggers
Highways Contribution	£3000 per dwelling	Staged contributions – 50% upon commencement, 25% upon 1 st occupation and 25% upon occupation of the 50 percentile property
Affordable Housing	30% affordable housing in a 65:35 split in accordance with the IPS	In accordance with details to be submitted and approved.
Health	£151,200. (based on 150 dwellings)	To be paid prior to first occupation of the development.
Education Contribution	£359,539 for secondary £91,000 (SEN) Total education contribution: £450,539 (based on 150 dwellings)	Staged contributions – 50% upon commencement, 50% upon 1 st occupation
Indoor Sport	£26000	To be paid prior to first occupation of the development.
Outdoor Sport	Formula - £1,000 per family dwelling or £500 per 2 bed space (or more) apartment for off-site provision.	To be paid prior to first occupation of the development.
Private Management scheme for all POS/ Children's Play space on site.		Upon occupation



Application No: 19/0782C

Location: LAND OFF, WARMINGHAM LANE, MIDDLEWICH

Proposal: Full planning permission for the partial removal of an existing pipeline corridor and the creation of a new pipeline corridor diversion

Applicant: Gladman Developments

Expiry Date: 15-May-2019

SUMMARY

The application site lies in the Open Countryside and also partly lies within the boundary of Cheshire East Local Plan Strategy strategic allocation LPS45. The proposed pipeline diversion will remove a constraint to developing this strategic site allocated for residential development. The principle of a pipeline corridor in the open countryside has already been established by virtue of the previous planning history on the site, and no new or more significant impacts on the open countryside are anticipated by this proposal; as such the application is considered to accord with CELPS Policy PG6.

Temporary short term landscape and visual impacts are anticipated during the works although no permanent above ground infrastructure is proposed therefore no long term adverse landscape and visual impacts are anticipated. In the absence of available mitigation for receptors to the north, the proposal does not accord with the approach of CELPS policy SE4, CRMLP policies 15 and 17, and CBLP policy GR6.

The proposal includes for compensatory mitigation for any impacts on biodiversity and forestry which can be secured by planning condition and which would provide for additional vegetation and habitat creation in addition to that already provided on the site and no unacceptable adverse impacts are anticipated on protected species. Subject to satisfactory improvements to visibility being secured no adverse highways impacts are anticipated. With respect to potential for pollution, it is considered that any short term temporary impacts can be adequately controlled by planning conditions. No permanent impacts to agricultural land value are anticipated from the development and no adverse effects associated with flooding.

On this basis and given that this development will help to remove a constraint to a strategic allocation which would assist in contributing to the delivery of the Council strategic housing land requirements, the potential short term temporary landscape and visual impacts are not considered sufficient to outweigh the other benefits of the scheme. As such the proposed development accords with the overall approach of the CELPS, CRMLP, CBLP and NPPF.

RECOMMENDATION: Approve subject to conditions

DESCRIPTION OF SITE AND CONTEXT

The application site comprises 4 hectares of agricultural grassland located immediately to the south of Middlewich and situated between the River Wheelock to the west and Warmingham Lane to the east. To the south lie agricultural fields and the continuation of Warmingham Lane.

The application site is triangular in shape and runs from a point east of the River Wheelock to Warmingham Lane and the north to the edge of Middlewich urban area. The application site crosses field boundaries comprising of mature trees and hedgerows. Three ponds are also located in a linear formation to the south of the application site whilst a further two lie to the north.

In the Cheshire East Local Plan Strategy the application site is partly located within the boundary of housing allocation LPS45 (Land off Warmingham Lane West - Phase II) and partly lies within the Open Countryside.

A Local Wildlife Site (LWS) – River Wheelock is located approximately 40m west of the application site; whilst Cledford Lime Beds are located approximately 0.9km north east and Old Gorse 0.9km to the north west. The application site lies approximately 605m to the north west of Sandbach Flashes Site of Special Scientific Interest (SSSI) and lies within the SSSI impact zone. It also lies within a nitrate vulnerable zone and land directly adjacent to the application site at the River Wheelock lies within Flood Zone 3.

The closest residential properties lie approximately 40m to the north west off Whatcroft Way.

BACKGROUND AND PROPOSED DEVELOPMENT

The diagonal section of the application site running north from the river to the edge of Middlewich urban area is the current route of an underground pipeline corridor which transports brine from Warmingham brinefields to the British Salt factory at Middlewich under an extant planning permission which runs until 2042. Outline planning permission was granted in 2015 (ref:15/5840C) for residential and associated development on land to the south of Middlewich which includes the area taken up by the pipeline corridor.

This application proposes to remove any risks and constraints to development associated with that pipeline corridor by diverting it around the edge of the permitted residential development boundary. The existing 546m section of the pipeline corridor running in a north east direction from the river to Warmingham Lane would be removed and replaced by a new 670m section of pipeline corridor which would run from the River Wheelock horizontally to Warmingham Lane and then north to meet the existing pipeline corridor. The pipeline corridor would be used to house the existing three brine pipelines (two 315mm pipes and one 180mm pipe) which are constructed of high density polyethylene, along with an existing gas pipe and electric cables.

The pipeline corridor would be constructed using open trench techniques. Topsoil would be stripped and stockpiled adjacent to the section of the pipeline being excavated. A tracked excavator would be used to dig out a trench with battered sides. The trench would typically be 0.6m wide and 1m deep. On its completion a granular bedding material would be laid in the base of the trench and the pipes would be laid. Material would then be backfilled around the pipes comprising either screened excavated material or imported granular backfill. Subsoils

and topsoils would then be placed to the original levels. Any temporary stoned areas in the working corridor would also be removed and any areas which have become compacted by plant and machinery would be mechanically ripped/ploughed and topsoil replaced.

In order to accommodate the works and equipment, the construction working corridor would be approximately 38m in width; reducing to approximately 17m on the section parallel to Warmingham Lane and also reduced in sensitive locations such as waterbodies and hedgerows. Access to the pipeline corridor would be obtained via the existing track off Warmingham Lane to the north east of the application site. A construction compound would be established in the north east corner of the field close to the access point which would be removed on completion of the works and land reinstated. The compound would contain the staff welfare facilities, materials laydown area, pipe storage, security cabin and vehicle parking. Materials would not be stockpiled on site in large quantities in order to avoid the need for large temporary lay-down compounds.

Construction plant would consist of large tracked excavators and dumper trucks/tipper HGVs. The main HGV movements would be associated with delivery of pipeline materials and removal of redundant pipeline. The total construction works are anticipated to be carried out within one month. The proposed hours of construction works are 0700 to 1900 Monday to Friday and 0700 to 1300 Saturday.

RELEVANT HISTORY

The pipeline corridor was initially granted planning permission in 1973 (Ref: 3/1/1510; 3/5/12233; 4/5/9294 and 5/4/7834) and an updated set of conditions issued in 1999 (ref: 4/35250; 7/P99/812 and 8/31379) and 2017 (Ref: 14/5678W) under the Environment Act.

Several other mineral permission are relevant to this application which include:

- 8/32157 - Underground mains to replace existing water, brine and mud (waste) pipes, plus provide additional pipes for water, brine, mud, gas, product, duct, electricity and telemetry cables - granted
- 4/35250; 7/P99/812; 8/31379 – application for determination of conditions for the continued solution mining of brine – granted 1999
- 7/P00/0550 - Underground mains to replace existing water, brine and mud (waste) pipes, plus provide additional pipes for water, brine, mud, gas, product, duct, electricity and telemetry cables - granted 2002
- 7/2006/CCC/12 – variation of condition of Planning Permission 4/36367, 7/P00/0550 and 8/31257, Installation of Cross Country Mains from British Salt Factory Chedford, Middlewich and the Brinefield at Hill Top Farm and Hole House Farm, Warmingham.
- 7/2007/CCC/13 - Brine extraction and underground gas storage together with gas processing plant, pipelines, link to National Gas Transmission System and associated infrastructure - granted 2008
- 7/2008/CCC/15 - Extension of Gas Processing Plant and link to National Gas Transmission System, electricity and manifold compounds, conversion of 10 brine cavities to gas storage and associated infrastructure - granted 2009
- 13/1052W - pipeline corridor comprising of three pipes between the brine field at Warmingham and the salt factory at Middlewich and four pipes and a fibre optic cable link between the salt factory at Middlewich and the chemical works at Lostock; including

a pipe bridge, buffer tanks, pumping station and settlement tanks; and other associated ancillary development - granted 2013.

- 14/5678W - application for determination of conditions for the continued solution mining of brine – granted 2017

Non-mineral related permissions:

- 15/5840C - Outline planning permission for 235 residential dwellings, structural planting/landscaping, informal public open space, and children's play area, community facility, surface water flood mitigation and attenuation, vehicular access point from Warmingham Lane and associated ancillary works – granted January 2019.

POLICIES

National Policy

National Planning Policy Framework

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development
PG6 Open Countryside
SD1 Sustainable Development
SD2 Sustainable Development Principles
SE2 Efficient use of Land
SE3 Biodiversity and Geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE7 Historic Environment
SE10 Sustainable Provision of Minerals
SE12 Pollution, Land Contamination and Land Instability
SE13 Flood Risk and Water Management
Site LPS45 – Land off Warmingham Lane West (Phase II), Middlewich.

Cheshire Replacement Mineral Local Plan (CRMLP)

Policy 15 Landscape
Policy 17 Visual Amenity
Policy 21 Archaeology
Policy 25 Groundwater/surface water/flood protection
Policy 26/27 Noise
Policy 28 Dust
Policy 29 Agricultural land
Policy 34 Highways
Policy 37 Hours of Operation
Policy 41 Restoration

Congleton Borough Local Plan (CBLP)

PS4 Towns
PS8 Open Countryside

GR6/7 Amenity and Health
GR9 Accessibility, Servicing and Parking
GR18 Traffic Generation
GR21 Flood Prevention
NR2 Statutory Sites
NR3 Habitats

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Middlewich Town Strategy

Middlewich Neighbourhood Plan

The Middlewich Neighbourhood plan was subject to a local referendum which returned a no vote and therefore carries no weight.

Moston Neighbourhood Plan

LCD1: Design and Landscape Setting
LCD2 – Dark Skies (lighting)
INF3 – Surface Water Management
ENV1 - Biodiversity
ENV2 – Trees, Hedgerows and Watercourses

CONSULTATIONS (External to Planning)

Nature Conservation: no objection subject to planning conditions in respect of:

- Development to proceed in accordance with the mitigation identified in the ecological appraisal and subsequent correspondence from the applicant unless varied by a subsequent Natural England license.
- Provision of hedgerow replacement planting
- Measures to safeguard semi natural woodland, ponds, the river Wheelock and species rich grassland occur in close proximity to the proposed development during the construction phase.
- Safeguard nesting birds

Forestry: no objection subject to planning conditions in respect of:

- A detailed access facilitation tree pruning/felling specification;
- A detailed scheme of tree and hedge protection measures with a tree and hedge protection plan;
- Arboricultural method statement with key stage arboricultural supervision;
- Scheme of mitigation tree and hedgerow planting.

Environmental Health: no objection. Advice provided in respect of contaminated land.

Flood Risk Management: no objection. Advice provided in respect of any works which could affect the flow or stability of any ordinary watercourses.

Strategic Infrastructure Manager – Given the number of vehicle movements proposed and temporary 1 month period, the highways impacts would be minimal.

The access currently serves a farm and farmhouse and has operated safely for the last 5 years. To the north of the access visibility in excess of 40m is achievable. To the south of the access, the applicant proposes to trim the hedge back to provide a visibility splay in excess of 65m. The access is considered acceptable and no objection is raised.

Health and Safety Executive: HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Cadent Gas: no objection

Natural England: no objection. The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Environment Agency: no objection subject to condition regarding unexpected contamination

Cheshire Brine Subsidence Compensation Board: no comments received

IEWS OF THE PARISH COUNCIL

Middlewich Town Council: no comments received

Moston Parish Council: no objection

OTHER REPRESENTATIONS

3 representation has been made. A summary of the issues raised is as follows:

- Concern over potential for disruption/closure to Warmingham Lane during the works which should not be allowed given it is a main entry to the town and access/exit to the majority of housing in the area.
- The new pipe next to Warmingham Lane should be positioned much further back from the road in case access is required in the future.
- As the work is only required to enable a further residential scheme to be built, the full costs of this works should be submitted in any housing applications for this site for section 106 negotiations so that it is clear how much the developer has been happy to spend in order to make this site viable so that the community will not be 'short changed' in the section 106 agreement amount.
- Application could be a precursor to a revised layout for the housing site increasing the housing density, removing the open space and play area identified on 15/5840C and affecting sense of space in conflict with Council green space strategy. This would also be detrimental to visual amenity of the area and impact on the enjoyment of existing residential properties. Concern expressed over the extent of infrastructure required

given the level of housing built and proposed; concern that sufficient contributions from new development are not being secured to deliver this. Also concern over loss of open space from 15/5840C application and impact on the newt protection zone identified in 15/5840C. Open space supports people's well-being in line with Council 'live well' policy, contributes to the amenity of the area and supports sense of pride in the area. The availability of local open space will reduce the need to travel and reduce carbon footprint. Should permission be granted, a condition should be imposed requiring that the provision of open space, habitats or recreation identified in 15/5840C is not changed.

- Area is rich in biodiversity, potential irreversible impacts on delicate ecosystem.
- Potential for disturbance to contaminants as a result of the works to the pipeline which could be a health hazard. No attempt to address this risk has been considered. This questions the validity of the need for the application, given that the disturbance of pipelines could create damage from contamination, whereas leaving this in-situ would prevent damage.
- The planning statement seems to confirm an intention to construct on this land, shown as a football pitch in 15/5840C and contrary to previous communications regarding the outline plan. Surely the whole purpose of a planning process is to have a clear plan for development and understand potential constraints before committing to this type of costly work.

OFFICER APPRAISAL

Principle of Development

The proposal would remove a potential constraint to future development of a strategic site allocated for residential development in the Cheshire East Local Plan Strategy (LPS 45 - Land off Warmingham Lane West (Phase II) and thus contribute to the delivery of the Council strategic housing land requirements.

The application site partly lies within the Open Countryside. CELPS Policy PG6 restricts the type of development that may be permitted and makes it clear that particular attention should be paid to design and landscape character so the appearance and distinctiveness of the countryside is preserved and enhanced. The proposal would involve engineering works and other associated activities for approximately one month which would present some short term adverse impact on the openness of the countryside; however once completed, there would be no above ground infrastructure and no long term adverse impact on the appearance of distinctiveness of the countryside. The principle of a pipeline corridor in the open countryside has already been established by virtue of the existing pipeline corridor as well as a number of historical permissions for pipelines on the site, most recently the cross boundary application for the pipeline corridor between Warmingham brine field and Lostock works granted consent in 2013 (Ref:13/1052W). The proposed development is not considered to present any new or more significant impacts in terms of open countryside considerations than has already been considered and deemed acceptable previously. The application is considered to accord with CELPS Policy PG6.

Agricultural Land

The application site lies within agricultural land which is classified as grade 3 BMV (best and most versatile). An agricultural land survey has not been submitted to determine whether the land is subgrade 3a – good quality or subgrade 3b (moderate quality). The works are however

temporary in nature lasting approximately one month, after which the site would be restored and subject to aftercare which could be secured by planning condition to ensure the land is returned to its original condition. Following completion of the restoration there would be no above ground infrastructure as such no significant effects on agricultural land are anticipated and the proposal would accord with CELPS policies SD2 and SE2 and CRMLP policy 29.

Forestry

The proposals would require the removal of four oaks trees and one group of elm trees which were assessed as diseased and requiring removal, along with the removal of 9 trees and one group of trees (category B and C) which are situated at points where the new and redundant pipeline routes intersect or where the pipeline route crosses field boundaries. In addition 185m of hedgerow would be removed by the development, of which 70m is identified as Important under the Hedgerow Regulations 1997 and therefore a material consideration. The applicant proposes to replace all trees lost and proposes a total of 370m of replacement hedgerow planting to mitigate for that lost as a result of the development. With respect to the proposed improvements to visibility splay, the trimming back of the hedgerow could be undertaken without resulting in any extensive damage to the hedgerow along Warmingham Lane.

No objections are raised by the Forestry Officer however concerns are expressed over the width of the working corridor. In response the applicant advises that the working corridor widths are as narrow as possible and have been determined based primarily on health and safety requirements in order to safely allow the excavation works, pipeline storage, soils storage and vehicle access to take place, whilst minimising the impact on the established hedgerow along Warmingham Lane. It is also noted that the proposed working corridor width is similar to that approved for the brine pipeline corridor under permission 13/1052W.

The Forestry Officer also questioned the requirements to manage excess soil generated by the development. The applicant advises that only small amounts of soil are expected to be generated as the pipe sizes are very small and if there is any excess, it would be removed from site to suitable treatment/disposal facility.

A scheme of tree and hedgerow planting can be secured by planning condition to ensure that any loss is adequately compensated for on site and additional planning conditions are recommended in respect of:

- A detailed access facilitation tree pruning/felling specification;
- A detailed scheme of tree and hedge protection measures with a tree and hedge protection plan;
- An arboricultural method statement with key stage arboricultural supervision;

Subject to securing these conditions, it is considered that there would be no adverse impacts on trees and hedgerows and it would provide an overall improvement to vegetation provision. As such the scheme would accord with Moston Neighbourhood Plan policies LCD1 and ENV2, CELPS policy SE5 which requires development to provide a net environmental gain to trees and hedgerows through appropriate mitigation or compensation; CRMLP policy 15 and the NPPF.

Ecology

The proposed diversion would move the route of the pipeline away from the River Wheelock LWS, improving its current alignment and avoiding any direct impacts on the watercourse and LWS. The route of the pipeline crosses areas of improved and species poor semi improved grassland which is assessed as being of limited ecological value and the temporary loss of this habitat is not assessed as significant and would be reinstated on completion of the works. The Nature Conservation Officers advises that measures should be secured to safeguard semi natural woodland, ponds, the river Wheelock and species rich grassland in close proximity to the proposed development during the construction phase which can be secured by planning condition. With respect to the Sandbach Flashes SSSI, Natural England advise that the proposal would not have any likely significant effects on this statutorily protected site and no objections are raised.

Bats

There are records of bats in the area and the natural features on and around the site provide suitable habitat for foraging bats and connectivity to other habitat. The majority of hedgerows would be retained and would provide linkages to offsite/adjacent habitats; however some sections of hedgerows would be lost to access the pipeline corridor. None are identified as being of value for roosting bats and therefore it is anticipated that impacts on potential bat roosts within any of these habitats would be negligible. One tree on site contains a minor roost of a common bat species. The Nature Conservation Officer's preference is that this is retained however the applicant advises that this would need to be removed to accommodate the pipeline corridor. The applicant proposes a range of mitigation for bats which could be secured by planning condition which the Nature Conservation Officer considers acceptable; this includes:

- provision of three compensatory bat boxes;
- a range of operational working practices to ensure a careful approach to works on trees of low bat roost potential and to minimise the risk of bats being harmed when the tree is felled;
- enhance retained hedgerows on site through gapping up of the hedgerows and hedgerows placed under a sympathetic managed regime to ensure the maintenance/enhancement of potential commuting and foraging corridors for bats;
- Replacement of lost hedgerow with native species hedgerow planting along with additional compensatory hedgerow planting to connect to existing habitat.

Great Crested Newts

Populations of Great Crested Newts (GCNs) have been recorded in ponds lying adjacent to the existing pipeline and adjacent to the proposed diversion. The ponds lie outside of the working corridor and should be unaffected by the proposed works.

In order to mitigate the risk of newts being killed or injured during the construction phase the applicant proposes to remove and exclude animals from the footprint of the development using standard best practice methods under the terms of a Natural England license. The temporary loss of terrestrial habitat would be compensated for through the provision of additional enhanced habitat features such as hibernaculum and log piles.

Habitat Regulations Test

Since two European Protected Species has been recorded on site (bats and great crested newts) and these are likely to be adversely affected by the proposed development the planning

authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species licence under the Habitat Regulations.

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities (“lpas”) to have regard to the directive’s requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Test 1: Overriding Public Interest

The proposal would ensure that the constraints associated with the presence of the pipeline on land identified as Strategic Site 45 ‘Land off Warmingham Lane West (Phase II)’ in the Cheshire East Local Plan Strategy are removed and this strategic allocation can be brought forward. The provision of mitigation would also assist with the continued presence of GCN and bats, and maintain a favourable conservation states of both species concerned. Whilst the proposals may result in some disturbance or harm to small numbers of the population; any such harm could be appropriately managed and mitigated. Given this, the proposal contributes to meeting an imperative public interest, and the interest is sufficient to override the protection of, and any potential impact on bats and great crested newts, setting aside the proposed mitigation that can be secured.

Test 2: No satisfactory alternative

The alternative option is a ‘do nothing scenario’. Should no development take place the specialist mitigation and additional habitat provision for both species would not be provided which would be of benefit to the species.

Test 3: “the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range”.

The proposal would not result in the loss of any great crested newt ponds and all newts would be removed and excluded from the working areas. Any temporary loss of terrestrial habitat during the proposed works would be mitigated by the provision of additional enhanced habitat features such as hibernacular and log piles. The Nature Conservation Officer advises that in the absence of mitigation the proposed development would have a low level adverse impact on great crested newts as a result of the temporary loss of terrestrial habitat and risk that animals would be killed or injured during the construction process.

The provision of bat boxes would increase the availability of roosting potential for bats in the local area and the additional hedgerow and enhancements to existing hedgerows would offer improvements to their habitat. The Nature Conservation Officer advises that the loss of the bat roost would have a low level impact upon the species of bat concerned and the mitigation measures identified would be sufficient to maintain the favourable conservation status of the local population of bats. Therefore it is considered that the proposal meets the third test in respect of both species.

Overall, therefore it is considered that the development contributes to meeting an imperative public interest, there is no satisfactory alternatives, and that the interest is sufficient to override the protection of, and any potential impact on great crested newts and bats, setting aside the proposed mitigation. It is considered that Natural England would grant a licence in this instance.

Other species

The proposed works are sufficient distance away from the river to not present adverse impacts to otters and water voles, and pollution control measures would ensure that there is no potential for adverse direct or indirect impact on these species or their habitat arising from the works around the pipeline corridor. Equally the retention of the ponds and prevention of excavation works within close proximity to these ponds without a prior survey would protect against adverse harm to water voles and their habitat. With respect to badgers, no setts are currently present within the site and badgers are not identified as posing a constraint to development however the ecological assessment recommends controls over the use of open excavations to protect any active badgers in the area. Suitable habitat is also present for polecat and hedgehogs. Given that the areas of woodland and hedgerows would largely be retained and unaffected by the proposal, no adverse impacts to these species are anticipated in the ecological assessment and recommendations are provided in respect of any removal of vegetation to protect against any harm to these species. The mitigation identified in the ecological assessment could be controlled by condition. Additionally the Nature Conservation Officer recommends planning conditions in respect of protecting nesting birds, use of lighting around trees, and retention of waterbodies and replacement planting.

On the basis of the above and the detailed mitigation being secured by planning condition, the proposals are considered to accord with Moston Neighbourhood Plan policy ENV1, CELPS policy SE3 which requires new development to positively contribute to the conservation and enhancement of biodiversity and the approach of the NPPF (paragraphs 170 and 175).

Pollution Control

The proposed works are in close proximity to a watercourse and also within 40m of residential receptors, whilst the indicative location of the construction compound is approximately 75m from the nearest residential property on Sproston Place. There is potential for temporary adverse effects to those receptors located in close proximity to the existing access track off Warmingham Lane including the new housing development on Whatcroft Way, Sproston Place and Stanthorn Place as a result of vehicle movements and works which could present noise and dust impacts during the construction works.

Any adverse effects would be limited to the one month construction period anticipated for the works. The applicant proposes a construction environmental management plan (CEMP) which could be secured by planning condition. The CEMP would identify measures to reduce and manage environmental effects through appropriate construction methods and best practice; recommend mechanisms to reduce risks of environmental damage occurring and undertake ongoing monitoring and assessment during construction to ensure environmental objectives are achieved. This would include details concerning:

- mitigation measures in respect of noise and disturbance during the construction phase to ensure there are no adverse impacts on nearby receptors
- dust suppression measures and the methods to monitor emissions of dust arising from the development.
- Use of vehicles with appropriate silencers and no abnormal noises
- measures to ensure that the potential for release of pollutants is minimised and appropriate storage arrangements are secured on site
- Vehicle parking
- Lighting
- Storage of plant and materials

No objections are raised by the Environmental Health Officer to the proposal but it is recommended that the proposed hours of operation are reduced to 8.00 to 18.00 hours Monday to Friday and 8.00 to 14.00 Saturday given the proximity of residential receptors along with a communication strategy with local residents (in the form of a letter drop) providing detailed information on the proposed works, timescales and contractor site contact details on site to enable residents to raise any issues. This can be secured by planning condition.

With respect to any risk of pollution of the watercourse, the construction environmental management plan would detail the measures to be adopted to ensure that the potential for release of pollutants is minimised and there are appropriate storage arrangements on site. This could be secured by planning condition. Top soil would be also stripped and stored in accordance with DEFRA guidelines and normally be stored adjacent to the section of pipeline being trenched, and would be stored separately away from excavated subsoils to prevent contamination of the soils.

Contaminated land

There is a requirement on the residential planning permission (15/5840C) for updated contaminated land investigations to be carried out on land which includes part of the area comprising this application site prior to the housing development being commenced. With respect to implications of potential contamination in the ground being disturbed by this development however, the Contaminated Land Officer advises that there are no viable receptors within the application boundary, apart from groundworkers (who would be regulated

by separate health and safety legislation enforced by the Health and Safety Executive) and any potential harm from disturbed contamination on future viable receptors such as new residents would be assessed under the contaminated land assessment required for the housing scheme. No objections are raised and advice is provided to the applicant in respect of dealing with unexpected contamination which would ensure that the contractors report any adverse ground conditions and if necessary take appropriate action to address the issue. The Environment Agency also recommend planning conditions for dealing with unexpected contamination which can be secured by planning condition.

Subject to planning conditions to control the hours of operation, submission of a construction environmental management plan and dealing with unexpected contamination, it is considered that any short term adverse impacts associated with environmental pollution or impacts on amenity could be controlled to an acceptable level and would accord with Moston Neighbourhood Plan policy LDC2, CELPS policy SE12, CRMLP policies 25, 26, 27 and 28, and CBLP policies 6 and 7.

Highway safety and traffic generation

The proposal would generate vehicle movements from construction plant namely large excavators and dumper trucks/tipper HGVs used in connection with the stripping of soil, trench excavation and delivery of materials. The applicant identifies that the proposal would generate approximately 5 vehicles per day (10 two-way movements) and approximately 3 cars/vans per day for construction workers. The level of movements would not be dissimilar to that generated by an agricultural farm use which the access already serves. The applicant proposes a construction highways management plan which would include details of a system to time HGV movements and prevent simultaneous two-way movements along the access track; the details of which could be secured by a planning condition. No concerns are raised by the Strategic Infrastructure Manager in respect of the impact on highway capacity given that the proposed number of vehicle movements are minimal and temporary.

With respect to the use of the existing access track off Warmingham Lane, this currently serves a farm and farmhouse and has operated safely for the last 5 years. Warmingham Lane is subject to a 30mph speed limit to the north and visibility in excess of 40m is achievable which meets the required standard. To the south, Warmingham Lane has a 60mph speed limit and the current visibility achieved is far less than the standard required for a road of this speed. The applicant notes however that vehicles travelling northbound approaching the access are likely to be reducing speed as they enter a built up area and a change in speed limit. In order to address this, the applicant proposes to trim the hedgerow which would provide a visibility splay in excess of 65m. This could be secured by planning condition and the Strategic Infrastructure Manager advises that subject to these measures being secured along with the construction highways management plan, the proposals are acceptable and no objections are raised. As such it is considered that the proposal would not present any adverse impacts on the highway network or highway safety and would accord with CRMLP policy 34 and CBLP policy GR18.

Landscape

There would be temporary short term landscape and visual impacts associated with the works. The existing vegetation on the field boundaries would provide an element of screening, particularly for receptors to the south and east. There would however be open views of the

working corridor for those receptors directly to the north which would be difficult to effectively screen. On completion however there would be no above ground infrastructure and there would be no long term adverse impact on the landscape character of the area. It is noted that temporary landscape and visual impacts in this location have been accepted by virtue of the grant of permission 15/5840C, and the temporary impacts associated with the development of pipeline corridors has previously been considered acceptable given the mineral planning history on the site.

In view of the lack of available mitigation for residential receptors to the north of the application site and potential for temporary adverse landscape and visual impacts, the proposal does not accord with the approach of CELPS policy SE4, CRMLP policies 15 and 17, and CBLP policy GR6.

Flood Risk

CELPS policy SE13 and NPPF requires new developments to ensure that flood risk is not increased elsewhere. The application site is not located within flood zones 2 or 3 and is classified as being in flood zone 1 which is the lowest probability flood zone. The NPPF clarifies that site specific flood risk assessments (FRA) are required for development proposals of 1hectare or more in Flood Zone 1. Whilst an FRA has not been submitted with this application, given the nature of the development proposed the applicant notes that the surface water would not require managing. The Council Flood Risk Management Officer also advises that an FRA is not required in this instance and raises no concerns subject to the development not having any effect on the flow or stability of the nearby watercourse which the applicant confirms would be the case. No concerns are also raised by the Environment Agency.

On the basis of the above, whilst the absence of an FRA would not meet the requirements of the NPPF, the consultees advise that the development would not increase flood risk elsewhere and would have no adverse effect on the flow or stability of the river, which would accord with Moston Neighbourhood Plan policy INF3, the approach of CELPS policy SE13 and the overall approach of NPPF.

Impact upon the Hazardous Installations/pipelines and high pressure pipelines

The application site lies within the consultation distance of a major accident hazard site at British Salt and major accident hazard pipeline which is located to the south of the application site.

HSE do not advise, on safety grounds, against the grant of planning permission and Cadent Gas also raise no objection in respect of the impacts of this proposal on the high pressure pipeline.

Other matters

Concern has been raised in letters of representation regarding the potential for this development to remove a constraint on the land which in turn will then enable further built development to take place of an intensity and scale which is over and above that already consented under permission 15/5840C and result in the loss of open space, recreation and

habitat delivered under permission 15/5840C which could impact on residential amenity, health and quality of life.

With respect to these concerns, this application has to be considered on its merits and these matters are not material to this application. Any amendments to permission 15/5840C would be assessed separately as part of a new planning application. Furthermore it is noted that permission 15/5840C is an outline consent with only access approved at this stage; all other matters including layout would therefore need to be assessed separately under an application for approval of reserved matters.

Conclusion

The proposed pipeline diversion will remove a constraint to developing a strategic site allocated for residential development in the Cheshire East Local Plan Strategy. The principle of a pipeline corridor in the open countryside has already been established by virtue of the existing pipeline corridor as well as a number of historical permissions for pipelines on the site. The proposed development is not considered to present any new or more significant impacts in terms of open countryside considerations than has already been considered and deemed acceptable previously and the application is considered to accord with CELPS Policy PG6.

The proposal includes for compensatory mitigation for any impacts on biodiversity and forestry which can be secured by planning condition and which would provide for additional vegetation and habitat creation in addition to that already provided on the site and no unacceptable adverse impacts are anticipated on protected species. Subject to satisfactory improvements to visibility being secured no adverse highways impacts are anticipated. With respect to potential for pollution, it is considered that any short term temporary impacts can be adequately controlled by planning conditions. No permanent impacts to agricultural land value are anticipated from the development and no adverse effects associated with flooding.

Temporary short term landscape and visual impacts are anticipated during the works, particularly for receptors to the north who are likely to have open views of the site due to the absence of significant boundary screening. No permanent above ground infrastructure is proposed therefore no long term adverse landscape and visual impacts are anticipated; and this nature of impact has been previously accepted by virtue of the grant of permission 15/5840C, and the historical permissions for the development of pipeline corridors on the site. In the absence of available mitigation for receptors to the north, the proposal does not accord with the approach of CELPS policy SE4, CRMLP policies 15 and 17, and CBLP policy GR6.

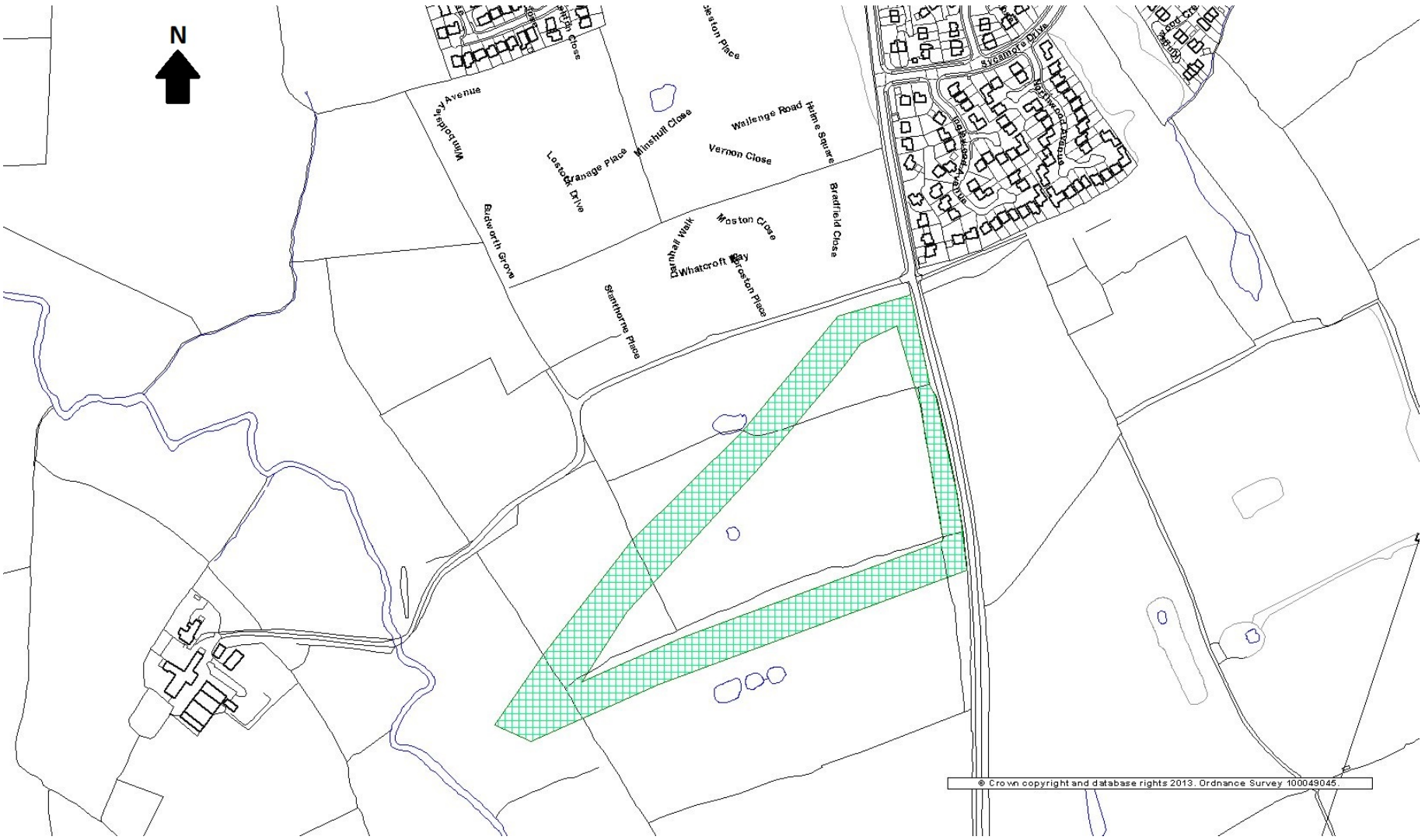
Given that this development will help to remove a constraint to a strategic allocation which would assist in contributing to the delivery of the Council strategic housing land requirements and given the mitigation and additional habitat provision proposed by this application, the potential short term temporary landscape and visual impacts are not considered sufficient to outweigh the other benefits of the scheme. As such the proposed development is considered acceptable and accords with the overall approach of the Moston Neighbourhood Plan, CELPS, CRMLP, CBLP and NPPF.

RECOMMENDATION

Approve subject to the following conditions:

1. Standard timescales for implementation;
2. Approved drawings;
3. Scheme of aftercare submitted prior to completion of the works;
4. All land to be restored in full and land subject to 5 years of aftercare;
5. Scheme of tree, hedgerow and vegetation planting submitted prior to completion of the works;
6. A detailed access facilitation tree pruning/felling specification prior to commencement of development;
7. A detailed scheme of tree and hedge protection measures with a tree and hedge protection plan prior to commencement of development;
8. An arboricultural method statement with key stage arboricultural supervision prior to commencement of development;
9. Implementation of ecological mitigation identified in ecological assessment and letter from FPCR prior to and throughout the proposed works;
10. Scheme of measures to safeguard semi natural woodland, ponds, the river Wheelock and species rich grassland in close proximity to the proposed development during the construction phase submitted prior to the commencement of development;
11. Protection of nesting birds throughout the development;
12. Scheme of lighting prior to commencement of development;
13. Retention of waterbodies throughout the development;
14. Construction environmental management plan submitted prior to development commencing;
15. Construction highways management plan submitted prior to development commencing;
16. Hours of operation;
17. Scheme for communication strategy submitted prior to development commencing;
18. Implementation of improvements to visibility splay prior to development commencing;
19. Measures to deal with unexpected contamination throughout the development.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.



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Application No: 19/1392M

Location: LAND NORTH OF, NORTHWICH ROAD, KNUTSFORD

Proposal: Reserved Matters in relation to scale, appearance, landscape and layout for the erection of 190 dwellings including allotments, community orchard, playing pitch, landscaping, open space, car and cycle parking, drainage and associated works pursuant to outline application 17/3853M

Applicant: Michael Blackhurst, Redrow

Expiry Date: 26-Jul-2019

SUMMARY

The principle of the erection of 190 dwellings on this site, along with access arrangements has already been permitted under application 173853M. This application considers the remaining Reserved Matters, which comprise of design considerations including; layout, scale and appearance and also matters of landscaping.

The design aspects of the proposals include; layout, scale, form and appearance. These elements have been improved during the application process to an extent where the design of the development is now deemed to be acceptable.

Matters of landscaping are satisfactory and is suitable for its purpose, subject to a final review by the Council's Landscape Officer.

No issues are raised with regards to; highways, amenity, ecology, flooding and drainage, affordable housing, open space or public rights of way, subject to either final reviews of the revised plans by relevant consultees or conditions where deemed necessary.

The application is therefore recommended for **APPROVAL**, subject to the receipt for further consultation responses.

RECOMMENDATION

APPROVE, subject to comment from outstanding consultees, and conditions

SITE DESCRIPTION

The application site extends to approximately 15.65ha located to the north of Northwiche Road. The site is a greenfield site in arable production. The site is bounded by hedgerows with a strong hedgerow along the boundary with Northwiche Road. The site has Warren Avenue and Spinney Lane to the east, Acacia Avenue and Lilac Avenue across Northwiche Road to the south, with open

fields to the north and west. The site is currently accessed off Northwich Road. However the access point will be further to the west where a new roundabout will be created. Two local schools are located to the south of Northwich Road. The town centre is located approximately 850m from the southern portion of the site. Knutsford Railway Station is located approximately 1.07km from the site as the crow flies.

The site is allocated for housing by the Cheshire East Local Plan Strategy Policy LPS 36 and outline planning permission (including matters of Access) was granted for 190 dwellings in February 2019.

DETAILS OF PROPOSAL

This reserved matters application seeks approval of the; Appearance, Landscaping, Layout and Scale for the erection of 190 dwellings and associated open space and infrastructure, following the approval of outline application 17/3853M.

The site is recognised as low-density as per the numbers allocated for it within the Local Plan. The 190 dwellings will be made up from 133 market dwellings and 57 affordable units. Of the 133 market dwellings, these will comprise of a mix of detached, semi-detached and bungalow units ranging from 3-5 bed units and the affordable units from 1-4 bed units. The site will benefit from a large area of Open Space to the north of the site. Included in the proposals are a football pitch, an allotment, an orchard and a children's play area, including play equipment and parking provision nearby for each.

Revised plans have been received during the application process in response to concerns raised by the Council, predominantly in relation to design & open space. More specifically, concerns were originally raised regarding the mix of dwellings sought (both in terms of the market and affordable units), the formality of the street layout, the level of children's play provision and the surfacing of the footpaths and car park areas. In response, the applicant created a more informal street layout, introduced a greater mix of properties in terms of bedroom numbers and form for both the market and affordable units, and addressed the Open Space concerns.

RELEVANT HISTORY

19/2680M - Advertisement consent for 8x Direction Leader Boards, 1x V Stack and 20x Flag poles – Under consideration

19/2370M - Non-material amendment to planning approval 17/3853M - Outline planning application with means of access to be determined (all other matters reserved for subsequent approval) for the erection of up to 190 dwellings (Class C3); the provision of serviced land for allotments; a community orchard, a playing pitch, landscaping and open space; new internal highways, car and cycle parking; sustainable drainage measures including surface water retention ponds, provision of utilities infrastructure; earthworks and all ancillary enabling works – Withdrawn 2nd August 2019

17/3853M - Outline planning application with means of access to be determined (all other matters reserved for subsequent approval) for the erection of up to 190 dwellings (Class C3); the provision of serviced land for allotments; a community orchard, a playing pitch, landscaping and open space; new internal highways, car and cycle parking; sustainable drainage measures

including surface water retention ponds, provision of utilities infrastructure; earthworks and all ancillary enabling works – Approved 18th February 2019

17/4774S – EIA Screening Opinion – EIA not required 19th September 2017

ADOPTED PLANNING POLICY

Development Plan

The aspects of the Cheshire East Council Development Plan that are relevant to the application proposals include; the Cheshire East Local Plan Strategy (CELPS), the Knutsford Neighbourhood Plan (KNP) and the Macclesfield Borough Local Plan (MBLP). The relevant policies of these plans to the application proposals include;

Cheshire East Local Plan Strategy 2017 (CELPS)

LPS 36 – Northwest Knutsford

MP1 - Presumption in favour of sustainable development, PG1 - Overall Development Strategy, PG2 – Settlement Hierarchy, PG3 – Green Belt, PG7 - Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, IN2 - Developer contributions, SE1 – Design, SE2 - Efficient use of land, SE3 - Biodiversity and geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 - Green Infrastructure, SE9 - Energy Efficient Development, SE12 - Pollution, Land contamination and land instability, SE13 - Flood risk and water management, CO1 - Sustainable Travel and Transport, CO2 – Enabling Business Growth Through Transport Infrastructure, CO4 – Travel Plans and Transport Assessments, SC1 – Leisure and Recreation, SC2 – Outdoor Sports Facilities, SC5 – Affordable Homes, SC5 – Affordable Homes, EG1 – Economic Prosperity and EG5 – Town Centres First

Knutsford Neighbourhood Plan 2019 (KNP)

C4 – Utilities, D1 – The Knutsford Design Guide, D2 – Local Distinctiveness, D3 – Landscape in New Development, D4 – Sustainable Residential Design, E1 – Connections to the Countryside, E2 – Green and Blue Corridors, E3 – Habitat Protection and Biodiversity, E5 – Pollution, HW1 – Health and Wellbeing, HE1 – Landmarks, Views, Vistas and Gateways, HE2 – Heritage Assets, H1 – Housing mix, SL1 – Open Space in New Developments, SL3 – New Sport and Leisure Facilities, T1 – Walking in Knutsford, T2 – Cycling in Knutsford, T3 – Public Transport and T4 – Parking

Macclesfield Borough Local Plan (MBLP)

GC1 – Green Belts, NE3 – Protection of Local Landscapes, NE11 – Protection and enhancement of nature conservation interests, NE17 – Nature Conservation in Major Developments, H9 – Occupation of Affordable Housing Recreation and Tourism, RT5 – Open Space, RT6 – Allocated for additional Informal Recreational Facilities, RT7 – Recreation / Open Spaces Provision, DC3 – Amenity, DC6 – Circulation and Access, DC8 – Landscaping, DC9 – Tree Protection, DC15 – Provision of Facilities, DC17 – Water Resources, DC35 – Materials and Finishes, DC36 – Road Layouts and Circulation, DC37 – Landscaping, DC38 – Space Light and

Privacy, DC40 – Children’s Play Provision and Amenity Space, DC41 – Infill Housing Development and DC63 – Contaminated Land

Other material planning policy considerations

National Planning Policy Framework 2019 (NPPF)

Relevant paragraphs include;

7-14 – Achieving sustainable development, 34 – Development Contributions, 38-50 – Decision Making, 54-57 – Planning Conditions and Obligations, 59-79 Delivering a sufficient supply of homes, 80-84 Building a strong, competitive economy, 91-101 Promoting healthy and safe communities, 102-111 - Promoting sustainable transport, 112-116 - Supporting high quality communications, 122-123 Achieving appropriate densities, 124-132 – Achieving well-designed places, 133-147 Protecting Green Belt Land, 148-169 – Meeting the challenge of climate change, flooding and coastal change, 170-183 – Conserving and enhancing the natural environment, 184-202 - Conserving and enhancing the historic environment,

Cheshire East Design Guide Supplementary Planning Document (SPD)
National Planning Policy Guidance (NPPG)

CONSULTATIONS (External to Planning)

Head of Strategic Infrastructure (HSI) – No objections, but has concerns about the level of parking provision proposed for the sports pitches

Environmental Protection – No objections, subject to conditions including; the prior submission/approval of a dust management plan and the submission/approval of a piling method statement. Officer advises that if the overall layout of the scheme changes during the application process, the submitted Noise Impact Assessment (NIA) may also need updating

All other matters environmental amenity matters were considered as part of the outline permission and/or are to be dealt with by condition as part of the outline application

United Utilities – No objections, subject to a condition that no surface water shall discharge to the existing sewerage system either directly or indirectly, in accordance with the submitted information

Flood Risk Manager - No objections, subject to the implementation of the submitted flood risk and drainage details

Environment Agency - No objections

Natural England - No objections

Public Rights of Way – No objections

Ramblers Association - No comments received at time of report

ANSA Greenspace – No objections in principle, subject to receipt of the detail of the Open Space provision

Health Protection Agency - No comments received at time of report

Affordable Housing Manager – No objections

Knutsford Town Council – Object to the proposal on the following grounds;

- a. There doesn't appear to be a detailed drainage strategy as required by condition 5 of the outline application – the drainage details don't appear to include maintenance, for example
- b. It does not appear that the proposed design complies with Policy D2 of the Neighbourhood Plan as the housing is not locally distinctive. This is a key part of our Neighbourhood Plan.
- c. The proposal does not appear to include adequate and regular public transport provision required by Policy T3 of the NP
- d. The sports pitch still has no changing facilities as required by policies SL1/SL3
- e. There does not appear to be a strategy for development connecting to public utilities required by Condition 4

Tabley Inferior Parish Council - No comments received at time of report

REPRESENTATIONS

Neighbour notification letters were sent to the occupiers of all adjacent occupants, site notices were erected and the proposals were advertised in the local newspaper. In response, comments were received from approximately 31 interested properties/groups. The main areas of objection raised include;

Procedural matters

- Works on site have started – hedgerows removed along Northwich Road
- Parts of the submission do not adhere with elements of the outline application (Open Space requirements, Cycle provision requirements, Phasing plan provision)

Design

- Proposals represent a backwards step from the scheme indicated at outline stage within the Design and Access Statement. More specifically;
 - The scheme does not include character areas
 - House types proposed along spine road do not include local features
 - Western edge of spine road – garages set forward
- Street lighting proposals (Contrary to Knutsford NP)
- Too many straight roads
- 'Off the shelf' house types
- Width of 3 pedestrian/cycle routes out of the site are unclear and materials are inconsistent

Proposals contrary to the CELPS Policy SE1, Cheshire East Design Guide, Knutsford Neighbourhood Plan (including Knutsford Design Guide) and NPPF

Highways / Linkages / Footpaths / Cycleways

- No pedestrian/cycle link to Tabley Road (was conditioned within outline)
- Lack of adequate cycle ways (contrary the LPA 36, CO1, CO4 of CELPS and T2 of Knutsford NP) Also reference within conditions on outline permission
- Cyclist routes are unclear
- Lack of cycle parking provision
- Extent of cycle provision has been reduced from outline stage
- No detail of cycling surface material or cycleway width
- Travel plans are out of date and need to be updated to include cycle ways
- Lack of pedestrian crossing across Northwich Road to Knutsford Academy sites, Egerton Primary School
- No highway improvements along Northwich Road where new site meets old footpath onward to the town centre

Renewable Energy/Energy Efficiency

- Lack of provision of energy efficient features/design (contrary to CELPS, Design Guide SPD and Knutsford NP)

Landscaping and Trees

- Felling of 9 oak trees
- Landscape Management and Maintenance Plan needs updating to indicate schedule for playing pitch, amenity area and equipped play area incl facilities

Affordable Housing

- Clearly distinguishable from market homes, are single aspect only, block parking provision, lack of private amenity space

Flood Risk and Drainage

- Several areas of road that do not have suitable drainage to cover rainwater
- No drainage of Sports Area or Play Area provided
- Concerns regarding the type of drainage proposed
- Concerns over increased surface water run-off as a result of hardstanding

Amenity

- Concerns regarding hours of work and dust
- Parking areas backing onto Warren Avenue – loss of outlook, creation of anti-social behaviour, noise
- Loss of access from private garden on Warren Avenue onto field

Ecology

- Impact upon Knutsford Heath (Local Wildlife Site)
- Advocate the provision of a Wildlife corridor from Knutsford Heath westwards out to Bluebell Wood

Open Space

- *Play Area*
 - Location of LEAP, design and layout not supported – safety hazard
 - Lack of cycle provision
 - Management plan does not include replacement/renewal
 - Area proposed to be used as temporary site storage during construction (not allowed under S106)
 - Location close to road is dangerous. Suggestions - cycle and scooter parking, additional seating and bins
- *Sports Pitch*
 - Lack of detail on specification, construction, maintenance and responsibility
 - insufficient detail provided in relation to playing pitch, its construction details, drainage, parking provision or changing facilities
- *Orchard*
 - No detail provided in relation to planting, maintenance and management

Impact upon infrastructure

- Highway network pressures, overstretched GP practices, inadequate school places, lack of affordable housing

OFFICER APPRAISAL

Principle of development

This application shall consider the acceptability of the proposed development in the context of the reserved matters as the principle of erecting 190 dwellings, along with access, has already been granted. In this instance therefore, consideration of the Layout, Scale Appearance and Landscaping are the principal considerations.

Design

A Building for Life assessment has been undertaken to enable consideration of the Cheshire East Design Guide principles to be addressed. These are detailed below.

Layout

Hierarchy of streets – Amber

A central, tree-lined spine road extends through the site from the roundabout approved as part of the outline planning permission. It's from this road that the rest of the development is accessed.

As part of discussions during the application process, many of the roads that extended off this main central road, have been amended so they are less linear in design in order to add a degree of interest and assist with traffic calming.

Boundary treatments to the front of the properties can further enhance the hierarchy, with a more formal approach to the spine road and softer detailing to the rural/green edges of the site. The intention to enhance the hierarchy of the front boundaries to strengthen the overall street hierarchy is welcomed.

Connectivity - Amber

The site is well connected to local bus services that run along Northwich Road and additional vehicular connections have been reinstated. The site will be accessed by car by a single road extending from the approved roundabout. There are four occasions where either a cycle link or pedestrian footpath (or both) extend to the edge of the site. Two of these are pedestrian linkages onto Northwich Road to the south, another will link the site with Warren Avenue to the east and another would extend to the north of the site and eventually, provide a link into the safeguarded land and beyond.

Green Space - Green

The site has an overall low density and as such, there are large areas of green open space, most notably on the northern edge.

The dwellings that face onto the Public Open Space in the centre of the site, that will include a LEAP and a LAP (children's play equipment), provide a well surveyed area. Additional parking alongside these areas provides parking for visitors.

Parking - Green

An issue of predominantly front of plot parking with the originally submitted proposals has been resolved with a varied mix of parking solutions is now proposed across the site.

Views and Vistas - Green

There were initially concerns that there were areas of the site where the rear of properties formed the primary view from public spaces revealing rear boundary treatments. This issue has been subsequently resolved with the submission of a revised plan as the elevations that are visible from the public realm now have the same specification of detail to the window/cill/head as other primary elevations.

The addition of a quality boundary wall to public facing side boundaries that is set back and landscaped has been achieved and the intention to soften the front boundaries and landscaping towards the rural edge is there.

Legibility - Amber

The site is mostly legible with some feature buildings/activities at key nodes, particularly at the centre, where a curved grouping of dwellings is proposed that front onto an area of Public Open Space.

A varied roof scape is welcomed by the inclusion of a few taller units and bungalows during the application process.

Affordable housing and mix - Amber

The affordable houses are concentrated in certain areas of the site which is contrary to development plan policy. However, as a greater mix of dwelling forms have now been introduced, the identification of the affordable units is not as clear as it was on the original plans.

Density - Amber

Originally, the north and west edge of the site presented a dense edge which was contrary to the guidance in the design guide:

'Areas of lesser activity, for example sub-urban residential areas adjacent to open spaces or the countryside would have a reduced density and less formal character with more generous gardens.'

During discussions during the application process, the applicant amended the scheme to address this concern to more acceptable levels. On the western edge in particular, the number of properties have reduced in number and 2 bungalows introduced which in turn has resulted in a softer transition with the rural land beyond. In turn, 3 detached properties towards the middle of the site and been amended to form 6 semi-detached units. These changes result in no change to the overall provision of 190 dwellings.

Scale – Green

The design guide encourages a diverse roofs cape which necessitates the variation of height. It is not uncommon to see taller feature buildings particularly at nodal points and adjacent to POS/squares in the existing fabric of Knutsford.

There have been a number of 2.5 storey homes as well as two bungalows introduced to the layout which will improve the diversity of the roof scape and legibility throughout the site.

The layout reflects existing adjacent developments in type and density which helps to enable the new development to sit comfortably within the area.

Appearance

Corner Plots - Green

Concerns were originally raised in relation to the strength of the corner turning designs. In response, revised plans were received. The corner turning types have been identified and strengthened by the

addition of primary windows or feature details/dual aspect types and the side boundary specification to an acceptable degree.

Materials and Type - Amber

Although it is encouraged in the design guide (house types, making them unique) to take elements of the local vernacular and contextual characteristics and detailing, it is also expected that these elements will be used in such a way as to provide a distinct and unique character to the new development. It is also a requirement of the Knutsford Neighbourhood Plan.

The originally proposed house types were typically generic designs and consequently did not reflect the local character or materials, resulting in an autonomous development.

The applicant subsequently introduced a greater mix of property forms, which has assisted in alleviating this concern to a degree, however, there does remain a concern regarding the appearance of the dwellings not taking characteristic cues from the local area.

A submitted materials plan shows that the proposed dwellings would be finished in a mixture of Parkhouse Western Red-Multi, Ibstock Leicester Weathered Red, Parkhouse Marlborough Stock or rendered wall finishes (all with feature bricks also), and a mixture of slate grey and sunrise blend roof tiles, all of which will add a degree of interest, as will the large mix of detached property types proposed and slight changes in land levels.

The originally submitted street surface materials did not meet the standards set out in the CEC Design Guide, however, a revised plan was received during the application process which resulted in an improvement in this regard.

Landscaping (including trees)

Landscape

The proposals have retained the landscape buffers around the perimeter of the site and have also retained a street hierarchy, with avenues and tree lined streets. The Council's Landscape Officer originally advised that whilst he considered the landscape proposals to be positive, he had concerns about the location of the allotment parking. He considered that this could be easily inverted so that there is any area of mitigation/screening to the rear of the existing residential dwellings, rather than a car park area. The applicant has subsequently updated the plans to address this concern.

Updated boundary treatment details and landscape plans (hard and soft) have been received during the application process to reflect the changes made in response to design and open space concerns. A written update will be provided to committee on the acceptability of these changes.

Forestry

The submitted Arboricultural Impact Assessment (AIA) included an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) in accordance with the requirements of Condition 7 of the outline approval. The Assessment identified proposed tree and hedgerow losses either side of Sudlow Lane and along the northern section of Northwich Road to accommodate the proposed road junction (roundabout) agreed under the outline permission (17/3853M). As part of the proposed junction improvements, removal of existing road surfacing will be necessary close to retained trees

which the Council's Forestry Officer advises may impact on the root protection area (RPA) of four Oak trees (8T,19T,20T and 25T). The control and management of these works are identified in the supporting Arboricultural Method Statement (AMS) and will be subject to on site supervision by the project arboriculturist. The Council's Tree Officer advises that the methodology proposed is broadly acceptable and in accordance with the design parameters in *BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations*.

Footpaths proposed within the northern landscape buffer will require the removal of one low (C) category Hawthorn and will partially encroach into the RPA of a High (A) Quality Oak (32T). The Council's Forestry Officer advises that this element can be dealt with satisfactorily by a reduced/no dig engineering solution in accordance with the design parameters of BS5837:2012.

The Council's Tree Officer did raise concerns about the position of the proposed allotment car park and swale which encroaches into the Root Protection Area (RPA) of a retained Moderate (B) category Oak (30T). The Assessment states that over 50% of the outer root protection area of this particular tree will be lost, and suggests the impact on this tree will be high. Similar avoidance can be achieved in respect of an Oak (29T) located offsite where there is some encroachment into the RPA. The agent has subsequently submitted updated plans/reports to address these concerns. A written update will be provided to committee on this matter.

Highways

The site access and off-site highways mitigation measures were dealt with on the outline application, which included the provision of a new roundabout.

The Council's Head of Strategic Infrastructure (HSI) has advised that the proposed road infrastructure layout is in principle, acceptable for adoption. The level of off street parking for the residential units complies with CEC parking standards.

There is a pedestrian footway & cycleway provided on one side of the main spine road with a 2m footpath on the other. It is important that the cycleway is provided to the site boundary, which it does, to potentially link to the safeguarded land to the north. There are two other pedestrian links provided to Northwich Road from the site, these are required as they will provide access to the proposed pedestrian crossing on Northwich Road.

A small car park is provided for the allotments (12 spaces). The Council's HSI has concerns about this level of provision. However, it should be noted that additional parking spaces have been provided around the site as it was deemed from a design perspective, that by adding the additional parking in different locations on site, the area didn't become too car dominated.

For the above reasons, the application proposals are deemed to adhere with the relevant highway and parking policies of the development plan.

Amenity

Policy DC3 of the MBLP states that development should not significantly injure the amenities of adjoining or nearby residential property or sensitive uses due to (amongst other considerations); loss of privacy, sunlight and daylight, an overbearing impact and environmental considerations. Policy DC38 provides the recommended separation standards.

Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

The closest existing neighbouring properties to the application site are the occupiers of the properties to the south of the site, on the opposite side of Northwich Road, the occupier's of Memorial House to the south-east corner which shares two boundaries with the application site, the occupiers of the properties along Warren Avenue to the east and the occupiers of the closest properties to the north-east which are accessed off Spinney Lane.

The properties on the southern side of Northwich road would all be at least 45 metres away from the closest dwelling. This distance more than adheres with the recommended policy standards ensuring the occupiers of these properties should be not impacted by the proposed development in relation to; loss of light, privacy or an overbearing impact.

Memorial House, located to the south-east of the site, would again adhere with the minimum separation standards, ensuring the existing and future occupiers would not be impacted in relation to the above considerations.

The closest properties on Warren Avenue would all be well in excess of the minimum recommended standards from the closest of the proposed dwellings with a proposed allotment providing an intervening buffer. As such, the amenity of the occupiers of these closest neighbouring dwellings would not be detrimentally impacted in relation to loss of light, privacy or an overbearing impact.

There is also a landscape buffer between the proposed new housing and the properties on the Spinney and a distance between built form that comfortably ensures that these neighbouring properties are far enough away from the site so not to be impacted in relation to the above considerations.

In consideration of the amenities of the future occupiers of the proposed development, the layout adheres to, or closely adheres with, the recommended separation standards within the development plan to ensure the future occupiers of the proposed development are not detrimentally impacted in terms of light, privacy or an overbearing impact from each other.

Although some of the proposed gardens are a little on the small size, for this area of Cheshire East, the Council have no minimum garden size standards. Notwithstanding this, it is deemed that they are sufficient in order for the future occupiers to enjoy normal activities e.g. sitting out, hanging washing, BBQs etc. Furthermore, the site benefits from a large area of shared public green space to the north of the development.

In relation to environmental amenity, the acceptability of the different elements are considered below;

Noise

In consideration of aviation noise, the application site remains outside of aviation noise contours that would give rise to concerns. As such, aviation noise is not a material planning consideration.

In relation to road traffic noise, the site lies north of the A5033. A Noise Impact Assessment (NIA) was submitted in support of the outline application and concluded that the proposed development should not result in any adverse impacts resulting from road traffic noise. The NIA includes a detailed scheme of; acoustic glazing, acoustically treated ventilation and localised noise barriers to reduce

the noise from traffic in the worst affected outdoor living areas to Northwiche Road (a requirement of Condition 10 the outline application). The Council's Environmental Protection Officer has advised that the mitigation details submitted are acceptable. However, the NIA assessment may need to be updated to reflect the change to the site's layout. A written update on this will be provided prior to committee.

Air Quality

As part of the outline approval, Condition 13 required each property with allocated off road parking to include a single Mode 2 compliant electric vehicle charging point. The detail of this has been provided to the satisfaction of the Council's Environmental Protection Officer.

There are no other air quality matters to be addressed as part of this reserved matters application.

Contaminated Land

As part of the outline application, contaminated land was considered. It was determined that there were no specific contaminated land issues subject to a number of conditions. These included; Condition 15 – Prior submission/approval of Phase II contaminated land report, Condition 16 – Prior submission/approval of any soil forming materials and Condition 17 – Works to stop if contamination is identified.

The detail of the above shall be considered as part of a discharge of conditions application. There are no further contaminated land matters to consider as part of the current application.

For the above reasons, the application proposals are not deemed to have a detrimental impact upon amenity and would adhere with the relevant amenity policies of the development plan.

Ecology

There are various ecology matters to consider. These are broken down into the following subsections and assessed accordingly.

Designated Sites

This application site falls within Natural England's SSSI Impact risk zones. An 'assessment of likely significant effects' under the Habitat Regulations was completed by the applicant and submitted in support of the consented outline application at this site. No likely significant effects were identified at the outline stage and no mitigation was required.

Natural England have reviewed the submission and advised that they have 'no objections'. Based on the submitted plans, they do not consider that the proposed development will have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Badgers

The Council's Nature Conservation Officer advises that the drainage proposals would have a direct effect on disused badger sett. Assuming the sett remains inactive, the Council's Nature Conservation Officer advises that the proposed drainage works would not have a significant effect on badgers. Acceptable contingency measures have been submitted to cover the possibility that the sett did become active at the time of the drainage works. As the status of setts can change, the Council's

Nature Conservation Officer advises that if consent is granted, a condition should be attached which requires the submission of an updated badger survey prior to the commencement of any drainage related works within 30 metres of the disused sett.

Bats

An updated bat survey has been undertaken of the trees on site. The following trees were identified as having moderate or above potential to support roosting bats: 30T, 32T, 35T. Arboricultural works are proposed to 30T. This tree has now been subject to a bat survey and no evidence of roosting bats were identified. The proposed works to this tree are therefore not likely to affect roosting bats.

Construction related lighting may result in a localised effect on bats foraging and commuting in the vicinity of the proposed drainage works. To avoid this impact, the Council's Nature Conservation Officer advises that a condition should be attached that no lighting should be used during construction of the drainage works.

The Council's Nature Conservation Officer has advised that construction related noise and vibration associated with the drainage works is unlikely to have a significant effect on bats.

Hedgerows

Native hedgerows are a priority habitat and hence a material consideration. As anticipated at the outline stage, the proposed development will result in the loss of a section of hedgerow to facilitate the site entrance and roundabout. The Council's Nature Conservation Officer advises that compensatory native species hedgerow planting must be provided to address this loss.

The landscape plans have now been updated to show the extent of the compensatory hedgerow proposed and the Council's Nature Conservation Officer advises that this is acceptable.

One significant length of proposed new hedgerow is proposed outside of the site edged red. However, it does fall within the blue edge of the application which denotes the applicant's ownership of this land. As such, in the event of approval, a condition is proposed to secure this provision. The applicant has agreed to this.

Habitat Landscape Management Plan

The Council's Nature Conservation Officer advises that the submitted updated management plan is acceptable. If reserved matters consent is granted a condition is required to secure its implementation.

Adherence with Ecology conditions on outline permission

- Condition 19 (Submission of a ground nesting bird strategy): Submitted detail acceptable
- Condition 20 (Updated badger survey): Updated survey submitted as required by condition. Survey shows that the proposal is unlikely to have an effect on any known badger sett. Although the proposal would result in some loss of foraging habitat, this would be limited
- Condition 21 (Lighting to avoid impacts of wildlife): Original details submitted were found to be acceptable. Updated plans have been received as a result of the introduction of bungalows and semi-detached properties. A written update will be provided prior to committee on the acceptability of these revisions.

- Condition 22 (Ecology enhancement strategy): A strategy has been received. The Council's Nature Conservation Officer advises that this includes acceptable proposals, a new wildlife pond, native species planting and sufficient bird and bat boxes.
- The Friends of the Heath submitted a suggested strategy for the provision of additional offsite habitat creation measures, designed to maximise connectivity between Knutsford Heath Local Wildlife Site and other habitats within the wider landscape. CELPS Policy SE 3 requires development proposals to aim to positively contribute to biodiversity and the NPPF requires development proposals to deliver a measurable net gain for biodiversity. The Council's Nature Conservation Officer therefore advised that in order to maximise the contribution made by this scheme under this condition in accordance with local Plan policy, the applicant should integrate the Friends of Groups suggestions into their condition 22 submission. This has now been secured and is deemed acceptable. This strategy has subsequently been updated to reflect the change in the layout of the development (introducing the new house types). A written update will be provided to committee on the acceptability of the amendments made to this document.
- Condition 23 (Hedgehog gaps): Proposals submitted are acceptable

Flood Risk and Drainage

The entire site falls within a Flood Zone 1, which is deemed to have a low probability of flooding. As part of the outline application, the Council's Flood Risk Manager raised no flood risk concerns in principle, but requested the applicant submitted finalised plans that propose sustainable drainage systems that do not increase the risk of flooding on or off-site. This was added as a condition on the outline application (Condition 5). This detail is being considered by the Council under a discharge of conditions application (19/1803D) and if deemed to be acceptable, the proposal is deemed to provide acceptable drainage infrastructure that would not result in flood risk concerns. The Environment Agency have raised no objections on flood risk grounds.

United Utilities raised no objections on the outline application and again have raised no issues in relation to the current application, subject to a condition that no surface water shall discharge to the existing public sewerage system either directly or indirectly in accordance with the submitted information.

The application proposals are therefore deemed to adhere with Policy SE13 of the CELPS.

Affordable Housing

It was a requirement of the S106 agreement as part of the outline permission that the scheme would provide 57 affordable units.

The submission shows that the scheme will provide the required 57 units and are split directly to the required 65%/35% tenure split.

The revised proposed Affordable housing plan shows the provision of an appropriate mix of property sizes and split. Furthermore, the affordable housing officer is satisfied with the siting of the provision which is now better distributed throughout the site. An acceptable affordable housing statement has now also been provided.

Open Space

The application proposes; a sports pitch, a play area, an orchard and an allotment. The acceptability of these elements are considered below;

Sports Pitch

An 11 v 11 sports pitch is proposed (87.8 metres x 51.2 metres), including run-offs for U13/14 football. The Council's Open Space Officer advises that this will satisfy the Playing Pitch Strategy; comply with the outline planning consent and the local community. A Football Pitch document has been provided that includes more detail and a management and maintenance regime for a minimum period of up to 15 years, again, deemed to be acceptable.

Play Area

The requirement is for 40sqm of Public Open Space, 20sqm of which should be for children's play [formal and informal]. Originally, just a LEAP was proposed where there should also be a requirement for a LAP. The applicant has provided updated plans in order to provide this requirement. The siting of the LEAP and LAP are together in an area of Public Open Space towards the centre of the site. This is deemed to be a good location so all future occupiers of the scheme and wider members of the community can access the facility.

Orchard

The Council's Open Space Officer originally had concerns regarding the location of the proposed Orchard, with a preference that they are located within the allotments. However, the officer has accepted the applicant's rationale that, if the allotments are to be transferred over to the Town Council, essentially, they will become semi-private and will not be used and benefited by everyone within the development and within the local community. Moving the orchard within the Allotments will remove the natural connection people can have whilst walking & cycling through the development.

Allotment

The Council's Open Space Officer is supportive of the position of the allotments and the associated proposed car park because it will assist in accessibility. In consideration of the associated boundary treatment, a higher treatment was agreed during the application process to give more security whilst still in keeping with the site. In addition, the allotment car park surfacing has been amended to be tarmac for maintenance purposes at the request of the Council's Open Space Officer.

POS pathways

The Council's Open Space Officer was originally concerned about the surfacing materials proposed and their suitability for year-round use. The Officer advises that Self Binding Gravel was not an acceptable option for routes within the proposed development. Self binding gravel is a maintenance burden. It does not provide a long term, accessible surface, it deteriorates quickly, becomes dirty, uneven and unusable to all but the most mobile and in 'outdoor' shoes. As a result of this concern, the applicant updated plans to show that the surfacing will now be tarmac, which is welcomed by the Council's Open Space Officer.

Public Rights of Way

The Council's Public Rights of Way Officer has advised that the proposal does not appear to affect a public rights of way.

Other Matters

The associated outline planning application included a number of requirements to include details of certain elements of the scheme with the reserved matters application. It is confirmed that all of this documentation has been received to the satisfaction of the relevant consultees.

Conclusions

The principle of the erection of 190 dwellings on this site, along with access arrangements has already been permitted under application 173853M. This application considers the remaining Reserved Matters, which comprise of design considerations including; layout, scale and appearance and also matters of landscaping.

The design aspects of the proposals include; layout, scale, form and appearance. These elements have been improved during the application process to an extent where the design of the development is now deemed to be acceptable.

Matters of landscaping are satisfactory and is suitable for its purpose, subject to a final review by the Council's Landscape Officer.

No issues are raised with regards to; highways, amenity, ecology, flooding and drainage, affordable housing, open space or public rights of way, subject to either final reviews of the revised plans by relevant consultees or conditions where deemed necessary.

The application is therefore recommended for APPROVAL, subject to the receipt for further consultation responses.

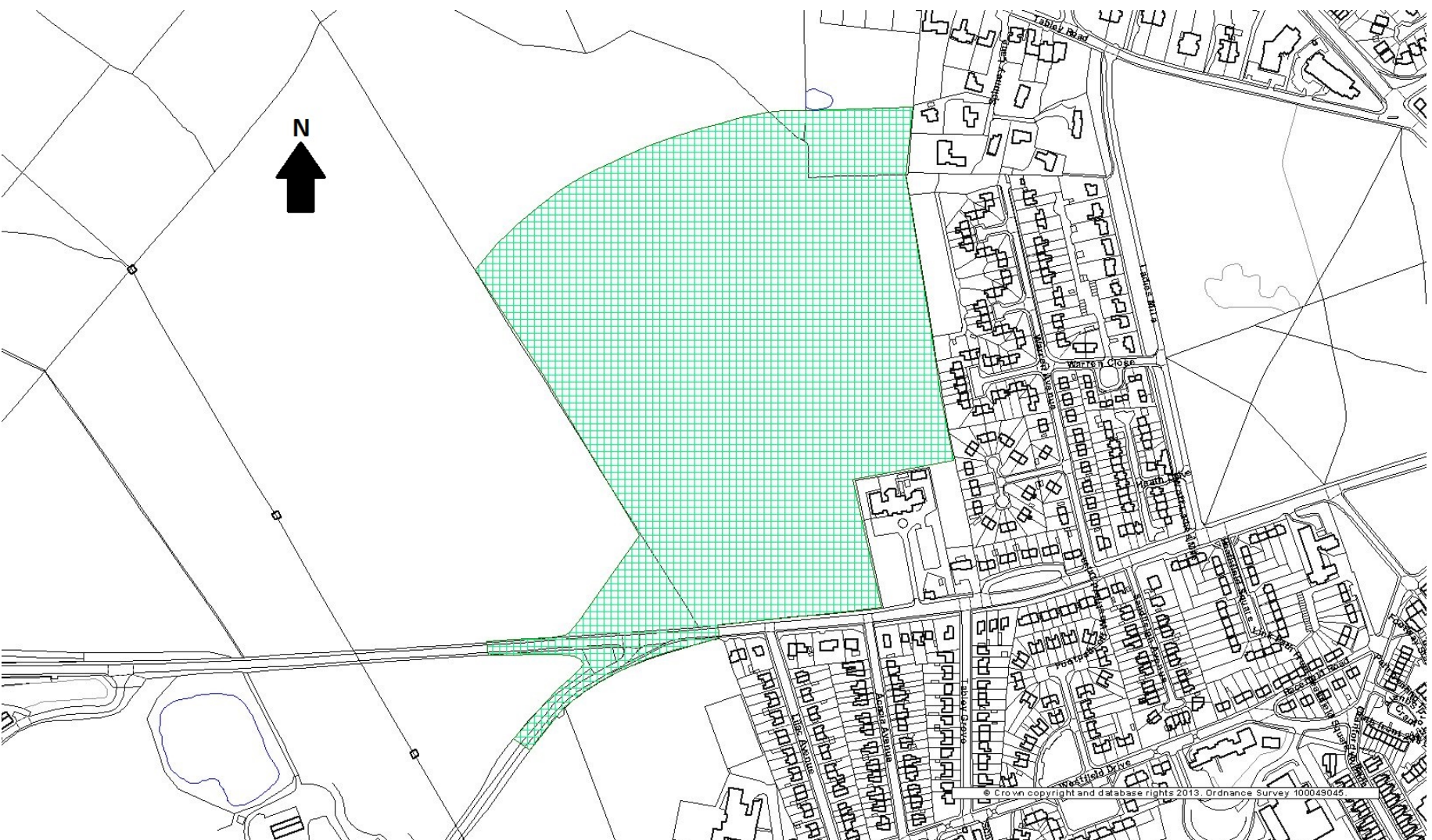
RECOMMENDATION

APPROVE, subject to comment from outstanding consultees, and the following conditions;

- 1. In accordance with outline permission**
- 2. In accordance with approved plans**
- 3. Materials – As per application**
- 4. Arboricultural Method Statement - Implementation**
- 5. Noise Impact Assessment – Implementation**
- 6. Submission/approval of an updated badger survey prior to the commencement of any drainage related works within 30 metres of the disused badger sett**
- 7. No lighting should be used during construction of the drainage works**
- 8. Hedgerow planting - Implementation**
- 9. Habitat Landscape Management Plan – Implementation**
- 10. Ecology enhancement strategy/plan – Implementation**

- 11. No surface water shall discharge to the existing public sewerage system either directly or indirectly in accordance with the submitted information
- 12. Football Pitch Management and Maintenance Strategy– Implementation
- 13. Levels – Prior submission/approval

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



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Application No: 19/2539C

Location: Land South Of, OLD MILL ROAD, SANDBACH

Proposal: 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).

Applicant: Mr C Muller, Muller Property Group

Expiry Date: 13-Sep-2019

SUMMARY

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

The proposal includes an out-of-centre retail development. It is accepted that there are no sequentially preferable sites. However the development would have a high trade impact and would have a significantly adverse impact upon Sandbach Town Centre. As a result the proposed development is contrary to the NPPF and policies EG5 of the CELPS and HC2 of the SNP.

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

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

The site is an important gateway to Sandbach and the proposed commercial development fails to take the opportunities available for improving the character and quality of the area and is contrary to Policy SE1 of the CELPS, Policy H2 of the SNP and

guidance contained within the NPPF.

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

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

As the principle of retail development on the site is not considered to be acceptable, the impact upon Bats fails the tests within the Habitat Directive. Part of the site is within the Sandbach Wildlife Corridor and the development would result in an overall loss of biodiversity. The development is contrary to Policies NR2 of the Congleton Local Plan, SE 3 of the CELPS, PC4 and JLE1 of the SNP.

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

The proposed development would affect PROW Nos 17, 18 and 19. The PROW would be accommodated along narrow corridors at the rear of the retail development or residential properties affording no natural surveillance and the potential for anti-social behaviour. The proposed development would be contrary to Policy CO1 of the CELPS, Policy GR16 of the CLP, Policies PC5 and JLE1 of the SNP.

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

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

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

RECOMMENDATION

REFUSE

PROPOSAL:

This is a hybrid application which seeks full planning permission for 3.07 hectares of the site for the following;

- Foodstore (1,956sqm gross internal area and 110 vehicular parking spaces)

- Petrol filling station and ancillary sales kiosk/convenience store (expected to be operated by BP with the kiosk/convenience store operated by M&S simply food. This would have a gross internal area of 481sqm)
- Drive-through restaurant (gross internal area of 306sqm)
- Drive-through coffee shop (gross internal area of 167sqm and including 23 parking spaces)
- Two retail units (collectively they would have a gross internal area of 284sqm and be occupied by a national chain bakery operator and a national sandwich chain operator)
- Offices (Class B1) extending to 849sqm (gross internal area). The building would have 3 floors and be two and a half stories in height. (This use replaces the farm shop which was originally proposed as part of application 18/4892C)

The outline part of the application relates to the remaining 3.96 hectares for the following;

- Care home (78 bed extra-care facility – Class C2)
- 85 dwellings (mix of 2-4 bed houses) with 30% affordable housing. The dwellings are proposed to be two storey with some two and a half storey units.
- Conversion of an existing barn building into two dwellings
- Refurbishment of the existing farmhouse which is currently occupied as two separate dwellings

The application will also include the associated site access (an enlarged 5 arm roundabout off Old Mill Road), internal road network, vehicular parking spaces, landscaping and public open space.

The application is EIA development and is accompanied by an Environmental Statement.

SITE DESCRIPTION:

The application relates to 7.03 ha of land. The site located within the open countryside as defined by the Congleton Borough Local Plan. However the site is located within the Settlement Zone Line as identified within the Sandbach Neighbourhood Plan. Part of the site is also located within a wildlife corridor.

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

RELEVANT HISTORY:

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

creation of associated access roads, public open space and landscaping – Refused 1st March 2019 for the following reasons;

1. *The proposed development would have a high trade impact. There are also concerns regarding the potential loss of linked trips associated with the trade impacts on the Waitrose and Aldi anchor stores in Sandbach Town Centre. The impact on Sandbach Town Centre as a whole would be significantly adverse and would outweigh the small improvement in consumer choice that the application scheme would deliver. The proposed development would be contrary to policy EG5 of the CELPS, HC2 of the Sandbach Neighbourhood Plan and the NPPF.*
2. *This is an important gateway location and prominent site in Sandbach. The level of information provided to demonstrate the appearance and design impact of the site engineering is inadequate. The commercial buildings are all standard designs that pay little regard to Sandbach as a place and consequently the development will not suitably integrate and add to the overall quality of the area in architectural terms. The proposed development fails to take the opportunities available for improving the character and quality of the area and is contrary to Policy SE1 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.*
3. *The commercial part of the development would be car dependent and insufficient information has been submitted with this application to show how the proposed development would be served by public transport and how the site would be linked to Sandbach Town Centre and thereby encouraging linked trips. The proposed development is contrary to Policies SD1, SD2, CO1 and CO2 of the CELPS, Policies GR9, GR10 and GR13 of the Congleton Local Plan and Policies H5 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.*
4. *The proposed development would affect PROW Nos 17, 18 and 19. The PROW would be diverted along estate roads or pavements (which is an extinguishment of the public right of way) or accommodated along narrow corridors at the rear of the retail development or residential properties affording no natural surveillance and the potential for anti-social behaviour. The proposed development would be contrary to Policy CO1 of the CELPS, Policy GR16 of the Congleton Local Plan, Policies PC5 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.*
5. *The Local Planning Authority considers that insufficient information has been provided to demonstrate that the site could accommodate the number of dwellings proposed together with the required level of Open Space/Green Infrastructure/Childrens playspace. As such the proposed development is contrary to Policy SE6 of the CELPS, Policy GR22 of the Congleton Local Plan and guidance contained within the NPPF.*
6. *The application site is of a very challenging topography including an escarpment that runs along the central part of the site. It is considered that there is insufficient information contained within the application in relation to the proposed levels and there is limited evidence of any landscape mitigation within the application. On this basis the development would not achieve a sense of place nor has design quality. The proposed development is therefore contrary to Policies SD2, SE1 and SE4 of the CELPS, PC2 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.*

7. *The proposed development is located partly within the Sandbach Wildlife Corridor and within 2-3m of the top of the bank of Arclid Brook. The proposed development would result in a loss of a substantial area of habitat within the wildlife corridor. The application does not provide a strategy to deliver compensatory habitats of the proposed development upon the wildlife corridor. Without this information the proposed development would be contrary to Congleton Local Plan Policy NR4, CELPS Policy SE3 and SNP Policies PC4 and JLE1.*
8. *The Local Planning Authority considers that insufficient information has been submitted in support of this application to allow an assessment of the impact of the development upon Water Vole. The Council therefore has insufficient information to assess the potential impacts of the proposed development upon this protected species. The proposed development is contrary to Policies NR2 of the Congleton Local Plan, SE 3 of the Cheshire East Local Plan Strategy, PC4 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.*
9. *There is a small bat roost present within an existing building on the site and this proposed development would result in a low impact upon this species as a result of the loss of this roost. The proposed development fails two of the tests contained within the Habitats Directive and as a result would also be contrary to Policies NR2 of the Congleton Local Plan, SE 3 of the Cheshire East Local Plan Strategy, PC4 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.*

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

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

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

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

13/1398S – EIA Screening – EIA Required

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

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP1 – Presumption in Favour of Sustainable Development

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG6 – Open Countryside

PG7 – Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 - Design
SE 2 - Efficient Use of Land
SE 3 - Biodiversity and Geodiversity
SE 4 – The Landscape
SE 5 – Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 7 – The Historic Environment
SE 9 – Energy Efficient Development
SE 12 – Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management
EG3 - Existing and Allocated Employment Sites
EG5 – Promoting a Town Centre First Approach to Retail and Commerce
IN1 – Infrastructure
IN2 – Developer Contributions
SC4 – Residential Mix
SC5 – Affordable Homes
CO1 – Sustainable Travel and transport
CO2 – Enabling Growth Through transport Infrastructure
CO4 – Travel Plans and Transport Assessments

Congleton Borough Local Plan

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

Sandbach Neighbourhood Plan (SNP)

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

PC2 – Landscape Character
PC3 – Policy Boundary for Sandbach
PC4 – Biodiversity and Geodiversity
PC5 – Footpaths and Cycleways
HC1 – Historic Environment
HC2 – Protection and Enhancement of the Town Centre
H1 – Housing Growth
H2 – Housing Layout

H3 – Housing Mix and Type
H4 – Housing and an Ageing Population
H5 – Preferred Locations
JLE1 – Future Employment and Retail Provision
IFT1 – Sustainable Transport, Safety and Accessibility
IFT2 – Parking
IFC1 – Community Infrastructure Levy
CW1 – Amenity, Play, Recreation and Outdoor Sports
CW3 – Health
CC1 – Adapting to Climate Change

National Policy:

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

Of particular relevance are paragraphs:

11 Presumption in favour of sustainable development.
50 Wide choice of quality homes
85-90 Ensuring the Vitality of Town Centres
102-107 Promoting Sustainable Transport
124-132 Requiring good design

CONSULTATIONS:

Cheshire Archaeology: No comments received.

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

Conditions suggested.

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

15 x £11,919 x 0.91 = £162,694.00 (primary)
13 x £17,959 x 0.91 = £212,455.00 (secondary)
1 x £50,000 x 0.91 = £45,500.00 (SEN)
Total education contribution: £420,649.00

CEC Housing: No objection.

Cadent Gas: General advice provided.

CEC Environmental Health: Conditions suggested in relation to noise mitigation, hours of use, construction/dust management plan, external lighting, electric vehicle infrastructure, low emission boilers and contaminated land. Informatives suggested in relation to contaminated land and construction hours.

CEC Spatial Planning: As the principal of housing on the site has already been established, the main policy consideration from the Strategic Planning team's perspective is whether the 'out of centre' retail element of the application will have a significantly adverse impact on Sandbach town centre bearing in mind the 'town centre first' policy approach of the Council and national policy. It is assumed that colleagues in other areas of the Council will comment on the extent to which the application satisfies relevant policies in the Council's statutory development plan for their areas of specialty e.g. landscape, design, wildlife, green infrastructure, public transport, highways etc.

WYG have undertaken a detailed appraisal, on behalf of the Council, of the Retail Impact Statement and other related matters submitted by the applicant to support the retail element of their proposal. This has highlighted potential concerns about the impact the proposal will have on individual convenience goods retailers within Sandbach town centre, as well as the potential for loss of linked trips to the town's principal shopping area resulting from diverting trade away from Aldi and Waitrose. This is considered to outweigh the small improvement in consumer choice that the proposal will deliver.

Consequently, WYG have concluded that the overall impact of the application on the vitality and viability of Sandbach town centre is likely to be significantly adverse. The applicant has also failed to assess the compatibility of the proposed scheme with the size and scale of Sandbach town centre. For these reasons, the application fails to satisfy policy EG5 of the Council's Local Plan Strategy, policy HC2 of the Sandbach Neighbourhood Plan and paragraphs 89 & 90 of the NPPF.

In the light of WYG's conclusions, there are considered to be good retail policy reasons for refusing this application.

Natural England: No objection.

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

Sandbach FP18

- A more detailed plan is required to show that the footpath will be 2m wide and between grass verges of 2m in width. There are sections where it looks like this will not be achieved.
- No surfacing of the footpath is provided
- Sectional information is required together with details of the boundary treatment
- Footpath no. 18 is depicted as being accommodated along a narrow corridor between retail development and particularly the rear of a large food store. This would create an unattractive ginnel giving rise to the potential for anti social behaviour. It would also run to the rear of the existing residential properties affording no natural surveillance.

Sandbach FP19

- Further information is required on the distance that the footpath is offset from the road
- The footpath is shown running outside the application boundary. How will the diversion be secured?

Sandbach FP17

- No provisions have been made for this footpath

Sandbach FP50

- The footpath is shown running outside the application boundary. How will the diversion be secured?

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

Open Spaces Society: Object to the application. The proposed development does not currently make adequate provision for the PROW on the site.

Ramblers Association: No comments received.

Sustrans: No comments received.

Highways England: Whilst the development doesn't necessarily present a significant traffic generation in the direction of M6 Junction 17, given the current climate at M6 Junction 17, and also the ongoing Capricorn application, Highways England would have welcomed an assessment of the motorway junction (capacity modelling) to support this application. However, the development is unlikely to have a significant *additional* impact on the operation of this junction and with this in mind we offer no objection in this instance.

CEC Regeneration: No comments received.

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

CEC POS: This application is an improvement on 18/4892C with regards to the public open space however there are still reservations as to whether the scheme meets the requirements of Policy SE6 and the needs of the new and existing community.

Much of the green infrastructure being provided is buffer planting and landscaping required for the retention of trees, hedgerows and as part of an acceptable urban design and to for allow SUDs. Clarification should be sought to confirm how much of that provision is actual useable recreational open space

This application sits alongside Sandbach Wildlife Corridor and improvements have been made to increase the green infrastructure running along this side however there are questions as to how the large gabion retaining baskets and 6.9m high concrete retaining wall conserves or improves the area.

Although the C2 care home does not require amenity green space by policy SE6, it does require quality communal space for the residents and there is little evidence of this.

A play area is proposed to the SE of the site connecting through to existing housing. There is a deficiency of children's play within 800m of the development site. This size of development should offer a NEAP catering for all ages to Fields in Trust standards taking into account the 30m buffer to the nearest dwelling.

For this development the POS Officer expects to see a combined 40m² children's play and amenity green space for the family dwellings.

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

Indoor sport contribution of £29,531 required.

Cheshire Wildlife Trust: No comments received

NHS England: A contribution of £72,972 is required to mitigate the impact of the development.

CEC Flood Risk Manager: Conditions and an informative are suggested.

Environment Agency: No objection subject to the imposition of planning conditions.

VIEWS OF THE TOWN COUNCIL:

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

- Cheshire East has adequate housing for next 5 years.
- The Development is in Open Countryside.
- If this development were to go ahead it would worsen an already bad traffic situation.
- Enlarging the roundabout won't improve traffic flow as the main holdup is at the lights going towards junction 17. As referenced by Highways England in their representation, this application does not consider the impact of traffic there, or the combined impact of this site with Capricorn. The Transport Assessment is greatly flawed in several aspects and the infrastructure in Sandbach is already stressed.
- Acceptable pollution limits in this area have almost been reached, with this site potentially worsening further the ongoing issue of Air Quality in Sandbach.
- There are enough of the types shops in Sandbach that have been included in the planning application. Furthermore an out of Town Retail centre would cause shops in town to close due to dilution of trade and will contribute to a loss of identity in Sandbach. There appears to have been no consideration given to linked trips between this development and the Town Centre.
- The lack of consideration of pedestrianised, or public transport infrastructure between this development and the Town Centre could lead to elderly residents with mobility issues in the care home being effectively stranded in an out of town development.
- Safety impact the proposed roundabout may have upon pedestrians accessing the site.
- Footpaths 17, 18 and 19 would be adversely affected if this application went ahead.
- All footpaths should also be made cycle accessible. Members are in full support of comments made by Cycling UK.
- There will be an increase in litter from new food outlets.
- The setting of the Sandbach Community will be significantly affected. The area, which is situated on a gateway to Sandbach.
- There will be a detrimental impact on local school places.
- There will be a detrimental impact on the Doctors surgery, as noted by the NHS in their representation.

- The retail impact assessment fails to mention or take into account the new B&M store next door the site.

As a result of the above, this application is in contravention of the following Planning Policies: HC2, PC5, H1, H3 and IFT1 of the Sandbach Neighbourhood Development Plan and PG2, SD2, EG5, SC5, SC6, CO1 of the Cheshire East Local Plan Strategy.

REPRESENTATIONS:

Letters of objection have been received from 66 local households and the Stop Old Mill Campaign and 1 local business which raise the following points;

Principle of Development

- The application is almost identical to the previous refused application
- Inaccurate/out-of-date information contained within the application
- Employment opportunities generated by this development will be limited to low value, part time and zero hours
- The application should be put on hold until all other developments around the town are completed
- There are brownfield sites available for certain aspects of this development (the petrol station and the care home)
- The development will open up land for further development on the opposite side of Houndings Lane towards Malkin Bank
- There are enough housing/development being built in Sandbach
- Loss of countryside
- The facilities proposed are already available in Sandbach
- This development is not identified within the CELPS
- Cheshire East has an adequate housing supply
- There is no need for further housing in Sandbach
- This application is not sustainable
- This application is contrary to the Sandbach Neighbourhood Plan
- Cheshire East has a 5-year housing land supply
- Loss of Green Belt
- Degradation of the countryside
- The applicant relies heavily on the approved fall back position for the approved application for 200 dwellings
- Landscape impact of the proposed development
- The applicant has failed to fully assess and justify the principle of the scheme
- The applicant is heavily reliant on the fall-back position of 200 dwellings

Retail Impact

- This development will replicate the problems at the Grand Junction Retail Park in Crewe
- Detrimental impact upon the viability of the town centre
- The Aldi store has recently been extended
- The development will cause harm to those trading on the high street. Sandbach is a small town and small companies work hard to make a living
- The development would divert footfall from the town centre
- The proposed development is speculative
- The development will detract from the businesses operating in the town centre

- There is no need for a coffee shop, discount food retailer or fast food outlet
- The petrol station at J17 has recently been extended and has plenty of capacity
- This retail development does nothing to reduce car journeys or capture trade which goes out of the area
- All the development will do is to take sales from existing stores within Sandbach Town Centre
- The retail report does not mention the new B&M Store
- The development will create a ghost town
- No need for a further supermarket
- There is a new petrol filling station at J17
- The development will result in Sandbach Town Centre being deserted like Crewe
- There are significant failings in the way the Sequential and Impact Assessment have been undertaken
- It cannot be concluded that the Sequential Test has been passed
- Significant adverse impact upon Sandbach Town Centre

Design/Heritage Issues

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

Highways

- Impact upon M6 J17
- Gridlock and long delays on the local road network
- Problems in Sandbach when there is an accident on the M6
- This is not sustainable location
- The development would be dependent on the use of private motor vehicles
- Poor pedestrian/cycle access
- The application does not propose electric vehicle charging points
- The proposed development is only accessible by car
- Lack of cyclist provision within the development
- Lack of pedestrian provision
- The site is committed as a result of the floored VISSIM model
- The additional arm on the roundabout will harm traffic flows and would not be an improvement
- The existing road acts as a barrier to pedestrian/cycle movements between the site and the Town Centre
- Increased HGV delivery movements in a congested area
- Poor road layout at the junction of Old Mill Road/The Hill
- Sandbach needs a bypass before this development is approved
- Existing difficulties accessing the Palmer Road estate (including emergency vehicles)
- The proposed development is very car orientated
- The roadworks on the M6 have had a major impact upon traffic in Sandbach
- Old Mill Road is at capacity at peak times
- Access to this site would suffer from the existing heavy congestion
- Increase in traffic congestion
- Providing a pedestrian crossing near the Waitrose roundabout will worsen existing congestion
- There would be severe disruption when the access is constructed to serve the site
- The impact upon the highway network needs to be addressed in full

Amenity

- Noise pollution from increased stop start traffic
- Light pollution
- Amenity implications from the proposed loading bay to serve the supermarket
- The development will result in an increase in Nitrogen Dioxide air pollution
- The development will impact upon local air quality
- Noise and disturbance from the proposed supermarket/drive-thought and car park

Green Issues

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

Infrastructure

- Impact upon local infrastructure (A&E, doctors, dentists and schools)
- There needs to be greater investment in local infrastructure
- The care home will impact upon medical provision in Sandbach
- Lack of electric vehicle charging provision within the development

Flood Risk/Drainage

- Drainage – water run-off could impact upon water quality at the brook on site
- Increase in risk of flooding
- The applicant has failed to justify the impact upon Arclid Brook

Other issues

- Impact upon health of residents from fast food restaurant
- Litter from the fast food restaurant
- Impact upon the PROW on the site
- There would be limited economic benefits
- Lack of consultation
- Documents have been removed from application 12/3329C
- Loss of agricultural land
- Lack of pedestrian infrastructure

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

- In addition to contravening policies of the Cheshire East Local Plan, the proposed development is also contrary to policies in the Sandbach Neighbourhood Plan, specifically, HC2, H5, JLE1, IFT1 and PC5.
- In general terms the development would have a serious, permanent and negative impact on businesses in Sandbach Town Centre.
- It will also have an adverse impact on the Wildlife Corridor and Footpaths (FP) 17, 18, 190 and 50.
- The volume of traffic likely to be generated will exacerbate current traffic levels

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

- The position has not changed since the refusal of application 18/4892C

- There appears to be no protection from contaminated drainage water entering Arclid Brook. The provision of a petrol filling station plus all of the associated car parking raises the risk of potential contamination
- The application states that there are no designated sites affected by this development. This is incorrect. The site is adjacent to the Sandbach Wildlife Corridor which is designated as a Local Wildlife Site in the SNP.
- The area has a colony of Banded Demoiselle Dragonflies and there is some evidence of Water Vole in this location
- The provision of controlled interceptors for car parks is inadequate
- The objection letter from the Environment Agency is fully supported
- The proposals for the existing PROW are unacceptable. The PROW would be swallowed up by pavements and ginnels.

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

- It has previously been stated that if the application is resubmitted that provision is made for a footway/cycle link access to Houndings Lane. It is not clear if this will be achieved as there are discrepancies within the Planning Statement and Transport Statement
- The upgrade of the link to Laurel Close as a cycle link should be considered
- Signing should be provided to mark Houndings Lane to Mill Hill Lane as a through route for cyclists. There should be modifications to bypass the cattle grid
- Cycle parking should be provided – including 1 space for each apartment
- The new 5-arm roundabout will mean that vehicle speeds increase at the roundabout which would be a hazard for cyclists. The existing shared cycle/pedestrian footways are hardly used as they are too narrow
- The Toucan crossing should be amended to provide a straight crossing as opposed to a staggered crossing

APPRAISAL

Principle of Development

Open Countryside/Settlement Zone Line

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

Housing

As stated above the site is within the Settlement Zone Line as defined by the SNP. Policy PC3 (Policy Boundary for Sandbach) of the SNP states that;

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

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

Retail

The NPPF requires a retail impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no such threshold the default threshold of 2,500m² of gross floor space is applied). The NPPF also requires the application of a sequential test for main town centre uses that are not in an existing centre nor in accordance with an up-to-date development plan. The application site is an out-of-centre location.

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

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

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

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

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

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

- Not adversely impact on locally identified natural environmental assets. Proposals will positively enhance watercourses and wildlife corridors and development which harms or does not demonstrate compatibility with the wildlife corridor will not be permitted.
- Demonstrate their impact upon the highway network and identify measures to mitigate any harmful impact
- Demonstrate sustainable access (public transport, pedestrian and cycle provision) and green corridors

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

It should be noted that the council has employed a Retail Planning Consultant White Young Green (WYG) to assess the retail planning implications of this development.

Sequential Test

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

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

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

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

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

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



The applicant has not adopted any minimum site size threshold in searching for potential sites within and on the edge of Sandbach Town Centre. As a result almost all of the sites are well below the size of the application site. The applicant discounts 29 of the 32 sites assessed as being 'insufficient site area'. The largest of these 29 sites extends to 1.4 hectares which represents just 20% of the size of the application site (7 hectares) and 45.6% of the commercial area (3.07 hectares). It is accepted that 29 out of the alternative sites are of an unsuitable size to accommodate the proposed development.

The remaining sites are as follows;

Site 11 – Westfields, Middlewich Road

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

Given the limited size of the site (1.6 hectares) and that it is in active use. It is accepted that the site is not available for development whilst the parcel of land to the east is not suitable for the proposed development.

Site 14 – Sandbach Park, Congleton Road/The Common

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

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

Site 26 – Leonard Cheshire Home, The Hill

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

In addition to the above sites the Homebase store on Old Mill Road measures 0.7 hectares and will become vacant in April 2019. The site is approximately 25% of the size of the site associated with the 'full element' of the hybrid application. This site has recently been occupied by B&M and as such is not available for the proposed development.

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

Retail Impact Assessment

Paragraph 89 of the NPPF indicates that applications for retail development may be refused where a 'significant adverse' impact is likely to arise from the development.

Further guidance is provided within the NPPG which states that;

'A judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example, in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact.'

The applicant has identified a catchment area for the development which is focussed on Sandbach and its surrounding hinterland. This is a reasonable approach and the defined centres identified comprise Sandbach, Alsager and Middlewich (Key Service Centres) and Haslington (Local Service Centre). WYG have advised that they would expect to see an assessment of impacts for each of the defined centres within the catchment area. The applicant has focussed its assessment on Sandbach Town Centre and WYG do not consider that sufficient explanation is provided as to the impact upon other defined centres within the catchment area.

In order to assess the potential impact a proposal may have on a town centre, the applicant should firstly assess the existing performance and overall health of the relevant defined centres. The Retail Impact Statement submitted concludes that the findings of the WYG 2016 health check remain valid and that the centre continues to be vital and viable.

The key conclusions of the WYG assessment highlighted by the applicants are as follows;

- The centre performs an important role in catering for the retail and service needs of the surrounding residential catchment. Waitrose and Aldi function as key anchor stores. Convenience goods provision (Broadly defined as food, drinks, tobacco, newspapers, magazines, cleaning materials, toilet articles) is above national average in terms of both the proportion of units and floorspace. The proportion of comparison goods (Other goods not classified as convenience goods) is below the national average, and has decreased since the previous health check in 2009. Nevertheless the overall range of comparison retail in the town centre is considered to be good for a centre of its size.
- The proportion of vacant units and floorspace is below the national average. The majority of the vacant units are small and there is no evidence of long term vacancy.
- Overall Sandbach town centre is considered to be healthy with a strong representation from convenience and independent operators.

The Aldi store has recently been extended and refurbished (completed in November 2018). However there are no planned or committed investment schemes in Sandbach town centre that could be affected by the proposed development.

The RIA focusses on the assessment of impacts upon Sandbach Town Centre in terms of convenience goods only. The impact upon comparison goods is not provided as the proposed comparison goods floorspace is limited and significantly below the NPPF. This is considered to be appropriate and reflects the ancillary and limited nature of the comparison goods floorspace proposed.

The applicant's assessment of convenience goods turnover of the proposed scheme is summarised in table 3.1 below taken from the WYG assessment.

Table 3.1: Estimated Convenience Turnover of the Proposal

Proposal	Gross Floorspace (sq.m)	Net Floorspace (sq.m)	Net Convenience Floorspace (sq.m)	2019 Sales Density (£/sq.m)	Turnover at 2023 (£m)
Discount Foodstore	1,959	1,256	1,005	10,205	10.36
M&S Convenience Store	481	278	278	10,549	2.96
Total				-	13.32

WYG have confirmed that they are satisfied with the sales density and the overall approach to estimating the turnover of the discount foodstore and the M&S kiosk.

The pods are expected to be occupied by a bakery and sandwich shop and are not assessed as part of the impact assessment. This is an acceptable approach as they will act as ancillary functions to the wider development.

The applicant's trade draw assessment of the proposed scheme is summarised in table 3.2 below taken from the WYG assessment.

Table 3.2: Assumed Convenience Trade Draw of the Proposal

Proposal	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Inflow
Discount Foodstore	80.0%	-	-	2.5%	10.0%	2.5%	5.0%
M&S Convenience Store	60.0%	2.5%	2.5%	2.5%	10.0%	2.5%	20.0%
Total	75.6%	0.6%	0.6%	2.5%	10.0%	2.5%	8.3%

Table 3.3 below provides a summary of the trade diversion and impact assessment of the proposed development taken from the WYG assessment.

Table 3.3: Assumed Convenience Trade Diversion to the Proposal

Destination	Trade Diversion to Proposal		
	M&S Simply Food	Discount Foodstore	Proposal Total
	Diversion	Diversion	Diversion
Sandbach Town Centre			
<u>Sandbach Principal Shopping Area</u>			
Iceland, High Street	£0.07m (2.4%)	£0.26m (2.5%)	£0.33 (2.5%)
Waitrose, Flat Lane	£1.18m (39.9%)	£0.26m (2.5%)	£1.44 (10.8%)
Local Shops	£0.15m (5.1%)	-	£0.15 (1.1%)
Sub Total Sandbach Principal Shopping Area	£1.40 (47.3%)	£0.52m (5.0%)	£1.92m (14.4%)
<u>Elsewhere in Sandbach Town Centre</u>			
Aldi, Middlewich Road	£0.30m (10.1%)	£7.77m (75%)	£8.07 (60.6%)
Total Sandbach Town Centre	£1.70m (57.4%)	£8.29m (80%)	£9.99 (75.0%)
Sandbach Outside Town Centre		-	
Co-op, Middlewich Road	£0.07m (2.4%)	-	£0.07 (0.5%)
Co-op, Lawton Way	£0.07m (2.4%)	-	£0.07 (0.5%)
Co-op, Saxon Cross PFS	£0.07m (2.4%)	-	£0.07 (0.5%)
Total Sandbach Outside Town Centre	£0.21m (7.1%)	-	£0.21 (1.6%)
Total Destinations Outside Sandbach	£1.04m (35.1%)	£2.07m (20%)	£3.11 (23.3%)
Total	£2.96 (100%)	£10.36m (100%)	£13.32 (100%)

Source: Tables 6C, 7C and 8C at Appendix 1 of the May 2019 Retail Impact Statement.

Based on existing shopping patterns and the location of the proposal WYG is broadly satisfied with the trade diversion assumptions in relation to the proposed M&S kiosk.

The applicant assumes that 20% of the expected turnover from the proposed discount foodstore will be diverted from outside Sandbach. WYG state that given the extended/refurbished Aldi in Sandbach that it is unlikely that the proposed discount foodstore will divert such a substantial proportion of its turnover from destinations outside Sandbach. The household survey undertaken identifies that the most popular convenience shopping destinations outside Sandbach are Tesco on Vernon Way in Crewe and Morrisons at Dunwoody Way in Crewe. WYG state that the proposed discount foodstore will not offer a significantly different retail offer to that already available in Sandbach to enable it to attract shoppers from the 'Big 4' supermarket operators such as those in Crewe. Instead a greater proportion of the proposed discount foodstore's trade will be diverted from destinations in Sandbach town centre.

However it should be noted that the applicant states that its assessment is based on the worst-case scenario for reasons including that the M&S kiosk is likely to offer an element of comparison goods. WYG agree that this would result in a lower convenience turnover and trade diversion to

the proposed development. On balance WYG are satisfied that the impact assessment provides an assessment of the likely trade diversion from Sandbach Town Centre.

WYG have provided a summary of the assessment of trade impact on Sandbach town centre and they have stated that it is important that the impact on individual stores located within the centre to consider whether the proposal could result in the closure of an anchor retailer within the town centre. WYG have also identified the percentage trade diversion impact on individual stores as shown in table 3.4.

Table 3.4: Convenience Trade Impact of the Proposal Estimated by CBRE

Destination	No Development Turnover at 2023	Proposal Total	
		Diversion	Impact
	(A)	(B)	(C) = -(B)/(A)
Sandbach Town Centre			
<u>Sandbach Principal Shopping Area</u>			
Iceland, High Street	£1.00	£0.33	-33.0%
Waitrose, Flat Lane	£20.34	£1.44	-7.1%
Local Shops	£0.81	£0.15	-18.5%
Sub Total Sandbach Principal Shopping Area	£22.15	£1.92	-8.7%
<u>Elsewhere in Sandbach Town Centre</u>			
Aldi, Middlewich Road	£23.38	£8.07	-34.5%
Total Sandbach Town Centre	£45.53	£9.99	-21.9%
Sandbach Outside Town Centre			
Co-op, Middlewich Road	£1.83	£0.07	-3.8%
Co-op, Lawton Way	£3.51	£0.07	-2.0%
Co-op, Saxon Cross PFS	£0.21	£0.07	-33.3%
Total Sandbach Outside Town Centre	£5.55	£0.21	-3.8%
Total Destination Outside Sandbach	-	£3.11	-
Total	-	£13.32	-

Notes: No development turnover and trade diversion at 2023 sourced from Table 9C at Appendix 1 of the May 2019 Retail Impact Statement. Percentage trade impacts calculated by WYG from CBRE's assessment.

The applicant has not assessed the cumulative impact of the proposed development and the extension/refurbishment of the existing Aldi store is not taken into account in its assessment of trade impacts.

WYG consider that the Aldi store is trading exceptionally well and that this store is most likely to better serve existing customers rather than divert significant levels of trade from other destinations. It is the view of WYG that the cumulative impact assessment of the application proposal in conjunction with this implemented scheme is not necessary.

There is one further change in Sandbach's retail offer following the preparation of the household shopper survey which informs the applicants retail impact assessment. This is the closure of the Homebase unit and its re-occupation by B&M. The B&M store is located within the town centre boundary and 80m from the Principal Shopping Area. This store should technically be afforded some policy protection. However the potential to foster linked trips with the wider centre is not as strong as the more centrally located and accessible Aldi store.

As the opening of the B&M store post-dates the applicants impact assessment the cumulative effects of this store on other facilities in the town centre has not been considered. WYG has stated that it is important to consider the cumulative effects of B&Ms introduction.

The policy test is whether the proposal will have a significant adverse impact on the vitality and viability of the town centre as a whole. This is not simply just assessed looking at the quantitative level of trade impact alone but should include an assessment of what the potential implications are 'on the ground' resulting from the level of monetary diversion, consumer choice and general commercial confidence in the market.

Both the Waitrose and Aldi offer a wide range of convenience products which could realistically meet shopper's main food requirements. The recently completed extension to the Aldi store will have added to this comprehensive offer. Given the level of convenience goods floorspace which would be delivered at Old Mill Road should the application be permitted, WYG consider it likely that of the convenience provision within the town centre, these two stores will be most affected by the proposal.

The trade diversions applied by the applicant result in an impact of -34.5% on the Aldi, -7.1% on the Waitrose, -33% on Iceland and -18.5% on the 'local shops'. The impacts identified on the existing foodstores within the town centre boundary are high, particularly in the case of the Aldi store, Iceland and the local shops, and above what may be considered acceptable from an impact point of view. Furthermore the recent opening of B&M which provides a discount led grocery offer is likely to appeal most to those already using the Aldi and Iceland stores, inevitably diverting some trade from these facilities and reducing turnover.

In table 3.5 below WYG have recalculated the applicant's assessment of the performance of the Aldi store to take into account its recent extension.

Table 3.5: Performance of Aldi Store with No Development at 2023 taking into account Store Extension

Store	Net Convenience Floorspace (sq.m)	Benchmark Sales Density at 2023 (£ per sq.m)	Benchmark Turnover at 2023 (£m)	Survey Derived Turnover (£m)	Trading Performance Against benchmark (£m)
Aldi, Middlewich Road	1,198	11,012	13.19	23.38	10.19

This shows that the over-trading at the store reduces from £14.32m to £10.19m once the extension is taken into account. WYG have recalculated the combined trade impact assessment of the proposal on Aldi and the trading performance against its company average reduces from £6.21m of over-trading to £2.08m.

Although the trade impact is high the Aldi store would still be performing above benchmark average post development. This indicates that the quantitative impact of the application scheme is unlikely to be at a level which could result in the closure of the store. However it should be noted that the survey-derived turnover of the Aldi store may be an over-estimate of the true turnover of the store and no account has been taken in quantitative terms of the future effects of the recently opened B&M store.

The healthy trading position of the town centre Aldi should be supported and not be considered to represent available 'capacity' from which an out-of-centre store can acceptably divert trade to support its turnover. The Aldi fulfils a role as an important anchor that attracts shoppers to the centre and generates linked trips with other town centre destinations.

The impact on the Iceland and the local shops in Sandbach town centre are also considered to be exceptionally high. WYG consider that the turnover of the Iceland and local stores may have been under-estimated to some extent. Nevertheless they are of the view that the exceptionally high impacts suggest that the application site could potentially result in the closure of some of these stores.

The trading impact upon the Waitrose store (-7.1%) is not on its own considered to be significantly adverse. However as an important anchor store any impacts upon the Waitrose store will have associated impacts upon linked trips to Sandbach Town Centre.

The applicants trade impact assessment indicates that the application scheme will overall result in a direct -21.9% convenience goods impact on Sandbach Town Centre, inclusive of the Aldi store immediately adjacent to the Principal Shopping Area. This is considered to be a high level of trade impact and the application scheme could result in the long-term viability of some stores being undermined, eventually leading to closures.

Table 3.7 summarises the overall trading performance of the town centre stores taking into account the Aldi extension. The table shows that without the proposed development the convenience stores would be collectively trading at £9.9m company average benchmark levels (£45.53m turnover compared to a benchmark of £35.83m).

Table 3.7: Performance of Sandbach Town Centre (inc. Aldi) with Development at 2023 taking into account Aldi Extension

Store	Benchmark Turnover at 2023 (£m)	Survey Derived Turnover (£m)	Proposal Total Trade Diversion (£m)	Survey Derived Turnover with Proposal (£m)	Trading Performance Against benchmark with Proposal (£m)
Sandbach Town Centre					
<u>Sandbach Principal Shopping Area</u>					
Iceland, High Street	2.70	1.00	0.33	0.67	-2.03
Waitrose, Flat Lane	19.13	20.34	1.44	18.90	-0.23
Local Shops	0.81 ¹	0.81	0.15	0.66	-0.15
<i>Sub Total Sandbach Principal Shopping Area</i>	<i>22.64</i>	<i>22.15</i>	<i>1.92</i>	<i>20.23</i>	<i>-0.11</i>
<u>Elsewhere in Sandbach Town Centre</u>					
Aldi, Middlewich Road	13.19 ²	23.38	8.07	15.31	2.12 ³
Total Sandbach Town Centre	35.83	45.53	9.9	34.54	-0.29

Notes: Figures sourced from Table 9C at Appendix 1 of the May 2019 Retail Impact Statement excepting where detailed below. ¹ For the purposes of this performance assessment WYG assumed that the benchmark turnover for 'Local Shops' equals the survey-derived turnover with no development at 2023. ² Benchmark turnover of Aldi store taking account of extension sourced from Table 3.6 above. ³ Trading performance taking account of store extension as calculated by WYG in Table 3.6.

The healthy trading position and performance of the centre is estimated to be completely absorbed by the application scheme, which the applicant estimates will divert £9.9m of trade from the town centre. Overall, convenience trading performance is estimated to be reduced to slightly

below company average benchmarks and this ignores the effect of the recently opened B&M store.

The impact assessment suggests that the trading performance of the Town Centre as a whole could potentially decline substantially from its currently healthy level to an 'average' level, which would represent a substantial and significant reduction in the performance of Sandbach town centre. WYG therefore consider that the overall impact of the application scheme on the vitality and viability of the town centre as a whole is likely to be significantly adverse.

It is recognised that the application scheme will improve consumer choice, providing local residents with access to an additional discount convenience operator in the town. Nevertheless, WYG note that Sandbach residents already benefit from the presence of a discount foodstore operator in the town centre, the recently opened B&M store as well representation from two other main foodstore operators (Waitrose and Iceland). WYG therefore consider that the significant adverse trade impact on Sandbach town centre significantly outweighs the small improvement in consumer choice that the application scheme would deliver.

Policy HC2 of the Sandbach Neighbourhood Plan includes that applications for out of centre retail development will only be supported if they are compatible with the size and scale of the existing town centre. The application proposal is large relative to the existing convenience retail facilities in Sandbach. However, the applicant has not provided an assessment of the scheme's compatibility with the size and scale of the Sandbach town centre.

Employment Generation

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

The applicant has stated that the likely number of jobs sustained by the operational phase of the commercial part of the development proposal is likely to be between 183-242 FTE jobs calculated as follows;

- Food store 98-131 jobs
- Petrol Filling Station Kiosk 24-32 jobs
- Drive through restaurant 15-20 jobs
- Drive through coffee shop 8-11 jobs
- Offices 53-84 jobs
- Retail pod unit 14-18 jobs

In terms of the residential part of the scheme the applicant quotes a report by Nathaniel Lichfield on behalf of the Home Builders Federation (HBF) which found an industry average of 1.5 jobs created per dwelling. The applicant has also referred to benefits to the supply chain from residential development (2.25 jobs created elsewhere per dwelling) and the additional expenditure by the future occupants (Per annum - £4,875 per household on food, £7,575 per household on non-food and £4,040 per household on leisure goods and services).

It is not disputed that both the commercial and residential parts of the development would create employment in this area. However the employment figures for the commercial development seem

very high when compared to other recent applications in Cheshire East and this needs to be weighed against the retail impact of the development as discussed above.

Highways Implications

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

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

Access Proposal

This application proposes a single point of access using the access strategy for the previous applications 13/2389C and 18/4892C to the roundabout on the A533/A534. The main access would be 6.75m wide together with shared pedestrian/cycle paths. An emergency access is indicated on the southern boundary of the site that links to Houndings lane.

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

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

Internal Layout

The main spine road is 6.75m wide and is suitable to provide access to the proposed level of development, swept paths have been submitted for articulated vehicles delivering to site and being able to turn. An emergency access is proposed to Houndings Lane located on the southern boundary of the site.

Car Parking

As the application is a hybrid application, there car parking requirements for the outline residential development can be determined at reserved matters. In regard to the commercial parking provision on site, there are total of 231 car parking spaces provided overall for the uses proposed. Using current CEC standards for each use class the requirement would be 263 car parking spaces. It is considered that the level of parking provision is sufficient for the proposed commercial uses on the site.

Development Impact

An assessment of the likely traffic impact of the development has been undertaken by the applicant, the assessments have been undertaken in 2019 and 2014. The assessments have included a number of committed developments in Sandbach. The modelling has been based on traffic count data undertaken in 2018 at a number of junctions that would be directly affected by the proposed development; traffic growth has also been added to the committed developments flows to form the basis of the assessments.

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

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

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

There is a significant interaction between The Hill signal junction and the A533/A534 roundabout. Congestion affects the operation of each junction and congestion occurs between both junctions. CEC has commissioned the design of an improvement scheme that seeks to improve the traffic throughput between the Hill junction and the A533 roundabout. This CEC improvement scheme would increase the number of lanes available between the junctions and make changes to the signal layout and timings.

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

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

The applicant has not modelled the capacity of the A533/Chapel Street junction but has assessed the percentage impact that the development would have at the junction. The maximum increase is forecast at 2.6% that is stated as not representing a material increase.

Accessibility

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

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

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

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

Cycle Provision

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

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

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

Amenity

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

The proposed drive through coffee shop would be a distance of 16.5m from the dwelling at 15 Condliffe Close and 16m from the dwelling at 11 Condliffe Close. The application site is set at a lower level to these adjacent dwellings and a section through the coffee shop shows that it would be set at a lower level to the terrace which includes No 11. It is considered that this relationship would be acceptable given the separation distances involved, the orientation of the adjacent dwellings and single storey nature of the proposed coffee shop.

The proposed foodstore would be located 26.6m from 1 Condliffe Close, 26.4m from 70 Palmer Road, 22.1m from 72 Palmer Road and 20.2m from 74 Plamer Road. The submitted sections show that the foodstore would be set at a much lower level than the nearest dwellings, as a result the impact upon residential amenity through overbearing impact, loss of light and loss of privacy is considered to be acceptable.

Further south the impact upon the dwellings fronting Laurel Close would be from the residential part of the development. As this in outline form the implications could only be considered at the Reserved Matters stage, but based on the submitted plan the impact it is not envisaged that the development would impact upon residential amenity.

Noise

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

The submitted NIA has not been updated since the previous refusal and based upon a different layout. The proposed mitigation is as follows;

- Noise mitigation for plots 64 to 67 and the communal gardens to the apartment block. In the form of a 2.3m high barrier. The indicative Master Plan shows that the proposed dwellings would be orientated so that the rear gardens no longer face towards the A534
- Internal habitable rooms would be mitigated through the provision of double glazing and trickle ventilation.
- The main impact from the commercial part of the development would be from the food store service area which would be set 4m lower than the adjacent dwellings. This change in levels would mean that noise levels would not exceed internal noise level criteria.
- The noise report also makes a number of recommendations in terms of effective site management.

The commercial premises have all got their own independent car parking areas. Being mindful of the close proximity of some to residential premises, consideration should be given to secure these areas when the commercial premises are closed in order to ensure vehicles do not congregate resulting in anti social behaviour and potential noise nuisance. This could be controlled via the imposition of a planning condition.

The mitigation measures recommended are considered to be sufficient to mitigate the development and the Environmental Health Officer has raised no objection to this application. A revised NIA would be required to support an future Reserved Matters application.

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

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

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

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

- 2017 - Verification;
- Opening year Do-Minimum (DM) (predicted traffic flows in 2019 should the proposals not proceed); and,
- Opening year Do-Something (DS) (predicted traffic flows in 2019 should the proposals be completed).

The assessment concludes that the impact of the future development on the chosen receptors will be *not significant* with regards to both NO₂ and PM₁₀ concentrations. However, two of the receptors (R9 and R12) are located within the nearby AQMAs and it is the Environmental Health Officer's opinion that any increase in concentrations within an AQMA is considered significant as it is directly converse to the local air quality management objectives, the NPPF and the Council's Air Quality Action Plan.

The proposed development is considered significant in that it is highly likely to change traffic patterns in the area. Sandbach has two Air Quality Management Areas and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

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

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

Contaminated Land

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

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

Lighting

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

Impact from Houndings Lane Farm

As part of the previous appeal decision on the site the Inspector expressed concern over the impact from the working farm on the proposed housing development. In this case the proposed development does not share the same relationship and an acceptable relationship could be secured at Reserved Matters stage.

Design/Built Heritage

The full part of the application relates to the commercial elements of the scheme which would be located at the north of the site with the residential elements (the outline part of the application) to the south of the site.

Efforts have been made since the previous refusal to address some of the issues highlighted as part of the previous refusal. However there remains certain fundamental issues about the character of the site, the detail of the proposed development and the adverse impact of the proposed development.

General Design Issues

The full part of the application would have buildings with larger footprints than the consented residential development. The large footprint of the buildings and the associated hard standing would not lead to betterment to ecological interests or the landscape. The siting of the commercial buildings to the northern part of the site means that standardised building forms with large footprints set behind extensive car parking which would be situated in the most visible parts of the site. The proposal results in a weak townscape.

The proposed layout of the commercial element turns its back on the residential elements and there is no sense of transition between the two parts of the site. The development does not appear well integrated and the housing will be defined by an approach into a retail park.

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

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

The prospective connectivity of the site to the town centre is a concern. Old Mill Road and the existing roundabout are significant obstacles and this will be made even more problematic by the changes to the roundabout and new access. It is imperative in sustainability terms that high levels of pedestrian connectivity can be achieved, to promote linked trips with the town centre and encourage walking and cycling to the site. Getting this wrong could lead to this becoming a car borne destination that competes with rather than compliments the town centre and which adds to some of its traffic problems.

Concept details have been submitted for public realm improvements to Brookhouse Lane. However, these are very much sketch details and need to be firmed up to ensure that they can be technically implemented and to form the basis for a scheme, should planning permission be

forthcoming. Certain of the principles may also be subject to the agreement with landowners other than the Council. The quality of the crossing associated with the highway alterations needs to focus on the needs of pedestrians; otherwise it will still act as a barrier and deter usage.

Detailed Part of the Application

The buildings are generic, standard designs with no indication that a strong design rationale has underpinned their design. This is amplified by them sitting in the midst of extensive areas of surface parking. The non-residential elements are a mishmash of conventional standard designs by certain potential occupiers, with their own specific corporate requirements. The applicant has attempted a more locally relevant design on certain buildings, but this seems rather randomly applied. Despite the assertions in the Design and Access Statement (DAS) there is no cohesion between the designs that would help to create a sense of them being a family of buildings or a distinct place, the principles of which could also then flow into the residential development behind.

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

The new space termed 'New Cross Square' is essentially a bus turning space rather than a genuine square that is the hub of activity and people focused. It is therefore a bit misleading as a concept.

The footpath FP18 would be enclosed between the boundary of the food store and the rear boundary of existing housing. This would create a poor environment in comparison to the open field setting at the moment. In addition, cross sections indicate the building would be set several metres below the level of the footpath.

The nature of the uses creates extensive areas of surface parking to the front and around buildings, exacerbated by servicing and drive thru accesses. This leads to weak urban form and the parking areas contain little tree planting to help break them down into smaller parking 'cells', instead relying on areas of peripheral landscaping.

Outline Part of the Application

It is accepted that this part of the application is indicative and this element of the scheme has improved since the previous refusal.

The development would no longer turn its back on Hounding's Lane and the A534. Fields Farmhouse and an associated barn would be retained, which is positive, but their open setting would be heavily compromised by buildings and parking areas surrounding the heritage asset.

Without levels information it is difficult to determine the impact of the inclusion of apartments and the extra care home. These could potentially be highly visible and uncharacteristic in terms of scale and massing. The footprint of the extra care implies a significant building. In the absence of levels and building heights parameters it is extremely difficult to determine whether this type of residential accommodation could be satisfactorily incorporated in a detailed proposal.

Built Heritage

Part of the site is occupied by Fields Farm and associated outbuildings. The farm is considered a non-designated heritage asset. The scheme seeks to retain the farmhouse and a barn to be converted to housing. A heritage assessment has not been submitted with this proposal in relation to the building and its setting.

Whilst Fields Farmhouse and barn is being retained within the illustrative layout, its setting would be significantly affected by the development as illustrated. Greater space would need to be retained around the buildings to enable open space and landscape to be incorporated to help reduce the impact upon its setting.

Design Conclusion

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

The commercial buildings are all standard designs that pay little regard to Sandbach as a place and consequently the development will not suitably integrate and add to the overall quality of the area in architectural terms. The submitted levels information demonstrated that the topography is not conducive to the proposed uses. The layout of the commercial element of the scheme is poor as it is dominated by car-parking, engineering structures and fails to respect the PROW on the site.

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

Archaeology

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

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

Public Rights of Way

The proposed development would affect PROW Nos 17, 18, 19 & 50. The PROW Officer has stated that the proposed development would have a direct and significant effect on the PROW. This view is accepted.

The application documents depict some of the Public Rights of Way running along the estate roads. It should be noted that *"any alternative alignment [of a Public Right of Way] should avoid the use of estate roads for the purpose wherever possible and preference should be given to the*

use of made up estate paths through landscaped or open space areas away from vehicular traffic" (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.8).

The diversion or accommodation of a public right of way along estate roads or pavements is effectively an extinguishment of the public right of way and therefore not a suitable provision. This applies to most of Footpath no. 19 and most of Footpath no.17. Footpath no. 18 is depicted as being accommodated along a narrow corridor between retail development and particularly the rear of a large food store. This would create an unattractive ginnel giving rise to the potential for anti social behaviour. It would also run to the rear of the existing residential properties affording no natural surveillance. This situation also applies to the continuation of FP 18 into the proposed residential development where the path would run at the rear of the houses. Crime prevention through environmental design principles should be employed to overcome these issues.

A section of FP 19 is proposed to be diverted around the perimeter of the site but outside the redline boundary. It is not clear what this area of land is or is proposed to be however the alignment of the path follows an unnatural trajectory hugging the site boundary with several right angled bends. This would not be an acceptable alternative provision.

Footpath no. 17 is also mostly depicted on the footways of roads. The connection to Laurel Grove would run along the side of houses where natural surveillance may also be an issue.

Footpath no. 50 which is off site in the north eastern corner is not shown on its correct alignment. This path wouldn't be able to be diverted under s.257 of the TCPA as it is not affected by development.

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

Landscape

The full part of the application seeks permission for a food store, a petrol filling station, a drive through restaurant and an office, with associated parking areas, access and landscape works.

A number of changes have been made to the proposals on this part of the site since the previous refusal. However the proposals still fail to address the topography of the application site in an acceptable form.

The submitted Landscape statement states *'Ultimately, it is a development which works with the existing landscape form, responding fully to the site's existing features and surrounding context'* and *'There are many opportunities to not only complement but enhance the existing natural features, mitigate any potential visual impacts of the development and improve the gateway into Sandbach'*. This doesn't appear to have been achieved. The proposals as shown on the Proposed Masterplan indicate that the development can only be accommodated on a site that has challenging topography by introducing a number of concrete and gabion basket retaining walls. In some cases along the western boundary these are up to 6.9m in height (concrete retaining wall) and 7.10m in height (gabion retaining baskets). As a result any mitigation in this part of the application site is very limited, with minimal mitigation proposed along the eastern boundary, adjacent to the existing residential properties along Condliffe Close and Palmer Road. The proposed retaining structures along the western boundary prevent all but minimal enhancement

along the western boundary of the site. The proposals have been amended in the northern part of the site, providing a more positive solution than previously.

With reference to the outline element of the proposals, there is already an extant permission for residential development on the application site and so any detailed layout would need to adhere to policies SE1 – Design, Policy SE4 – Landscape and the Cheshire East Design Guide.

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.

Full application

Access arrangements have been established from a junction to the A534/A533 Brookhouse roundabout under a previous outline planning approval which would require the removal of a 30 metre section of shelterbelt/mixed woodland to the north of the site, five low category C trees and two sections of hedgerow. This loss can be mitigated through landscape planting on the site.

Reference is made to a large mature high category Lime tree (T1) located off site to the north east of the site. The Assessment states that this will not be impacted by the development and can be adequately protected. However there are some concerns over the potential level changes to form the access and the impact upon this tree.

A prominent and high value mature Oak tree shown for retention on the previous outline permission and referred to in the Inspectors comments (para 13) was uprooted in high winds in March 2018 and has been subsequently removed from site.

As noted within the landscape and design sections the site has a challenging topography and changes in land levels. There are no significant trees within the northern part of the site which would be affected. However there is potential for changes in levels to impact upon the tree belt along the western boundary and this would result in landscape/design implications.

Outline application

The indicative layout proposes the removal of two Low (C) category trees, (a Cherry and over mature Ash) and a low (C) category Cypress hedge. One further tree, an Alder (T18) to the east of the site has been identified as unsuitable for retention (U category) and is to be removed irrespective of the development proposals.

The indicative layout shows an access along the southern boundary of the site encroaching within the root protection area (RPA) of a moderate (B) category Oak (T26). The Arboricultural Assessment suggests this is a minor encroachment and that to minimise damage it is proposed that a 'no-dig' cellular confinement system method is used. The plan suggests that the encroachment within the RPA of this tree is at least 25% of the RPA. Para 7.4.2.3 of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations advises that new

permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA. In addition the requirement for a 'no-dig' solution is dependent upon whether the Highways Authority requires the road to be to an adoptable standard and the position of services. Neither of these matters have been considered in the Assessment.

Due to the topography of the site and likely changes in levels to accommodate plots there will be a need to provide a detailed levels survey and cross sections as part of any reserved matters application which shall be read in conjunction with the Arboricultural Impact Assessment. This is critical to ensure that the RPA's of any retained trees are respected and in accordance with the design requirements of BS5837:2012.

Hedgerows

The application includes a Hedgerow Regulations Report. The report confirms that for the purposes of the Hedgerow Regulations 1997 none of the hedgerows are deemed to be important under the various criteria under the Regulations, although as stated a number have significant local nature conservation value/wildlife benefits.

Ecology

Environmental Statement

The submitted Environmental Statement (ES) was prepared in respect of an earlier application at this site and refers to a previous layout masterplan. The ES concludes that no ecological receptors present on site are of above local value. The Councils Ecologist advises that this is an under evaluation of a number of ecological receptors as Otter, Hedgerows and Roosting bats are in his opinion of local value.

Statutory Designated Sites

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

Sandbach Wildlife Corridor/Arclid Brook

The proposed development is located partly within the Sandbach Wildlife Corridor. Designated Wildlife Corridors are protected under Congleton Local Plan Policy NR4, CELPS Policy SE3 and SNP Policy PC4. The proposed development will result in a loss of a substantial area of habitat from within the wildlife corridor. The habitat lost is however of relatively limited nature conservation value. The proposed development would result in the culverting of a small section of Arclid Brook and the loss of hedgerows (a UK BAP priority habitat and a material consideration).

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

A strategy to deliver compensatory habitats to address the impacts of the proposed development upon the Wildlife Corridor was submitted and accepted in respect of earlier applications at this site.

The applicant has submitted a revised Ecological Mitigation strategy, which includes an assessment of the residual impacts of the proposed development using the Defra Biodiversity Metric. This assessment concludes that the proposed development would result in an overall gain for biodiversity as required by Policy SE3. The assessment has in the opinion of the Councils Ecologist both over and underestimated the biodiversity value of some of the habitats on site. It also fails to enter any values for the loss of a section of Arclid Brook, which is acknowledged by the applicant's consultant.

The Councils Ecologist has undertaken a Defra Biodiversity metric calculation and this shows a small gain in the extent of hedgerows on site, but an overall loss of biodiversity in respect of other habitats.

The proposed development will result in an overall loss of biodiversity from the designated Wildlife Corridor and also fail to deliver an overall gain for biodiversity in accordance with Local Plan policy SE3 (5). Further habitat creation measures are required to address the impacts of the proposed development upon the wildlife corridor and deliver an overall gain for biodiversity. These proposals should be informed by those submitted in respect of earlier applications at this site. If additional habitat cannot be provided on site then off-site habitat creation should be considered.

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

Water Voles

Water voles are known to occur on water courses in the locality of the proposed development. An updated survey has now been provided which did not record any evidence of water voles. The Councils ecologist advises that water voles are no likely to be present or affected by the proposed development.

Otter

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

The proposed access road crossing Arclid Brook is however likely to have an impact on otter as a result of loss of connectivity and increased risk of road traffic collisions. I therefore advise that in order to mitigate this effect the applicant must submit proposals for the incorporation of a mammal ledge under the culvert and suitable protective fencing to limit the risk of otters crossing the proposed road. This could be controlled via the imposition of a planning condition.

Roosting Bats (Buildings)

Evidence of bat activity in the form of a minor roost of a relatively common bat species was recorded within the existing barn building on site in 2018.

An updated survey (Harris Lamb 2019) has now been submitted. This latest survey consisted of an internal and external survey of the building and a single bat activity survey. No evidence of roosting bats was recorded during this latest survey.

In 2018 a bat survey undertaken by SESS Ltd described the buildings supporting the bat roost (building 3) as having Moderate potential to support roosting bats. This level of bat roost potential would trigger a need for two bat activity survey visits to establish presence/likely absence of bats under current best practice guidance.

The updated survey prepared by Harris Lamb, states that the buildings offers HIGH potential to support roosting bats and recommends that a further bat survey be undertaken to determine whether bats use the building for roosting. This level of bat roosting potential would trigger the need for three separate survey visits to establish likely presence. The Councils Ecologist advises that the single survey visit undertaken in 2019 is insufficient to establish the likely absence of a roost.

In section 5 of the 2018 SESS bat survey the buildings is said to support a longstanding but infrequently used roosting site for bats.

In the absence of further survey information to establish the likely absence of roosting bats, building 3 must still be considered to still support an longstanding infrequently used roost of small number of a widespread bat species. In the absence of mitigation, the proposed development, would result in a breach of the habitat regulations and is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NR2 of the Congleton Local Plan states that would result in the loss or damage of any site or habitat supporting species that are protected by law will not be permitted. Policy SE 3 of the CELPS states that development which is likely to have a significant impact on a site with legally protected species will not be permitted except where the reasons for or the benefits of the development outweigh the impact of the development.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to protect and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In terms of the Habitat Directive tests;

- The proposed development is not in the interests of public health or public safety. The site has significant issues which are outlined elsewhere in this report (such as retail impact, design, landscape, car dependency etc)
- There is satisfactory alternative and that would involve the redevelopment of the site under the consented residential scheme together.
- In order for the Council to be able to determine whether the favourable conservation status of the species satisfied that the favourable conservation status of the species concerned would be maintained the applicant should submit an outline bat mitigation and compensation method statement.

As the tests have not been met it is considered that the proposed development would be contrary to Policies NR2 of the CLP, Policy SE 3 of the CELPS, and Policy PC4 of the SNP.

Bats (Trees)

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

Foraging Bats

No extensive bat activity surveys have been undertaken. Bat activity recorded during the surveys of the trees on site was however relatively low and so the proposed development would not have a significant impact on foraging and commuting bats. The Council's Ecologist is of the view that the application site is unlikely to support high levels of bat activity. The retention of the existing hedgerows on site would further reduce the impacts of the proposed development upon commuting and foraging bats.

Lighting

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

Other Protected Species

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

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

Hedgerows

Hedgerows are a priority habitat and hence a material condition. The ecological mitigation strategy submitted in support of this application states that 402m of native species hedgerow would be provided to compensate for the loss of 172m of hedgerow lost as a result of the proposed development. The proposed native species planting is adequate to compensate for that lost.

Flood Risk/Drainage

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

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

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

Energy Efficient Development

Policy SE 9 (Energy Efficient Development) of the CELPS sets out that;

“non-residential development over 1,000 square metres will be expected to secure at least 10 per cent of its predicted energy requirements from decentralised and renewable or low carbon sources, unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable.”

It is considered reasonable to impose a condition on any planning approval for the submission of energy saving requirements in line with the above.

Affordable Housing

The Cheshire Homechoice waiting list shows a need with Sandbach as their first choice of 594 homes. This can be broken down to 269 x one bedroom, 194 x two bedroom, 90 x three bedroom, 22 x four bedroom and 19 x four+ bedroom dwellings.

The SHMA 2013 showed the majority of the house type demand annually in Sandbach is for 18 x one bedroom, 33 x two bedroom, 18 x three bedroom and 9 x four bedroom dwellings for general needs. The SHMA 2013 also showed an annual requirement for 11 x one bedroom and 5 x two bedroom dwellings for older persons. These can be via flats, cottage style flats, bungalows and lifetime standard homes.

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

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

The exact tenure split, locations and housing types can be finalised at Reserved Matters for the outline part of the application.

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. The proposed development is considered to represent an improvement following the previous refused scheme.

As noted above the proposed development affects a number of PROW which have been squeezed in behind both residential and retail units with a potential to create anti social behaviour as there is little or no passive surveillance.

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

Further LAPs (Local Area of Play) throughout the site should be considered with careful thought regarding the location in relation to properties and planting to reduce the potential for nuisance.

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

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

The submitted masterplan shows that the development would provide a sufficient level of open space to serve the proposed development in accordance with Policy SE6. The final details in terms of the layout and design of the open space could be secured at the Reserved Matters stage.

Outdoor Sport

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

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

Indoor Sport

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

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

Education

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

There will be a shortfall within the local primary schools and on this basis a contribution of £162,694.00 will be required to mitigate the impact of this development upon local primary provision.

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

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

Health Infrastructure

The patient list at Ashfields Medical Centre has been increasing at a significant level. Whilst the building is considered adequate, the increasing population will create significant pressure points within the practice and these are already starting to appear. Short term solutions are being looked at to review the increases in patient population. Expansion of the existing building is also being considered. On this basis a contribution of £72,972 will be required to mitigate the impact of this development if the care home is developed.

CIL Compliance

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

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

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

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

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

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

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

CONCLUSION

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

The proposal includes an out-of-centre retail development. It is accepted that there are no sequentially preferable sites. However the development would have a high trade impact and would have a significantly adverse impact upon Sandbach Town Centre. As a result the proposed development is contrary to the NPPF and policies EG5 of the CELPS and HC2 of the SNP.

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

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

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

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

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

As the principle of retail development on the site is not considered to be acceptable, the impact upon Bats fails the tests within the Habitat directive. Part of the site is within the Sandbach Wildlife Corridor and the development would result in an overall loss of biodiversity. The development is contrary to Policies NR2 of the Congleton Local Plan, SE 3 of the CELPS, PC4 and JLE1 of the SNP.

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

The proposed development would affect PROW Nos 17, 18 and 19. The PROW would be accommodated along narrow corridors at the rear of the retail development or residential properties affording no natural surveillance and the potential for anti-social behaviour. The proposed development would be contrary to Policy CO1 of the CELPS, Policy GR16 of the CLP, Policies PC5 and JLE1 of the SNP.

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

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

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

RECOMMENDATION:

REFUSE for the following reasons;

- 1. The proposed development would have a high trade impact. There are also concerns regarding the potential loss of linked trips associated with the trade impacts on the Waitrose and Aldi anchor stores in Sandbach Town Centre. The impact on Sandbach Town Centre as a whole would be significantly adverse and would outweigh the small**

improvement in consumer choice that the application scheme would deliver. The proposed development would be contrary to policy EG5 of the CELPS, HC2 of the Sandbach Neighbourhood Plan and the NPPF.

2. This is an important gateway location and prominent site in Sandbach. The commercial buildings are standard generic designs that pay little regard to Sandbach as a place and consequently the development will not suitably integrate and add to the overall quality to the area in architectural terms. Furthermore the topography of the site is not conducive to a large floorplate/car park format and would result substantial engineered retaining structures. The proposed development fails to take the opportunities available for improving the character and quality of the area and is contrary to Policy SE1 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.
3. The commercial part of the development would be car dependent and Old Mill Road would act as a barrier between the application site and Sandbach Town Centre. Furthermore the development would not encourage linked trips and is not considered to be sustainable. The proposed development is contrary to Policies SD1, SD2, CO1 and CO2 of the CELPS, Policies GR9, GR10 and GR13 of the Congleton Local Plan and Policies H5 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.
4. The proposed development would affect PROW Nos 17, 18 and 19. The PROW would be diverted along estate roads or pavements (which is an extinguishment of the public right of way) or accommodated along narrow corridors at the rear of the retail development or residential properties affording no natural surveillance and the potential for anti-social behaviour. The proposed development would be contrary to Policy CO1 of the CELPS, Policy GR16 of the Congleton Local Plan, Policies PC5 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.
5. The application site is of a very challenging topography including an escarpment that runs along the central part of the site. The submitted information demonstrates that the development will require engineered retaining walls with minimal landscape mitigation along the western boundary, whilst there would also be minimal landscape mitigation along the eastern boundary with Condliffe Close and Palmer Road. On this basis the development would not achieve a sense of place and would be harmful to the character of the area. The proposed development is therefore contrary to Policies SD2, SE1 and SE4 of the CELPS, PC2 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.
6. The proposed development is located partly within the Sandbach Wildlife Corridor. The proposed development would result in a loss of a substantial area of habitat within the wildlife corridor. The proposed development would result in an overall loss of biodiversity from the designated wildlife corridor. As a result the proposed development would be contrary to Congleton Local Plan Policy NR4, CELPS Policy SE3, SNP Policies PC4 and JLE1 and the NPPF.
7. There is a small bat roost present within an existing building on the site and this proposed development would result in a low impact upon this species as a result of the loss of this roost. The proposed development fails the tests contained within the Habitats

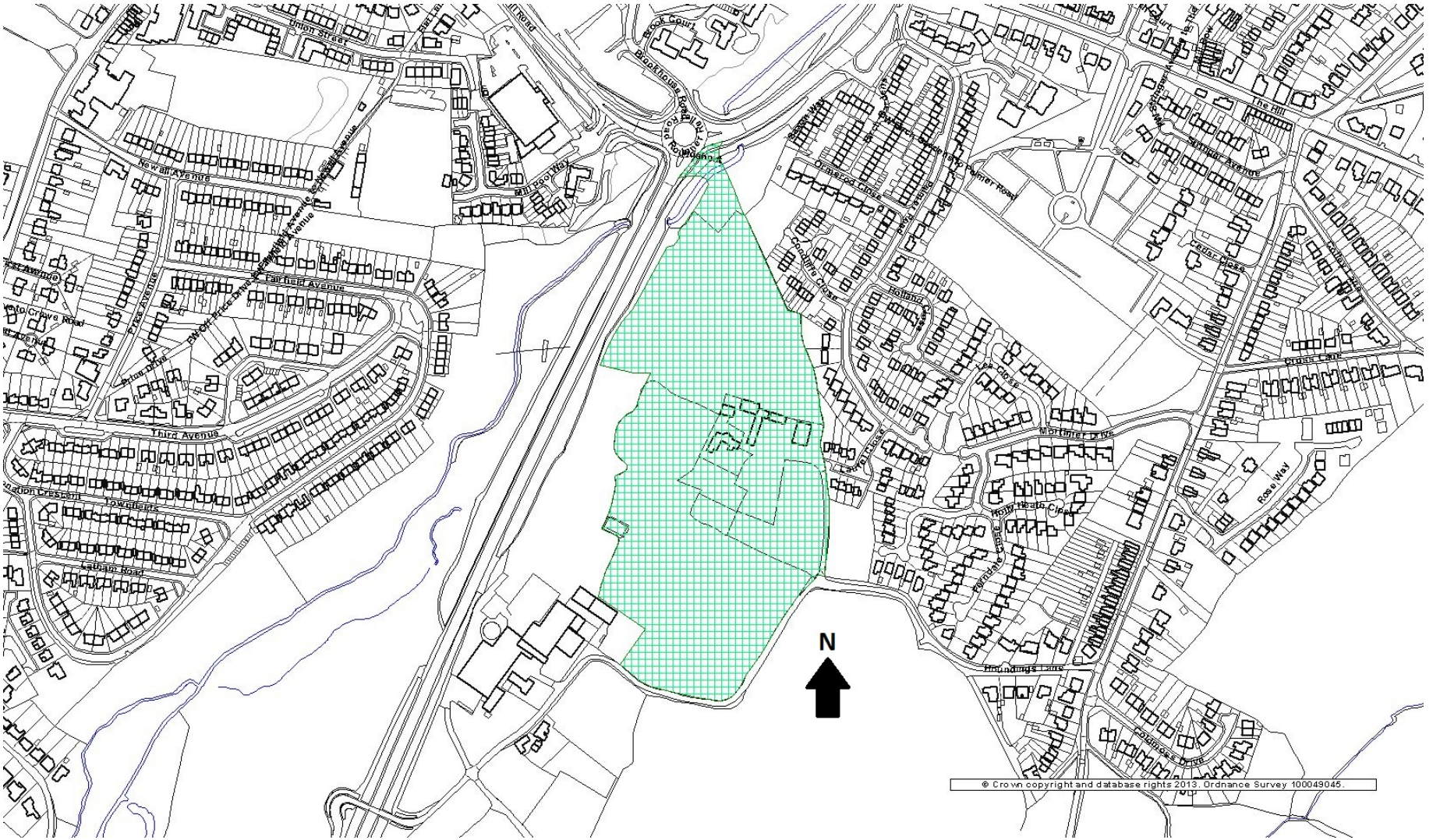
Directive and as a result would also be contrary to Policies NR2 of the Congleton Local Plan, SE 3 of the Cheshire East Local Plan Strategy, PC4 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.

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

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

S106	Amount	Triggers
Affordable Housing	30% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan to be submitted at the reserved matters stage. No more than 80% open market occupied prior to affordable provision in each phase.
Education	For a development of 85 dwellings; 15 x £11,919 x 0.91 = £162,694.00 (primary) 13 x £17,959 x 0.91 = £212,455.00 (secondary) 1 x £50,000 x 0.91 = £45,500.00 (SEN) Total education contribution: £420,649.00	SEN – Full amount prior to first occupation of the housing development Secondary – Full amount prior to first occupation of 30 dwellings Primary – Full amount prior to first occupation of 50 dwellings
Health	Contribution of £72,972	Full amount to be paid prior to the commencement of the housing/care home
Indoor recreation	Contribution of £29,531	Full amount to be paid prior to the commencement of the housing/care home
Outdoor recreation	Contribution of £1,000 for a family dwelling or £500 per 2 bed apartment	Full amount prior to first occupation of 50 dwellings

	space	
Public Open Space	<p>Private Management Company</p> <p>Provision of a NEAP and the open space (amount based on calculation within Policy SE 6) – to include 30m buffer from NEAP to the nearest housing.</p>	<p>On first occupation</p> <p>On occupation of 50% of the dwellings</p>
Highways Contribution for works between the The Hill junction and the site access roundabout	Contribution of £200,000	<p>50% prior to the commencement</p> <p>50% prior to the first occupation/use of any part of the development</p>



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