

Application No: 24/4287/FUL  
Application Type: Full Planning  
Location: Land South Of Old Mill Road, Sandbach, Cheshire East,  
Proposal: Residential development (use Class C3) including the creation of a new vehicular access off the A534 roundabout, landscaping, public open space, ecological enhancement area, internal access roads, garages, car parking and associated infrastructure  
Applicant: Mr Alex Wigfield, Anwyl Homes

Expiry Date: 30-May 2025

### **Summary**

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

The highways implications of the development are considered to be acceptable, and the roundabout and spine road were approved as part of application 19/3784C. The offsite highway works represent a major improvement to the highway network in Sandbach.

Due to the increased cost of the off-site highway works, there would be a reduction in the affordable housing provision on this site. As noted above the off-site highway works are a major improvement and the viability case put forward is accepted. There is no objection from the Housing Officer in terms of the proposed affordable housing provision.

The issues of noise, air quality and contaminated land are considered to be acceptable and would comply with SE 12 of the CELPS. The development will not have a detrimental impact upon residential amenity and would comply with Policies HOU12 and HOU13 of the SADPD.

The design of the proposed development has been the subject of revised plans and is now of an acceptable design. The design complies with Policies SE1, SD1 and SD2 of the CELPS, the CEC Design Guide, GEN1 of the SADPD and H2 of the SNP.

The site has a challenging topography and the development is considered to be acceptable in terms of the levels changes on the site.

The drainage/flood risk implications for this proposed development are considered to be acceptable by the Councils Flood Risk Officer and no objection is raised subject to the imposition of a condition. An updated consultation response will be provided in terms of the comments from UU and the Environment Agency.

The proposed development would affect the PROW which cross the site. Given the views of the Inspectors and the SoS within the recent appeal decisions there would be no conflict with Policies SE1 and CO1 of the CELPS, Policy INF1 of the SADPD, or Policy PC5 of the SNP.

There are no objections to the application in terms of the impact upon the trees on the site or in terms of ecology. The proposal would comply with Policies SE1, SE3, SE4, SE5, and SE6 of the CELPS, policies ENV3, EN5 and ENV6 of the SADPD and policy PC4 of the SNP.

The proposed development has a better relationship with the open space/play area than the earlier revisions of this application and is now considered to be acceptable.

On the basis of the above the application complies with the Development Plan when read as whole and the application is recommended for approval.

### **Summary recommendation**

**Approve subject to a Section 106 Agreement and the following conditions**

## **1. Proposed Development**

- 1.1. This is a full planning application for the erection of 204 dwellings. The access will be taken from a new spine road and remodelled five arm roundabout off Old Mill Road (as previously approved as part of application 19/3784C).
- 1.2. The proposal also includes the provision of public open space, a NEAP and the diversion/realignment of the PROW which are located on the site.

## **2. Site Description**

- 2.1. The application relates to two parcels of land which are located either side of the A534 and cover an area of 7.93 hectares.
- 2.2. The eastern parcel is proposed to be developed for residential purposes and the western parcel is proposed to be used for ecological enhancements.
- 2.3. The eastern parcel of land is located within the Sandbach Settlement Boundary and western parcel is located within the Open Countryside. Part of the site is also located within a wildlife corridor.
- 2.4. The eastern parcel comprises agricultural land and the former farm complex known as Fields Farm (now demolished). The site is located to the east of the A534 and to the west of residential properties that front onto Palmer Road, Condliffe Close and Laurel Close. The site has uneven land levels which rise towards the residential properties to the east. The site includes a number of hedgerows and trees which cross the site. To the north of the site is a small brook and part of the site to the north is identified as an area of flood risk.
- 2.5. There are a number of PROW which cross the eastern parcel of the application site.

## **3. Relevant Planning History**

- 3.1. 23/4600C - Outline planning application for the erection of 84 new dwellings (Use Class C3) with Access, Appearance, Layout and Scale for approval – Application Undetermined
- 3.2. 23/4755C - Prior approval for the demolition of farm dwellings and outbuildings – Prior Approval Not Required 16<sup>th</sup> January 2024
- 3.3. 21/2412C - Reserved Matters for approval of access, appearance, landscaping, layout and scale following outline approval 14/1193C for the erection of 160 dwellings, car

parking, public open space and associated works – Refused 8<sup>th</sup> August 2022 - Appeal Allowed 29<sup>th</sup> April 2024

- 3.4. 19/5736C - The construction of 57 dwellings and erection of a petrol filling station (sui generis) and associated convenience store (class A1), drive-through restaurant (Class A3 / A5), drive through café (Class A1 / A3), offices, (Class B1(a)) along with the creation of associated access roads, parking spaces and landscaping – Refused 26<sup>th</sup> February 2020
- 3.5. 19/3784C - Full planning application for erection of a care home (class C2), 85 new dwellings (class C3) and creation of associated access roads, public open space and landscaping – Refused 19<sup>th</sup> December 2019 – Appeal Allowed 12<sup>th</sup> October 2020
- 3.6. 19/2539C - Hybrid Planning Application for development comprising: (1) Full application for erection of a discount foodstore (Class A1), petrol filling station (sui generis) and ancillary sales kiosk (class A1), drive-through restaurant (Class A3 / A5), drive-through coffee shop (class A1 / A3), offices (class A2 / B1) and 2 no. retail 'pod' units (class A1 / A3 / A5), along with creation of associated access roads, parking spaces and landscaping. (2) Outline application, including access for erection of a care home (class C2), up to 85 new dwellings (class C3), conversion of existing building to 2 dwellings (class C3) and refurbishment of two existing dwellings, along with creation of associated access roads, public open space and landscaping. (Resubmission of planning application ref. 18/4892C). – Refused 28<sup>th</sup> August 2019 – Appeal Dismissed 12<sup>th</sup> October 2020
- 3.7. 18/4892C - Hybrid Planning Application for development comprising: (1) Full application for erection of a foodstore (Class A1), petrol filling station (sui generis) and ancillary kiosk/convenience store (class A1), drive-through restaurant (Class A3 / A5), drive-through coffee shop (class A1 / A3), farm shop (class A1) and 2 no. retail 'pod' units (class A1 / A3 / A5), along with creation of associated access roads, parking spaces and landscaping. (2) Outline application, including access for erection of a care home (class C2), 92 new dwellings (class C3), conversion of existing building to 2 dwellings (class C3) and refurbishment of two existing dwellings along with creation of associated access roads, public open space and landscaping – Refused 1<sup>st</sup> March 2019
- 3.8. 18/2540S - EIA Screening Opinion – EIA Required 6<sup>th</sup> June 2018
- 3.9. 14/1193C - Outline planning application for up to 200 residential dwellings, open space with all matters reserved – Approved 12<sup>th</sup> October 2017
- 3.10. 13/2389C - Outline Planning Application for up to 200 Residential Dwellings, Open Space and New Access off the A534/A533 Roundabout at Land South of Old Mill Road – Appeal for non-determination – Strategic Planning Board 'Minded to Refuse' – Appeal Allowed 11<sup>th</sup> December 2014
- 3.11. 13/2767S – EIA Scoping – Decision Letter issued 7<sup>th</sup> August 2013
- 3.12. 13/1398S – EIA Screening – EIA Required
- 3.13. 12/3329C - Mixed-Use Retail, Employment and Leisure Development – Refused 6<sup>th</sup> December 2012. Appeal Lodged. Appeal Withdrawn

#### **4. National Planning Policy**

- 4.1. The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has been through several revisions. It sets out the planning policies for

England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration for the purposes of decision making.

## **5. Development Plan Policy**

5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Cheshire East Local Plan Strategy (2010 – 2030) was adopted in July 2017. The Site Allocations and Development Policies Documents was adopted in December 2022. The policies of the Development Plan relevant to this application are set out below, including relevant Neighbourhood Plan policies where applicable to the application site.

### **5.2. Relevant policies of the Cheshire East Local Plan Strategy (CELPS) and Cheshire East Site Allocations and Development Plan Policies Document (SADPD)**

- 1.SADPD Policy PG 9: Settlement boundaries
- 2.SADPD Policy GEN 1: Design principles
- 3.SADPD Policy ENV 12: Air quality
- 4.SADPD Policy ENV 14: Light pollution
- 5.SADPD Policy ENV 16: Surface water management and flood risk
- 6.SADPD Policy ENV 17: Protecting water resources
- 7.SADPD Policy ENV 2: Ecological implementation
- 8.SADPD Policy ENV 3: Landscape character
- 9.SADPD Policy ENV 4: River corridors
- 10.SADPD Policy ENV 5: Landscaping
- 11.SADPD Policy HER 1: Heritage assets
- 12.SADPD Policy HER 8: Archaeology
- 13.SADPD Policy RUR 5: Best and most versatile agricultural land
- 14.SADPD Policy HOU 1: Housing mix
- 15.SADPD Policy HOU 12: Amenity
- 16.SADPD Policy HOU 13: Residential standards
- 17.SADPD Policy HOU 14: Housing density
- 18.SADPD Policy HOU 15: Housing delivery
- 19.SADPD Policy INF 1: Cycleways, bridleways and footpaths
- 20.SADPD Policy INF 3: Highway safety and access
- 21.SADPD Policy INF 9: Utilities
- 22.SADPD Policy REC 2: Indoor sport and recreation implementation
- 23.SADPD Policy REC 3: Open space implementation
- 24.CELPS Policy MP 1: Presumption in favour of sustainable development
- 25.CELPS Policy PG 1: Overall development strategy
- 26.CELPS Policy PG 2: Settlement hierarchy
- 27.CELPS Policy PG 6: Open countryside
- 28.CELPS Policy PG 7: Spatial distribution of development
- 29.CELPS Policy SD 1: Sustainable development in Cheshire East
- 30.CELPS Policy SD 2: Sustainable development principles
- 31.CELPS Policy IN 1: Infrastructure
- 32.CELPS Policy SC 4: Residential mix
- 33.CELPS Policy SC 5: Affordable homes
- 34.CELPS Policy SE 1: Design
- 35.CELPS Policy SE 12: Pollution, land contamination and land instability
- 36.CELPS Policy SE 13: Flood risk and water management
- 37.CELPS Policy SE 2: Efficient use of land

- 38.CELPS Policy SE 3: Biodiversity and geodiversity
- 39.CELPS Policy SE 4: The landscape
- 40.CELPS Policy SE 5: Trees, hedgerows and woodland
- 41.CELPS Policy SE 6: Green infrastructure
- 42.CELPS Policy SE 7: The historic environment
- 43.CELPS Policy CO 1: Sustainable travel and transport
- 44.CELPS Policy CO 2: Enabling business growth through transport infrastructure
- 45.CELPS Policy CO 4: Travel plans and transport assessments

### 5.3. Neighbourhood Plan

The Sandbach Neighbourhood Plan was made on 21<sup>st</sup> March 2022.

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

## 6. Relevant supplementary planning documents or guidance

- 6.1. Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application:
- 6.2. Ecology and Biodiversity Net Gain SPD
- 6.3. Environmental Protection SPD
- 6.4. Developer Contributions SPD
- 6.5. SuDS SPD
- 6.6. Housing SPD

## 7. Consultation Responses

- 7.1. **Environment Agency:** Updated comments are awaited on the revised Drainage Strategy. Based on the original Drainage Strategy - No objection subject to the imposition of planning conditions.
- 7.2. **Public Rights of Way (PROW):** A condition is suggested in relation to the provision of a PROW scheme and the imposition of informatives.

Also offer the following comments:

- There is an aspiration for the improvement of PROW Sandbach No 50 which extends northeast from the northern part of the site. This could act as an active travel route between the site and the town centre.
- There is also a local aspiration to formalise a link patch between PROW Sandbach No 50 and Condliffe Close (subject to landowner agreement).
- Should the application be approved, the developer should deliver the necessary improvements through a S278 Agreement or a S106 Agreement.
- There is also an aspiration to create an active travel route on the eastern side of the development site to Laurel Close and onto Mortimer Drive. This would require the creation of a route in physical construction and legal access rights. If the application is approved the developer should deliver the necessary improvements through a S278 Agreement or a S106 Agreement.

7.3. **Environmental Health:** No objection and suggest the following conditions:

- Implementation of the acoustic mitigation measures
- Implementation of the odour mitigation measures
- Provision of low emission boilers
- Contaminated land (4 conditions suggested)

7.4. **Natural England:** No objection - the proposed development will not have a significant adverse impact on statutory designated sites.

7.5. **Archaeology:** There are no further archaeological requirements associated with this site.

7.6. **Head of Strategic Transport:** No objection subject to the imposition of a condition to secure the implementation of the roundabout prior to first occupation.

7.7. **United Utilities (UU):** Updated comments are awaited on the revised Drainage Strategy/layout. Based on the original Drainage Strategy/layout - Object to the application. UU have concerns regarding the proximity of the proposed development to UU infrastructure. The applicant should provide a detailed site layout which gives the proven location of UU infrastructure, and this should be provided prior to determination.

The submitted drainage proposals are not acceptable to UU and revised information should be provided prior to determination.

7.8. **Education:** To alleviate the impact upon education provision the following contributions will be required:

- £879,516.00 (Primary education)
- £577,322.00 (Secondary education)
- £299,680.00 (SEN)

7.9. **NHS:** The proposal will have a direct impact on local healthcare services which will require mitigation. A contribution will be required.

7.10. **Flood Risk Manager:** Condition suggested.

7.11. **Head of Strategic Housing:** Following the receipt of additional information, no objection subject to the provision of 20% affordable housing which will be secured as part of a S106 Agreement.

7.12. **Active Travel England:** Refer to Active Travel England standing advice.

7.13. **Public Open Space:** Offer the following comments:

- The revised plans have secured an additional orchard garden, seating areas and an area of informal play equipment.
- The wildflower planting adjacent to FP19 will be replaced and this could lend itself to further play-on-the-go.
- Further seating could be incorporated exploiting views/vistas.
- The western mown path has been replaced by compacted gravel and this provides a circular route.
- The POS/NEAP adjacent to plots 44/45 feels restrictive. If the plan to the north-west of the NEAP could be reconfigured and planting removed, then this would create a larger area for informal activities.
- Contributions required for outdoor sport.

Conditions suggested in terms of the NEAP design, landscaping, details of play-on-the-go area, food growth/production proposals, confirmation of accessible pathways.

## **8. Views of the Town or Parish Council**

- 8.1. **Sandbach Town Council:** Object to the application. No substantial material differences have been made to the application since it was last submitted. The Town Council would also like to recognise the comments made by Cycling UK which have been submitted as part of this application.
- 8.2. **Hassall Parish Council:** Compared to the Muller scheme the proposal is wall to wall roof scapes and carparking. The number of houses on this site increases with each application. The previous retail led scheme would have created jobs and a feel of community. The current proposal does not need the extra 43 houses and needs somewhere like a pub/restaurant and this could be combined with a multi-functional community centre. The development should create some infrastructure that builds a community to create a sustainable village type of life for the future residents.

## **9. Representations**

- 9.1. Letters of objection have been received from 2 households which raise the following points:
- The A534 roundabout is already causing traffic jams and blockages and is one of the main access routes to the M6 J17.
  - There is no investment into further infrastructure around Sandbach to support the increase in population (doctors, dentists, hospitals).
  - There needs to be investment in local infrastructure before the houses are built.
  - The loss of footpaths across the site (the provision of a paved footpath will not replace the footpaths across the fields).
  - Increase in traffic noise.
  - Impact upon air quality levels.
  - The existing roundabout and the lights at High Street/The Hill are a bottleneck for most of the day. Unable to exit Brookhouse Road.
  - The issue of the two right turn lanes (onto Palmer Road and onto The Hill) needs to be resolved.
  - Unclear as to where pedestrians will cross the new road layout. Will there be sufficient pedestrian crossing provision.
- 9.2. A letter of general observation has been received from 1 household which raises the following points:
- Overall support the application but the increase in the size of the roundabout by 33% would encroach upon St Mary's Dell. This is an old woodland and is of natural beauty. It has biodiversity value.
  - St Mary's Dell is used by many families for walks and picnics.

- St Mary's Dell acts as a noise screen for the residents of Brook Court.
- Do not allow the loss of any trees/hedgerows at St Mary's Dell.

9.3. A representation has been received from the Sandbach Footpath Group (SFG) which supports the application and raises the following comments:

- The SFG is pleased that that the applicant has paid due attention to comments and objections to previous application plans for this site. The development now has planned routes for footpaths on surfaced or grassy paths, away from pavements by public roads. Pavements have hazards such as traversing vehicles driving onto front drives and reversing out. The planned routes do not, in general, have such hazards.
- FP17 used to cross the site in a generally east-west direction. Historically, this footpath did not seem to be maintained and as a result was awkward, hazardous (e.g. broken stile and overhanging hedges) and consequently it was very rarely walked. In the current proposal the alternative path is on the south-eastern side linking Houndings Lane to FP18. This will be a popular walking route, being away from the farm tractors and other vehicles on Houndings Lane. SFG supports this new route and hopes it comes to fruition. Hopefully, CEC PROW will see fit to officially adopt this footpath route.
- FP18, going from Houndings Lane towards the northern end of the site to meet FP50, has not been altered to any noticeable extent, so SFG supports this, providing that an acceptable walking surface is laid down for the full extent of FP18.
- FP19 used to go centrally through the site and previous applications have attempted to route it along pavements with the resultant hazards of vehicle access to dwellings. SFG is pleased to see the new route, shown by Anwyl to the west of the site, which will be a far better and safer route than any pavement alternative. Again, it is to be hoped that CEC PROW will see fit to officially adopt this footpath route. SFG has one comment on this new route, concerning the incline where there is a double bend at the northern end. SFG suggest that this be surfaced so that in wet conditions, it is not too slippery.
- FP50 appears to be substantially unchanged, so SFG supports this route. It will, however, be very frequently used, acting as the main outlet from the site for other footpaths. Due to this frequent use, SFG suggests that a good surface be laid down for the full extent of FP50.
- SFG suggests that one or more litter bin(s) be provided near the play area, with an appropriate, regular and permanent emptying regime set in place.
- The estate roads and housing may alter the land drainage so, please can a footpath inspection and maintenance regime be set up. The intention being that if any muddy areas appear, particularly after wet weather, suitable drainage and surfacing can be done, retrospectively to completion of the Anwyl estate.
- Please can all stiles, previously on site, be dismantled and removed to be replaced, if necessary, with more accessible footpath furniture.

9.4. Representations have been received from Cycling UK which raise the following points:

- It is unclear where the cycle links documents can be found as part of this application (this is condition 21 of application 19/3784C).
- To fulfil condition 21 of the appeal decision (19/3784C) it is suggested that Anwyl Homes as the landowner permit cycling on footpath 18 over a short distance. There is no bylaw or Traffic Regulation Order that expressly prohibits cycling on the route and permitting cycling would be a workable solution.
- The section between the stile on FP18 and Laurel Close - The 'adopted road' begins only on the carriageway of Laurel Close. The short section is owned neither by the developer nor the council, though it is assumed that it is maintained by the council. Please identify a way how cycling could be formalised here.
- The stile between FP18 and Laurel Close - The stile should be removed to create a gap, without access restrictions. This would align with item 92 of the minutes of Cabinet, 9th of March 2021.

- Man-made physical barriers - As a means to enshrine this [access] into policy, Cheshire East adopted a Policy for Structures in March 2010 relating to path furniture. This policy uses the least restrictive principle for improving the network as a whole.”. Furthermore, the benefits to other groups, parents with pushchairs or the disabled, are referenced frequently in the ROWIP, e.g. at 5.3.6: “Further, improving access for disabled people brings benefits to all users, in particular those with pushchairs or young children, those who walk with dogs and the older population.” Any type of gate would compromise access.
- Cycle parking - There seem to be 12 one bedroom flats (model Disley), all of which would require cycle parking. This should be provided.
- Assurances should be provided that cycles are allowed to travel on footpath 18 from plot 60 to Laurel Close.
- Clarification should be provided in terms of cycle access to Houndings Lane.
- There is a shortfall of 8 cycle spaces for the apartment blocks.
- Floorplans of the cycle sheds should be provided together with the make and model of the shed.
- The Yeovil type flat should have a cycle stand (Shed with a Sheffield Hoop).
- Clarification of cycle storage to plots 60-63.
- Wall mounted bike loops within the detached garages. The make and model is required.

## 10. Officer Appraisal

### *Principle of Development and Key issues*

- 10.1. The application relates to two parcels of land to either side of the A534. The eastern parcel of the site is covered by planning permission 19/3784C which relates to the southern part (and has lawfully commenced), this includes a new roundabout access and the erection of 85 dwellings and a care home to the south of the site.
- 10.2. Application 23/4600C for two parcels of site which were not covered by application 19/3784C for the erection of 84 dwellings, has a resolution to approve by the Strategic Planning Board, but a S106 Agreement is yet to be completed.
- 10.3. Reserved Matters application 21/2412C (which was submitted in relation to outline approval 14/1193C) covers the majority of the site and remains extant (160 dwellings).
- 10.4. The eastern parcel of the application site lies within the Sandbach Settlement Boundary.
- 10.5. Policy PC3 (Settlement Boundary) of the SNP identifies that new development involving housing will be supported in principle within the Sandbach Settlement Boundary.
- 10.6. Policy H1 (New Housing) states that within the settlement boundary developments to meet the housing requirement established in the Cheshire East Local Plan will be delivered through existing commitments and sites allocated within the CELPS. Additionally Policy H1 supports other development within the Settlement Boundary and this includes proposals that accord with CELPS Policy PG2 including, small scale (up to 30 homes) and windfall sites.
- 10.7. The site lies within the settlement zone boundary so conforms with Policies PG9 of the SADPD and PC3 of the SNP. Policy H1 of the SNP is concerned with the proposed scale of development appropriate to Sandbach's function as a Key Service Centre. The reference to small scale (up to 30 units) and windfall sites is not an exhaustive list due to the use of the word ‘including’. Policy H1 of the SNP could include larger sites provided they are considered of an appropriate scale.

10.8. In this case the site is covered by an extant planning permission. The Council has not resisted development on this site due to it not being of an appropriate scale in the past and this has not been an issue raised by the Inspectors as part of the previous appeal decisions on this site. It is therefore concluded that the principle of development on this site within the settlement boundary of Sandbach is acceptable.

### **Housing Mix**

10.9. Policy SC4 of the submission version of the CELPS requires that developments provide an appropriate mix of housing (however this does not specify a mix). In this case the development would provide the following mix:

- 39 x one bedroom dwellings
- 25 x two bedroom dwellings
- 87 x three bedroom dwellings
- 53 x four bedroom dwellings

10.10. The proposed dwellings would be 2-2.5 storeys in height and the apartment blocks would be 3 storeys in height.

10.11. Policy HOU1 of the SADPD states that housing development should deliver a range and mix of house types, sizes and tenures. All major developments should respond to housing need, and this includes the indicative house types and tenures and sizes identified at Table 8.1.

10.12. The proposals above do not strictly comply with Table 8.1. However, the proposal clearly provides a mix of house types, and the development would not be dominated by larger house types. The mix is considered to be appropriate.

10.13. Policy HOU3 states that all housing developments providing more than 30 homes should provide a proportion of serviced plots where there is evidence of unmet demand. The Council currently has a sufficient supply of self and custom build units as identified within the Council's Annual Monitoring Report so there is no evidence of unmet demand.

10.14. Policy HOU8 of the SADPD states that in order to meet the needs of the Borough's residents and to deliver dwellings that are capable of meeting people's changing circumstances over their lifetime, the following accessibility and wheelchair standard will be applied to major developments:

- At least 30% of the dwellings in housing developments should comply with the requirements of M4(2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings; and
- At least 6% of the dwellings in housing developments should comply with the requirement m4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings

10.15. The applicant has submitted information to show compliance with the above standards and this will be secured via the imposition of planning conditions.

10.16. In terms of dwelling sizes, it is noted that HOU8 of the SADPD requires that new housing developments comply with the Nationally Described Space Standards (NDSS). The applicant has confirmed that all dwellings across the entire development are NDSS compliant.

## Affordable Housing

- 10.17. This is a proposed development of 204 dwellings within the settlement boundary of a Key Service Centre therefore in order to meet the Council's Policy on Affordable Housing (30% provision, split 65% rented and 35% intermediate tenure) there is a requirement for 62 dwellings to be provided as affordable homes (40 rented units and 22 intermediate units).
- 10.18. The current number of those on the Cheshire Homechoice waiting list with Sandbach as their first choice and at the highest level of need (Bands A-C) is 140 (this data is from November 2024). There is a need for 1–4-bedroom units (62 x one bed, 37 x two bed, 27 x three bed and 14 x four bed).
- 10.19. The applicant has raised viability issues and this is due to the delivery of the highway improvement works (the new roundabout, the highway widening and the Toucan crossing). The works will be delivered in full by the applicant and the cost associated with these works is £2,426,504. These highway works are a major improvement to the road network in Sandbach and are supported by the Head of Strategic Transport.
- 10.20. The viability case put forward by the applicant has been assessed and is accepted. As a result of this there is a reduction in the affordable housing provision with this development. The applicant has put forward three options.
- 10.21. The first option would provide 30% affordable housing at a non-compliant tenure mix (39% rented and 61 % intermediate tenure) and the intermediate tenure housing discount was 80% of open market value and was not policy compliant. This would not deliver the rental need which meets the need in Sandbach.
- 10.22. The remaining options are as follows:
- Option 2 - 20% Affordable Provision (40 units) with a 67.5% to 32.5% tenure split between Affordable Rent and Shared Ownership.
    - Affordable Rent
      - 13 x 1 bed apartments
      - 8 x 2 bed houses
      - 6 x 3 bed houses
    - Shared Ownership
      - 12 x 1 bed apartments
      - 1 x 2 bed house
  - Option 3 - 18% Affordable Provision (37 units) all for Affordable Rent.
    - Affordable Rent
      - 25 x 1 bed apartments
      - 8 x 2 bed houses
      - 4 x 3 bed houses
- 10.23. A mix of house sizes is required to address the high need for rental in Sandbach. The Council's ambition is for rented affordable dwellings to be truly affordable. Rents will need to be set in line with paragraph 6.18 of the Housing SPD, where they are no more than Local Housing Allowance rates for Affordable Rent or Regulator of Social Housing target rents for Social Rent– whichever is lowest, this is inclusive of additional service charges.

10.24. Based on the information on housing need in Sandbach, the housing officer has confirmed that Option 2 is their preference, and this would be secured as part of a S106 Agreement.

### **Highways Implications**

10.25. As noted above the access to the site including the new spine road and remodelled five-arm roundabout at the A533/A534 junction was approved as part of application 19/3784C. The development proposed as part of this application would utilise this access, with access to each parcel provided from a central spine road that connects with the Old Mill Road roundabout.

10.26. The main internal spine road is 6.7m wide and has 3m shared pedestrian/cycle route to one side and 2m footpath to the other side.

10.27. There is a number of side road priority junctions to be provided along the spine road which are acceptable in design terms, these minor roads are either a standard 4.8m wide road with footways or a shared surface road. Frontage residential development along the spine road is provided, this development assists in reducing traffic speeds along the main principal road.

10.28. The level of parking provision is set out within the CELPS (1 space for the 1 bed units, and 2 spaces for the 2,3 and 4 bed units). The submitted design complies with these standards and can be accepted.

10.29. The connectivity of the site to external footway/cycleways and access to extant bus services has been previously agreed at appeal, as indicated earlier the internal road system has provided pedestrian and cycle facilities which can be adopted. The application proposes to divert PROW so that they circle the site. This network of paths would provide external connections to Houndings Lane and Laurel Close.

10.30. The traffic impact of the development was previously considered in the application for 200 units, this application for 204 units has a very similar trip generation. Updated capacity assessment of the access roundabout has been undertaken with recent traffic flows and the improvement scheme in place which shows that in 2030 the roundabout would work within capacity levels.

10.31. This full application is similar to a previously approved residential development, the internal layout accords with design standards and can be adopted as public highway. This application relies upon the improvement of the A534/A533 roundabout to mitigate the traffic impact of the development and this improvement will be required prior to occupation of any of the dwellings. The off-site highway works represent a major improvement to the highway network in Sandbach and are supported by the Head of Strategic Transport.

10.32. The proposed development complies with policies CO2 of the CELPS, INF3 of the SADPD and H1, PC5, IFT1 and IFT2 of the SADPD.

### **Amenity**

10.33. Policy HOU13 of the SADPD includes reference to separation distances as follows:  
21 metres for typical rear separation distance  
18 metres for typical frontage separation distance  
14 metres for a habitable room facing a non-habitable room

- 10.34. The main properties affected by this development are those to the east of the site fronting onto Condliffe Close, Palmer Road and Laurel Close.
- 10.35. The dwelling on plot 1 would have a separation distance of 20m to the nearest corner of 15 Condliffe Close. Due to the off-set relationship the impact is considered to be acceptable.
- 10.36. The apartments at plots 15-18 are two-stories in height and there would be separation distance of 7m to the rear boundary of the dwellings at 7-11 Condliffe Close. There would be a separation distance varying from 15m-20m to the rear elevations of these properties. Given the angled nature of the existing and proposed dwellings and level changes the relationship is considered to be acceptable. This is subject to a condition to secure obscure glazing to the first-floor windows facing north-east.
- 10.37. The proposed dwellings on plots 19 and 24 are positioned so that they would not have a direct facing relationship with any adjoining dwellings.
- 10.38. The proposed dwelling on plot 23 would have a separation distance of between 16m – 19m to the rear elevation of No 72 Palmer Road. This relationship would be acceptable as the only principal window is at ground floor level. A condition will be imposed in relation to the first-floor window.
- 10.39. The side elevation of the dwelling on plot 59 would have a separation distance of 19-10m to the side elevation of the dwelling at 8 Laurel Close. This relationship would be acceptable as the only principal window is at ground floor level. A condition will be imposed in relation to the first-floor window.
- 10.40. The apartments at plots 60-63 would have a separation distance of 9m from the front elevation of No 8 Laurel Close. The relationship is angled and off-set with no direct facing relationship and is considered to be acceptable.
- 10.41. Plot 68 is off-set from the boundary with No 15 Laurel Close and there is a separation distance of 11-15m. This relationship would be acceptable.
- 10.42. The impact upon neighbouring amenity would comply with policies HOU12 and HOU13 of the SADPD.

### **Noise**

- 10.43. The applicant has submitted a Noise Impact Assessment (NIA) in support of this application. The NIA considers the impact of the noise from road traffic and Houndings Lane Farm on the proposed development has been assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings.
- 10.44. The report recommends noise mitigation measures (acoustic fencing to the rear gardens of certain plots and a glazing specification and trickle vent to other plots) designed to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties are not adversely affected by noise from road traffic and the farm.
- 10.45. Subject to the imposition of a condition relating to noise mitigation measures there is no objection in terms of the noise impact upon the future occupiers.

### **Odour Control**

10.46. A scheme of odour abatement / control / mitigation has been submitted with the application which has been designed to ensure that odours associated with the day-to-day work on the farm do not cause a significant loss of amenity to occupiers of the proposed development. This has been considered by the Councils Environmental Health Officer who has no objection to the application subject to the imposition of a condition to secure ventilation for certain plots).

### **Air Quality**

10.47. The applicant has submitted an Air Quality Assessment in support of this 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 models NO<sub>2</sub> (Nitrogen Dioxide), PM<sub>10</sub> and PM<sub>2.5</sub> (Particulate Matter) impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

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

- Scenario 1 – Verification Year (2022);
- Scenario 2 – 2029 ‘without proposed development’
- Scenario 3 – 2029 ‘with proposed development’

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

10.50. 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 Environmental Health Officer recommends the imposition of conditions relating to the imposition of a Travel Plan and low emission boilers.

### **Contaminated Land**

10.51. Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site. The application area has a history of agricultural and former pond use and therefore the land may be contaminated.

10.52. A Phase I Contaminated Land Assessment has been submitted in support of this application which identifies potential for contaminated land on this site. The Environmental Health Officer has considered the contents of the report and advised that she has no objection to the application subject to the imposition of planning conditions.

### **Construction Impacts**

10.53. The issue of disruption caused by the construction can be controlled via the imposition of a condition relating to a Construction Management Plan.

### **Design**

10.54. The site has extant planning permissions in place and therefore the principle of residential is established.

10.55. The location of the site on the southern side of Old Mill Road, does potentially create a barrier to movement and connectivity on foot/by cycle, however, a Toucan Crossing would

be provided on Old Mill Road as part of the highway's works for application 19/3784C. Provision is made for ease of movement within the site with the primary street incorporating a combined footpath and cycleway.

- 10.56. Within the site, the main issue regarding connectivity is how the three PROW are being accommodated. The diversion of Public Rights of Way FP17 and FP19 is proposed, whilst FP18 follows the eastern edge of the site. The proposal would provide a very similar level of natural surveillance of the PROW network to that which has previously been approved.
- 10.57. As noted above, the site would comply with the NDSS. The housing mix is appropriate and there would be 74% of the units on the site with 1-3 bedrooms and 31.3% of the units with 1 or 2 bedrooms. The affordable units are tenure blind.
- 10.58. The site has a challenging level change (in parts there is a 13m drop from east to west) and this has previously formed a reason for refusal. Site levels information (including comparative cross sections) has been provided and clarified. It confirms the requirement for retention within the site given the challenging site levels, most notably in the NW part of the site, where a retention structure is proposed alongside the realigned FP19. The proposed structure would range between 1.8 to 3.8 metres (107m in length). The applicant has stressed the previous approval of retention structures, constraints that require this approach and their willingness to finalise the detail of this and associated boundary design via condition.
- 10.59. The housing area to the either side of the Avenue are still subject to levels changes within rear gardens requiring the provision of retaining walls, but the design does limit the impact of levels changes visible within the public realm. The provision of retaining walls within rear gardens is a feature which has been present within all previous approvals on this site.
- 10.60. The site delivers different character areas of architecture in the form of the spine character area and the fringe character area which helps to give some variation to the proposed development.
- 10.61. The Design Officer has raised some concerns regarding the quality of the apartment buildings, but they have been modified to have a dual aspect for visible side elevations. More generally, the quality of the architectural response does revert to a more standard house type range (compared to the more bespoke approach adopted within the previously submitted scheme for the northern half of the site). The applicant has stated that these house types have been developed to respond to the cues in the CEC Design Guide, and it is accepted that aspects of the detailing/materiality within the range are characteristic within parts of Sandbach.
- 10.62. The avenue tree planting to be secured via the previous planning permissions is important to the character and success of this proposal. The submitted plans show that avenue tree planting would be secured, and this would be particularly successful along the main avenue.
- 10.63. The streets are generally contained by continuous frontage with front doors and primary frontages addressing streets with corner turning designs marking junctions and corners.
- 10.64. The main areas of open space/NEAP would be overlooked, and this represents an improvement from the previous appeal approval (21/2412C).
- 10.65. The proposed car parking meets the CEC standards and is generally quite well handled. There would be limited frontage parking within the development.

10.66. With the benefit of further refinement, clarification and the willingness of the developer to manage the detailed design of the retaining structure/boundary in the northwestern part of the site, the BHL assessment indicates a better performing scheme in design terms (the red ratings have been replaced with ambers and there has been an increase in the number of green scores within the development). There are still areas where the scheme could have been improved to create better place quality, but, on balance, the scheme is now supported from a design perspective, subject to conditions. The proposed development would comply with Policies SE1, SD1 and SD2 of the CELPS, GEN1 of the SADPD, H2 of the SNP and guidance contained within the NPPF.

### **Landscape**

10.67. The application has been the subject of amendments and improvements in terms of the landscape layout. The amendments include clarification of the levels on the site, the location and surfacing of the footpath network within the site, additional tree planting within the avenue and streets, improvements in the layout and planting with the open space.

10.68. The Council's Landscape Architect has stated that the applicant has reacted positively to most of his previous comments. The Landscape Architect is satisfied with the design generally, although there needs to be more delicate detailing regarding the landscaping within the site, landscape management, details of the western footpath/safety fences and vehicle protection measures that are appropriate (all of which can be conditioned).

### **Public Rights of Way**

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

10.70. FP18 (located along the eastern boundary) would be retained along its current route within a 5m wide corridor (although there are some minor pinch points where this falls marginally below 5m). The level plans show that FP18 would be at a similar level to the nearest dwellings. The approach to FP18 is considered to be acceptable.

10.71. In terms of FP19 this runs through the centre of the site and Circular 1/09 indicates that revisions to routes *'should avoid the use of estate roads wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic'*.

10.72. This application proposes the diversion of FP19 along the western boundary of the site. This would provide a pedestrian route without any potential conflict with vehicles. The treatment of FP19 is therefore considered to be acceptable.

10.73. In terms of FP17, the section through the farmyard is described in the Inspectors' decision letter at paragraph 44 for applications 19/2539C and 19/3784C states as follows;

*'Footpath 17 is not easy to navigate as it involves tackling an overgrown stile. It also passes close to a ménage and through the former farmyard of Fields Farm part of which is now used for the storage of contractor's materials. This is not typical farmyard clutter. The route, for much of its length, is not pleasant'*

10.74. The Inspector then went on to state at paragraph 46 that *'No concerns were raised at the inquiry about the realignment of Footpath 17 through the development which is understandable given its existing characteristics. The passage through residential avenues and the square would be an improvement on the existing route'*. This application proposes a diversion of FP17 so that it would loop around the southern boundary of the site, this would represent an improvement compared to the extant planning permissions.

10.75. FP50 is located at the far north of the site and joins FP18 and FP19. This footpath would be the subject of a minor diversion with surfacing along part of its length. This also represents an improvement compared to the extant planning permissions.

10.76. The requests by the PROW Officer to other footpaths within the vicinity of the site are noted. In this case, none of the existing applications have secured these contributions and the roundabout access and spine road have a detailed approval as part of application 19/3784C. The requested contributions are not considered to be reasonable or necessary.

10.77. The proposed development would comply with Policies SE1 and CO1 of the CELPS, Policy INF1 of the SADPD, and Policy PC5 of the SNP.

### **Public Open Space**

#### 10.78. On Site Provision

10.79. 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.

10.80. The public open space provision within the development has been the subject of discussions and amendments during the course of this application. Improvements have been made in terms of the amount of amenity green-space, separation distances to the NEAP, the addition of play-on-the-go equipment, surfacing of the footpaths and their siting.

10.81. Although the POS Officer has raised concern over the constrained nature of parts of the POS, there is no objection raised subject to the imposition of planning conditions.

#### Outdoor Sport

10.82. The development will increase demand on existing outdoor facilities. As such a financial contribution towards off site provision will be required. The financial contribution is required at a rate of £1,564.54 per family dwelling or £782.27 per bed space in apartments (to a maximum of £1,564.54 per apartment). The funds would be required on or prior to commencement of development and would be used in line with the Council's adopted Playing Pitch and Outdoor Sports Strategy.

### **Trees**

10.83. The Congleton Borough Council (Hassall Road, Houndings Lane) TPO 1979 affords protection to one individual Ash (T3 of the TPO and T19 of Arboricultural Impact Assessment) adjacent to the boundary with 8 Laurel Close. The remaining trees are not protected, including various semi mature and early mature groups of mixed broadleaf trees, a group of mature Oak and Sycamore to the north of Houndings Lane Farm, two individual Limes trees, a group of trees located centrally within the site associated with the now demolished farm buildings and two individual Oak trees located to the boundary with Houndings Lane to the south.

10.84. The submitted Arboricultural Impact Assessment (AIA) confirms the development will require the loss of eight category C (low quality and value) Sycamore and Holly trees, one Alder (T20) due to poor condition and the partial or full loss of various groups of trees (G1-G8). The AIA states that the proposed losses can be compensated by new / replacement planting and biodiversity enhancements through landscape proposals.

- 10.85. The Councils Tree Officer agrees that the proposed tree losses will have only a slight adverse impact on visual amenity which is restricted to the site and immediate surroundings.
- 10.86. New hard surfacing will encroach into Root Protection Areas (RPA) of retained trees (T4, T5, T6 and T7) for the proposed car park adjacent to Plot 149; Lime (T18) for the proposed access/driveway to Plot 45; Ash (T19) and footpath link to the eastern boundary.
- 10.87. Having regard to BS5837:2012, the proposed encroachment represents only a small percentage of the available Root Protection Area (RPA) and does not exceed 20% of unsurfaced ground. The Councils Tree Officer agrees with the detail provided in the supporting Arboricultural Method Statement (AMS) which will provide for arboricultural supervision and appropriate no dig methodology for footpath construction. This will safeguard working methods for any encroachment within the RPA's affected.
- 10.88. The proposed driveway and footpath to facilitate access to Plots 116/117 will significantly encroach into the RPA of two unprotected Oak (T8 and T9). The proposed encroachment is addressed in the supporting AMS by the incorporation of a 'no dig' driveway using Cellweb Tree Root Protection (TRP) and porous tarmac. The AMS Whilst the use of Cellular Confinement Systems (CCS) as a load bearing surface over tree roots can in most cases overcome the adverse impact of standard roadway construction, the suitability of such installations particularly if the road is required to be to an adoptable standard will require further analysis by the highway engineer. The highways engineer has confirmed that the adoption will end at the turning head, so the no dig construction would be acceptable in this location.
- 10.89. The AIA has not identified and issues relating to shading from retained trees and nuisance. The relationship of the apartments (Plot 142-153) east of Sycamore (T3) has potential for shading of the plot during the afternoon, however the Councils Tree Officer has confirmed that he is happy with this relationship.
- 10.90. The proposed utilities have not been considered as part of the AIA. A proposed drainage plan has been submitted in support of this application which indicates there are no significant implications for retained trees.
- 10.91. The proposals include avenue planting along the main spine road, hedgerow planting and native woodland planting to enhance the A534 and Houndings Lane Farm boundaries. The proposed planting would provide the appropriate mitigation for the loss of trees within the site and therefore accord with Policy SE 5 of CELPS.
- 10.92. The impact upon the trees on the site is considered to be acceptable.

## **Ecology**

### Statutory Designated Sites

- 10.93. The application site falls within Natural England's SSSI impact risk zones. Natural England have been consulted as part of this application and have not raised any objections in terms of the potential impacts of the proposals upon designated sites.

### Mandatory Biodiversity Net Gain

- 10.94. This application is subject to Mandatory Biodiversity Net Gain under the Environment Act.

- 10.95. The submitted BNG report concludes that the proposed development would result in a net gain of 22.67% for area-based habitats, 11.96% for hedgerows and 10.09% for watercourses.
- 10.96. The delivery of a net gain is dependent upon additional habitat creation measures on land within the redline of the application, but which is located on the opposite side of the A534 to the main development parcels.
- 10.97. Biodiversity Net Gain will be secured via the imposition of planning conditions.

#### Ecological Network

- 10.98. The application site falls within a Restoration Area of the Cheshire East Ecological Network which forms part of the SADPD. Policy ENV1 therefore applies to the determination of this application.
- 10.99. Whether the application leads to an enhancement of the CEC ecological network can be assessed through the use of the biodiversity metric described above.
- 10.100. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the development in accordance with Local Plan Policy SE 3. The Council's Ecologist recommends that the applicant submits an ecological enhancement strategy prior to the determination of the application or if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

#### Hedgerows

- 10.101. There are a number of native hedgerows on site. Native Hedgerows are a priority habitat and hence a material consideration. The submitted AIA identifies the need for hedgerows to be removed to facilitate the proposed development. The applicant's ecological consultant has referred to a Hedgerow Regulations assessment undertaken in respect of application 18/4892C which concludes that the hedgerows on site were not important under 'archaeology and History' or 'Wildlife and Landscape' Criteria.

#### Bats

- 10.102. A number of trees on site have been identified as offering potential for roosting bats. The submitted arboricultural impact assessment identifies the need for a number of trees to be removed to facilitate the proposed development, which includes the removal of a number of trees with potential to support roosting bats. These trees have been surveyed with no evidence of roosting bats recorded.
- 10.103. The buildings previously present on site were found to support bat roosts during surveys undertaken in support of earlier applications at this site. All buildings have now been demolished. The applicant has advised that the implementation of mitigation for the demolition of the building is outside of their control. They have however offered to prove bat boxes on site within a month of development commencing. This can be dealt with through the imposition of an ecological enhancement condition.

#### Hedgehogs

- 10.104. There are historical records of this priority species being present on the application site. Consequently, there is a risk that this species may occur on site on at least a transitory basis. The proposed development would result in a moderate impact upon this species, if

present, due to the loss of extensive areas of low suitability habitat and smaller areas of higher value habitat and the risk of animals being harmed during site clearance operations.

- 10.105. If planning consent is granted, conditions can be imposed to minimise the risk of hedgehog being harmed. Features for this species can be secured through the ecological enhancement condition discussed above.

#### Watercourse Safeguards

- 10.106. The application site is located near a watercourse. In order to protect the watercourse, the applicant should provide a Construction Environment Management Plan and this can be secured via the imposition of a planning condition.

#### Other Protected Species

- 10.107. No evidence of activity was recorded during the submitted survey, but the submitted Ecological Appraisal concludes that there is a possibility that other protected species may use the site on an occasional basis for foraging purposes. The proposed development would pose a low risk to other protected species due to the lack of any evidence of their presence.

#### Great Crested Newts (GCN)

- 10.108. The submitted Preliminary Ecological Appraisal recommends that Great Crested Newt impact assessment must be undertaken to investigate the potential impacts of the proposed development upon this protected species.

- 10.109. There is only a single potential pond with any connectivity to the application site. The applicant's ecological consultant has confirmed that this is a slurry lagoon. Therefore, this species is not reasonable likely to be affected by the proposed development.

#### 10.110. Water Vole and Otter

- 10.111. No evidence of water voles was recorded during the latest survey, which is consistent with previous surveys. This species is not reasonable likely to be affected by the proposed development.

- 10.112. Whilst no evidence of otter was recorded, this species is known to be present in the wider area and was recorded on site during surveys undertaken to inform a 2019 application. This species is likely to pass along Arclid Brook on a transitory basis. No features offering shelter or protection for otters were however recorded on site.

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

#### Nesting Birds

- 10.114. If planning consent is granted a standard condition is required to safeguard nesting birds.

## Non-native Invasive Plant Species

- 10.115. A number of non-native invasive plant species are present on site. If planning consent is granted a condition can be imposed for the submission and implementation of a method statement for the control of these species.

## **Flood Risk/Drainage**

- 10.116. The application site is located largely within Flood Zone 1 (low probability of flooding) although the far north of the site around the existing watercourse is identified as Flood Zone 2 (medium probability of flooding) and 3 (high probability of flooding). The proposed buildings would all be located within Flood Zone 1, but part of the access is within Flood Zones 2 & 3 and the watercourse would be culverted under the proposed access (as noted elsewhere in this report the access was approved as part of the previous approvals).
- 10.117. In this case the Environment Agency have considered the application and raised no objection. Since then, the Drainage Strategy has been revised to resolve concerns raised by the Councils Flood Risk Officers. Updated comments are awaited from the Environment Agency based upon the revised Drainage Strategy, this will be provided as part of an update report.
- 10.118. United Utilities originally objected to the application due to the impact upon their infrastructure. The layout has been amended, and a revised Drainage Strategy has been provided. Updated comments are awaited from United Utilities based upon the revised Drainage Strategy/layout, this will be provided as part of an update report.
- 10.119. The Councils Flood Risk Officer has stated that he has no objection in principle to this application subject to the imposition of planning conditions.

- 10.120. As a result, the development is acceptable in terms of its drainage and flood risk implications.

## **Education**

- 10.121. The proposed development of 179 dwellings (excluding the one bed units) is expected to generate:
- 44 - Primary children
  - 21 - Secondary children
  - 4 - SEN children
- 10.122. The development is expected to impact on school 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.
- 10.123. The children expected from this development will exacerbate the shortfall. To alleviate forecast pressures, contributions of £879,516 (Primary), £577,332 (Secondary) and £299,680 (SEN) will be required to mitigate the impact of this development and these contributions will be secured as part of a S106 Agreement.

## **Health Infrastructure**

10.124. The potential impact upon healthcare provision in Sandbach is noted and comments from the NHS states that the patient lists are increasing at Ashfields Primary Care Centre and Haslington Surgery. In order to mitigate the impact of this development a contribution has been requested, and this will be secured as part of a S106 Agreement. In order to mitigate the impact of this development a contribution of £211,015 will be required and this will be secured as part of a S106 Agreement (this figure is based on the earlier scheme of 203 dwellings. The proposal is now 204 dwellings and an update has been requested).

### **Climate Change**

10.125. Policy ENV7 of the SADPD requires that all 'major' residential development schemes should provide for at least 10% of their energy needs from renewable or low carbon energy generation on site unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable.

10.126. In this case the applicant has provided a plan to show that all of the units within the development will be fitted with solar panels and this will be controlled via the imposition of a planning condition.

### **CIL Compliance**

10.127. 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.

10.128. The development would result in increased demand for education provision in Sandbach 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.

10.129. The development would provide on-site POS/NEAP which will require a scheme of management and would require outdoor sport mitigation in accordance with Policies within the CELPS. This is considered to be necessary and fair and reasonable in relation to the development.

10.130. The development would result in increased population which would require medical care provision. The contribution towards the NHS is in accordance with Policies within the CELPS. This is considered to be necessary and fair and reasonable in relation to the development.

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

## **11. Planning Balance/Conclusion**

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

- 11.2. The highways implications of the development are considered to be acceptable, and the roundabout and spine road were approved as part of application 19/3784C. The offsite highway works represent a major improvement to the highway network in Sandbach.
- 11.3. Due to the increased cost of the off-site highway works, there would be a reduction in the affordable housing provision on this site. As noted above the off-site highway works are a major improvement and the viability case put forward is accepted. There is no objection from the Housing Officer in terms of the proposed affordable housing provision.
- 11.4. The issues of noise, air quality and contaminated land are considered to be acceptable and would comply with SE 12 of the CELPS. The development will not have a detrimental impact upon residential amenity and would comply with Policies HOU12 and HOU13 of the SADPD.
- 11.5. The design of the proposed development has been the subject of revised plans and is now of an acceptable design. The design complies with Policies SE1, SD1 and SD2 of the CELPS, the CEC Design Guide, GEN1 of the SADPD and H2 of the SNP.
- 11.6. The site has a challenging topography and the development is considered to be acceptable in terms of the levels changes on the site.
- 11.7. The drainage/flood risk implications for this proposed development are considered to be acceptable by the Councils Flood Risk Officer and no objection is raised subject to the imposition of a condition. An updated consultation response will be provided in terms of the comments from UU and the Environment Agency.
- 11.8. The proposed development would affect the PROW which cross the site. Given the views of the Inspectors and the SoS within the recent appeal decisions there would be no conflict with Policies SE1 and CO1 of the CELPS, Policy INF1 of the SADPD, or Policy PC5 of the SNP.
- 11.9. There are no objections to the application in terms of the impact upon the trees on the site or in terms of ecology. The proposal would comply with Policies SE1, SE3, SE4, SE5, and SE6 of the CELPS, policies ENV3, EN5 and ENV6 of the SADPD and policy PC4 of the SNP.
- 11.10. The proposed development has a better relationship with the open space/play area than the earlier revisions of this application and is now considered to be acceptable.
- 11.11. On the basis of the above the application complies with the Development Plan when read as whole and the application is recommended for approval.

## 12. Recommendation

**APPROVE subject to a S106 Agreement with the following Heads of Terms:**

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	Affordable housing	20% Affordable Provision (40 units) with a 67.5% to 32.5% tenure split between Affordable Rent and Shared Ownership.

<b>Amenity Green Space and Play Provision</b>	On site provision of Open Space and a NEAP.  Scheme of Management to be submitted and approved	Shall be provided prior to the first occupation of 30% of the dwellings on the site.
<b>Outdoor Sports Contribution</b>	£299,609.41	To be paid prior to the occupation of the 120 <sup>th</sup> dwelling
<b>NHS</b>	£211,015 (sum to be confirmed)	To be paid prior to the first occupation of the 120 <sup>th</sup> dwelling
<b>Education</b>	£879,516.00 (Primary) £577,332.00 (Secondary) £299,680.00 (SEN)	- Primary to be provided prior to first occupation of the 50 <sup>th</sup> dwelling  - Secondary to be provided prior to first occupation of the 15 <sup>th</sup> dwelling  - SEN to be provided prior to first occupation

**And the following conditions:**

- 1. Standard Time – 3 years**
- 2. Approved Plans**
- 3. At least 30% of the dwellings in housing developments should comply with the requirements of M4(2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings.**
- 4. At least 6% of the dwellings in housing developments should comply with the requirement m4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.**
- 5. Submission and approval of a scheme for acoustic mitigation**
- 6. Submission and approval of a scheme for odour mitigation**
- 7. Low emission boiler provision**
- 8. Phase II Contaminated Land report to be provided**
- 9. Contaminated land verification**
- 10. Contaminated land – importation of soil**
- 11. Contaminated land – unexpected contaminated land**
- 12. Construction Management Plan to be submitted and approved**
- 13. Materials to be submitted and approved**
- 14. Cycle parking provision to be submitted and approved**
- 15. Submission and approval of a tree protection scheme and Arboricultural Method Statement**
- 16. Submission of a scheme for the provision of Biodiversity Net Gain**
- 17. Submission, approval and implementation of a management plan to ensure the delivery and monitoring of the BNG measures**
- 18. Submission and approval of a scheme for the removal of non-native invasive species**
- 19. Hedgehog mitigation (Reasonable Avoidance Measures)**
- 20. Submission and approval of a Construction Environment Management Plan**
- 21. Submission and approval of a scheme for a mammal ledge**
- 22. Nesting birds – timing of works**

23. Lighting to be submitted and approved.
24. Ecological Enhancement Management Plan to be submitted and approved.
25. Submission and approval of a drainage strategy.
26. Prior to the first occupation of the development the improved roundabout access and off-site highway works shall be fully implemented and operational.
27. 10% of energy needs to be from renewable or low carbon energy
28. Obscure glazing requirement – Apartments at plots 15-18 first-floor windows facing north east and first floor side windows on plots 23 and 59.
29. Boundary Treatment – including any fencing to the PROW, the drainage basin and any highway safety barriers
30. Detailed designs of the retaining structures to be submitted and approved.
31. Landscaping (including food growth/production) to be submitted
32. Landscaping to be implemented
33. Landscaping Management Strategy to be submitted and approved
34. Hard landscaping to be submitted and approved.
35. Details of the themed NEAP equipment and play-on-the-go equipment to be submitted and approved.

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

Should the application be the subject of an appeal, approval is given to enter into a S106 Agreement with the following Heads of Terms

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	Affordable housing	20% Affordable Provision (40 units) with a 67.5% to 32.5% tenure split between Affordable Rent and Shared Ownership.
<b>Amenity Green Space and Play Provision</b>	On site provision of Open Space and a NEAP.  Scheme of Management to be submitted and approved	Shall be provided prior to the first occupation of 30% of the dwellings on the site.
<b>Outdoor Sports Contribution</b>	£299,609.41	To be paid prior to the occupation of the 120 <sup>th</sup> dwelling
<b>NHS</b>	£211,015 (sum to be confirmed)	To be paid prior to the first occupation of the 120 <sup>th</sup> dwelling
<b>Education</b>	£879,516.00 (Primary) £577,332.00 (Secondary) £299,680.00 (SEN)	- Primary to be provided prior to first occupation of the 50 <sup>th</sup> dwelling

		<ul style="list-style-type: none"><li>- Secondary to be provided prior to first occupation of the 15<sup>th</sup> dwelling</li><li>- SEN to be provided prior to first occupation</li></ul>
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