

Application No: 10/4973C

Location: CANAL FIELDS, HALL LANE, MOSTON, SANDBACH

Proposal: Redevelopment of the Site to Provide 102 New Dwellings, Public Open Space and Associated Infrastructure, Including a New Access to Hall Lane

Applicant: Bellway Homes Ltd

Expiry Date: 29-Apr-2011

### **SUMMARY RECOMMENDATION**

Approve subject to conditions and the prior signing of a S106 Agreement

### **MAIN ISSUES**

Principle of Development  
Development Viability  
Nature of Affordable Housing Provision  
Design, Character and Impact  
HSE Related Matters  
Residential Amenity  
Highway Safety and Accessibility  
Environmental Health Related Issues  
Trees and Landscaping  
Flood Risk and Drainage  
Ecology

### **REASON FOR REPORT**

The application proposes a small-scale major residential development in excess of 10 units.

### **DESCRIPTION OF SITE AND CONTEXT**

The application relates to a 3.76ha parcel of land known as Canal Fields located approximately 2.5km to the southwest of Sandbach Town Centre and within the defined Settlement Zone Line of the adopted Local Plan.

The site comprises a mix of previously developed and Greenfield land and is known to be contaminated as a result of the sites former industrial use.

The former industrial buildings no longer remain and the site now appears largely overgrown with scrub and vegetation, although several areas of the site contain mounds of rubble and spoil. The site also contains a large pond and a number of trees, particularly to the canal bank adjacent to the pond.

In broad terms, the site is contained within a narrow parcel of land that runs south to north and which is served by a single access point on Hall Lane. The site extends for approximately 600m in length before it meets the boundary of the Fodens Test Track site. It sits on a gently undulating platform which varies in width from 100m at its widest point to only 20m at its narrowest.

The site is enclosed to the east by the raised embankment of the West Coast Main Line and to the west by the Trent and Mersey Canal. The canal sits on a lower level within a shallow cutting before levels drop away further still into the open countryside, Red Lane and Sandbach Flashes. Fodens test track is located to the north and Hall Lane and United Phosphorus to the south.

### **DETAILS OF PROPOSAL**

The application as originally submitted sought full permission to redevelop site to provide 102 New Dwellings, public open space and associated infrastructure including a new access to Hall Lane. However, following an objection from the HSE, the layout of the houses was revised which resulted in a reduction in the number of units reduced to 101-dwellings.

In terms of proposed housing mix, the scheme seeks to deliver mix of two-storey housing comprising 7no 2-bed homes, 77no 3-bed homes and 17no 4-bed homes arranged between mews, semi-detached and detached houses.

Due to difficulties in terms of viability, the applicants propose to deliver only 20% affordable housing (comprising intermediate housing) or 10% affordable housing (again comprising intermediate housing) but with a financial contribution of £174,292 towards education provision and £33,857 for improvements towards either pedestrian routes or children and young persons play provision.

In terms of open space provision, the proposed layout makes provision for a total of approximately 0.45ha which includes part retention of an existing pond to provide a landscape feature and Sustainable Drainage System (SuDS).

Access to the site would be gained by a newly constructed priority controlled junction and ghost-island right turn facility. The scheme also proposes to signalise Hall Lane beneath the railway bridge, reduce the carriageway to a single lane and create a formal pedestrian route.

### **RELEVANT HISTORY**

Whilst the site has an extensive history associated with former and proposed industrial use as well as various proposed leisure schemes associated with the canal, the following planning applications are considered most relevant to the determination of this application:

36829/1: Outline planning permission for residential development granted by the Planning Inspectorate following an appeal against non-determination by Congleton Borough Council. Appeal submitted 5<sup>th</sup> March 2004.

07/0494/OUT: Outline planning application for residential development. Resolution to grant planning permission subject to a S106 Agreement for 30% affordable housing, payment of education contribution and payment of an open space contribution for enhancement and maintenance of POS. The S106 however remains unsigned.

08/1442/FUL: Full application for residential development comprising 120 dwellings.  
Application withdrawn.

## **POLICIES**

### **National Policy**

PPS1 'Delivering Sustainable Development' and supporting documents  
PPS3 'Housing'  
PPS5 'Planning for the Historic Environment'  
PPS9 'Bio-diversity and Geological Conservation'  
PPG13 'Transport'  
PPS23 'Planning and Pollution Control'  
PPG24 'Planning and Noise'  
PPS25 'Development and Flood Risk'

### **Regional Spatial Strategy**

DP1 'Spatial Principles'  
DP2 'Promote Sustainable Communities'  
DP3 'Promote Sustainable Economic Development'  
DP4 'Make the Best Use of Existing Resources and Infrastructure'  
DP5 'Manage Travel Demand; Reduce the Need to Travel, and increase accessibility'  
DP6 'Marry Opportunity and Need'  
DP7 'Promote Environmental Quality'  
DP9 'Reduce Emissions and Adapt to Climate Change'  
RDF1 'Spatial Priorities'  
RT2 'Managing Travel Demand'  
RT9 'Walking and Cycling'  
EM1 'Integrated Enhancement and Protection of the Regions Environmental Assets'  
EM2 'Remediation Contaminated Land'  
EM5 'Integrated Water Management'  
EM11 'Waste Management Principles'  
EM16 'Energy Conservation and Efficiency'  
EM18 'Decentralised Energy Supply'  
MCR4 'South Cheshire'

### **Local Plan Policy**

PS4 'Towns'  
GR1 'New Development'  
GR2 'Design'  
GR3  
GR4 'Landscaping'  
GR6 'Amenity and Health'  
GR7 'Amenity and Health'  
GR8 'Amenity and Health'  
GR9 'Accessibility, Servicing and Parking Provision'

GR10 'Accessibility, Servicing and Parking Provision'

GR14 'Cycling Measures'

GR15 'Pedestrian Measures'

GR17 'Car Parking'

GR18 'Traffic Measures'

GR19 'Infrastructure'

GR20 'Public Utilities'

GR21 'Flood Prevention'

NR1 'Trees and Woodlands'

NR4 'Non-statutory Sites'

NR5 'Enhance Nature Conservation'

H13 'Affordable Housing'

E2 'Employment Commitment'

### **Other Material Considerations**

- SPD6 'Affordable Housing and Mixed Communities'
- Interim Planning Statement: Affordable Housing
- Interim Planning Statement: Release of Housing Land
- 2010 'Strategic Housing Market Assessment'(SHMA)
- Strategic Housing Land Availability Study (SHLAA)
- Department for Transport: 'Manual for Streets'
- Circular 11/95 'Planning Conditions'
- Circular 05/2005 'Planning Obligations'
- Chief Planning Officer Letters re the abolition of RSS.
- Advice Produced by the Planning Inspectorate for Use by its Inspectors. Regional Strategies
- Draft National Planning Policy Framework
- DCLG 'Planning for Growth'
- Hind Heath Road Appeal Decision June 2011

### **CONSULTATIONS (External to Planning)**

#### **Environment Agency:**

No objection to the proposed development subject to a number of conditions.

#### **United Utilities:**

No objection providing that the drainage strategy detailed within the Flood Risk Assessment is rigidly adhered to.

#### **Natural England:**

Consider that insufficient information has been submitted in respect of the potential impact of the development on Sandbach Flashes SSI.

In response, a detailed submission was made by the applicant's ecologist to which no response had yet been received from Natural England. An update will therefore be provided to Members in this respect.

**Network Rail:**

Detailed response submitted to advise on the various conditions which should be imposed on the scheme if approved and also requesting a financial contribution towards a range of possible improvements to Sandbach Railway Station.

**British Waterways:**

No objection subject to a number of conditions, minor alterations to the proposed scheme and financial contribution towards improving access to the Trent and Mersey Canal pedestrian access.

**Health and Safety Executive:**

Initial response, based on the first layout, advised against approving the development due to the developments proximity to the consultation zones surrounding the United Phosphorus plant.

However, following a new assessment based on the revised layout, they do not advise against and have therefore withdrawn their objection.

**Brine Subsidence Board:**

As an area previously affected by brine subsidence precautions would be needed against brine subsidence damage.

**Sustrans:**

Sustrans consider that the linear nature of the site and single point of access will result in an increase in traffic onto a minor road and require any pedestrian or cycle journey to exit the site onto Hall Lane. As a result Sustrans are concerned that the layout will not encourage sustainable modes of travel. They consider that a bridge across the canal is needed at the northern end of the site to allow journeys up to Sandbach Railway Station in particular. The scheme should provide for appropriate cycle and buggy storage and should ensure road limits are restricted to 20mph.

**Highways:**

No objections to the proposed highway arrangements to Hall Lane which reflect a long-standing previously approved design and allow for safe access and egress for vehicles.

However, the Strategic Highways Manager has raised numerous concerns in relation to the poor quality of the first site layout in terms of the scheme failing to correctly apply the principles of Manual for Streets and the fact that the scheme does not offer any method of facilitating the physical connection between the application site and the Fodens Test Track site.

The latest amended plan does to a large degree offer a better layout design which is acceptable to the Strategic Highways Manager however the other aspect of legible adoptable highway boundary is not addressed in the amended layout. A condition should therefore be attached to any permission which may be granted for this development proposal to clearly define the adoptable highway boundary.

**Public Rights of Way Team:**

No objection because the scheme does not affect any Public Rights of Way.

**Countryside Access Development Officer:**

The proposed development presents an opportunity to improve walking and cycling opportunities in the area for both travel and leisure purposes in accordance with the Rights of Way Improvement Plan. The officer recommends that a financial contribution is secured in order to allow for improvements to the access onto the canal towpath via a disabled access ramp particularly as improvements to the surface of the towpath are planned to provide an all weather leisure and transport route.

**Education:**

Request a financial contribution of £178,187 to address the impacts of development of the provision of education within the area. Based on the revised layout, a smaller contribution of £174,292 would be required.

**Greenspace Section:**

No objection.

*Amenity Greenspace*

Observations relating to the existing shortfalls in the levels of Amenity Greenspace accessible to the proposed development having regard to local standards but that the scheme also makes a 340m<sup>2</sup> over provision of Amenity Greenspace (although this includes some incidental verge which would need to be deducted but excludes the pond area which would need to be transferred to a private management company).

**Children and Young Persons Provision**

Whilst sufficient provision exists within 800m of the site, the accessibility to those areas is difficult and the scheme would therefore need to make on-site provision to meet local standards. At present the scheme only includes a LAP facility but would need to make provision for a LEAP facility. A financial contribution of £94,326 would also be sought from the developer to cover maintenance for a 25-year period.

**Environmental Health:**

No objection to the proposed development subject to a number of conditions covering matters relating to contaminated land, remediation, implementation of noise mitigation and control over hours of operation and piling activities.

**VIEWS OF SANDBACH TOWN COUNCIL**

- Sandbach Town Council objects to the application due to the poor access. The site is over-developed for one access point and does not provide suitable pedestrian routes.
- No objection to the specified revised amendments but strongly reiterate their original observations regarding the poor access.

**OTHER REPRESENTATIONS**

One objection has been received to the proposed development from the resident at 1 Needhams Bank on Red Lane. The main grounds for objection are as follows:

- Visual intrusion, loss of privacy and unrequired noise;
- The land would benefit from development other than houses;
- Unacceptable traffic increase to Hall Lane and Red Lane;

- Impact on wildlife; and
- Questions whether Sandbach needs the development.

### **APPLICANT'S SUPPORTING INFORMATION**

Topographical Survey, Plans, Elevations and Design & Access Statement  
 Planning Statement (including affordable housing, open space & heritage assessment)  
 Financial Viability Appraisal  
 Transport Assessment  
 Geo-Environmental Assessment Report  
 Supplementary Geo-Environmental Investigation Report  
 Remedial Specification (re Contaminated Land)  
 Air Quality Assessment  
 Environmental Noise Study  
 Vibration Impact Assessment  
 Heritage Statement  
 Flood Risk Assessment  
 Ecological Surveys

#### *Additional supporting information*

Supplementary Viability Appraisal June 2011  
 Revised Site Layout, Site Sections and Elevations  
 Supplementary Ecological Report to Natural England

### **OFFICER APPRAISAL**

#### **Principle of Development**

The principle of residential development on the site is acceptable having regard to the advice contained within PPS1 and PPS3 in terms of the site previously developed status and location within the Sandbach settlement zone. Furthermore the site is identified within the SHLAA as being suitable, available and achievable and therefore falls to be considered as a deliverable site in PPS3 terms. The site will therefore make an important contribution to the five-year housing land supply both across the borough and within Sandbach itself as well as contributing to the provision an appropriate mix of housing within the Sandbach area having regards to the requirements of the SHMA.

Members must also note that in the absence of five year housing land supply within the borough, paragraph 71 of PPS3 requires that applications for housing must be considered favourably providing they meet the objectives PPS3 paragraph 69.

In terms of local plan policies, the sites location within the Sandbach settlement zone means that there is presumption in favour of development under policy PS4 providing the proposal does not conflict with other policies within the local plan, is in keeping with the towns scale and character, and is appropriate to character of its locality in terms of use, intensity and scale.

These matters are considered in more detail throughout the report.

## **Development Viability**

As originally submitted, the application sought to demonstrate that the scheme could only support the delivery of either 5% affordable housing (based on a 65/35% Social Rented/Intermediate split) or 10% affordable housing if based on entirely intermediate housing. Neither of these options however made provision for any other obligations such as an education contribution.

The report submitted to support the applicant's case, which was prepared on their behalf by DTZ Manchester, tested a range of viability scenarios and reached the following conclusions:

- 30% affordable housing split between shared ownership and social rented delivers only 9.8% profit and a negative site value of - £1,149,000.
- 10% affordable housing comprising shared ownership housing delivers a profit of approx £ 3.06m (17%) but a negative site value of -£94,000.
- 5% affordable housing split as 35% social rented and 65% shared ownership delivers a profit of approx £3.1m (17.3%) but a negative site value of -£84,000
- With 0% affordable housing provision the scheme delivers a profit of £3.3m (18%) but a positive site value of £166,000

Following consideration of this report however, and the consultation responses received from the various consultees, officers were not satisfied with the level of affordable housing provision or indeed the failure to provide any form of contribution particularly in respect of education provision. Officers therefore entered into negotiations with the applicant's to secure an improved offer comprising one of the two scenarios listed below:

- A) Delivery of 20% affordable housing comprising two and three bed intermediate houses; or
- B) 10% affordable housing comprising two and three bed intermediate houses, but with a financial contribution of £206,440 to cover the necessary education contribution (£174,292) with the remainder being available for improvements to pedestrian accessibility or enhancing play provision in the area.

In making this offer, the applicants supported their case with a revised appraisal which demonstrated that the applicants had reduced their profit level to only 13% to improve the offer to the Council and that this figure was well below the accepted industry standard of 17.5% – 20%; a figure used within the majority of viability models and which is supported by the guidance published by the Homes and Communities Agency.

Following receipt of the revised appraisal, the Council instructed Savills to undertake an independent review of the applicant's evidence. The professional advice to the Council is that the applicant's report is robust and demonstrates that 30% affordable housing is not viable on this site at the present moment in time. Furthermore, despite differences in professional opinions over the residual value (i.e. the amount of money available to provide affordable housing), it was found that the applicants offer of 20% (or 10% plus a financial contribution) reflected what the scheme could reasonably deliver.



Whilst it is clearly unfortunate that a higher level of affordable housing cannot be delivered in accordance with the requirements of SPD6 and the Interim Housing Policy, policy H13 and the Interim Housing Policy do advise that the Council will consider the economics of provision when assessing affordable housing provision. Furthermore, the guidance contained within 'Planning for Growth' makes it clear that Councils will be expected to consider the impact of planning obligations on the viability of development and that such issues amount to important considerations.

A further important consideration stems from the recent Hind Heath Road appeal decision where one of the main reasons for the Secretary of State dismissing the appeal was due to the fact that the Council could demonstrate a five year supply of deliverable sites within the Sandbach area, of which Canal Fields was one such site. Refusal could therefore have a potentially damaging effect on the housing land supply within both Sandbach and the Borough and thus our ability to defend future appeals.

On that basis, it therefore remains for Members to consider the nature of the offer from the applicants and which option they wish to secure from the following two options:

- a) 20% affordable housing (all Intermediate housing) with no other financial contributions; or alternatively
- b) 10% affordable housing comprising intermediate housing and an additional financial contribution of £174,292 towards education provision and £33,857 to be spent by the Council on enhanced public open space and/or pedestrian accessibility within the immediate area.

It is officers view that option B should be secured having particular regard to the education contribution and the need to off-set the very specific impact that 101 2, 3 & 4 bed homes would have on school capacity. However, if Members took a different view, this would require a minor adjustment to the proposed heads of terms and would need to be made clear prior to the committee resolution.

### **Nature of Affordable Housing Offer**

Notwithstanding the shortfall in affordable housing provision discussed in the previous section, officers consider that the delivery of 2-bed and 3-bed intermediate housing (which forms the basis of the revised offer) would contribute to addressing housing need within the Sandbach area having regard to the evidence within the 2010 SHMA. The applicants have also indicated they would be prepared to deliver all the affordable units prior to the occupation of the 50<sup>th</sup> open market unit which officers consider would be represent an acceptable solution.

### **Renewable Energy and Code for Sustainable Homes**

Whilst officers would normally expect new housing schemes to provide an element of renewable energy or meet a code for sustainable homes standard, the existing resolution to approve does not contain any requirement for such provision and the viability appraisals for the current application have therefore been prepared on that basis. The applicant's have therefore advised that if the Council sought to impose such conditions on the development,

that this would adversely affect the ability to deliver the specified levels of affordable housing and/or the ability to provide financial contributions.

Whilst this is clearly an unfortunate position, the presence of the 2007 resolution is clearly a material consideration and on that basis it is considered that conditions in respect of either renewable energy or code for sustainable homes could not be attached to this scheme.

### **Design, Character and Impact**

In overall terms, and notwithstanding the fact that a much more innovative and responsive layout and design could be achieved, officers consider that the scheme is acceptable.

The layout secures built frontage onto the Trent and Mersey Canal Conservation Area and ensures that the amenity greenspace areas are directly overlooked. It also includes dual aspect units which ensure that units turn the street corners where appropriate and provide active frontage to the streets.

In terms of elevational treatment, the plans demonstrate a traditional approach to design utilising decorative brick and soldier courses, stone cills and a variety of door casings to offer some variety to public elevations.

The Strategic Highways Manager has voiced some concerns in respect of the design and treatment of the carriageways within the site which do not fully adopt guidance within Manual for Streets. However, it is considered that some of these concerns may be capable of resolution by way of condition and at the time any S278 is agreed when a detailed highways treatment and specification would be agreed. The scheme does however make provision for an attractive canal side amenity space and pond and delivers a new pedestrian link into the adjacent Test Track site; a link that will play an important role in terms of pedestrian connectivity between the various housing sites as they built out in the coming years.

A concern has been raised by officers in respect of the parcel of land which separates the site frontage and the Trent and Mersey Canal. Whilst officers sought to facilitate an agreement between British Waterways and the applicant's, it was clear that British Waterways were not prepared to allow the land to be included within the scheme without significant cost to the applicant's or alternatively the requirement to enter into a lease, both of which would adversely affect viability. On that basis officers have little choice but to exclude it from any further deliberations.

Taking all the above factors into account however, as well as the need to ensure that the site is delivered in respect of the housing land supply, officers consider that the scheme would meet the requirements of PPS1 and PPS3 as well as the design guidance within RSS and policies GR1, GR2 and GR3 of the adopted Local Plan,.

### **Amenity Greenspace**

The proposed layout makes provision for a number of areas of amenity Greenspace and includes an attractive waterside feature which will be landscaped and enhanced from an ecological perspective. The level of space provided also ensures an over-provision and it is not therefore necessary to secure a financial contribution towards amenity greenspace. Similarly, there is no requirement for a management contribution because the Council would

not adopt the area; rather it would need to be passed over to a management company, the details of which would need to be secured by way of any S106 Agreement.

In respect of children and young person's play provision, the current scheme does not include any form of provision despite the fact that Streetscape have indicated a LEAP is required. Given the relationship between the application site and the adjacent Fodens sites however, where play provision will be secured and be accessible to future residents, it not considered appropriate or necessary to secure additional provision on this site. Furthermore, it is proposed to include a clause within the S106 Agreement which could allow for the remaining £33,857 financial contribution to be spent on play provision within the immediate area if deemed appropriate and once further details on the test track site are known.

Taking these factors into account, it is considered that the proposed development meets the requirements of the Interim Guidance Note on Public Open Space.

### **HSE Related Matters**

The application site lies within the inner, middle and outer consultation zones of the United Phosphorus plant, a HSE designated hazardous installation. In this respect, whilst the original layout generated an 'advise against' recommendation, the revised layout adjusted the number and position of houses in respect of the consultation zones with the result that the HSE confirmed they now 'do not advise against' the proposed development.

### **Residential Amenity**

In overall terms, officers are satisfied that the proposed development would comply with the appropriate adopted standards and the requirements of GR1 (iii), GR2 (I) (D), GR6 and GR7 providing appropriate conditions were imposed on the development.

Whilst a better relationship between the proposed houses and the railway line could clearly be achieved, the applicant's survey successfully demonstrates that noise can be appropriately mitigated through higher standards of glazing and ensuring that houses in close proximity to the railway are positioned gable on or with minimal habitable rooms facing the railway. Because the scheme rigidly adheres to this advice, Environmental Health has no objection and considers that the scheme meets the requirements of PPG24 and policies GR6 and GR7 of the Local Plan.

In terms of the letter of objection, the scheme would have little impact on the amenity of properties on Needham's Bank. The scheme makes provision for separation distances in excess of 40m which ensures that privacy would be maintained to an appropriate standard. Any noise from the residential development would clearly be wholly compatible with existing residential uses on Needham's Bank. Hours of construction and details of piling could also be suitably controlled to ensure any temporary disruption could be suitably controlled and restricted outside reasonable hours.

### **Highway Safety and Accessibility**

The Strategic Highways Manager is satisfied that the proposed access arrangements and scheme for signalisation of the Hall Lane rail bridge offers a robust and acceptable design solution from a highway safety perspective. The scheme replicates a long-standing, previously approved design and there are no grounds on which the proposed access arrangements could therefore be reasonably refused. This proposed site access

arrangements therefore comply with the requirements of local plan policies GR1, GR9 and GR18 and could be secured by way of appropriate condition on any permission.

In terms of vehicular movements, the Strategic Highways Manager is satisfied that the level of movements associated with the proposed development, can be safely accommodated within the existing highway network which includes consideration of any impact on J17 of M6 junction, on which there would be very little impact. The scheme does not therefore require any form of contribution towards any proposed junction upgrades at J17.

In addition to the concerns identified within the previous section on design, the Strategic Highway Manager is concerned that the scheme fails to make full provision for the creation of a formal link between the application site and the Fodens Test Track site. In this respect, whilst the scheme includes a small footpath connection at the northern most point, it does not make provision for the physical structure or a financial contribution towards implementation of a scheme into the Test Track site. However, officers consider that this can be overcome by way of a S106 Agreement which has the effect of securing 'landing rights' for a new bridge which would need to be delivered by any future developer of the test track site. Taking this factor into account, the lack of a contribution from the developer or provision of the physical infrastructure is not considered to amount to a reason for refusal.

### **Environmental Health Related Matters**

***In terms of the remaining matters, Environmental Health are satisfied that the proposed development would meet the requirements of policies GR1, GR6, GR7 and GR8 as well as the requirements of PPS23 in terms of contaminated land.***

***In the case of air quality, the level of vehicular movements associated with the proposed redevelopment are not considered to present any issues that conflict with any designated AQMA's and that issues surrounding dust and emissions during construction could be appropriately addressed by way of a condition on any permission.***

***In terms of contamination, whilst further investigations are needed, the contaminated land officer is satisfied that the site is suitable for residential development and that the additional survey work and remediation strategy can be secured by a suitably worded condition. This is also reflected in the advice of the Environment Agency in relation to the issues of contamination and controlled waters in proximity to the site notably the canal and the various water bodies associated with Sandbach Flashes.***

### **Trees and Landscaping**

Whilst the site does not include a detailed tree survey, the trees within the site are not subject to any form of protection by way of TPO and could therefore be removed by the applicants without the consent of the Council.

We also consider that a more comprehensive, well design landscape scheme could be drawn up, particularly in terms of the relatively poor quality landscape design to the railway boundary. This is a matter that can be covered by an appropriately worded condition however and on that basis it is considered that redevelopment of the site would not present any issues in terms of loss of landscape features that would warrant refusal of the scheme and complies with the requirements of Local Plan policies GR1 (II), GR2 (II) and NR1.

### **Flood Risk and Drainage**

The applicant's Flood Risk Assessment identifies that the site lies within Flood Zone 1 and that the main risk of flooding is from the canal (should a breach occur) and flooding from the proposed scheme itself because of the substantial increase in impermeable areas that would result. The scheme therefore makes a number of recommendations to address this risk which include adjusting finished floor levels to approximately 0.7m above the canal, restricting outflows of the drainage system, incorporating soakaways into the design and implementing a SuDS system to utilise the retain pond as part of a wider soakaway system (which would be subject to private management arrangements).

It is therefore considered that the scheme, subject to the imposition of conditions requested by the Environment Agency to secure implementation of agreed measures and submission of further details in relation to certain aspects of the site drainage scheme, would satisfy the requirements of PPS25 'Development and Flood Risk' and local plan policies GR20 'Public Utilities' and GR21 'Flood Prevention'.

### **Ecology**

In overall terms, whilst the site contains a number of important features including ponds, various grass land types, reed beds and swamp areas, the proposed development would not impact upon any designated sites of conservation value.

In terms of protected species, the various reports found no evidence of any protected species within the site other than the potential breeding birds which can be protected by condition. Whilst the site contains a variety of species including reptiles, frogs, toads and Smooth Newts none of these are fully protected or act as an impediment to development. Moreover, they could be appropriately protected by way of suitable protection measures during construction, through retention of landscape features and implementing a habitat management in line with the applicant's ecologist's recommendations.

Whilst the scheme in its current form does not fully implement the survey recommendations, for example failing to include scrapes in the sand and implement acid grassland to the south of the site, it does include most other recommended features. As such, it would be possible to secure the final comprehensive scheme by way of an appropriately worded condition.

At the time of writing the report, there were still a number of outstanding issues in respect of the impact of foul water from the scheme and the capacity of the local waste water treatment facility to cope which Natural England were concerned could harm the adjacent Sandbach Flashes SSSI. In this respect however, a previous planning permission for residential development on this site has been approved (albeit pending completion of a S106 Agreement) and no objection has been raised by United Utilities in respect of the capacity of the sewers or waste water treatment plant. Officers are therefore confident that the additional information supplied by the applicant's ecologist and forthcoming meeting with

Natural England with resolve any outstanding issues and an update will therefore be provided to Members.

Subject to the resolution of this issue, officers are satisfied that the scheme would comply with the requirements of PPS9 and Local Plan policies GR1 (ix), NR3, NR4 and NR5 and that protected species could be appropriately protected during construction by way of suitably worded conditions.

### **CONCLUSION AND REASON FOR THE DECISION**

The principle of development in its current form is acceptable and should be supported. Whilst the scheme cannot deliver 30% affordable housing, the viability evidence clearly demonstrates that the applicants position is robust and emerging guidance clearly emphasises the importance of providing developers with flexibility when it comes to planning obligations. Significant weight must also be given to the need to deliver housing sites such as this in order to maintain the housing land supply and the fact that the proposed affordable housing would make a valuable contribution to meeting the identified housing need.

Whilst the layout and design of the scheme does not fully utilise the potential of the site, it is considered that the scheme would not conflict with the requirements of PPS1, PPS3 and other design based policies. However, the importance of delivering the site for housing and maintaining an adequate housing land supply must also be weighed in the balance in favour of the proposals.

The layout of the scheme has been revised to avoid unacceptable risk to future residents and as a result the scheme has an acceptable relationship with the 'Hazardous Installation' consultation zones.

The proposed development will provide a safe site access and the level of vehicular movements associated with the scheme is acceptable and can be accommodated within the highway network.

**It is therefore recommended that planning permission be APPROVED subject to conditions and the prior signing of a S106 Agreement in respect of the following areas:**

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#### **Proposed S106 Heads of Terms**

- Secures 10% affordable housing comprising two and three bed intermediate houses
- A financial contribution of £206,440 comprising £174,292 towards education provision and with the remaining sum of 33,857 being used for improvements to pedestrian accessibility and/or enhancing play provision within the immediate vicinity of the site.
- Overage provision to capture any uplift in value with any additional sums paid to the Council to invest back into affordable housing provision within the borough.

- Secures the landing and access rights for any pedestrian footbridge and/or footpath and from the adjacent Fodens Test Track site for any future residential or office development on the site.
- Secures the precise details for a management company in respect of the on-site amenity greenspace, SUDS systems and ponds.

#### Proposed conditions

1. Time Limit
2. Development in accordance with the approved plans and site levels
3. Precise details of materials, windows and boundary treatments to be submitted and agreed prior to the commencement of development
4. 100mm reveals to windows
5. Implementation of new access to base course prior to the commencement of any other development on site
6. Secure access arrangement and improvement to Hall Lane rail bridge in accordance with approved plans
7. Precise details of internal highway layout, arrangement and proposed materials to be submitted and agreed prior to the commencement of any development.
8. Prior to first development the developer will provide an amended site layout which clearly defines a legible adoptable highway boundary to the satisfaction of the Local Planning Authority
9. Finished floor levels
10. SUDS system and surface water in accordance with submitted scheme
11. Precise details of scheme to manage flood risk
12. Precise details of scheme to manage overland flow
13. Scheme for removal of Australian swamp stonecrop
14. Precise details of scheme to protect pond during construction and future management plan
15. Landscape management plan
16. Contaminated land and remediation
17. Scheme and implementation of noise mitigation measures
18. Landscaping details
19. Landscaping Implementation
20. Detailed scheme for ecological enhancements, implementation and future management
21. No development shall commence until a detailed scheme for street furniture, street lighting and railings and boundary treatments to public areas and amenity greenspace has been submitted and agreed
22. Removal of PD rights



