

Application No: 25/1403/OUT  
Application Type: Outline Planning  
Location: Land Off Crewe Road, Sandbach, Cheshire East,  
Proposal: Outline approval on access for the erection of up to 160 dwellings (C3), a new care home of up to 70 bedspaces (C2), a new community building (F2) with associated car parking, and a new countryside park.  
Applicant: , Wain Estates (Land) Limited  
Expiry Date: 31-October 2025

## Summary

The site is located within the open countryside and adjoins the settlement boundary of Sandbach. The Council is no longer able to demonstrate a 5-year housing land supply and as such relevant policies concerning the supply of housing should be considered out-of-date (this would include policies relating to the Open Countryside and the Local Green Gap). In accordance with paragraph 11d of the NPPF the decision maker should grant planning permission unless the application of policies in the Framework that protect areas or assets of importance provide a strong reason for refusing the development proposed; or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The proposal would result in the loss of Open Countryside, but this will be an inevitable consequence given the Council's housing land supply position.

The policy in terms of the Local Green Gap is considered to be out-of-date, but it is still necessary to consider the impact upon the Green Gap. By shifting development north and positioning the country park to the southern part of the site, the development has addressed the majority of the concerns raised as part of the previous appeal decision in terms of the Local Green Gap. The development would not result in an unacceptable erosion of the physical gap between Sandbach Town and Ettiley Heath, it would not significantly affect the undeveloped character of the local green gap or lead to coalescence of the urban form of Sandbach.

The application site is pleasant agricultural land, but it is not exceptional in landscape terms. It is inevitable that there will be some change in the character of the site as part of a residential led development. The proposed development would not result in landscape character harm, and any visual harm would be modest.

The Council's Built Heritage Officer advises that the harm to the setting of the listed building is considered to be "less than substantial". However further details in the form of a character design code, particularly for the northern part of the site, could help to address some of the concerns at the Reserved Matters Stage.

Other harm associated with this development would be the loss of BMV which would provide some limited weight against the proposed development.

There are a range of benefits that weigh in favour of this proposal. The NPPF attaches great importance to housing delivery.

The proposal would provide economic benefits in the form of housing delivery (up to 160 dwellings with 30% affordable); the economic benefit of the construction works to the supply chain and the local economy, and economic benefits of the new dwellings once occupied. These benefits should be given substantial weight.

The site is sustainably located and there is easy access to public transport and the services/facilities available in Sandbach including the town centre. The proposal would provide social benefits in the form of new homes, including affordable homes. These benefits should be given substantial weight.

The proposal would include the provision of a community facility which would accommodate Foden's Band who have spent the last 9 years in rented accommodation. Foden's Band are an important part of the cultural history of the town. The provision of a new purpose-built facility can be given moderate weight.

The proposal would also provide benefits in terms of the open space provision including countryside park and parkrun circuit. This would benefit not just the future residents but also existing residents within Sandbach and this can be given moderate weight.

There would also be some modest benefits in terms of improved connectivity to the Wheelock Rail Trail, Hind Heath Lane and Park Lane. These matters can be given minor weight.

The impacts in terms of trees (including ancient woodland), highways, local infrastructure (education, health, PROW and indoor/outdoor sport), ecology, pollution (air quality, contaminated land, lighting), flood risk, archaeology, amenity and design can be mitigated or resolved at the Reserved Matters stage or through the imposition of planning conditions. These matters are given neutral weight.

On the basis of the above the less than substantial harm to the Grade II Listed Building at Abbeyfields, the loss of open countryside, the loss of BMV and the modest visual harm would not significantly outweigh the benefits of the of the development when assessed against the policies in the Framework taken as a whole. As a result, the application is recommended for approval.

### **Summary recommendation**

**APPROVE subject to the completion of a S106 Agreement and the imposition of planning conditions**

## **1. Proposed Development**

- 1.1. This is an outline planning application for the erection of 160 dwellings, a care home (up to 70 spaces), a new community building and a new countryside park.
- 1.2. The vehicular access will be taken from Crewe Road between the dwellings at 207 and 215 Crewe Road.
- 1.3. There will be two pedestrian access points onto Park Lane to the north, one onto Hind Heath Lane, and one onto the Wheelock Rail Trail to the south.

1.4. As part of this application two Parameters Masterplans have been provided:

- Option A features the community building and associated parking to the north of the proposed countryside park, within a 'development parcel' as shown on the parameters plan.
- Option B features the community building and associated car parking within the north-eastern corner of the countryside park, adjacent to a community orchard.

1.5. Option B is the applicants preferred option. The Council has the option to condition a development in line with one or both plans subject to their acceptability.

## **2. Site Description**

2.1. The application relates to an area of land to the west of Crewe Road and to the south of Park Lane. The site extends to 17.17 hectares and is largely located within the Open Countryside (one of the pedestrian access points onto Park Lane is located within the settlement boundary).

2.2. The site consists of undulating agricultural land which is bound by trees and hedgerows. There are areas of woodland within and adjacent to the site (this includes an area of ancient woodland).

2.3. To the south of the site is the Wheelock Rail Trail and to the north-west is a property known as Abbeyfields which is a Grade II Listed Building.

2.4. There is a range of house types surrounding the site from detached to semi-detached, from single-storey to two-storey in height.

## **3. Relevant Planning History**

3.1. 24/4750/EIA - EIA screening opinion relating to residential accommodation of up to 170 new homes, a new community facility and countryside park – EIA Not Required 17<sup>th</sup> January 2025

3.2. 14/3892C - Redevelopment of the site to provide up to 200 homes and a community facility (outline) – Refused 3<sup>rd</sup> June 2015 – Appeal Lodged – Appeal Dismissed 31<sup>st</sup> October 2016

3.3. 22740/1 - 18 Hole golf course, club house, open space, residential development and associated supporting infrastructure – Refused 2nd January 1991

3.4. 22739/1 - 18 Hole golf course, club house, open space, residential development and associated supporting infrastructure – Refused 2nd January 1991

## **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)

SADPD Policy PG 9: Settlement boundaries  
SADPD Policy PG 12: Strategic Green Gap Boundaries  
SADPD Policy GEN 1: Design principles  
SADPD Policy ENV 12: Air quality  
SADPD Policy ENV 14: Light pollution  
SADPD Policy ENV 16: Surface water management and flood risk  
SADPD Policy ENV 17: Protecting water resources  
SADPD Policy ENV 1: Ecological Network  
SADPD Policy ENV 2: Ecological implementation  
SADPD Policy ENV 3: Landscape character  
SADPD Policy ENV 4: River corridors  
SADPD Policy ENV 5: Landscaping  
SADPD Policy ENV 6: Trees, Hedgerow and Woodland Implementation  
SADPD Policy ENV 7: Climate Change  
SADPD Policy HER 1: Heritage assets  
SADPD Policy HER 4: Listed Buildings  
SADPD Policy HER 7: Non-designated heritage assets  
SADPD Policy HER 8: Archaeology  
SADPD Policy RUR 5: Best and most versatile agricultural land  
SADPD Policy HOU 1: Housing mix  
SADPD Policy HOU 2: Specialist Housing Provision  
SADPD Policy HOU 3: self and Custom Build Dwellings  
SADPD Policy HOU 8: Space, Accessibility and Wheelchair Housing Standards  
SADPD Policy HOU 12: Amenity  
SADPD Policy HOU 13: Residential standards  
SADPD Policy HOU 14: Housing density  
SADPD Policy HOU 15: Housing delivery  
SADPD Policy INF 1: Cycleways, bridleways and footpaths  
SADPD Policy INF 3: Highway safety and access  
SADPD Policy INF 9: Utilities  
SADPD Policy REC 2: Indoor sport and recreation implementation  
SADPD Policy REC 3: Open space implementation  
SADPD Policy REC 5: Community Facilities  
CELPS Policy MP 1: Presumption in favour of sustainable development  
CELPS Policy PG 1: Overall development strategy  
CELPS Policy PG 2: Settlement hierarchy  
CELPS Policy PG 6: Open countryside  
CELPS Policy PG 7: Spatial distribution of development  
CELPS Policy SD 1: Sustainable development in Cheshire East  
CELPS Policy SD 2: Sustainable development principles  
CELPS Policy IN 1: Infrastructure  
CELPS Policy SC 1: Leisure and Recreation  
CELPS Policy SC 2: Indoor and Outdoor Sports Facilities  
CELPS Policy SC 3: Health and Well-Being

CELPS Policy SC 4: Residential mix  
CELPS Policy SC 5: Affordable homes  
CELPS Policy SE 1: Design  
CELPS Policy SE 12: Pollution, land contamination and land instability  
CELPS Policy SE 13: Flood risk and water management  
CELPS Policy SE 2: Efficient use of land  
CELPS Policy SE 3: Biodiversity and geodiversity  
CELPS Policy SE 4: The landscape  
CELPS Policy SE 5: Trees, hedgerows and woodland  
CELPS Policy SE 6: Green infrastructure  
CELPS Policy SE 7: The historic environment  
CELPS Policy CO 1: Sustainable travel and transport  
CELPS Policy CO 2: Enabling business growth through transport infrastructure  
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.

PC1 – Local Green Gaps  
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:** No objection subject to the imposition of planning conditions.

- 7.2. **Public Rights of Way (PROW):** The site is adjacent to the Wheelock Rail Trail which is managed by the CEC Countryside Ranger Service. The Trail forms part of the National Cycle Network. The development does not appear to affect a PROW.

The proposed connection to the Wheelock Rail Trail would benefit users from the proposed development and the wider community. This link should be designed and constructed to accessible standards (LTN1/20). The link should be provided prior to first occupation. The developer should assess and identify mitigation for users of the Wheelock Rail Trail during construction.

It should be noted that whilst the Wheelock Rail Trail is on land in the Council's ownership, other third-party landowners may exist on such access points.

Signage for users should be provided. Contributions should be sought to upgrade the interpretation boards on the Wheelock Rail Trail and maintenance of the link.

- 7.3. **Environmental Health:** Conditions suggested in relation to contaminated land and low emission boilers.
- 7.4. **Natural England:** No comment to make on this application. Refer to Natural England standing advice.
- 7.5. **Archaeology:** A condition and informative are suggested in relation to archaeology mitigation.
- 7.6. **Head of Strategic Transport:** No objection subject to the imposition of the following conditions:
- Details of emergency access points onto Park Lane and Hind Heath Lane.
  - Details of the access onto the Wheelock Rail Trail

Completion of a s106 Agreement to secure a contribution of £345,000 for active travel infrastructure improvements within the vicinity of the site to encourage travel by sustainable modes.

- 7.7. **United Utilities (UU):** Whilst the proposals are acceptable in principle there is insufficient information on the form of the details of the drainage design. Should the application be approved then a drainage condition is suggested.
- 7.8. **Education:** To alleviate the impact upon education provision the following contributions will be required:
- £222,789.00 (Secondary education)
  - £425,155.00 (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:** Suggest that a drainage condition is imposed. The proposed drainage strategy contains minimal details. At detailed design stage SuDS are required and this will include details at the property level (permeable surfacing and rainwater harvesting butts), SuDS serving primary roads (swales or tree pit planters with defined drainage areas). Discharge off-site will be the subject of soakaway testing and GI Phase 2 info.
- 7.11. **Head of Strategic Housing:** No objection.

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

7.13. **Adult Social Care:** Offer the following comments:

- Given the importance of Care at Home services to the delivery of the Council's ambitions to prioritise a Home First approach and enable people to stay at home for longer, it is proposed that domiciliary care providers are encouraged to significantly grow their businesses and create alternatives to residential and nursing care.
- While there will always be some people for whom care homes are the only option, for example, somebody in the advanced stages of dementia, a significant proportion of people may have been able to stay at home if there was sufficient capacity in the domiciliary care market to support them to remain at home. Not only is this in the best interests of the individual and their families, but it also offers a huge saving for the public purse at a time when finances are severely restricted and for individuals if they fund their own care.
- Providers that develop services without discussions with commissioners do so at their own risk. Developing or building services does not guarantee that the council or ICB will use these facilities/services or fund care at levels that do not align with the Councils fee structures.
- Cheshire East Council commissioning strategy is to promote independence and away from reliance on residential care, investing preventative services and support wellbeing, building on their strengths and enabling them to live longer, independent and healthier lives.

7.14. **Woodland Trust:** The Woodland Trust object to the application on the following grounds:

- The applicant has not provided supporting analysis to demonstrate that a 15m buffer will be adequate to mitigate indirect impacts including noise, disturbance and predation arising from a development of this nature and scale.
- The applicant has stated within their note (Response to Woodland Trust objection) that the woodland will not be publicly accessible and will be enclosed by boundary fencing. However, the AIA refers to developing a plan for woodland access and recreation.
- Nevertheless, it is likely that there will be increased pressure on the ancient woodland from a housing development in such close proximity.
- The applicant has not demonstrated that the width of the buffer and the extent of connected undisturbed habitat will protect against gradual deterioration of the woodland's ecological condition.
- The standing advice specifically refers to traffic emissions as an indirect impact that may require a larger than 15 metre buffer. It is for the applicant to assess whether predicted increases in traffic pollutants arising from this development are likely to have adverse ecological impacts on the ancient woodland in the context of background levels.
- The development will give rise to a significant amount of infrastructure and hardstanding on higher ground to the north and east of the ancient woodland, with a piped drainage system to channel surface water run-off to a drain in the south-west. It is for the applicant to assess the likely hydrological impacts on the ancient woodland of these changes.

7.15. **Forestry Commission:** No comments received.

7.16. **Indoor Sport:** Request a contribution of £28,598.75 to mitigate the impact of the development.

7.17. **Cadent Gas:** No comments received.

7.18. **Cheshire Brine Subsidence Board:** The board is of the opinion that the site is within an area that has previously been affected by brine subsidence and future residual movements

cannot be completely discounted. In addition, a number of past claims for damage due to subsidence from brine pumping have been filed and accepted for properties in the vicinity.

Recommendations are made in terms of the construction of the proposed development.

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

- Option B is preferable, as the siting of the community building will allow the structure to become a vibrant and inclusive community hub.
- The inclusion of the parkrun circuit is supported. The addition of fitness stations along the route is supported. The route could be enhanced further through the addition of wayfinding signage, step counts and connections to adjacent open spaces.
- The proposal includes a LEAP and several LAPs and informal 'play on the go' equipment. The LEAP is considered to be suboptimal given the size of the site and its location to the northern part of the site.
- It is recommended that the primary play provision be relocated to the country park. A NEAP in this location would provide a more accessible, safe, and inclusive facility, better aligned with the strategic scale and function of the park.
- LAPs and 'play on the go' elements should be designed to complement the NEAP and ideally be themed to reflect the local history and heritage of Sandbach. The introduction of an art trail, integrated into the green infrastructure and featuring focal points at key locations such as village greens and squares, is strongly supported.
- This application proposes the creation of a community garden, which could serve as a valuable green space for Sandbach residents.
- The proposed connection to the Wheelock Rail Trail is supported.
- Contributions are requested to mitigate the impact upon outdoor sport.

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

**8.1. Sandbach Town Council:** Object to the application on the following grounds:

- The land is in open countryside and therefore contrary to PG6 of the CECLP
- The application is against policy PC1 of the Sandbach Town Council Neighbourhood Plan.
- Concerns about the accuracy of the highways report especially car numbers. Crewe Road is a major pedestrian walkway for schools and access to the town centre.
- No reference to Air Quality reports.
- The land is in a flood risk area.
- Concerns of loss of habitat – An EIA must be carried out.
- That there are archaeological digs as there is evidence of Roman road or settlements in the area.
- Concerns about lack of infrastructure in the area – especially as the local schools are oversubscribed.
- The application erodes the green gap between settlements.
- No measures to combat sewage treatment failures of which there have been some in the past in the area.
- The SNP is still applicable, and a study has been undertaken which identifies that:
  - Sandbach meets housing needs apart from accommodation for older residents who wish to downsize; affordable homes for younger residents and local workers who cannot afford to live in Sandbach.
  - Sandbach has an oversupply of larger homes which have attracted people from Manchester who then commute back to Manchester.
  - Sandbach does not need more housing.
- Cheshire East has 5,068 vacant homes which is the equivalent of over 2 years housing supply. Taking these into account the tilted balance will not apply.
- The harm generated by bringing existing buildings into use would be less than the construction of new homes.
- The submitted Transport Assessment is inadequate.



- Due to the recent new development being completed traffic congestion is far worse than traffic models feared in 2018. Each model put forward by the different developers underestimate traffic flows and failed to take account cumulative impact. We are now in a similar position.
- The Transport Assessments do not consider the commercial traffic flows from the Capricorn site.
- The route from J17 along Old Mill Road is operating beyond capacity.
- Issues with the planning portal are making it difficult for residents to submit their objections.
- The application contains many errors and false claims including overstating community engagement.
- The mix of homes, their design, lack of greenspace, lack of buffers and height issues have not been properly addressed.
- The Housing Needs Assessment was undertaken in 2022, and this application has not noted this.
- Failure to consider cumulative impacts of nearby developments breaching their s106 Agreements.
- No-compliance with AQMA standards.
- No assessment of the temporary disruption during the construction phase.
- No sensitivity testing of failure analysis.
- No quantitative analysis of diversion routes or rat routing.
- The application fails to deliver a cycle link to Sandbach Train Station, improvements to bus services, and a travel plan.
- The proposal is contrary to the NPPF, the CELPS and the SNP.

## **9. Representations**

- 9.1. As part of this application 136 letters of objection have been received which raise the following points:
- Conflicts with Local Neighbourhood Plan and Cheshire East Five Year Plan leading to town merging and loss of identity.
  - Contradiction to NPPF and sustainable development.
  - Development boundary concerns regarding open countryside and loss of wildlife habitats reducing biodiversity.
  - Highway impacts/ lack of parking.
  - Unsafe school access.
  - Local infrastructure such as Doctors, dentists and schools are at capacity.
  - Noise disturbance.
  - No new homes required in Sandbach.
  - Increased flood risks and lack of drainage.
  - Impact on air quality.
  - Impact on water supply, drainage issues in the area and sewage concerns.
  - Light pollution.
  - Subsidence risk increase.
  - Increased commuter pressure.
  - No consideration of alternative sites.
  - Suitability of the land based on nearby developments experiencing development issues.
  - General concerns raised over the amenity impact of construction period.
  - Previous applications on the land have been declined.
  - No additional need identified for the care home or countryside park.
  - Archaeological concerns as the land is of interest due to a Roman Road being located underneath.
  - Compromission of Sandbach town's character relevant to its heritage.
  - Concerns over previous planning violations.

- Loss of gaps between existing property settlements.
- More bungalow housing needs to be provided.
- The site is designated as open countryside and Green Gap.
- Contrary to policy (Cheshire East and the SNP)
- Impact upon deteriorating highway network.
- Landscape damage.
- Loss of agricultural land.
- Speculative profit driven development.
- Population is being displaced from nearby towns and cities.
- Archaeological impact – Roman Road crossing the site.
- Errors within the application.
- Insufficient time to comment on the application.
- Foden's Brass Band should find an alternative location.
- No need for this development.
- There are numerous properties for sale in Sandbach.
- Urban Sprawl.
- Impact upon wildlife including protected species.
- Brine subsidence risk.
- Brownfield land should be used.
- The proposed dwellings could be accommodated at Adlington new town.
- The care home is speculative.
- Sandbach has taken its share of new homes.
- Traffic congestion.
- Flooding within the highway.
- Air quality impact.
- Impact upon ancient woodland.
- An application on this site has previously been refused.

9.2. A call-in request has been received from Cllr Crane, which raises the following points:

- The application site is within the Open Countryside and is contrary to Policy PG6.
- This is an area of designated greenspace within the SNP.
- There are also concerns that the highways assessment is flawed. It suggests that a development of 160 houses will result in only around 50 additional cars at rush hour, this does not sound right given the traffic we see from similar developments across the town.
- Concern that there is only a commitment to negotiate with bus operators regarding discounted or free travel.
- Residents have observed a variety of wildlife on the application site.
- The local roads flood during heavy rain. The proposal could exacerbate this.
- There are areas of high/medium surface water flooding within the site.
- The cumulative effect of development on a small town such as Sandbach cannot be ignored. Once complete, the developments already approved within Sandbach will have seen the town grow by about 40% in the last 10 years, that cannot be sustainable.

9.3. An objection has been received from Cllr Cook, which raises the following points:

- The proposal conflicts with the SNP and CELPS
- Loss of agricultural land.
- Loss of segregation between Sandbach and Wheelock (the 2016 appeal was dismissed on this basis).
- The Abbeyfields and Broadmeadow developments have been completed since 2016. This proposal worsens the infilling situation.
- The site is within the open countryside.
- Concerns over the accuracy of the Highways Assessment.
- The width of the junction of Crewe Road and Park Lane is narrow and only one car can pass.

- The peak hours exclude the school drop off times and commuter times.
  - Increased traffic and construction will cause noise and pollution. This will impact upon public health.
  - No evidence of consultation with the local transport authorities.
  - Insufficient stakeholder engagement.
  - The site is within an area of Flood Risk.
  - Archaeology – there is evidence of Roman road/settlement in the area.
  - The submitted Statement of Community Involvement only meets the bare minimum.
  - Inadequate consultation. This has been limited to the statutory requirements.
- 9.4. A representation has been received from Cycling UK which raises the following points:
- The cycle lanes along Crewe Road are not wide enough.
  - The cycle lanes along Crewe Road should be widened and the speed limit reduced to 20mph.
  - The proposed parking restrictions at the access point are supported and these should be extended along the length of the cycle lanes.
  - The active travel points (Park Lane, Wheelock Rail Trail and Hind Heath Lane) are welcomed.
  - Should investigate links to the Abbeyfields Estate and Elworth towards the train station.
  - Footpath 21 is in close proximity to the site and should be upgraded to a cycleway.
  - Cycle parking should be provided at the bus stops on Crewe Road.
  - The speed limit within the site should be limited to 20mph.
- 9.5. An objection has been received from the CPRE which raises the following points:
- Loss of open countryside (NPPF para 187 and Policy PG6 of the CELPS).
  - Once the open countryside is built on it will be gone forever.
  - The site is not allocated for housing and approving housing on this site would be premature.
  - The area contains valuable ecological and landscape features, a Grade II Listed Building, a local wildlife site, woodland, fishing lake and habitat for 73 species of bird and a number of different mammals.
  - The development of the site will devalue and degrade ecological features.
  - The proposed country park is not realistic compensation as it will be used for human sport and entertainment rather than for wildlife.
  - Intrusion into the local Green Gap. The site occupies a major part of the gap between Ettiley Heath, Sandbach and Wheelock. This is a major concern with reference to policy PC1 of the SNP and Policy PG13 of the SADPD.
  - A previous appeal was dismissed due to the impact upon the Green Gap (14/3892C).

## **10. Officer Appraisal**

### **Planning History**

- 10.1. Part of this application site has been the subject of a previous appeal decision dated 16<sup>th</sup> October 2016 (14/3892C). This appeal decision was recovered for the Secretary of States determination, and the appeal was dismissed.
- 10.2. The key findings from the SoS appeal decision are as follows:
- Policies relating to the supply of housing such as the Open Countryside, the Areas of Separation (the former name for Local Green Gaps) and Settlement Boundaries were out of date (this was the former Congleton Local Plan and the Sandbach Neighbourhood Plan 2016 version).
  - The site is not exceptional in landscape terms. It is inevitable that the character of the site will change as part of a housing development.

- The development would maintain a good degree of separation from Abbeyfields and there would be no material harm to the setting of the Listed Building.
- Although the views from the neighbouring dwellings would be significantly altered, this is not harm to which significant weight could be attached.
- Any visual harm from the proposed development would be modest.
- The configuration of the site, its extent, relationship to existing landscape features and topography are such that there would be material conflict with the objectives and aspirations of the 2016 version of the SNP and policies PC1 (Areas of Separation) and PC3 (Policy Boundary for Sandbach).
- The loss of best and most versatile land whilst being a negative in the planning balance is not a matter of significant weight.
- The traffic generated by the development could be adequately accommodated on the road network

10.3. The appeal was dismissed due to the environmental harm in terms of the erosion of the strategic gap, which would have the effect of increasing the perception of settlements beginning to merge.

10.4. On the basis of the above it is important to consider a number of matters in arriving at the conclusion as to whether or not the development is a sustainable one. It is the balance of these that results in the recommendation as to whether material considerations justify determining the proposal other than in accordance with the Development Plan.

### **Principle of Development**

10.5. The site adjoins the settlement boundary of Sandbach but is located within the Open Countryside as defined by the CELPS and SADPD. The site is also located within a Local Green Gap and is the subject of policy PC1 of the SNP.

10.6. CELPS Policy PG6 (Open Countryside) states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions include:

- where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built-up frontage elsewhere; affordable housing in accordance with Policy SC6 or a dwelling of exceptional design.
- for the replacement of existing buildings (including dwellings) by new dwellings not materially larger than the buildings they would replace.

10.7. Policy PG6 is consistent with policies PC3 and H1 of the Sandbach Neighbourhood Plan (SNP) which restrict housing development in the open countryside in a similar manner.

10.8. The proposed development would not comply with the requirements of policy PG6 of the CELPS or Policies PC3 and H1 of the SNP.

### **Local Green Gap**

10.9. Policy PC1 of the SNP states that development permitted in accordance with Policy PC3 should minimise the impact on the open character of the Local Green Gaps. Development should maintain the distinctive identities of Sandbach, Elworth, Ettiley Heath, Wheelock and Sandbach Heath.

10.10. Policy PC1 states that new development should not be granted for the construction of new buildings that would:

- Result in the unacceptable erosion of a physical gap between the areas of the settlement identified;
- Adversely affect the visual character of the landscape; or
- Significantly affect the undeveloped character of the local green gap, or lead to coalescence of the urban form of Sandbach  
(Exceptions will be defined locally or considered where no suitable alternative location is available for the proposed development).

10.11. In terms of the previous appeal decision the SoS considered the Inspectors analysis and agreed with her conclusions. The Inspector found that whilst not seen from outside the site, there would be public access to the proposed housing development, and from here there would be a sense of closing the strategic gap with views towards Sandbach Football Club, the industrial estate beyond and the edge of Ettiley Heath. On this basis there would be a real sense of the narrowing of the gap.

10.12. The Inspector also noted that the appellants LVIA acknowledged that there would be a long term, moderate adverse impact from the Wheelock Rail Trail from the southern part of the site.

10.13. As part of the current application the configuration of the proposed development has altered. Previously the proposed housing development extended from the boundary with the Wheelock Rail Trail to the rear of the housing which is located at the junction of Crewe Road/Park Lane. The built development is now proposed to commence from the Crewe Road access point and extend northwards behind the properties fronting Park Lane to just south of the Abbeyfields access drive.

10.14. In changing the configuration of the site, the applicant has addressed the previous SoS/Inspector concerns in that the southern part of the site closest to the Wheelock Rail Trail would now be a countryside park free from the proposed housing development. The result of this is the visual effects from the Wheelock Rail Trail would now vary from negligible to minor-moderate adverse in Year 1 to negligible to minor beneficial in Year 15 (as compared to the moderate adverse impact as part of application 14/3892C).

10.15. The views from within the proposed development to Sandbach Football Club, the adjacent industrial estate and to the edge of Ettiley Heath would be obtained from the southern part of the site which is now proposed as a countryside park. The configuration of the development as proposed would mean that there would not be a sense of closing the strategic gap.

10.16. When viewed from the housing part of the development views towards Sandbach Football Club, the adjacent industrial estate and to the edge of Ettiley Heath would be screened by intervening woodland and trees and as such this part of the site would also not result in a sense of closing the strategic gap.

10.17. As a result, the development would not result in an unacceptable erosion of the physical gap between Sandbach Town and Ettiley Heath, it would not significantly affect the undeveloped character of the local green gap or lead to coalescence of the urban form of Sandbach.

## **Housing Land Supply**

- 10.18. The Cheshire East Local Plan Strategy was adopted on the 27<sup>th</sup> 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.
- 10.19. As the plan is more than five years old, deliverable housing land supply is measured using the local housing need figure (plus 5% buffer), which is currently 2,603 dwellings per year rather than the LPS figure of 1,800 dwellings per year.
- 10.20. The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These include:
- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
  - Where the Housing Delivery Test Measurement indicates that the delivery of housing was substantially below (less than 75% of) the housing required over the previous three years.
- 10.21. 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 2024) was published in April 2025. The published report identifies a deliverable five-year housing land supply of 10,011 dwellings which equates to a 3.8-year supply measured against the five year local housing need figure of 13,015 dwellings.
- 10.22. The 2023 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 12 December 2024 and this confirms a Housing Delivery Test Result of 262%. Housing delivery over the past three years (7,392 dwellings) has exceeded the number of homes required (2,820). 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%.
- 10.23. In the context of five-year housing land supply, relevant policies concerning the supply of housing should be considered out-of-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is engaged.

### **Housing Mix**

- 10.24. 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).
- 10.25. 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.
- 10.26. Policy H3 of the SNP states that development should seek to deliver the following types of housing 1-3 bedroom units, single-storey housing or apartments for older people or those with reduced mobility and nursing/care and sheltered accommodation for older people. Larger applications will only be acceptable if they form part of a wider mix of house types and must be justified with appropriate evidence to meet an up-to-date specific housing need.
- 10.27. As an outline application the final housing mix will not be determined at this stage and will be reserved for later approval.

10.28. 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 Councils Annual Monitoring Report so there is no evidence of unmet demand.

10.29. 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

10.30. The applicant has stated that the proposed development would comply with the above requirements of Policy HOU8, and this will be controlled via the imposition of a planning condition.

10.31. 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. This matter will be assessed at the Reserved Matters stage.

### **Adult Social Care**

10.32. The application includes the provision of a care home with up to 70 bedrooms (Use Class C2).

10.33. Policy HOU2 of the SADPD states the delivery of specialist housing which meets an identified need will be supported and that *'the type of specialist accommodation proposed meets identified needs and contributes to maintaining the balance of the housing stock in the locality'*. Despite the above Policy H3 of the SNP states that new developments should amongst other things primarily seek to deliver *'Nursing and care homes and sheltered accommodation for older people'*.

10.34. The applicant has produced a Care Home Need Assessment (CHNA) in support of this application. This identifies that there is support within the PPG relating to Housing for Older and Disabled People which identifies that the need is critical, whilst the NPPF mixed tenure sites (including affordable housing and older persons or student accommodation) have benefits in terms of creating diverse communities and supporting timely build out rates. In addition, the Care Act 2014 requires each local authority to ensure an adequate provision for care homes in terms of quantity and quality.

10.35. In addition, the CHNA identifies:

- 23% of the local population are aged 65+.
- The majority of the forecast growth over the next decade is among the higher age bands.
- The number of people aged 85+ in the locality will increase 79% by 2040.

- Over the last decade there has been one care home closed and one care home opened.
- The development pipeline is insufficient to meet the increasing demand.
- The wider borough has a significant need for further care home provision.

10.36. The applicant also makes reference to an appeal decision at 107-109 Manchester Road, where in 2021 the Inspector found that:

*'The evidence of the appellant is compelling in demonstrating that there is a significant current unmet need for care home spaces in the area, and that this need will continue to grow in the future. Evidence from both parties supports the forecast demographic shifts towards an older population, and in particular, a local population aging at a faster rate than elsewhere in the region or country as a whole.'*

10.37. The latest consultation response from the Adult Social Care Team does not object to the need case put forward by the applicant. However, they do make reference to the Councils ambitions in terms of prioritising a Home First approach and that providers that develop services without discussions with commissioners do so at their own risk. Developing or building services does not guarantee that the council or Integrated Care Board will use these facilities/services or fund care at levels that do not align with the Councils fee structures.

10.38. The ambition or prioritising a Home First approach are noted. However, the application should be determined in accordance with the Development Plan, and a proven need has been identified. There is no objection to the provision of a care home within this development.

### **Affordable Housing**

10.39. This is a proposed development of up to 160 dwellings. The application will provide 30% affordable housing provision, and this complies with the requirements of Policy SC5 of the CELPS.

10.40. Based on a development of 160 dwellings the development would provide 48 affordable units (31 rented and 17 intermediate tenure).

10.41. Affordable homes on site should be integrated with open market homes to promote social inclusion. Affordable homes (both rented and intermediate tenure) should be 'pepper potted' in clusters of no more than between 6 and 10 throughout the development in line with policy SC5 unless there are specific circumstances or benefits that would warrant a different approach.

10.42. Details of the location of the affordable housing, the size/type of property and their design would all be secured at the Reserved Matters stage. The affordable housing provision would be secured as part of a S106 Agreement.

### **Highways Implications**

#### Site Access

10.43. To serve this development a new vehicle/pedestrian access is proposed from Crewe Road which will be the only vehicular access. There would also be two pedestrian/cyclist access points to Park Lane; one to Hind Heath Lane; and another to the Wheelock Rail Trail.



- 10.44. The two access points from Park Lane will also act as emergency access points and will connect to existing footway for safe pedestrian access. The details of this can be secured via the imposition of a planning condition.
- 10.45. Hind Heath Lane is part of the adopted highway and is a cul-de-sac with little traffic movement and also provides access to the bridge over the Wheelock Rail Trail. The pedestrian access to Hind Heath Lane will benefit pedestrian/cyclists traveling to/from the south of the site. Details of the cycle/pedestrian access point from Hind Heath Lane and the Wheelock Rail Trail should also be conditioned.
- 10.46. The access via Crewe Road will have sufficient carriageway width and standard footways to either side. It will also have adequate visibility splays. There is a primary school on the opposite side of Crewe Road from the site and parking takes place along Crewe Road during drop-off/pick-up times. To prevent future parking taking place at the site access and hindering vehicle turning movements, parking restrictions are proposed at the proposed entrance point. The extent of these within the site will be determined during reserved matters stage should this outline application be approved, and the extent of them along Crewe Rd will be agreed at the S278 approval stage.
- 10.47. There will also be a community facility within the site, the details of which will be determined at the Reserved Matters stage. The community facility will provide a small car park, and which will be usable during school drop-off/pick-up times and help alleviate parking pressure from the local highway network.

### Sustainable Access

- 10.48. As part of the appeal for application 14/3892C the Secretary of State stated that *'the housing would be sustainably located'*.
- 10.49. The site is approximately 1km-1.5km from the centre of Sandbach which is around a 15min walk. It is also a short walk (approximately 10-15 mins) to the two secondary schools on Crewe Road and Middlewich Road. Wheelock Primary School is on the opposite side of Crewe Road from the site.
- 10.50. In terms of public transport Crewe Road has a frequent bus service with around 2 buses per hour to Crewe, Middlewich, Winsford, and Northwich. There is an additional service from Middlewich Road which connects to Alsager and Leighton Hospital. There are also advisory cycle lanes along Crewe Road, between Hind Heath Lane and Park Lane. The Wheelock Rail Trail to the south of the site forms part of National Cycle Network Route 5 providing a connection to other nearby towns and further afield. The site is ideally located to encourage pedestrian and public transport use, particularly given the proximity of the schools and the town centre.
- 10.51. The two access points onto Park Lane will be for cyclists and pedestrians and will also be provided as emergency access points and pedestrian/cycle routes will be provided from Park Lane through the site. This will provide an active travel link through the site and south to the Wheelock Rail Trail which forms part of the National Cycle Network Route 5.
- 10.52. The Sandbach Local Transport Development Plan, and the Draft Sandbach Local Cycling and walking Infrastructure Plan (LCWIP), aim to improve sustainable travel links within the town and propose various measures to improve existing cycling and walking routes or create new routes. It may also be possible to provide a cycle link along Park Lane, from the active travel links northwards to Middlewich Road, utilising the extent of highway. To mitigate the impact of the development, and to encourage sustainable modes of travel in Sandbach, a contribution of £345,000 will be secured as part of this application

## Network Capacity

- 10.53. The development would generate approximately 80-100 vehicle trips in either of the peak hours and committed development flows from the Capricorn and Old Mill Road sites were included in the network capacity assessments.
- 10.54. A proportion of the 80-100 vehicle trips will travel north-west along Park Lane; a proportion to the south towards Wheelock; and a proportion north to Old Mill Road through Sandbach. Given this, the junctions assessed were the Crewe Road/ Old Mill Road/ Middlewich Road roundabout; Crewe Road/ Park Lane; Crewe Road/ Hind Heath Road and this reflects the assessments agreed for the previous application on this site.
- 10.55. The applicant's traffic modelling has been reviewed and the junction of most concern with regards to capacity is the Crewe Road/ Old Mill Road/ Middlewich Road which itself is also impacted by the signals to the west, and also from queueing back from the A533/A544 roundabout (Waitrose roundabout) to the southeast. Some issues were found within the modelling of this junction, and it was re-run by Cheshire East Highways. This did identify some additional queueing and delays, but the impact was minimal and is not considered severe. On this basis, the Council's Head of Strategic Transport raises no objection.
- 10.56. During the course of the application Cheshire East Highways did investigate the feasibility of an improvement scheme which included converting the roundabout to a signalised crossroads and linking it with the signalised junction to the west. This showed minimal improvements, at least in the context of this application. One of the issues with this roundabout is the queueing back of traffic into the junction from the Waitrose roundabout to the southeast. This junction is due to be upgraded and the modelling from this shows the queueing back is significantly reduced. These improvements have been technically approved within the s278, and the works are due to commence shortly

## Highways Conclusion

- 10.57. The site location will encourage active travel trips and reduce the need to travel by car. The highways impact upon the local highway network has been assessed and is acceptable subject to s106 mitigation, and no objection is raised subject to the imposition of planning conditions.
- 10.58. The proposed development complies with policies CO2 of the CELPS, INF3 of the SADPD and H1, PC5, IFT1 and IFT2 of the SNP.

## **Amenity**

- 10.59. 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
- 10.60. As an outline application, the layout, scale and appearance of the development is unknown. There is no reason why an acceptable layout could not be provided at the Reserved Matters stage. The impact upon amenity will be assessed in more detail at the reserved Matters stage.
- 10.61. The impact upon neighbouring amenity would comply with policies HOU12 and HOU13 of the SADPD.

## **Air Quality**

10.62. 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.

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

- Scenario 1 – Verification Year (2024);
- Scenario 2 – 2030 ‘without proposed development’
- Scenario 3 – 2030 ‘with proposed development’

10.64. The assessment concludes that the impact of the future development on the chosen receptors will be *not significant* with regards to all the modelled pollutants with only one receptor predicted to see a slightly adverse effect for PM<sub>2.5</sub>. However, the proposed development is considered significant in that it is highly likely to change traffic patterns and congestion in the area

10.65. 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 a condition relating to low emission boilers.

## **Contaminated Land**

10.66. 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.

10.67. 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**

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

## **Design**

10.69. This is an outline planning permission which is supported by a Design and access Statement and Spatial Design Code.

## Natural Connections

10.70. The proposed development would have connections onto Crewe Road (multimodal), Park Lane (2 x non-motorised), Hind Heath Lane (non-motorised) and the Wheelock Rail Trail (non-motorised). These connections are achievable and will be secured as part of any approval.

10.71. The proposal scores a green rating.

#### Walking, Cycling and Public Transport

10.72. The proposed development includes multiple cycling/walking routes (including the Wheelock Rail Trail) and connections are indicated on the submitted plans.

10.73. The bus interchange and train station are within 1.5km and 2.5km of the site (less following local less formal routes) and there are bus stops on Crewe Road which provide access to services to Crewe, Macclesfield, Northwich, Middlewich and Winsford.

10.74. The proposal scores a green rating.

#### Facilities and Services

10.75. The proposal includes a community building, countryside park, village green and other POS. The site is sustainably located and schools, shops, places of worship, public houses, the health centre and the town centre are all within a walkable distance from the site.

10.76. The proposal scores a green rating.

#### Homes for Everyone

10.77. The proposal includes 30% affordable housing provision and the spatial code states that the affordable housing will be pepper potted. In addition, the application will provide a care home and there will be compliance with the NDSS, M4(2) Category 2 and M4 (3)(2)(a) Category 3 standards.

10.78. No details of the open market housing mix have been provided and these details will be determined at the Reserved Matters stage.

10.79. The proposal scores a green rating.

#### Making the most of what's there

10.80. The proposal retains the majority of the trees on site and retains the ancient woodland which would be set within an appropriate buffer.

10.81. Concerns were originally raised in terms of the impact of the development upon the setting of the Grade II Listed Building at Abbeyfields.

10.82. There has been some revision to the framework plans for both options to reduce the housing parcel closest to the driveway, introducing an area of landscaping between it and the garden of 56 Park Lane. Further landscaping is also indicated around the northwestern edges of the developable area. The framework plans of the two options have also been modified to remove all landmark locations, except the community building for Option B.

10.83. As commented by the heritage officer, this site falls within the setting of Abbeyfields and its parkland and there will be some harm as a consequence of the development. The measures included in the spatial coding and revised framework is the start of a process to mitigate that impact. Further specific heritage sensitive design control in the form of detailed design coding ahead of the detailed scheme will ensure that is achieved.

10.84. Indicative site sections have been provided in the DAS/Code, that indicate that the levels can be managed effectively. As part of detailed coding and design this issue will continue to be scrutinised to ensure a responsive approach.

10.85. Consequently, at this stage outline stage and amber rating is considered appropriate.

### Memorable Character

10.86. Concerns were originally raised that the central avenue was not wide enough. The applicant has now provided reassurance via the testing layout that there is sufficient space to achieve the Avenue as the primary route through the development with 3m verge and appropriate tree species, as specified in the coding. The illustrative layout does highlight the potential for car parking to interfere with that and impact the quality of street scene/its social function and the code specifies max speed as 30mph. The material specification deviates a little from that in the CEC Design Guide, but this can be managed through detailed code work and the detailed layout design.

10.87. In terms of the care home additional coding has been included in the updated spatial design code, regulating the building extent, extent of potential 3 storey, and ensuring the care home has an active interface with the central village square. Linked to the above, it is important that this doesn't become an overly strident and harmful aspect of the development, therefore the detailed design will need to be carefully managed in terms of height and massing.

10.88. As noted above there has been some revision to the framework plans for both options to reduce the housing parcel closest to the Abbeyfields driveway, introducing an area of landscaping between it and the garden of 56 Park Lane. The landmark buildings which share a closer relationship with the Listed Building at Abbeyfields would be no more than two-storeys in height as specified within the Design Code. It is also noted that the density of the areas closest to Abbeyfields would be 30-35 dwellings per hectare which is the lowest density within the development.

10.89. In terms of the central village square, additional coding information has been provided about this and other spaces in the scheme, and how the care home will interface and interact. The detailed coding will need to further develop and refine these principles.

10.90. The code has also been tightened to make it more specific and prescriptive in relation to important design issues and requirements, although there needs to be strong focus within future detailed coding to ensure the development responds positively to the site's heritage sensitivity.

10.91. Consequently, at this stage, amber is considered appropriate.

### Well Defined Streets and Spaces

10.92. The framework creates an outward facing, informal block structure with development backing onto existing properties to enclose their back gardens (with a proposed ecology buffer between).

10.93. The open spaces within the scheme appear to be positively addressed. Option B, provides a better solution to the countryside park, introducing the community building in the NE corner of the space, promoting greater activity and use, whereas Option A means this main area of POS would be isolated from the proposed housing, separated by mature landscape.

10.94. Corner turning designs are mentioned and illustrated within the code.

10.95. The proposal scores a green rating.

#### Easy to find your way around

10.96. The layout will be legible due to the linear nature of the site with a strong primary route.

10.97. The parameters plan shows that a number of spaces would be found within the development. The building scale plan has been modified should limit the potential for taller buildings.

10.98. The Design and Access Statement/Spatial Design Code identify potential focal building locations.

10.99. The proposal scores a green rating.

#### Healthy Streets

10.100. As noted above the revised Design Code has resolved the concerns in terms of the width of the Avenue and its potential to include appropriate street trees.

10.101. Street surfacing materials are largely consistent with the CEC Design Guide except for the pavements within the avenue and street types but can be secured at a later stage.

10.102. The proposal scores an amber rating.

#### Cycle and Car Parking

10.103. All new homes will be provided with cycle storage facilities.

10.104. In terms of vehicle parking the application states that mixed parking solutions will be provided but the submitted information is generic.

10.105. The proposal scores an amber rating.

#### Green and Blue Infrastructure

10.106. Additional SuDS information has been submitted and included within the code indicating the potential for multiple components as part of a 4 pillar, compliant SuDS framework (reflecting national standards and the CEC SuDS design guide). Within the coding for spaces raingardens are specified at the edge of spaces/streets. Ensuring this will be an important element of the detailed scheme development, and the detailed coding will need to take this concept forward as an integrated part of the design development.

10.107. A variety of open spaces will be provided, and this includes a village green and countryside park.

10.108. Management of the open space would be via a management company.

10.109. The proposal scores a green rating.

#### Back of Pavement/Front of Home

- 10.110. The spatial code provides detailed requirements for the extent and treatment of frontages for particular street types. It also provides more generic information re: external storage provision, including bike and bin storage/collection points. The code also discusses creation of defensible space and the positive interaction of buildings to the street.
- 10.111. The proposal scores a green rating.

### Design Conclusion

- 10.112. There has been some strengthening of the code and some positive change providing some additional mitigation set out in the revised framework plans, but there is still some concern about managing the impact of the scheme within this historic setting at the detailed design stage, to ensure that it successfully responds and achieves a high-quality, sympathetic development.
- 10.113. Consequently, as prescribed in the CEC Design Guide (Vol 1 pp72-3), a detailed/character area code must be secured to instruct the detailed design of the development. In this context, there will need to be special regard to the historic setting of Abbeyfields in that process, ensuring in particular that the density, massing, architectural and landscape design are all highly responsive to the historic context. This will need to be produced and approved in advance of the preparation of the detailed design of the scheme. This can be secured via the imposition of planning conditions.
- 10.114. Of the two options submitted, Option B with a high quality, sustainable community building situated at the corner of the Countryside Park offers the greater potential for place making and bringing vitality to the space and the wider development. It is essential however that the principles set out in the code are maintained through the detailed coding/design, both for the building but also the wider design of the countryside park.
- 10.115. 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.

### **Built Heritage**

- 10.116. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.
- 10.117. Abbeyfields is a Grade II Listed Building which lies 200m from the nearest part of the application site. Abbeyfields is accessed from Park Lane. Between the site and the listed property is a detached dwelling known as The Woodland, The Old Coach House (now in residential use) and intervening agricultural land and woodland.
- 10.118. As part of the appeal decision for application 14/3892C, the SoS found that *'the Abbeyfields listed building would be well screened from the appeal site by existing planting and that the extent of separation and planting is such that the development would not materially impact on the setting of the listed building'*. This application proposes development extending further north than the appeal scheme and as such there is the potential for a greater impact upon the setting of the Listed Building.
- 10.119. The principal heritage concern relates to the setting of Abbeyfields. This early 19th-century former country house derives its significance from its architectural, historic, and aesthetic value, as well as its location within former parkland and associated agricultural

land. The interrelationship between the house and its landscape, originally part of a medieval abbey estate, is a key component of its significance. However, it should be noted that the surrounding land at Abbeyfields is not designated as a Registered Park and Garden. The SoS as part of another appeal 14/1189C on an adjacent site stated that the garden of Abbeyfields is a non-designated heritage asset.

10.120. The setting of the Grade II Listed Building at Abbeyfields has already been compromised by development to the north and northwest (SoS decision's 14/1189C for 190 dwellings and 12/1463C for 280 dwellings). In this case it should be noted that the 190 dwellings approved as part of application 14/1189C are sited much closer to the Listed Building and the boundary of that application site adjoins its garden. The development approved as part of application 14/1189C was also largely located within the former parkland of Abbeyfields based upon the 1910 historic map.

10.121. The Councils Built Heritage Officer raised concerns in terms of the impact upon the heritage assets on this site. The scheme has been amended with the submission of revised plans, and Design and Access Statement/Design Code. The parameters plan has been revised to remove landmark buildings from the sensitive periphery of the site, particularly those previously oriented toward the driveway. This change reflects a more considered approach to the site's heritage context and the setting of the listed building.

10.122. The Built Heritage Officer has stated that the setting of the Listed Building is the principal area of concern and that the remaining landscape is of *'high value in how the asset is appreciated, especially given the erosion of other areas of the site. Its contribution to the significance of the listed building should be carefully preserved and enhanced through sensitive design and landscaping'*.

10.123. Further discussions with the applicant and Design Officer have explored the potential to mitigate identified harm through the use of conditions to manage design quality at the Reserved Matters stage. The proposal to submit a character design code, particularly for the northern part of the site, is welcomed by the Built Heritage Officer.

10.124. The Built Heritage Officer advises that the harm to the setting of the listed building is considered to be "less than substantial" and must be given weight in the planning balance. The parkland remains a non-designated heritage asset and forms part of the setting of a designated asset. As such, weight must be given to its conservation under the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10.125. Concern has been raised that the application is in outline form and that a full application should have been requested in order to fully consider the heritage implications. In this case no request was made to require further details to be submitted as part of this outline application and the development on the adjacent sites and the earlier application on this site were all in outline form. All of which were determined by the SoS and at no point was it stated that the applications could not be determined in outline form.

10.126. On the basis of the above, the proposal would result in "less than substantial" harm.

### **Archaeology**

10.127. The application is supported by an Archaeological Desk Based. This provides an overview of the historical background of the proposed development area. The report notes that there is a highly potential for below ground archaeological remains, relating to the Roman Road recorded during excavations in 2014 direct northwest of the current proposed



area. The 2014 excavation undertaken by Earthworks archaeology, identified the presence of a Roman Road, which included evidence of wheel ruts preserved into the surface, along with notable roadside gullies. The excavations also identified a Medieval Holloway, running adjacent to the Roman road, with evidence of activities alongside the Holloway. Both the Roman road and the Medieval Holloway are projected to run northwest to southeast directly through the northern parcels of this current proposed development.

10.128. It is likely that any below ground works or landscaping will directly impact the Roman road, the Medieval Holloway and the associated archaeological materials, it is recommended that a programme of mitigation be undertaken to address these archaeological considerations. This programme of archaeological mitigation should include a programme of targeted excavation along the projected lines of the Roman road and the Medieval Holloway and their immediate environs.

10.129. The archaeological mitigation can be secured via the imposition of a planning condition.

### **Landscape**

10.130. Within the previous appeal decision, the SoS accepted the Inspectors findings that *'the area is pleasant agricultural land but it is not exceptional in landscape terms'*. It is inevitable that there will be some change in the character of the site as part of a residential led development.

10.131. The main visual landscape receptors which could experience a noticeable change include: the local residential properties, the Listed Building at Abbeyfields its and surrounds, and the Wheelock Rail Trail.

10.132. Due to the configuration of the proposed development with the country park (and its associated tree planting and landscaping) to the south, there would be a negligible-beneficial impact when viewed from the Wheelock Rail Trail.

10.133. In terms of the residential properties the SoS views would still be applicable. As part of the previous appeal the Inspector found that *'although views would be significantly altered for occupiers of the neighbouring dwellings, this is not harm to which significant weight should be attached'*.

10.134. The impact when viewed from Abbeyfields is linked to the heritage impacts of the development is discussed within the Built Heritage section of this report.

10.135. The effect upon the visual character would be most noticeable from the rear of the adjacent residential development, from the driveway to Abbeyfields and from between the residential properties when travelling along Crewe Road/Park Lane. This application would have a reduced impact upon the landscape character of the site when compared to the previous appeal, where the SoS and Inspector found that there would be 'modest visual harm'.

10.136. The proposed development would not result in landscape character harm, and any visual harm would be modest.

10.137. The Councils Landscape Architect has raised general comments in terms of the layout, tree planting, and open space. These matters would be considered as part of any Reserved Matters application.

### **Public Rights of Way (PROW)**

- 10.138. There are no Public Rights of Way on the application site. The Wheelock Rail Trail is located beyond the southern boundary of the site and is not a designated PROW but is well used by the public.
- 10.139. The existing access onto the Wheelock Rail Trail at Wheelock consists of steep stairs with no provision for cyclists, or people with impaired mobility or push chairs.
- 10.140. The proposed development would provide a level connection to the Wheelock Trail within the proposed countryside park. This would be secured via the imposition of a planning condition and would provide a benefit from the proposed development which will be weighed in the planning balance.
- 10.141. 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**

- 10.142. On Site Provision
- 10.143. 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.
- 10.144. The public open space provision within the development is extensive and includes the proposed country park. The Councils POS Officer has stated that the country park *'is well-positioned to become a vibrant hub by incorporating a diverse mix of attractions and activities that engage the whole community regardless of age or ability'*.
- 10.145. Public Open Space provision on the site is extensive and would meet the requirements of Policy SE6.
- 10.146. In terms of children's play provision, the application proposes a LEAP (Locally Equipped Area for Play) in the northern part of the site, a LAP (Local Area for Play) and a trim trail with fitness stations along the parkrun circuit. In this case, it is noted that the POS Officer has raised concerns and has suggested that NEAP (Neighbourhood Equipped Area for Play) be provided instead of a LEAP. However, given the provision of open space within the development, the LEAP, LAP and trim trail/fitness stations it is considered that a LEAP is appropriate for the scale of this development.
- 10.147. The POS Officer has also raised concerns over the location of the NEAP. Despite it being located to the northern part of the site, it would still be well related to the housing part of the development and would be well overlooked.
- 10.148. The proposed development is considered to be acceptable in terms of the POS provision.

### Outdoor Sport

- 10.149. 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 £1,614.79 per family dwelling or £807.39 per bed space in apartments (to a maximum of £1,614.79 per apartment). The contribution will be secured as part of a S106 Agreement.

## Indoor Sport

- 10.150. The development will increase demand on existing indoor sport facilities. As such a financial contribution to mitigate the impact will be required. The financial contribution of £28,598.75 is required to mitigate the impact of this development and this will be secured as part of a S106 Agreement. The Indoor Sport Officer has requested that this sum is spent at either Congleton or Sandbach Leisure Centres.

## **Trees**

- 10.151. The site comprises of existing agricultural land which benefits from several woodlands, groups and individual trees. One area of woodland is designated as Ancient & Semi Natural Woodland, with other areas being recorded as Priority Habitat Woodland. Tree cover on the site is also afforded protection by the Sandbach Urban District Council (Abbeyfield's) Tree Preservation Order 1970. Hedgerows internal to the site can be seen to follow the line of the Tithe map and are likely to meet the historic criteria of the Hedgerow Regulations 1997. A 29-metre section of hedgerow H6 is shown for removal to accommodate the access for the site

## Trees

- 10.152. The indicative Outline proposal suggests that most of the high and moderate trees could be retained. One tree within the survey area has been identified as an emerging veteran. The indicative footprint of the care home is shown to be sited near 2 moderate quality B category trees (T51 & T52) and their position and projected RPAs should inform the final build footprint which would need to be considered in a full AIA.

## Ancient Woodland

- 10.153. The supplication site includes an area of ancient woodland and the NPPF (paragraph 193) advises that *'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists'*.
- 10.154. Policy ENV6 of the SADPD advises that appropriate buffers should be provided to ancient woodland and that development proposals on any site adjacent to ancient woodland must be supported by evidence to justify the extent of any undeveloped buffer.
- 10.155. In this case it is noted that Natural England have been consulted and referred to their standing advice, the Forestry Commission have not commented on the application. The Woodland Trust have objected to this application due to the width of the buffer, public access, traffic emissions and drainage impacts.
- 10.156. In terms of the width of the buffer to ancient woodland, the guidance from Natural England and the Forestry Commission advises that *'for ancient woodlands, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic'*.
- 10.157. The Woodland Trust Guidance states that a *'minimum 50 metre buffer should be maintained between a development and the ancient woodland'*. This is not consistent with the government guidance from Natural England/the Forestry Commission.

- 10.158. With regard to concerns expressed about public access to the ancient woodland, which is priority habitat and also formally protected by a TPO, confirmation has been provided in a response to the Councils Ecology Officer that; *'the woodland is already fenced and not publicly accessible, and the application does not propose to change this arrangement. The 15m buffer forms part of the wider green infrastructure strategy and will be managed to discourage access and support its function as an ecological edge'*.
- 10.159. The Councils Ecologist has undertaken an impact assessment using the Natural England/Forestry Commission pro forma. The assessment identified the need for further consideration in respect of public access, hydrological affects and lighting.
- 10.160. The applicant's ecological consultant has advised that the site slopes gently to the south and east, meaning that there is a reduced likelihood of there being any movement of water from the proposed development parcels towards the woodland. On this basis the proposed development is not likely to result in a hydrological impact upon the woodland.
- 10.161. The Woodland Trust express concerns in terms of the impact from vehicle emissions upon the ancient woodland. The applicant has submitted an Air Quality Assessment and this concludes there is a low risk to nature conservation sites from dust and recommends a CEMP. On this basis, the Councils Ecologist suggests a condition for a CEMP including a dust management strategy be submitted prior to the commencement of development.
- 10.162. In addition, the Air Quality Assessment states advises that the number of vehicle movements are below the screening threshold, so no impacts are predicted on the adjacent Local Wildlife Sites/ancient woodland.
- 10.163. The Councils Tree Officer and Ecologist have both considered the impact upon the Ancient Woodland and have raised no objection to this application.

#### Hedgerows

- 10.164. The application to create the new access for which this Outline application seeks approval, suggests that the road frontage hedgerow (H6) will need to be removed to create the new access and associated visibility splays. The applicant has undertaken an assessment which has found the section of hedgerow proposed for removal to create access does not meet the criteria set out within the Hedgerow regs 1997 to qualify as important. Hedgerow losses are proposed to be compensated for elsewhere within the site to deliver a 10% net gain.

#### Trees Conclusion

- 10.165. Any future reserved matters application would need to ensure that drainage and SUDS basins are carefully sited away from retained trees as tree roots systems can be sensitive to changes in soil moisture and compaction. Sustainable relationships between proposed residential properties and retained trees should be a priority to ensure the longer-term retention of important landscape features and helps maintain the visual and ecological value of mature trees, avoiding future conflicts (e.g. over shading and restriction of daylight/sunlight).
- 10.166. Should this application be approved, any future reserved matters application must be supported by a detailed Arboricultural Impact Assessment which assesses the final layout in terms of trees and considers their relationship with new residential dwellings to inform a Method Statement and Tree Protection Plan. The assessment should evaluate

the effects of the layout, including potentially damaging activities such as proposed excavations and changes in levels, positions of structures and roads etc to ensure the technical feasibility of development in respect of the successful retention of trees.

## **Ecology**

### Statutory Designated Sites

- 10.167. 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.
- 10.168. In addition to the above the Councils ecologist has undertaken a SSSI impact screening assessment. The screening assessment does not identify any potential impacts in respect of the Sandbach Flashes SSSI. No further action is therefore required in respect of statutory designated sites.

### Non-statutory Sites and Ancient Woodland Local Wildlife Sites

- 10.169. These sites receive protection through Local Plan Policy SE3.
- 10.170. The Abbeyfield Woods Local Wildlife Site supports ancient woodland habitats and is located immediately adjacent to the site's western boundary. Ancient woodland receives protection through Local Plan Policy SE3 and specific protection as irreplaceable habitats under the NPPF.
- 10.171. The proposed development will not result in the direct loss of habitat within the ancient woodland Site. However, the proposed development has the potential to have an adverse impact upon the ancient woodland.
- 10.172. An undeveloped buffer zone of 15m consisting of semi natural habitats/informal open space has been proposed adjacent to the ancient woodland to address the potential adverse impact of the development upon ancient woodland.
- 10.173. The extent of buffer required should however be based upon a site-specific assessment of the potential impacts of the proposals with 15m being the minimum referred to in the Natural England/Forestry Commission standing advice.
- 10.174. The Councils Ecologist has undertaken an impact assessment using the Natural England/Forestry Commission pro forma. The assessment identified the need for further consideration in respect of public access, hydrological affects and lighting.
- 10.175. The applicant's ecological consultant has advised that the site slopes gently to the south and east, meaning that there is a reduced likelihood of there being any movement of water from the proposed development parcels towards the woodland. On this basis the proposed development is not likely to result in a hydrological impact upon the woodland.
- 10.176. The applicant has confirmed that there is no public access to the woodland and that the existing boundary fencing would remain in place. Therefore, there are minimal risks associated with increased public access to the woodland. Impacts associated with lighting are difficult to assess at the outline stage. However, the proposed access roads and shared drives are likely to be located sufficiently far from the woodland to avoid any excessive light spill. If outline consent is granted a condition could be imposed in terms of external lighting.

### Mandatory Biodiversity Net Gain (BNG)

- 10.177. This application is subject to Mandatory Biodiversity Net Gain. Separate BNG assessments have now been submitted in respect of options A & B.
- 10.178. Both of the BNG assessments indicate that the proposed development would deliver the required net gain in respect of area-based habitats, hedgerows and watercourse units. These gains are delivered through on-site enhancements including a green roof on the proposed community building, woodland planting and the creation of a pond. The Councils Ecologist advises that the delivery on BNG on site is in accordance with the Biodiversity Gain Hierarchy and the on-site habitat creation measures would be significant.
- 10.179. To ensure the anticipated biodiversity gains are realised, any future reserved matters application must be formulated in accordance with the habitat enhancement and creation proposals entered into the BNG calculations. If planning consent is granted a condition will be imposed in relation to BNG.

### Ecological Network

- 10.180. The application site falls within a respiration area of the CEC Ecological network. Policy ENV1 therefore applies to the determination of the application. Whether the development proposals deliver enhancement of the ecological network can be assessed through the BNG metric discussed above.
- 10.181. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the development in accordance with Local Plan Policy SE3 and ENV1.
- 10.182. If outline planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

### Other Protected Species

- 10.183. Two minor setts were recorded on the application site. These setts are unlikely to be significantly affected by the proposed development. The proposals would however result in a reduction in the extent of available badger foraging habitat, which would have a localised impact upon this species.
- 10.184. The precise impacts of the proposed development would however depend upon the level of activity on site at the site development commenced and the detailed layout at the reserved matters stage.
- 10.185. If outline consent is granted, a condition should be attached which requires each reserved matters application to be supported by an updated survey, impact assessment and mitigation strategy.

### Bats

- 10.186. Several trees on site were identified as having potential to support roosting bats. No evidence of roosting bats was however recorded during the submitted bat surveys. Additionally, the submitted Ecological Impact Assessment anticipates that all trees with bat roost potential would likely to be retained as part of the proposed development. The proposed development is therefore not likely to result in a direct impact upon roosting bats.

10.187. A significant number of bat species were identified on site during the activity surveys, and the application site would meet thresholds for selection as a Local Wildlife Site for mammals. Key bat foraging habitat is however retained under both proposed layouts.

10.188. Excessive lighting would be likely to have a significant effect upon bat foraging activity on site, this can however be controlled through the lighting condition recommend in respect of ancient woodland habitats.

10.189. A further bat activity survey is being undertaken. The results of this survey are not likely to result in change in the assessment of the sites value for roosting bats, however the Councils Ecologist will provide an updated comments once this further survey is received.

#### Great Crested Newts

10.190. The ecological assessment identified one pond on site, which was found to be dry during surveys undertaken in 2025. A second offsite pond was also considered but found to be a fishing lake. This protected/priority species is unlikely to be present or affected by the proposed development.

#### Common Toad

10.191. This priority species is known to be present in the broad location of the application site and so is likely to occur on site. The proposed development will result in an adverse impact on this species as a result of the loss of sub optimal terrestrial habitat. Both option A and B include proposals for the creation of an additional pond. The Councils Ecologist advises that if designed correctly a new pond on site would provide compensation for the loss of terrestrial habitat resulting from the development. If outline consent is granted, this matter could be controlled via the imposition of a condition.

#### Barn Owl

10.192. A Barn Owl was observed on site during the nocturnal bat surveys. This species is not thought to be breeding on site, and the submitted ecological assessment concludes that the application site provides limited foraging opportunities for this species. The proposed development would result in a low magnitude adverse impact upon this species.

10.193. The provision of barn owl boxes and the creation of areas of long grass that provide potential foraging habitat for this species can be secured through the ecological enhancement condition. These measures would be likely to be sufficient to address the impacts of the proposed development upon these species.

#### Breeding Birds

10.194. A breeding bird survey has been completed. A number of breeding bird species were recorded on site, including a number of more widespread priority species which are a material consideration for planning. The application site is not however of significant value for breeding birds overall. The majority of suitable nesting bird habitat would be retained on site. The proposed development would therefore have a minor impact upon breeding birds, which could potentially be compensated through the habitat creation works associated with the development.

#### Otter

10.195. Field signs of otters were previously recorded at a ditch on the western boundary of the application site. No evidence of otters was recorded during the surveys undertaken 2025. Otters may potentially utilise the watercourses around the site as a means of accessing the offsite fishing lake. These features would be retained as part of the proposed development. The proposed development is unlikely to result in an offence in respect of otters.

#### Wintering Birds

10.196. A wintering bird assessment has been undertaken which concludes that the application site is unlikely to be significantly important for wintering birds.

#### Hedgehog

10.197. This priority species has been recorded in the broad locality of the application site and so may occur on-site on at least a transitory basis. The Councils Ecologist advises that the proposed development would result in the loss of lower quality habitat and pose the risk of injuring or disturbing any animals present during works on site.

10.198. If outline planning consent is granted, a condition could be attached which requires the submission and implementation of precautionary working measures in respect of hedgehogs as a means of reducing the risk of animals being harmed during works. The incorporation of features for this species can also be secured through the ecological enhancement condition.

#### Reptiles

10.199. The submitted ecological assessment notes that the woodland, pond, hedgerows and tree roots on site provide potential opportunities for reptiles. There are no records of reptiles in close proximity to the application site, and the Councils Ecologist advises that reptile species are not reasonable likely to be present or affected by the proposed development.

#### Hedgerows

10.200. Native Hedgerows are a priority Habitat and hence a material consideration. The proposed development is likely to result in the loss of a section of hedgerow to facilitate the site and footpath access. Compensatory planting must be provided to address that lost. This can be assessed through the use of the Biodiversity Metric discussed above, which indicates that the proposed development would result in an increase in hedgerow biodiversity.

#### Wet Woodland

10.201. A small area of wet woodland is present on site. Habitats of this type are a material consideration. The wet woodland on site would be retained and is unlikely to be significantly affected by the proposed development.

#### Non-native invasive plant species

10.202. Two non-native invasive plant species were recorded on site. If outline consent is granted a condition could be attached which requires the submission of a method statement for the control of these species.

#### **Flood Risk/Drainage**



- 10.203. The application site is located within Flood Zone 1 (low probability of flooding). The application is accompanied by a Flood Risk Assessment (FRA).
- 10.204. The detailed drainage strategy will be agreed at a later date. This FRA identifies that surface water run-off rates will be limited to the existing rate + 1 in 100-year storm event.
- 10.205. Foul drainage will be designed to adoptable standards and details will be submitted in conjunction with the surface water drainage scheme.
- 10.206. United Utilities originally objected to the application due to all options for surface water connections not being considered. Additional information has now been provided and United Utilities have confirmed that they have no objection to the development subject to the imposition of a planning condition.
- 10.207. The Councils Flood Risk Officer has stated that he has no objection in principle to this application subject to the imposition of a planning condition.
- 10.208. As a result, the development is considered to be acceptable in terms of its drainage and flood risk implications.

### **Education**

- 10.209. The proposed development of 160 dwellings is expected to generate:  
46 - Primary children  
21 - Secondary children  
5 - SEN children
- 10.210. 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.
- 10.211. The children expected from this development will exacerbate the shortfall. To alleviate forecast pressures, contributions of £222,789.00 (Secondary) and £425,155.00 (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**

- 10.212. 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. 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.
- 10.213. As the housing mix is not known at this stage, the sum will be calculated at a later date following any Reserved Matters approval, and this will be calculated as £904 per dwelling.

### **Climate Change**

- 10.214. 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.

10.215. In this case the application is in outline form, and a condition could be imposed to ensure that details to meet the requirements of Policy ENV7 are secured.

### **Agricultural Land**

10.216. Policies SD1 and SE2 of the CELPS states that development should safeguard high quality agricultural land. Policy SD2 of the CELPS states that development should avoid the permanent loss of Best and Most Versatile agricultural land (BMV) unless strategic need overrides these issues.

10.217. Policy RUR5 of the SADPD states that where development would involve the loss of BMV, it must be demonstrated that:

- the benefits of development clearly outweigh the impacts of the loss of the economic and other benefits of the land; and
- every effort has been made to mitigate the overall impact of the development on best and most versatile agricultural land.

10.218. The NPPF states that planning decisions should recognise the economic and other benefits of BMV.

10.219. The application site consists of a mix of Grade 2 and Grade 3a agricultural land which is BMV (with a small area of Grade 3b land). As part of the earlier appeal the Inspector found that the *'economic value of the land for agriculture is minimal and dwarfed by the economic contribution of housing'*. Although this site is larger than that considered as part of the previous appeal the above statement would still apply.

10.220. Due to the extent of BMV within Cheshire East, in order to provide housing to meet the Councils shortfall, significant areas of BMV will have to be developed.

10.221. The loss of BMV would provide some weight against the proposed development and this would need to be balanced against the benefits of the development.

### **Brine Subsidence**

10.222. The concerns raised in terms of brine subsidence are noted. In this case the Brine Board have considered that application and have stated that the site is within an area which has previously been affected by brine subsidence. The Brine Board have suggested a number of precautions in terms of the build design of the proposed development such as foundation design, service design and superstructure design.

10.223. The matter of brine subsidence will be dealt with at the Building Regulations stage when the foundation design etc is developed and obtains approval.

10.224. An informative will be added to the decision notice, to advise the applicant of the Brine Boards concerns.

### **Economic Benefits**

10.225. In terms of the economic role of sustainable development, the proposed development will help to provide new housing with indirect economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits

to the construction industry supply chain. This will be given significant weight within the planning balance.

### **Response to Representations**

- 10.226. The points raised within the representations have been considered within this report.
- 10.227. The letters of objection refer to the proposal requiring an Environmental Impact Assessment (EIA), in this case a Screening Opinion has been issued, and the proposal does not represent EIA development.
- 10.228. The cumulative impact of other consented developments has been considered as part of this application and by the relevant consultees.
- 10.229. Finally, concern has been raised in terms of the number of vacant homes within the Brough and bringing these back into use would allow the Council to demonstrate a 5-year housing land supply. The housing target is for additional new homes for population growth and not the recycling of vacant homes.

### **Community Facility**

- 10.230. The application includes the provision of a new community facility building with associated car parking. The supporting planning statement identifies that the building would be used as a practice facility for Foden's Band and would be available for wider community use.
- 10.231. The application states that the delivery of the community building would be secured via a S106 Agreement and Foden's brass band have will occupy and manage the facility once constructed.
- 10.232. Foden's Band has been based in Sandbach since its formation in 1902, and it forms an important part of the cultural history of the town. There is a 20-member community band and a 55-member youth band, as well as the main band. The band competes both nationally and internationally and is currently ranked as the Number 1 brass band in the world.
- 10.233. Foden's Band has spent the past 9 years in rented accommodation following a band room fire in 2016. The band currently uses Bradwall Village Hall but this has planning permission for an alternative use.
- 10.234. The proposed development would provide a new, purpose-built practice facility for the brass band. There would also be considerable benefits to the band from a purpose-built rehearsal space which is acoustically designed and built for the brass band as opposed to retrofitting an existing space.
- 10.235. A letter from the Foden Band Secretary has been provided which outlines their commitment to provide replacement accommodation (including the provision for other community facilities).
- 10.236. The community facility will be constructed by the developer and then transferred to the Foden Band. Conditions will be imposed to secure that the details of the community facility are provided within the first Reserved Matters application and that the facility is constructed and transferred prior to the first occupation of 50% of the dwellings on the site.

10.237. The provision of this community facility is given moderate weight in the determination of this planning application.

### **CIL Compliance**

10.238. 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.

10.239. 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.

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

10.241. 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.

10.242. Finally, the proposed development will generate vehicle movements which will impact upon the local highway network. Works will be required to mitigate the highways impact, and the contribution is considered to be necessary and fair and reasonable in relation to the development.

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

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

11.1. The site is located within the open countryside and adjoins the settlement boundary of Sandbach. The Council is no longer able to demonstrate a 5-year housing land supply and as such relevant policies concerning the supply of housing should be considered out-of-date (this would include policies relating to the Open Countryside and the Local Green Gap). In accordance with paragraph 11d of the NPPF the decision maker should grant planning permission unless the application of policies in the Framework that protect areas or assets of importance provide a strong reason for refusing the development proposed; or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

11.2. The proposal would result in the loss of Open Countryside, but this will be an inevitable consequence given the Council's housing land supply position.

11.3. The policy in terms of the Local Green Gap is considered to be out-of-date, but it is still necessary to consider the impact upon the Green Gap. By shifting development north and positioning the country park to the southern part of the site, the development has addressed the majority of the concerns raised as part of the previous appeal decision in

terms of the Local Green Gap. The development would not result in an unacceptable erosion of the physical gap between Sandbach Town and Ettiley Heath, it would not significantly affect the undeveloped character of the local green gap or lead to coalescence of the urban form of Sandbach.

- 11.4. The application site is pleasant agricultural land, but it is not exceptional in landscape terms. It is inevitable that there will be some change in the character of the site as part of a residential led development. The proposed development would not result in landscape character harm, and any visual harm would be modest.
- 11.5. The Councils Built Heritage Officer advises that the harm to the setting of the listed building is considered to be "less than substantial". However further details in the form of a character design code, particularly for the northern part of the site, could help to address some of the concerns at the Reserved Matters Stage.
- 11.6. Other harm associated with this development would be the loss of BMV which would provide some limited weight against the proposed development.
- 11.7. There are a range of benefits that weigh in favour of this proposal. The NPPF attaches great importance to housing delivery.
- 11.8. The proposal would provide economic benefits in the form of housing delivery (up to 160 dwellings with 30% affordable); the economic benefit of the construction works to the supply chain and the local economy, and economic benefits of the new dwellings once occupied. These benefits should be given substantial weight.
- 11.9. The site is sustainably located and there is easy access to public transport and the services/facilities available in Sandbach including the town centre. The proposal would provide social benefits in the form of new homes, including affordable homes. These benefits should be given substantial weight.
- 11.10. The proposal would include the provision of a community facility which would accommodate Foden's Band who have spent the last 9 years in rented accommodation. Foden's Band are an important part of the cultural history of the town. The provision of a new purpose-built facility can be given moderate weight.
- 11.11. The proposal would also provide benefits in terms of the open space provision including countryside park and parkrun circuit. This would benefit not just the future residents but also existing residents within Sandbach and this can be given moderate weight.
- 11.12. There would also be some modest benefits in terms of improved connectivity to the Wheelock Rail Trail, Hind Heath Lane and Park Lane. These matters can be given minor weight.
- 11.13. The impacts in terms of trees (including ancient woodland), highways, local infrastructure (education, health, PROW and indoor/outdoor sport), ecology, pollution (air quality, contaminated land, lighting), flood risk, archaeology, amenity and design can be mitigated or resolved at the Reserved Matters stage or through the imposition of planning conditions. These matters are given neutral weight.
- 11.14. On the basis of the above the less than substantial harm to the Grade II Listed Building at Abbeyfields, the loss of open countryside, the loss of BMV and the modest visual harm would not significantly outweigh the benefits of the of the development when assessed against the policies in the Framework taken as a whole. As a result, 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 - 30% Affordable Provision with a 65% / 35% tenure split between Rented and Intermediate Tenure	In accordance with an affordable housing scheme to be submitted.
<b>Highways</b>	£345,000 towards sustainable travel link improvements (walking and cycling)	To be paid: £115,000 prior to the first occupation of the development. £115,000 prior to the first occupation of the 40 <sup>th</sup> dwelling. £115,000 prior to the first occupation of the 80 <sup>th</sup> dwelling.
<b>Community Facility</b>	Full details of the community facility (including the building, servicing areas, landscaping and car-parking).	Full details to be provided as part of the first Reserved Matters application.  No more than 50% of the dwellings shall be occupied until the community facility is fully constructed and transferred to the Foden Band.
<b>Amenity Green Space and Play Provision</b>	On site provision of Open Space, LEAP, LAP, countryside park including parkrun circuit and 10 trim trail/fitness stations.  Public Open Space Plan including Scheme of Management to be submitted and approved	Provision of the countryside park, parkrun circuit and 10 trim trail/fitness stations prior to the first occupation of 50% of the dwellings on the site.  Provision of the LEAP & LAP to be agreed in the Public Open Space Plan.
<b>Outdoor Sports Contribution</b>	£1,614.79 per family dwelling or £807.39 per bed space in apartments (to a maximum of £1,614.79 per apartment).	To be paid prior to the occupation of the 120 <sup>th</sup> dwelling

<b>Indoor Sports Provision</b>	<p>Number of dwellings x 1.61 = Increase in Population.</p> <p>Increase in x 0.427 = Increase in Active Population.</p> <p>Increase in Active Population / 25 = Number of Fitness Stations.</p> <p>Number of Fitness Stations x 6500 = The financial contribution.</p>	To be paid prior to the occupation of the 120 <sup>th</sup> dwelling
<b>NHS</b>	£904 per dwelling	To be paid prior to the first occupation of the 120 <sup>th</sup> dwelling.
<b>Education</b>	<p>Secondary = (Number of dwellings with more than one bedroom x 0.14) x £10,609.00</p> <p>SEN = (Number of dwellings with more than one bedroom x 0.60 x 0.047) x £85,031.00</p>	<p>- Secondary to be provided prior to first occupation of the 80<sup>th</sup> dwelling</p> <p>- SEN to be provided prior to first occupation of the 40<sup>th</sup> dwelling.</p>

**And the following conditions:**

1. **Standard Outline 1 – Submission of the Reserved Matters within 2 years**
2. **Standard Outline 2 – Commencement within 3 years of the date of permission or within 2 years of the approval of the last Reserved Matters.**
3. **Standard Outline 3 – The first reserved matters application will include full details of the community facility and the connections to the Wheelock Rail Trail, Hind Heath Lane and Park Lane.**
4. **Approved Plans**
5. **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.**
6. **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.**
7. **Prior to the submission of any Reserved Matters application which shall be based on Masterplan Option B, a Character Area/Detailed Design Code shall be submitted to and approved by the Local Planning Authority. This shall have special regard to conserving the historic setting of Abbeyfields and its parkland.**
8. **Any Reserved Matters application shall be accompanied by a Code Compliance Statement demonstrating conformity to the relevant Character Area/Detailed Design Code approved pursuant to condition 7.**
9. **Low emission boiler provision**
10. **Phase II Contaminated Land report to be provided**
11. **Contaminated land verification**
12. **Contaminated land – importation of soil**
13. **Contaminated land – unexpected contaminated land**

14. Construction Management Plan to be submitted and approved
15. Reserved Matters application shall include the provision of a Arboricultural Impact Assessment and tree protection details.
16. Submission of a scheme for the provision of Biodiversity Net Gain
17. Reserved Matters to include a 15m buffer to the ancient woodland and a scheme to prevent public access
18. Submission and approval of a scheme for ecological enhancements (including details of a new pond)
19. Each Reserved Matters application shall include an updated Badger Survey
20. Submission and approval of a scheme for non-native species
21. Nesting birds – timing of works
22. Lighting to be submitted and approved.
23. A scheme for the precautionary protection of hedgehogs to be submitted and approved.
24. Ecological Enhancement Management Plan to be submitted and approved.
25. Submission and approval of a CEMP including a dust management strategy.
26. Submission and approval of a drainage strategy.
27. Submission of details of the access points onto Hind Heath Lane, the Wheelock Rail Trail and Park Lane (x 2) and a timetable for implementation.
28. 10% of energy needs to be from renewable or low carbon energy
29. Submission of a scheme for archaeological recording and the submission of a report to the LPA.

**Informatives:**

1. NPPF
2. Brine Board

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 Planning 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.

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 - 30% Affordable Provision with a 65% / 35% tenure split between Rented and Intermediate Tenure	In accordance with an affordable housing scheme to be submitted.
<b>Highways</b>	£345,000 towards sustainable travel link improvements (walking and cycling)	To be paid:  £115,000 prior to the first occupation of the development.  £115,000 prior to the first occupation of the 40 <sup>th</sup> dwelling.



		£115,000 prior to the first occupation of the 80 <sup>th</sup> dwelling.
<b>Community Facility</b>	Full details of the community facility (including the building, servicing areas, landscaping and car-parking).	Full details to be provided as part of the first Reserved Matters application.  No more than 50% of the dwellings shall be occupied until the community facility is fully constructed and transferred to the Foden Band.
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<b>Outdoor Sports Contribution</b>	£1,614.79 per family dwelling or £807.39 per bed space in apartments (to a maximum of £1,614.79 per apartment).	To be paid prior to the occupation of the 120 <sup>th</sup> dwelling
<b>Indoor Sports Provision</b>	Number of dwellings x 1.61 = Increase in Population.  Increase in x 0.427 = Increase in Active Population.  Increase in Active Population / 25 = Number of Fitness Stations.  Number of Fitness Stations x 6500 = The financial contribution.	To be paid prior to the occupation of the 120 <sup>th</sup> dwelling
<b>NHS</b>	£904 per dwelling	To be paid prior to the first occupation of the 120 <sup>th</sup> dwelling.
<b>Education</b>	Secondary = (Number of dwellings with more than one	- Secondary to be provided prior to first occupation of the 80 <sup>th</sup> dwelling

	<p>bedroom x 0.14) x £10,609.00</p> <p>SEN = (Number of dwellings with more than one bedroom x 0.60 x 0.047) x £85,031.00</p>	<p>- SEN to be provided prior to first occupation of the 40<sup>th</sup> dwelling.</p>
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