

Application No: 20/5466C
Application Type: Full Planning
Location: Texaco, Saxon Cross Service Station Congleton Road, Sandbach, Cheshire East, CW11 4SP
Proposal: Full planning permission for the construction of Drive Through Coffee Unit, Drive Through Restaurant Unit, Commercial Park Entrance and associated Parking / Landscape. Outline planning permission, for development comprising of a Public House and Restaurant, 63 bedroom hotel, Offices with associated Parking / Landscape
Applicant: Mr Cliff Anderson, W and S Sandbach

Expiry Date: 25 July 2025

Summary

The principle of the development is acceptable being broadly in accordance with the site allocation set out in policy LPS53 of the CELPS. However, the design of the buildings raises some concern in terms of how they relate to the proposed spine road, appearing to “turn their back” on this key access route into the site and the linkages to the wider area. Instead, the development is focused primarily on the motorway, with little acknowledgement to local distinctiveness, and cannot be said to positively contribute to the area. This is considered to result in some limited harm to the character and appearance of the area.

Whilst landscaping details that have been provided, the various plans do not correspond to each other, insofar as they relate to the full planning application elements, and it is not clear what landscaping is being proposed. There is also an outstanding query regarding planting on National Highways land, that they have not agreed to. An abundance of green infrastructure is the key to this site. Due to the space constraints on the eastern boundary, together with National Highways requirements for close boarded fencing and barriers, it has not been clearly demonstrated that the planting shown on the plans can be provided. The required screening and filtering of views by strong landscape features has not been demonstrated at the time of writing. If the landscaping is not planned and implemented effectively, due to the visibility of the site from surrounding vantage points, the development will appear quite exposed and will result in significant harm to the character and appearance of the area at an important gateway both into Sandbach and Cheshire East.

Balanced against this harm, the site has been allocated for employment uses for many years, and the proposal will bring forward the much-needed start of the commercial elements of the LPS 53 site allocation and help to facilitate the next phase of development to the south of the wildlife corridor, as currently proposed under application 17/4838C. No detailed information has been provided regarding anticipated employment levels, but it is clear that the uses proposed will create employment opportunities locally, and further afield given the links to the strategic road network.

There is considered to be neutral or acceptable impacts upon matters relating to BMV, contaminated land, noise, air quality, living conditions, flood risk and drainage, highways, ecology and trees subject to relevant conditions.

This is a very finely balanced case, and whilst the design and landscaping might appear to be relatively minor issues in the context of the development as a whole, the buildings and sites concerned are located at the front of the site, and adjacent to public highways at the gateway to Sandbach. The lack of certainty to the landscaping proposals in particular is a harmful aspect of the scheme and when combined with buildings that turn their back on the main spine road, the identified harm is significant. However, it is understood that the applicant is currently seeking to address the queries from National Highways and clarify the landscaping proposals. Further details will be provided as an update. If the landscaping and National Highways issues can be resolved in advance of the SPB meeting, given the longstanding aspirations for employment uses on the site, the benefits of the site coming forward with commercial uses and the associated employment benefits are, on balance, considered to outweigh the identified design issues. Accordingly, a recommendation of approval is made, subject to the receipt of satisfactory landscaping details, clarification of the relationship with National Highways land, and final BNG details.

Summary recommendation

Approve subject to S106 agreement and conditions, subject to the receipt of outstanding information

1. REASON FOR REFERRAL

1.1. The application proposes commercial development on a site of approximately 4ha. The site is also an allocated strategic site within the CELPS.

2. DESCRIPTION OF SITE AND CONTEXT

2.1. The application site comprises approximately 4 hectares of open farmland, which is bound to the east by the M6 motorway, to the west by residential development, to the south by the Sandbach Wildlife Corridor and to the north by Old Mill Road (A534), where a new roundabout has recently been constructed, which connects to the re-configured M6 junction 17 northbound slip road to the east of the site. The site is located within the Settlement boundary for Sandbach and is identified in the CELPS as part of Strategic Site LPS 53, which is allocated for mixed use employment led development.

3. DESCRIPTION OF PROPSAL

3.1 This application is a hybrid planning application and seeks full planning permission for the construction of a drive through coffee unit, drive through restaurant unit, commercial park entrance and associated parking and landscaping; and outline planning permission for a public house and restaurant, 63-bedroom hotel, offices (3900sqm) with associated parking and landscaping. The outline application seeks approval for access only with all other matters reserved for subsequent approval. A similar development was granted outline planning permission in 2015 under reference 12/3948C.

4. RELEVANT PLANNING HISTORY

19/4978C - Construction of Drive Through Coffee Unit, Drive Through / Restaurant Unit, 63 Bedroom Hotel, Public House and Restaurant, Offices and Creche along with commercial park entrance and associated parking / landscape – Withdrawn 21.01.2020

19/0312C - Proposal for 1 no. dwelling - additional plot to reserved matters approval ref: 15/3531C – Approved 08.08.2019

18/1414C - Non material amendment to application 17/4496C – Approved 15.05.2018

17/5300C - Non-material amendment to 12/3948C – Approved 07.12.201

17/4838C - Outline application for development of commercial park including office use, industrial units, storage and distribution, a sports facility and a local centre. (Resubmission of 16/4631C) – Not determined to date

17/4496C - Partial re-plan of layout approved under planning permission reference number 15/3531C providing 101 dwellings (5 additional) including highways and landscaping works. Reserved Matters for Original Outline permission 12/3948C – Approved 13.02.2018

16/6026C - Reserved matters application on approved Outline application 12/3948C for the construction of a spine road and associated works – Approved 11.06.2018

16/5850C - Improvement of J17 Northbound slip road. Provision of new roundabout to provide access to development site, Old Mill Road and slip road – Approved 13.07.2017

16/4631C - Outline application for development of commercial park including office use, light industrial units, storage and distribution, residential care home, sports facilities a local centre and up to 245 residential dwellings – Withdrawn 10.03.2017

15/3531C - Reserved matters application for proposed erection of 232no. dwellings including roads, sewers, boundary treatments and garages and associated works – Approved 10.06.2016

14/0043C - Improvement of J17 Northbound slip road. Provision of new roundabout to provide access to development site, Old Mill Road and slip road – Approved 25.04.2014

12/3948C - Outline planning permission for a commercial development comprising a family pub / restaurant, 63 bedroom hotel, drive through café, eat in café, and office and light industrial units with an adjacent residential development of up to 250 dwellings, and associated infrastructure and access – Approved 09.03.2015

5. NATIONAL PLANNING POLICY

5.1. The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has since 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 which should be taken into account for the purposes of decision making.

5.2. National Planning Practice Guidance

5.3. National Design Guide

6. DEVELOPMENT PLAN POLICY

6.1. 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.

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

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer contributions

EG1 Economic Prosperity

EG3 Existing and allocated employment sites

EG5 Promoting a town centre first approach to retail and commerce

SC1 Leisure and Recreation

SC3 Health and Well-being

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE8 Renewable and Low Carbon Energy

SE9 Energy Efficient Development

SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

CO2 Enabling business growth through transport infrastructure

CO4 Travel plans and transport assessments

LPS53 – land adjacent to J17 of M6, south east of Congleton Road, Sandbach

Site Allocations and Development Plan Policies Document (SADPD)

PG9 Settlement Boundaries

GEN1 Design Principles

GEN5 Aerodrome Safeguarding

ENV1 Ecological Network

ENV2 Ecological Implementation

ENV3 Landscape Character

ENV5 Landscaping

ENV6 Trees, hedgerows and woodland implementation

ENV7 Climate change

ENV12 Air quality
ENV14 Light pollution
ENV16 Surface water management and flood risk
HER8 Archaeology
EMP2 Employment allocations
HOU12 Amenity
HOU13 Residential standards
RET5 Restaurants, cafés, pubs and hot food takeaways
INF1 Cycleways, bridleways and footpaths
INF3 Highway safety and access
INF6 Protection of existing and proposed infrastructure
INF9 Utilities
REC3 Open space implementation

6.3. Neighbourhood Plan

Sandbach Neighbourhood Plan (SNP)

PC2 Landscape Character
PC3 Settlement Boundary
PC4 Biodiversity and Geodiversity
PC5 Footpaths and Cycleways
H2 Design and Layout
JLE1 Future Employment and Retail Provision
IFT1 Sustainable Transport, Safety and Accessibility
IFT2 Parking
IFC1 Contributions to Local Infrastructure
CC1 Adapting to Climate Change

7. Relevant supplementary planning documents or guidance

7.1. 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:
Cheshire East Borough Design Guide
SUDS SPD
Environmental Protection SPD
Developer Contributions SPD
Ecology and Biodiversity Net Gain SPD

8. **CONSULTATIONS (External to Planning)**

8.1. There have been 3 rounds of public consultation for the application. One in December 2020/January 2021, one in October/November 2024, and one in June/July 2025. The most recent consultation responses are provided below:

Natural England – No objection subject to securing mitigation for Sandbach Flashes Site of Special Scientific Interest – CEMP and drainage plan (June 2025)

National Highways – Recommend conditions relating to the protection of strategic road network (June 2025)

Health & Safety Executive – Do not advise against the development

National Grid – No objection (January 2021)

Environment Agency - No comments received

United Utilities – No objection subject to conditions relating to drainage (January 2021)

Active Travel England – No comment – does not meet thresholds for consideration

Strategic Highways Manager – No objection subject to conditions relating to pedestrian/cycle signage and cycle parking (July 2025)

Lead Local Flood Authority – No objection subject to condition relating to implementation of drainage strategy

Environmental Protection – No objection subject to conditions relating to lighting, odour control, low emission boilers, EV charging, Travel planning and contaminated land (January 2021)

Greenspace Officer – Open space proposals should be revisited at reserved matters stage

Public Rights of Way – Development does not appear to affect a recorded Public Right of Way (June 2025)

Cllr Corcoran – Supports comments made by Cycling UK (January 2021) relating to upgrading of FP11 and provision of Sheffield type bike racks.

Sandbach Town Council – No objection but request consideration of a reduction in the speed limit on the A534 and Active Travel measures including bus routes through the site. Consideration should be given to the aesthetic of the units facing the housing development and also consider installing security measures for example, CCTV (July 2025).

The following separate comments have also been received from the Town Council (June 2025):

- use of the site and its likely commercial vibrance will bring new welcome and unwelcome traffic with security, road safety and congestion issues.
- Given access to the site is essentially by car and with 460 car park spaces. The size of the food retail proposition and access to M6 suggests high customer traffic volumes are anticipated if not fully planned for in the traffic survey.
- Great concerns about a reduction in local road safety with additional traffic and risk of a serious accident. The new roundabout has increased traffic speed and cut the visible distance between petrol station junction and M6 slip in the Sandbach direction.
- Anecdotally the increase in sound of honking horns at the garage access point has been commented upon by local residents.
- Heading to the M6 from Sandbach the new roundabout junction now has an island and bend which when traffic is free flowing is an unexpected obstacle for drivers which may prove dangerous in wet or icy conditions at the approach speeds currently seen at quiet times.
- The developer should be asked to plan and contribute to speed reduction now and further traffic management in the area if this is required as a result of the changes in use of the site commercially affecting likely traffic patterns.
- The pedestrian site access points will be considered a benefit and a curse by residents joining what is likely to become a service stop off carpark with a wide catchment next to a largely commuter housing estate sparsely populated during the day and may likely see increased risk of local crime and public nuisance.

- Notwithstanding the site also will be a benefit in terms of local access to new leisure facilities and services.
- Can plans and assurances by written agreement on security and policing of the J17 estate and Capricorn site such as monitored CCTV arrangements especially at the access points be obtained to help protect users, visitors, businesses and neighbours.

9. REPRESENTATIONS

June / July 2025

9.1. Two letters of representation have been received making the following comments:

- Largest office block directly behind – loss of view / reduce light
- Impact on house value
- Relocate to either end of development
- Cycle connections should be established as proper cycleways with the relevant cycle track orders
- Is access control planned for cycle connections
- Should be 30mph speed limit on the A534 Old Mill Road between the spine road and Filter Bed Way and 40mph to the junction with The Hill.
- FP11 to the west side of Old Mill Road, towards Alderley Close or Swettenham Close would provide an excellent cycling connection to the town centre via the Tatton Drive estate and is item 27 of the Sandbach Town Cycling Plan.
- Cycle parking at Costa should be closer to entrance
- Distance between Sheffield type cycle stands should be 1m minimum – may need to reduce number
- 65cm needs to be retained between the front of rack and the wall
- Should be 96, not 94 cycle spaces for office development

October / November 2024

9.2.20 letters of representation have been received objecting to the proposal on the following grounds:

- No need for another McDonalds / Costa in Sandbach
- Is such a big hotel needed?
- Increased traffic / congestion
- Potential for antisocial behaviour / security issues
- Light, odour and noise pollution
- Impact on wildlife
- May lead to a decline of local businesses
- Air quality impact
- May become overnight HGV parking
- Perimeter footpath raises security concerns
- Town centre first strategy - CELPS
- Technical Note uploaded to the C5466 planning application portal in April 2024 is based on a fundamental misconception
- To get a reasonable estimate of traffic demand requires a measurement of the queuing (and its change over time) on the different approaches to the junction, as traffic demand exceeds the capacity of the junction to handle it.
- 2021 traffic flow measurements relied on in this Technical note provide nothing new.
- Outdated information being used in traffic assessments
- Cannot rely on previous approval in traffic impact terms
- Traffic assessments out to 2035, and preferably 2040 to provide some margin for further delay, should be carried out and reported.
- Concern that hotel will be used for migrants.

- Difficult to determine which documents are current and which have been replaced
- Local plan does not envisage warehousing
- 30 or 40mph limit should be introduced to improve road safety
- Impact on house values
- Loss of green belt land
- New buildings should not be out of scale with housing
- No tree planting between offices and housing
- What are opening times of McDonalds?
- Vibration from construction work

1 letter of support was also received:

- Looking forward to additional goods / services/ jobs the development will bring

1 letter making general observations was received:

- Potential for connections at 3, 27 and 55 Meadow Brown Place
- FP11 could be developed for cycling
- FP14 upgrade to cycling is part of phase 2 – connection will be required
- Cycle stands inconveniently located at Costa – should be close to entrance
- Distance between Sheffield type cycle stands should be 1m minimum
- 65cm needs to be retained between the front of rack and the wall
- Use of bollards should be adopted with care

December 2020 / January 2021

9.3.75 letters of representation have been received objecting to the proposal on the following grounds

- Costa, McDonalds, pub and hotel not needed.
- Noise and disruption.
- Fast food outlet does not need to be two-storeys.
- Loss of view.
- Attract antisocial behaviour.
- Odour.
- Increased traffic congestion.
- Drainage will be difficult to maintain.
- Changes in level around the roundabout creates risk of potential vehicle rollovers.
- Increased air and light pollution.
- No air quality assessment submitted.
- Impact on wildlife including wildlife corridor.
- Impact on infrastructure.
- Highways information is outdated - does not account for Congleton Relief Road.
- Holistic view of the development of this site should be taken.
- Opening times not provided
- A footpath around the perimeter would present the opportunity for increased crime.
- McDonalds “golden arches” would be an eyesore.
- Proximity of office buildings to residential development.
- Very nature of historical town is being eroded by over development without adequate attention to infrastructure and essential services.
- No financial or commercial benefits to Sandbach or Cheshire East.
- Impact on local businesses
- Little or no employment benefit
- Impact on trees and hedgerows.
- Sandbach, an historic market town, would have its main approaches blighted by the identikit fast food outlet designs, along with the litter and rubbish which inevitably follows.

- Inadequate provision for footpaths and cycleways including linkages with existing paths.
- Design of buildings is mediocre and garish.
- This gateway site to Sandbach merits the presence of high quality, individualistic, attractive buildings.
- Surface water drainage details are vague.
- Fast food outlet conflicts with Council's aims of improving the health of its residents.
- The development conflicts with the Council's initiative to reduce the number of vehicles on the roads in the vicinity of Sandbach and encourage greater use of cycles.
- Flood risk.
- Brownfield sites should be prioritised.
- Previous lorry fire on slip road could have much more serious had this development been in place.
- Loss of privacy.
- Another service station not needed.
- Detailed proposal too heavily weighted toward social and catering facilities rather than the intended higher-end employment.
- Too many parking spaces allocated to pub, hotel and drive thrus.
- Section of land in south west corner should be defined as a wildflower meadow.

9.3 2 letters of support were received noting the following:

- Consented roundabout will make significant improvements to traffic flow.
- Issues from withdrawn application have been addressed.
- Area needs development.
- Will provide new jobs.
- A second McDonalds will relive pressure around the Aldi / Doctors area.
- Costa appeals to a different market to the one in the town centre.
- Family friendly pub on this side of town welcome
- Land will be developed into something exciting rather than looking like wasteland as the gateway to Sandbach.

9.4 1 letter making general observations was received noting the following:

- Land is currently an eyesore.
- Main concerns are ensuring that the safety and flow of traffic around Sandbach is not further hampered by the development.
- A drive through restaurant and coffee shop should relieve some of the traffic congestion around the town currently
- Should reduce air pollution in town which would also be an advantage.
- Struggle to see the benefits of another pub or hotel as this may take business away from the high street.
- Increased footfall along Old Mill Road is a potential safety risk.
- Speed limit should be reduced to 40mph.

10. OFFICER APPRAISAL

Background

10.1 Application 12/3948C granted outline planning permission in 2015 for a commercial development comprising a family pub / restaurant, 63-bedroom hotel, drive through café, eat in café, and office and light industrial units with an adjacent residential development of up to 250 dwellings. The residential element of this permission secured reserved

matters approval and has now been built out. Further residential development with the LPS 53 site has also been constructed on land off Hawthorne Drive (to the south west of the current application site), which fulfils the residential allocation of LPS 53.

- 10.2 In terms of the commercial elements of the allocation, the time for the submission of reserved matters on 12/3948C has expired, which is why this current hybrid application has been submitted for development that has previously been approved. This application relates only to a proportion of the commercial allocation (this is phase 1). However, some associated development has already taken place. The roundabout that provides separate access into the commercial element of the site has been granted planning permission and is currently being constructed on site. The spine road through the commercial element of the site received reserved matters approval within the appropriate timescale and has already been constructed on site. The infrastructure to serve the proposed commercial development is therefore progressing.
- 10.3 Phase 2 of the commercial proposals on land to the south of the wildlife corridor and to the east of the residential development off Hawthorne Drive is the subject of a live planning application (17/4838C) which is expected to be presented to SPB in the coming months. A bridge across the wildlife corridor will be required to access this part of the site, and some funding has been secured on previous planning permissions to contribute towards the cost of the bridge.

Principle of the development

- 10.4 The application site forms part of Strategic Site LPS 53 in the CELPS. LPS 53 allocates the site for a mixed-use employment led development consisting of:
1. The delivery of 20 hectares of employment land (Class B1 & B2);
 2. The delivery of up to 450 new homes to support the delivery of the 20 hectares of employment land;
 3. The provision of appropriate retail for local needs;
 4. The provision of appropriate leisure uses, potentially including a hotel, public house or restaurant;
 5. The incorporation of green infrastructure, including:
 - i. The retention, where possible, of important hedgerows that have a cumulative screening impact on development and contribute to the habitat value of the site;
 - ii. The protection and enhancement of the wildlife corridor and Local Wildlife sites;
 - and
 - iii. Open space including a multi-use games area and an equipped children's play space.
- 10.5 The proposed 3,900sqm of office floorspace (formerly B1 use class, now E(g) use class) occupies approximately half of the 3.9-hectare application site and will contribute to the 20 hectares of employment land objective of the policy. The other proposed uses (hotel, pub/restaurant, drive thru coffee unit and drive thru restaurant) fall under the “appropriate leisure uses” objective. Whilst “appropriate leisure uses” are not strictly defined in the policy the policy does refer to uses similar to those proposed in this application. Furthermore, these same uses were approved as part of the previous outline permission (12/3948C) granted in 2015.
- 10.6 The stated “appropriate leisure uses” are defined as main town centre uses within the NPPF. Paragraph 91 of the NPPF and policy EG5 of the CELPS require a sequential test to be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. As noted above LPS 53 allocates the site for these leisure uses, and specific employment uses, and the plan is considered to be up to date in terms of promoting a town centre first approach to retail

and commerce. A sequential test is therefore not considered to be required in this case. The proposed uses are therefore considered to be appropriate leisure uses in this case, and the principle of the development is considered to be acceptable.

Key issues

Visual Impacts

- 10.7 CELPS policy SD2 sets out the Sustainable Development Principles for Cheshire East. It states that, amongst other matters, development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:
- Height, scale, form and grouping
 - Choice of materials
 - External design features
 - Massing of development
 - Relationship to neighbouring properties, street scene and the wider neighbourhood
- 10.8 These principles are also reflected within CELPS policy SE1 and GEN1 of the SADPD which deal with design, policy H2 of the SNP and Chapter 12 of the Framework.
- 10.9 Policy SE4 of the CELPS notes that the high quality of the built and natural environment is recognised as a significant characteristic of the borough. All development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes. Policy SD2 also includes requirements to respect and, where possible, enhance the landscape character of the area. Policy ENV5 sets out requirements for landscaping schemes on development proposals.
- 10.10 With all matters except access reserved for subsequent approval for the proposed offices, the hotel and the pub/restaurant, design and landscape matters for these elements will be considered at the reserved matters stage.
- 10.11 In terms of the parts of the application that seek full planning permission, this includes the proposed Costa and McDonalds buildings, which are positioned to the north east of the site. The Costa building will be a single-storey flat roof structure and will be mainly constructed with brickwork (unspecified) and cedar timber cladding. The McDonalds building will be a two-storey flat roof structure constructed mainly with Cheshire brick, timber effect cladding panels, and there will be a small element of living walling. Each of the buildings has the main glazing on their eastern and northern elevations primarily facing towards the M6. This results in the western elevations that front onto the new main spine road within the site being rather bland and austere, lacking any real interest. These western elevations do include the drive thru windows on each building at ground floor level, therefore there will be some activity to these frontages. But it is considered that the buildings could address the new spine road in a more effective and interesting way.
- 10.12 Attempts were made by the applicant to relate the Costa building to its Sandbach location with the incorporation of timber framing with brick infill panels, but whilst this loosely referenced the vernacular of Sandbach, it was not successful, given the contemporary form of the building. It has since been removed from the proposal.
- 10.13 The site sits at the gateway to Sandbach and to Cheshire East due to the proximity of J17 of the M6 motorway, and design aspirations for this allocated site are understandably relatively high. Requests were made to the applicant to provide more glazing to the

western elevations, but they were discounted due to service-related functions (plant rooms etc) within the buildings. However, it was not explained why they could not be reconfigured internally to maximise glazing on key elevations. Following this, further requests for living walling were made to add interest that way as an alternative, but whilst some was added to the McDonalds bin store, it was discounted elsewhere for operational reasons. It is difficult to conclude that the two buildings seeking full planning permission contribute positively to the area's character and identity, creating or reinforcing local distinctiveness, other than through the use of Cheshire brick. Suggestions that the proposals have a distinct likeness to motorway service area are difficult to counter. The focus towards the motorway is evident in the design and layout of the buildings. Indeed, the only freestanding sign within the site that is shown on the plans is a McDonalds "sky sign" (a large McDonalds logo on a pole) adjacent to the motorway boundary, similar to the one at Sandbach Services 1 mile to the south of the application site.

- 10.14 Policy ENV5 sets out requirements for landscaping schemes on development proposals. The landscape officer has advised that the key to this site is an abundance of green infrastructure to soften the large areas of hardstanding for 5 key reasons:
- i. Soften views into the site from the adjacent residential properties
 - ii. Soften views from the very busy and visible M6 corridor
 - iii. Help somewhat to integrate this largescale site into the countryside character context
 - iv. Provide a green, healthy, dappled shaded external environs for the site users, be they visitors, workers, wildlife etc which are pleasant.
 - v. Be a trail blazer for landscape quality at this rural, edge of town location.
- 10.15 The applicant has sought to address this issue by providing a landscape masterplan and an eastern boundary plan showing additional tree and hedgerow planting along the boundary with the M6 slip road. National Highways also require a 1.8m close boarded fence (115m long) to be erected along this boundary to safeguard the integrity and safety of the M6 motorway. In addition to the close boarded fence, a post and rail fence will be positioned 1m from it, with shrubs planted in between and maintained at a 1.2m maximum height. Added to this, National Highways have suggested a further safety barrier may be required within the application site, subject to relevant assessments.
- 10.16 Collectively, there is a lot of planting and other structures proposed along the eastern boundary, but the two landscape plans and the submitted block plan do not correspond, and it is therefore unclear what landscaping is proposed. Furthermore, National Highways have not agreed to trees being planted on their land, but some are clearly proposed. The space is very limited between the car parking / access drives and the National Highways boundary, and it appears that the landscaping shown on the plans cannot be provided within the limited space available. This is not a matter that can be conditioned due to the lack of space for landscaping, and revisions to the layout may be required.
- 10.17 At the time of writing there is some conflict with policies SD2, SE1, GEN1 and ENV5 of the local plan.

Living conditions

- 10.18 CELPS Policy SE1 states that development should ensure an appropriate level of privacy for new and existing residential properties. Policy HOU12 of the SADPD states development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive users or future occupiers of the proposed development due to:
1. loss of privacy;
 2. loss of sunlight and daylight;
 3. the overbearing and dominating effect of new buildings;
 4. environmental disturbance or pollution; or

5. traffic generation, access and parking

- 10.19 Relatively recently constructed residential properties border the site along its western boundary. The indicative layout provided with the application shows the pub / restaurant, the hotel and an office building together with their associated car parking areas being closest to these residential properties. The office building is shown to be just over 14m from the rear elevations of the nearest properties on Meadow Brown Place, which falls short of the recommended distance guidelines in policy HOU 13, which are 21m for 1 or 2 storeys and 24m for 3 storeys or upwards. The office building as shown also comes within 5m of the rear garden boundaries, which has the potential to be quite overbearing. The hotel and pub will meet the relevant separation distances outlined in policy HOU13. All of these elements closest to the neighbouring residential properties are included in the outline part of the application, where layout and scale are reserved for subsequent approval. There is considered to be sufficient flexibility in the layout for the relevant separation distance standards to be met.
- 10.20 A noise impact assessment has been submitted with the application, which looks at the impact of noise on the development (the hotel being the most sensitive use) and the impact of noise from the development. Glazing recommendations are made for the proposed hotel, but this will need to be reviewed once the design and positioning is confirmed at the reserved matters stage.
- 10.21 Levels of activity associated with these proposed uses also has the potential to affect the living conditions of neighbouring properties. This is not specifically addressed in the noise impact assessment. However, the majority of the layout is indicative only, and assessing the proposal as shown it is considered that the opening hours of the pub/restaurant can be conditioned to avoid any late-night activity that significantly affect the living conditions of neighbours. Whilst some guests of the hotel may arrive / leave at any time of the day or night, this is likely to be a relatively low-key activity and is not considered to result in significant disturbance to local residents. This is also considered to be the case for the proposed offices.
- 10.22 Turning to those elements seeking full planning permission the McDonalds building is located over 50m from the nearest residential neighbour and the Costa unit is over 100m from them. The spine road and further development (to be confirmed at reserved matters stage) will occupy the space between the existing dwellings and the McDonalds and Costa units. Having regard to this relationship, and the fact that the application is already affected by a significant amount of road noise from the M6, the proposed uses are not considered to raise any significant noise concerns. This is also demonstrated in the noise impact assessment which considers the impact of mechanical services plant associated with the Costa Coffee and McDonalds units. Similarly, no privacy, sunlight / daylight, disturbance or overbearing issues are raised.
- 10.23 In terms of odour, a scheme of odour mitigation has been submitted with the application which has been designed to ensure that odours associated with the use of the development do not cause a significant loss of amenity to occupiers of properties within the locality. This has been reviewed and accepted by the Environmental Protection officers. Subject to a condition requiring the implementation of the proposed mitigation, the proposed development raises no odour concerns.
- 10.24 In terms of the outline part of the application, the impacts upon privacy, sunlight and daylight, and considerations of noise and overbearing buildings will need to be further assessed at the reserved matters stage.

10.25 Overall, it is not considered that there will be a significant impact upon the living conditions of these neighbours. The proposal is therefore considered to comply with policies SE1 and HOU12 of the local plan.

Land Contamination, Ground conditions and Pollution

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

Land contamination

10.27 The Contaminated Land team has no objection to the above application. They note that the submitted Phase 1 & Phase 2 Geo-Environmental Investigation Report (January 2017) did not include the full report appendices (including the chemical test results). Furthermore, the potential risk posed to the development from the adjacent petrol station has not been adequately assessed. The adjacent trial pits did not achieve sufficient depth to enable a thorough investigation of any migration from this potential source of contamination. The Contaminated Land team does however advise that these matters can be adequately addressed by condition. Conditions relating to further ground investigations, a remediation strategy and a verification report are therefore recommended.

Air Quality

10.28 Policy ENV12 requires proposals that are likely to have an impact on local air quality to provide an air quality assessment (AQA). Where the AQA shows that the construction or operational characteristics of the development would cause harm to air quality, including cumulatively with other planned or committed development, planning permission will be refused unless measures are adopted to acceptably mitigate the impact.

10.29 An air quality assessment (AQA) has been submitted with the application. The AQA considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows, and the cumulative impact of committed development within the area.

10.30 The assessment concludes that the impact of the future development will be negligible with regards to all the modelled pollutants. The Environmental Protection team has recommended conditions relating to electric vehicle charging points, ultra – low NOX boilers being installed, and a travel plan. EV charging is now covered by building regulations, and the boiler condition is not considered to be necessary or reasonable, and as such these conditions are not considered to meet the tests for planning conditions set out in the NPPF. However, a condition requiring the submission and implementation of a travel plan is recommended to minimise impacts on air quality and as required by policy CO4. The proposal is considered to comply with the requirements of policies SE12 and ENV12 of the Local Plan.

Agricultural land

10.31 Best and most versatile agricultural land (BMV) is defined in Annex 2 to the Framework as land in grades 1, 2 and 3a of the Agricultural Land Classification (ALC). Policy SD1 of the CELPS 'Sustainable development in Cheshire East' requires development to protect the best and most versatile agricultural land where possible. Policy SD2

expects all development to avoid the permanent loss of such land unless the strategic need overrides these issues; Policy RUR5 of the SADPD expands on this principle, explaining that where proposals involve the loss of best and most versatile agricultural land to development, 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. Similarly, paragraph 174 b) of the Framework requires consideration of the economic and other benefits of the best and most versatile agricultural land.

10.32 The proposal does involve the loss of some grade 2 agricultural land, which is some of the best and most versatile, as well as some grade 4 (poor quality). However, the site is an allocated site for development in the Local Plan, which forms part of the Council's strategic employment land supply, and as such the strategic needs of delivering employment land uses are considered to outweigh the loss of the BMV agricultural land in this case in accordance with policies SD2 and RUR5.

Trees / hedgerows

10.33 Policy SE5 of the CELPS and ENV6 of the SADPD seek to protect trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, unless there are clear overriding reasons for allowing the development and there are no suitable alternatives. Where such impacts are unavoidable, development proposals must satisfactorily demonstrate a net environmental gain by appropriate mitigation, compensation or offsetting.

10.34 The Cheshire East Borough Council (Sandbach – Offley Woods, Filterbed Woods and Sandbach Heath) Tree Preservation Order 2017 (W2) affords protection to the woodland located on a steeply sided slope to southeast of the site. The woodland is listed as a priority woodland habitat in the Natural England Priority Habitat Inventory and identified in the Forestry Commission National Forest Inventory.

10.35 The majority of tree cover is located either on the site boundaries or just beyond it on third party land. The submitted Arboricultural Impact Assessment states that the development will not require the removal of any trees, but there is the potential to have an indirect impact on a number of trees shown for retention. It was this indirect impact that initially concerned the Council's Forestry Officer. These concerns focused on the incursion into root protection areas (RPAs), the potential root severance from car parking near trees within the adjacent filling station to the north of the site, and the impact on a notable oak tree in the woodland to the south, where a substation is proposed.

10.36 These concerns have now been substantively addressed through the submitted Arboricultural Method Statement, which proposes the use of reduced/no-dig construction techniques involving geoweb systems and porous surfacing. Additionally, the substation's footprint has been revised to minimise encroachment on the oak tree. The updated approach appears to be in broad compliance with the principles set out in BS5837:2012 and is therefore considered acceptable.

10.37 Subject to a condition requiring the development being carried out in accordance with the submitted arboricultural details, the proposal is considered to comply with policies SE5 and ENV6 of the local plan.

Ecology

- 10.38 Policy SE3 of the CELPS requires areas of high biodiversity and geodiversity value to be protected and enhanced. All development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. Policy ENV2 of the SADPD sets out ecological requirements for development proposals.
- 10.39 Policy PC4 of the SNP deals with biodiversity and geodiversity and requires development proposals to demonstrate a net gain in biodiversity using appropriate evaluation methodologies and avoidance/mitigation strategies. Compensatory measures (for example biodiversity offsetting) will be required if a net loss of on-site biodiversity is likely.
- 10.40 The following matters are relevant ecological considerations associated with the proposed development:

Statutory Designated Sites

- 10.41 The application site falls within Natural England's SSSI (Sandbach Flashes Site of Special Scientific Interest) impact risk zones for developments of this type. Natural England have raised no objection to the proposal subject to conditions relating to a Construction Traffic & Environmental Management Plan and a surface water management plan which includes appropriate pollution prevention measures.

Non-Statutory Designated Sites and Sandbach Wildlife Corridor

- 10.42 This application is located adjacent to Arclid Brook Valley Local Wildlife Site (LWS). The LWS receives protection through Local Plan Policy SE3. The LWS also forms part of the Sandbach Wildlife Corridor that is protected by policy PC4 of the SNP.
- 10.43 The proposed development will not result in the direct loss of habitat within the Local Wildlife Site. However, the proposed development does have the potential to result in an adverse impact upon this designated site through light pollution and indirect effects on boundary vegetation. The nature conservation officer recommends that a minimum 5m buffer zone is provided adjacent to the boundary of the local wildlife site. The indicative layout for the southern part of the site demonstrates that this can be achieved with the exception of where the access road is located, as this is required to link to further phases of this allocated site (LPS53).
- 10.44 A high level of bat activity was recorded during earlier ecological surveys of this site. The activity was mainly associated with the edge of the woodlands located in the southern half of the site. Whilst woodland habitats will be retained, the close proximity of the proposed development will have an adverse impact upon bat foraging activity if artificial lighting is required. The potential impact of the proposed development upon foraging and commuting bats associated with the wooded river corridor would be reduced through the undeveloped buffer as described above. The impact could also be mitigated further through the careful design of the lighting scheme for the development. A condition is therefore recommended requiring the submission of a lighting scheme with the first reserved matters application to ensure that the full impact of any proposed lighting can be considered.

Ecological Network

- 10.45 The application site falls within a restoration area the CEC ecological network which forms part of the SADPD. Policy ENV1 therefore applies to the determination of this application. The site comprises areas of Ecological Network Restoration Areas and Ecological Network Corridors and Stepping Stones.

10.46 Whether the proposed development leads to an overall gain for biodiversity can be assessed through the BNG metric discussed below. The incorporation of features for wildlife can also be secured through a condition requiring features for use by breeding birds, roosting bats and hedgehogs to be incorporated into the development.

Badgers

10.47 An updated badger survey has been undertaken and submitted in support of this application. A number of badger setts are present in the woodland to the south of the proposed development.

10.48 Although the submitted badger report advises that further surveys need to be undertaken to categorise the sett, based on the level of activity recorded it is very likely to be a main sett (where breeding takes place). The close proximity of application boundary to the sett means that there is likely to be some disturbance of the sett as a result of the works. Whether the sett would need to be fully closed, partially closed or could be retained would however depend upon the detailed design put forward as part of a reserved matters application for this southern area of the site. If the sett needed to be closed an artificial sett would be required.

10.49 It is reasonably likely that the proposed development would have an impact on the sett and that the development would also result in the loss of foraging habitat for the badgers which would be likely to have a minor adverse impact. If permission is granted a condition is recommended to ensure that the future reserved matters application is supported by an updated badger survey, impact assessment and mitigation strategy.

Otter

10.50 This protected/priority species has been recorded as being active on Arclid Brook. However, the nature conservation officer advises that this species is not reasonably likely to be affected by the proposed development.

Hedgerows

10.51 The loss of existing hedgerow should be avoided if at all possible. However, if the loss of existing hedgerows is considered unavoidable the biodiversity metric (discussed below) can be used to determine whether the extent of hedgerow planting proposed is sufficient to compensate for that lost.

Nesting Birds

10.52 In the event that planning consent is granted a condition is recommended to safeguard nesting birds.

Biodiversity Net Gain

10.53 This application was received prior to the introduction of mandatory Net Gain. Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity and SADPD Policy ENV2 requires development proposals to achieve a Net Gain for Biodiversity. In order to assess the losses and gains of biodiversity resulting from the development the applicant has undertaken an assessment using the Defra biodiversity 'metric' methodology.

10.54 The submitted BNG metric indicates that the proposed development would result in a net gain of 0.23% in respect of area-based habitats and 213.45% in respect of hedgerows.

10.55 This net gain is dependent upon off-site habitat creation being delivered as part of the project. The offsite location is proposed to be an area to the south of the site within the wildlife corridor. It is not clear whether this land is within the control of the applicant. A

condition or s106 agreement will be required to secure the delivery of the offsite habitat and its management for a period of 30 years.

- 10.56 The proposed pond on site appears to be a SUDS feature and so must be entered into the metric as such.
- 10.57 Further updates are awaited from the applicant regarding the BNG and will be reported as an update.
- 10.58 Subject to the satisfactory receipt of the outstanding information, the proposal is considered to comply with policies SE3 and ENV2 of the local plan and PC4 of the SNP.

Open Space

- 10.59 Policy REC3 of the SADPD requires all major employment and other non-residential developments to provide open space as a matter of good design and to support health and well-being. The provision of open space will be sought on a site-by-site basis, taking account of the location, type and scale of the development. No minimum requirement for open space is specified in the policy. The Green Space Strategy recognises that major commercial schemes generate demand for open space, and this also acknowledged in the Developer Contributions SPD adopted in March 2024 where the presumption is that open space it will be provided on site, unless otherwise agreed. If off site provision is agreed for part or all of the requirements, it will be provided by means of a commuted sum to the Council.
- 10.60 The applicant has stated that they consider the site sufficiently provides open space, in the form of areas around the public house, including a wildflower meadow to the north and an area of outdoor seating to the south. They maintain that there is also a pond located on the site which is surrounded by an element of open space; in this area they would be happy to provide benches as part of a conditioned landscaping scheme. The site also includes an ecological buffer to the south and there is a buffer to the south of that zone.
- 10.61 Whilst the applicant's comments are noted, they seem to rely heavily on incidental or peripheral landscape features (e.g. wildflower meadow, pond). Whilst these elements are positive, they do not constitute formal or functional open space as typically defined in planning policy – i.e., space that is accessible, usable and designed support recreation, health, and well-being.
- 10.62 The wildflower meadow and pond, while ecologically valuable, do not necessarily provide useable or accessible open space for employees or visitors in a recreational or restorative capacity. Similarly, outdoor seating associated with the public house serves a commercial function rather than fulfilling the broader objectives of open space. The inclusion of benches is welcome, but this alone does not meet the standard expected for major employment developments. The pond is centrally located and surrounded by limited open space. However, its proximity to the drive-through may also diminish the area's potential for rest and relaxation.
- 10.63 Whilst proximity to the public rights of way is beneficial, it should not be seen as a substitute for on-site provision. The presence of nearby countryside access does not negate the need for dedicated, well-designed open space within the development itself, particularly given the scale and potential intensity of the proposed uses.
- 10.64 The proposal for the pub, hotel and office space is in outline. This presents an opportunity to revisit the open space strategy at the reserved matters stage and ensure that it aligns

with the principles of good design and supports the health and well-being of future users, as required by Policy REC3.

Energy

- 10.65 Policy SE9 of the CELPS explains that non-residential development over 1,000 square metres will be expected to secure at least 10% of its predicted energy requirements from decentralised and renewable or low carbon sources, unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable. Policy CC1 of the SNP requires new development to demonstrate how it will minimise the use of energy and clean water.
- 10.66 A similar requirement to that outlined in policy SE9 of the CELPS, was also applicable to the previously approved scheme on the site, and the applicant has submitted an energy statement with the current proposal, which suggests an acknowledgement of these policy requirements. Specific details of how the proposal will comply with these policies can be secured by condition.

Highways

- 10.67 Policy CO1 of the CELPS sets out the Council's expectations for development to deliver the Council objectives of delivering a safe, sustainable, high quality, integrated transport system that encourages a modal shift away from car travel to public transport, cycling and walking; supportive of the needs of residents and businesses and preparing for carbon free modes of transport. Policy CO4 requires all major development proposals that are likely to generate significant additional journeys to be accompanied by a Transport Assessment and, where appropriate, a Travel Plan.
- 10.68 Policy INF1 of the SADPD and IFT1 of the SNP require developments to contribute positively to local walking, cycling and public transport objectives. Policy INF3 requires development proposals to provide safe access to and from the site for all highway users and ensure that development traffic can be satisfactorily assimilated into the safe operation of the existing highway network. Policy IFT2 of the SNP requires new developments to have adequate parking facilities.

Access

- 10.69 Access to the application site has been created following the construction of the recently completed roundabout at the junction of J17 of the M6 and Old Mill Road. A dedicated arm from the roundabout provides access to the application site, and the access road into the site approved under permissions 13/2948C (outlined) and 16/6026C (reserved matters) has already been part constructed. The access proposals include the extension of the existing shared 3m wide footway/cycleway that leads to The Hill close to the centre of Sandbach and provides potential for footway/cycleway linkages to be facilitated for phase 2 of the development of LPS53, to the south of the Wildlife Corridor.
- 10.70 The revised block plan now indicates that two connection points will be provided to the adjacent residential development on Meadow Brown Place, these should not have a barrier restriction for cyclists and should be signed as pedestrian/cycle paths. Overall, the access details for the full and outline parts of the application are considered to be acceptable.
- 10.63 The potential upgrading of FP11 to the west side of Old Mill Road, towards Alderley Close and Swettenham Close has been raised within letters of representation and by the local ward councillor, as it would provide an excellent cycling connection to the town centre via the Tatton Drive estate and is item 27 of the Sandbach Town Cycling Plan. However, a shared cycleway/footway was provided as part of outline permission 12/3948C, which covered this site, and the current proposals provide an extension to this through the site

and down to the wildlife corridor to link into phase 2. In this regard it is considered that adequate provision has been made for pedestrians and cyclists and the improvement to FP11 is not necessary to make the development acceptable in planning terms, and as such would not meet the tests of the CIL regulations. However, it is considered that this matter can be revisited when the application for phase 2 is considered.

Speed limit

- 10.64 A reduction in the speed limit along Old Mill Road has been raised by Sandbach Town Council and within letters of representation. CEC Highways have advised that an assessment has been undertaken to review the current de-restricted speed limit on Old Mill Road from J17 to The Hill junction. A lower speed limit on this section of road was not accepted as it did not meet the CEC speed management strategy and no changes are proposed as part of this application.

Development Impact – Traffic Generation

- 10.65 Given the proposed changes in the development mix compared to the previous approval, any changes to the likely traffic generation of the site need to be assessed. The applicant has undertaken an assessment of the traffic generation from each of the proposed uses and then compared the number of peak hour trips to the previously approved level of traffic generation.
- 10.66 The results indicate that the level of trips resulting from the new proposals is very similar to the approved scheme albeit just slightly lower than previously agreed. As there is no net increase in traffic generation arising from these new proposals there is no requirement for any junction capacity assessments to be undertaken on the local road network.
- 10.67 As some time has passed since the original outline approval in 2015 for the Phase 1 development, the applicant was asked to assess the impact of the development on current base traffic levels using J17 M6 and the local road network. In response to this request the applicant has submitted a technical note that compares traffic flow data levels at J17. The original peak hour counts were undertaken in 2016 and then growthed to 2019 using Temprow to provide the base traffic flows. These figures were then compared to counts undertaken by National Highways post opening of the SMART motorway scheme at J17, the results indicated that the 2016 flows + growth were slightly higher than the 2019 flow data.
- 10.68 Although there is now another gap since 2019, the Highways officer advises that the use of the flow data for this application is considered acceptable as it is after the Smart motorway scheme and also before the pandemic effects on traffic.

Parking

- 10.69 The application form states that the combined floorspace of the Costa and McDonalds is 685sqm. This excludes the first-floor area of the McDonalds which provides the plant area. If this was included, the total would be 798sqm. This is noted as the parking standards in the CELPS do not explicitly refer to a specific usage of floorspace, just floorspace as a whole.
- 10.70 The following table indicates the level of parking to be provided for the Drive Through elements of the scheme.

Use	Parking Spaces	CEC standard (1 space per 7.5sqm)	Proposed Cycle Parking
Drive Through Coffee Unit (Costa) 168sqm	37+ 2 accessible spaces	23	6
Drive Through Fast Food (McDonalds) 518sqm (excluding plant area) 631 (including plant area)	40 (including 2 grill bays) + 2 accessible spaces	69 (excluding plant area) 84 (including plant area)	6

10.71 There is some under provision of car parking when assessed against CEC standards for the drive thru facilities overall. Taken separately, there is an over provision for the smaller Costa unit at the front of the site, and an under provision for McDonalds (whether including the plant area or not). It has not been stated that the parking spaces will be shared between the units. Whilst the Highways officer has stated that the under provision from standards will not cause parking problems, given the significantly greater floorspace within the McDonalds unit compared to the Costa unit, and their respective parking requirements, it is considered necessary to ensure that sufficient parking is provided across the 2 sites (Costa and McDonalds) for the McDonalds customers. It is therefore considered that the car parking within the full planning application site, should be conditioned to serve both buildings.

10.72 One of the letters of representation raises some concern regarding the position of the cycle parking at the Costa unit. The three stands are located at the far end of the "patio", away from the entrance to the building and some way from the access route cyclists would use. The stands could be much better located to ensure cycling to the site is an attractive proposition as possible given the shortfall in parking across the two units. Accordingly, a condition is recommended for the position of the cycle stands to be approved.

10.73 In terms of the other uses where outline planning permission is sought the indicative parking levels are shown below:

Use	Parking Spaces	CEC standard	Proposed Cycle Parking
Public House 525sqm	63	1 space per 5sqm = 105	24
Hotel (63 rooms)	62	1 space per bedroom = 63	24
Offices 3900sqm	241	1 space per 30sqm = 130	96

10.74 Again, the proposed parking levels suggest over provision for some uses and under provision for others. The car and cycles parking requirements for the outline uses will not be known until the reserved matters stage, but it is evident that adequate space exists within the site to provide parking for the scale of the uses proposed.

Interface with Strategic Road Network (M6)

- 10.75 National Highways have raised no objections to the proposal, subject to conditions primarily relating to the treatment to the eastern boundary, adjacent to the M6 motorway. The recommended conditions require the construction of a 1.8m high close boarded fence, the submission of a construction management plans and the submission of risk assessments relating to the need for a safety barrier.

Phase 2 connection (Bridge)

- 10.76 It is intended that a bridge will connect the Phase 1 and Phase 2 developments over the wildlife corridor, it is important that a future bridge can be designed that abuts to the end of the spine road and that adequate land is provided to be able to construct the bridge. The applicant has provided details of a bridge connection to demonstrate that a bridge link can be provided between the phase 1 and phase 2 development.

Highways conclusion

- 10.77 No objections are raised by CEC Highways or National Highways (other than the landscape query above). It is therefore considered that subject to conditions, the proposal will not have a significant impact upon the highway network, adequate car parking can be provided and opportunities for sustainable travel modes can be secured, in accordance with policies CO1, CO4, INF1 and INF3 of the local plan and IFT1 and IFT2 of the SNP.

Flood Risk

- 10.78 Policy SE13 of the CELPS requires developments to integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation, in line with national guidance.
- 10.79 Policy ENV16 of the SADPD requires development proposals to demonstrate how surface water runoff can be managed, including with the use of sustainable drainage systems (SuDS).
- 10.80 A drainage strategy has been provided with the application, which has been reviewed by the LLFA, who raise no objection to the drainage proposals, subject to the strategy being conditioned. Similarly National Highways has confirmed that the document titled "Capricorn Phase 1 FRA Update – May 2025" confirms that no drainage from the development will connect into the M6 motorway drainage system, thereby addressing their previous concerns on this matter.
- 10.81 Subject to the implementation of the proposed drainage strategy, the proposal will comply with policies SE13 and ENV16 of the local plan, and policy CC1 of the SNP, which requires proposals to include sustainable drainage (SUDS).

Other considerations

S106 Agreement

- 10.82 The s106 agreement for the outline consent (12/3948C) contained a number of obligations which needed to be complied with prior to the commencement of development within the "Commercial Area" (which includes the spine road). In particular, the s106 required the transfer of the "Wildlife Corridor" land. It is understood that this has not been done. The Wildlife Corridor land was required for the provision of a bridge, which would 'unlock' the development of the remaining LPS53 allocation to the south of the application site. The previous s106 provides that the Council will construct the bridge following receipt of a £500k (index linked) contribution. The requirement to pay this contribution has not yet been triggered (the trigger being 12 months prior written notice from the Council). Separate from this s106 agreement, the Council has also secured a financial contribution of £2,280,000 from Persimmon

Homes Limited, via a s106 dated 12th October 2017, in relation to their residential development off Hawthorne Drive (permission 13/5242C).

- 10.83 Despite the wording within the original s106 agreement, it is understood that the Council will not deliver the bridge. It will be for the developer or another third party to construct the bridge across the wildlife corridor.
- 10.84 The applicant's latest draft Heads of Terms for a new s106 agreement propose to reserve the necessary land for the bridge (and allow for its transfer if the council delivers the bridge) and continue to require the development to provide a financial contribution from phase 1 (£500,000 index linked) to be paid, and allow the S106 monies the council has already collected for the bridge to be allocated to its construction (in the event the council does not construct).
- 10.85 Given that the Council will not deliver the bridge, the transfer of the land to the Council is no longer required. However, reserving the necessary land is considered to be necessary to ensure that the land is provided to access the phase 2 development (as proposed under application 17/4838C) of the allocated site LPS53.
- 10.86 Similarly, the financial contribution of £500,000 remains necessary to help to facilitate the delivery of the whole allocated site. The £500,000 agreed in 2015 would of course be much greater now when inflation is factored in, and discussions are ongoing in this regard.

Draft Heads of Terms

- 10.87 If the application is approved, a s106 agreement to secure the following heads of terms is recommended:
- Contribution to wildlife corridor crossing (bridge)
 - Land to be reserved for bridge crossing
 - Open space scheme to be submitted
 - Open space management arrangements
 - Off-site habitat delivery and management

CIL Regulations

- 10.88 These requirements are considered to be necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development.

11. PLANNING BALANCE/CONCLUSION

- 11.1 The principle of the development is acceptable being broadly in accordance with the site allocation set out in policy LPS53 of the CELPS. However, the design of the buildings raises some concern in terms of how they relate to the proposed spine road, appearing to "turn their back" on this key access route into the site and the linkages to the wider area. Instead, the development is focused primarily on the motorway. The appearance of the buildings appears to be something of an "off the peg" design, with little acknowledgement to local distinctiveness, and cannot be said to positively contribute to the area. It is accepted that the buildings of these national chains across the country, including in Sandbach, have a relatively standard appearance, but it is considered that more could have been done to better articulate the buildings. This is considered to result in some limited harm to the character and appearance of the area. Limited weight is attached to this harm.

- 11.2 Whilst landscaping details that have been provided, the various plans do not correspond to each other, insofar as they relate to the full planning application elements, and it is not clear what landscaping is being proposed. There is also an outstanding query regarding planting on National Highways land, that they have not agreed to. As noted above an abundance of green infrastructure is the key to this site. Due to the space constraints on the eastern boundary, together with National Highways requirements for close boarded fencing and barriers, it has not been clearly demonstrated that the planting shown on the plans can be provided. The required screening and filtering of views by strong landscape features has not been demonstrated at the time of writing. Too many questions remain about the landscaping that can be provided, and ultimately how exposed the new development will be. If the landscaping is not planned and implemented effectively, due to the visibility of the site from surrounding vantage points, the development will result in significant harm to the character and appearance of the area at an important gateway both into Sandbach and Cheshire East. This potential harm attracts moderate weight against the proposal.
- 11.3 Balanced against this harm, the site has been allocated for employment uses for many years, and the proposal will bring forward the much-needed start of the commercial elements of the LPS 53 site allocation and help to facilitate the next phase of development to the south of the wildlife corridor, as currently proposed under application 17/4838C. No detailed information has been provided regarding anticipated employment levels, but it is clear that the uses proposed will create employment opportunities locally, and further afield given the links to the strategic road network. Moderate weight is afforded to these employment related benefits.
- 11.4 The proposal does involve the loss of some of the best and most versatile agricultural land. However, the site is an allocated site for development in the Local Plan, which forms part of the Council's strategic employment land supply, and as such the strategic needs of delivering employment land uses are considered to outweigh the loss of the BMV agricultural land in this case in accordance with policies SD2 and RUR5. This is considered to be neutral in the overall planning balance.
- 11.5 Similarly, there is considered to be neutral or acceptable impacts upon matters relating to contaminated land, noise, air quality, living conditions, flood risk and drainage, highways, ecology and trees subject to relevant conditions.
- 11.6 This is a very finely balanced case, and whilst the design and landscaping might appear to be relatively minor issues in the context of the development as a whole, the buildings and sites concerned are located at the front of the site, and adjacent to public highways at the gateway to Sandbach. The lack of certainty to the landscaping proposals in particular is a harmful aspect of the scheme and when combined with buildings that turn their back on the main spine road, the identified harm is significant. However, it is understood that the applicant is currently seeking to address the queries from National Highways and clarify the landscaping proposals. Further details will be provided as an update. If the landscaping and National Highways issues can be resolved in advance of the SPB meeting, given the longstanding aspirations for employment uses on the site, the benefits of the site coming forward with commercial uses and the associated employment benefits are, on balance, considered to outweigh the identified design issues. Accordingly, a recommendation of approval is made, subject to the receipt of satisfactory landscaping details, clarification of the relationship with National Highways land, and final BNG details.

Should these matters not be addressed, the recommendation may regrettably change to one of refusal.

12. RECOMMENDATION

Approve subject to s106 agreement to secure:

S106	Amount	Trigger
Contribution to Wildlife corridor crossing	TBC	Prior notification by the Council
Land to be reserved for bridge crossing	N/A	On implementation
Open space scheme to be submitted	N/A	At same time as reserved matters
Open space management arrangements	N/A	At same time as reserved matters
Off site habitat delivery and management	N/A	Prior to commencement

And the following conditions:

Full planning permission conditions

1. Commencement of development (3 years)
2. Development in accordance with approved plans
3. Materials as stated in application
4. Car parking to serve both buildings

Outline planning permission conditions

5. Approval of reserved matters to be obtained
6. Reserved matters application within 3 years
7. Development to commence within two years of the date of approval of the last of the reserved matters to be approved.
8. Lighting scheme to accompany reserved matters
9. Updated badger survey to accompany reserved matters

Conditions applicable to whole development

10. Travel plan to be submitted
11. Incorporation of features for use by breeding birds and bats (all buildings)
12. Nesting bird survey to be submitted
13. Construction method statement (works adjacent to M6)
14. 1.8m close boarded fence to be erected (eastern boundary – M6)
15. Safety risk assessment to be submitted (M6)
16. Road restraint risk assessment to be submitted (M6)
17. A Construction Traffic & Environmental Management Plan (CTEMP) to be submitted
18. Surface Water Management Plan which includes appropriate pollution prevention measures to be submitted
19. Drainage details to be submitted
20. Foul and surface water to be drained on separate systems
21. Phase II ground investigation and remediation to be submitted
22. Verification report to be submitted
23. Imported soil to be tested for contamination
24. Actions in event of unidentified contamination
25. Odour mitigation to be implemented
26. Details of pedestrian and cycle signage to be submitted
27. Cycle parking details to be submitted

28. Development to be carried out in accordance with AIA, Tree Protection Plans and Method Statement
29. Implementation of landscaping scheme
30. Levels details to be submitted
31. 10% of predicted energy requirements from decentralised and renewable or low carbon sources – details to be submitted

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.

