

Application No: 12/0009C

Location: FORMER TEST TRACK SITE, FORMER FODEN FACTORY SITE,  
MOSS LANE, SANDBACH, CHESHIRE

Proposal: Residential Development Comprising 120 Dwellings, Access, Public Open  
Space and Associated Landscaping

Applicant: Hurstwood Landbank and Persimmon Homes

Expiry Date: 23-Mar-2012

<b>Planning Reference No:</b>	12/0009C
<b>Application Address:</b>	Former Foden Test Track Site, Moss Lane, Sandbach
<b>Proposal:</b>	Residential development comprising 120 dwellings, access, public open space and associated landscaping
<b>Applicant:</b>	Hurstwood Landbank and Persimmon Homes
<b>Application Type:</b>	Full Planning
<b>Grid Reference:</b>	373402 360904
<b>Ward:</b>	Sandbach Ettiley Heath and Wheelock
<b>Consultation Expiry Date:</b>	2 <sup>nd</sup> February 2012
<b>Date for determination:</b>	23 <sup>rd</sup> March 2012

#### **SUMMARY RECOMMENDATION**

**Approve subject to conditions and completion of a S106 Agreement**

#### **MAIN ISSUES**

**Planning Policy And Housing Land Supply**  
**Development Viability**  
**Loss of Employment Land**  
**Affordable Housing**  
**Amenity**  
**Ecology**  
**Landscape and Tree Matters**  
**Drainage And Flooding**  
**Infrastructure**  
**Highway Safety And Traffic Generation**

#### **REFERRAL**

The application has been referred to Strategic Planning Board because it is a major development.

## 1. SITE DESCRIPTION

The application relates to 3.04ha of land, within the Sandbach Settlement Boundary. The site is bound by Moss Lane to the north, the Crewe-Manchester Railway line to the east, the Trent and Mersey Canal to the west and the Canal Fields site to the south. To the north of the site is the former factory site. The factory site is within the ownership of the applicant but does not form part of this application.

The site is relatively open and is currently undergoing extensive decontamination works which was approved under application 11/3569C.

## 2. DETAILS OF PROPOSAL

This is a full planning application for a residential development of the former Foden Test Track site. The development would comprise 120 dwellings at a density of 40 dwellings per hectare. The proposed dwellings consist of 102 two and two and a half storey dwellings and 18 apartments in 2 three-storey blocks. The housing mix is as follows;

1 bed apartment – 6 units  
2 bed apartment – 12 units  
3 bed homes – 61 units  
4 bed homes – 41 units **(Total 120 units)**

One vehicular access point will serve the site and this will be taken from Moss Lane.

The Public Open space is situated centrally within the site. A footpath/cycleway is to be provided which will create a link through the Canal Fields site, the Test Track site and the Factory Site.

The scheme has been subject to negotiations with the applicant's agent in relation to the design and layout and the number of dwellings has been reduced from 124 to 120.

## 3. RELEVANT PLANNING HISTORY

10/4660C – Site preparation, bulk earthworks and infilling operations to enable the future development of the sites for residential led purposes – Approved 9<sup>th</sup> February 2012

07/0912/OUT – Outline planning application for the redevelopment of the above site for residential development (between 142 and 149 dwellings) – Approved 11<sup>th</sup> March 2009

## 4. PLANNING POLICIES

### National Policy

PPS 1 Delivering Sustainable Development  
PPS 3 Housing  
PPS 7 Sustainable Development in Rural Areas  
PPS 9 Biodiversity and Geological Conservation  
PPG 13 Transport

PPS 23 Planning and Pollution Control  
PPS 25 Development and Flood risk.

### **Local Plan Policy**

GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR4 Landscaping  
GR5 Landscaping  
GR6 Amenity and Health  
GR9 Accessibility, servicing and provision of parking  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR17 Car parking  
GR18 Traffic Generation  
GR21 Flood Prevention  
GR 22 Open Space Provision  
NR1 Trees and Woodland  
NR2 Statutory Sites  
NR3 Habitats  
NR4 Non-statutory sites  
NR5 Habitats  
H2 Provision of New Housing Development  
H6 Residential Development in the Open countryside  
H13 Affordable Housing and Low Cost Housing  
DP1 Employment Allocation  
BH8 Conservation Areas  
BH9 Conservation Areas

### **Regional Spatial Strategy**

DP4 Make best use of resources and infrastructure  
DP5 Managing travel demand  
DP7 Promote environmental quality  
DP9 Reduce emissions and adapt to climate change  
RDF1 Spatial Priorities  
L4 Regional Housing Provision  
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets  
EM3 Green Infrastructure  
EM18 Decentralised Energy Supply  
MCR3 Southern Part of the Manchester City Region

## **5. OBSERVATIONS OF CONSULTEES**

### **Environmental Health**

In principle the EHO is satisfied with the proposed mitigation scheme. However, the report states that noise monitoring was undertaken in 2007 and refers to numbers of trains moving

in 2011. Further clarification is required as to whether the summary of train movements were the same in 2007 as it is today in order to be fully satisfied with the content of the report.

The proposed dwellings should meet the guidance on acoustic design goals for residential development as set out in British Standard 8233:1999 'Sound insulation and noise reduction for buildings – Code of Practice' to the 'Good Standard' for living rooms and bedrooms.

In order to meet the standard, the EHO wishes to see all the mitigation measures detailed within the noise assessment dated December 2011 implemented with regards to ventilation and glazing in the properties and mitigation measures for the gardens.

The assessment submitted with respect to potential air quality impact is satisfactory and the conclusions are accepted. A condition requiring an Environmental Management Plan will be required.

Conditions suggested in relation to construction hours, pile foundations and contaminated land.

### **Strategic Highways Manager**

This current application has arrived at a satisfactory highways solution, though the Strategic Highways Manager would re-iterate that it is necessary to apply conditions to this site which are common to the Fodens Factory site as there is a need to ensure that the necessary off-site signal junction improvements are secured.

This proposal should also offer at least the same benefits and improvements of the previous permission.

The application proposal will be subject to a Section 278 Agreement under the Highways Act 1980, and the required offsite highway works will be identified for each agreement at the end of this consultation document.

The application proposal will also be subject to a Section 38 Agreement for the formal adoption of new highway infrastructure within the site.

The application proposal will require a Section 106 Agreement under the Planning Act 1991 to secure the Travel Plans and commuted sums where applicable.

There are significant highway implications for these proposed developments and the traffic generation which has been identified via the Transport Assessment will require some improvements to the existing local highway infrastructure.

Accordingly, the Strategic Highways Manager recommends that a number of planning conditions and informatives are attached to any permission.

### **Education**

The application is for 124 dwellings and as a result the contribution required will be;

20 x 11,919 x 0.91 = £216,926

## **Network Rail**

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of PPG24 and the local planning authority should use conditions as necessary to mitigate any noise / vibration. However, the current level of usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains which may run both during the day and at night. Therefore any developer / applicant who seek to develop a proposal next to or near to the operational railway should be aware that noise and vibration levels may potentially increase from the currently submitted Noise and/or Vibration Assessment and that any potential residents should be informed of this fact.

The site plan shows that a bin store is being positioned hard against the boundary with the Network Rail land. Network Rail would request that the bin store is moved at least 2m from the boundary with Network Rail land – and that any building or structure is situated a minimum of 2m from our boundary. The reason for the 2m standoff requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant.

There is a 1m high embankment at the boundary with the track 2m below ground level. It is understood that the reclamation works on site might see the ground levels of the proposal fall by 2-3m; this may impact upon excavation or earthworks on the site. All excavations / earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur.

A number of conditions are suggested in relation to boundary treatment, the use of vibro-compaction machinery, scaffolding, and the development should not encroach onto Network Rail land, drainage, the use of cranes, lighting, planting and parking areas.

## **Environment Agency**

No objection in principle to the development. The FRA gives two options to discharge surface water. Both are acceptable in principle. Option 1 is for surface water to discharge into the adjacent Trent & Mersey Canal with the agreement of British Waterways. Option 2 is for surface water to be discharged into the existing watercourse that flows along the southern boundary of the site. The Environment Agency suggests the following conditions:

- a scheme to limit the surface water run-off generated by the proposed development
- a scheme to manage the risk of flooding from overland flow of surface water
- a verification report to demonstrate the completion of the remediation works
- protective fencing to the canal and watercourse during construction
- Landscape management plan

## **United Utilities**

No objection subject to the following conditions being met:

- The site must be drained on a separate system with only foul drainage connected into the public sewerage system
- A public sewer crosses the site and an access strip of 8 metres (4 metres either side) will be required.

## **Cheshire Wildlife Trust**

The Cheshire Wildlife Trust has the following observations to make:

- The extended Phase 1 survey was carried out in late November, which is sub-optimal timing for this element.
- Although the breeding bird habitat survey in 2008 found *'potential bird nesting habitat throughout the site'*, the current report assesses the impact as follows: *'the overall loss of bird nesting habitat to the development will be minimal'*. This conclusion is at odds with the original survey findings, given that much of the site will be developed.
- Neither survey, for reasons of timing and scope, gives species information and, for this reason, the statement that *'in the long term, the garden habitats and public open spaces created within the development will more than compensate for the bird nesting and foraging opportunities lost'* seems arguable given the existing relatively undisturbed condition of the site. There is, in the CWT's opinion, insufficient information to arrive at this conclusion.
- The Ecological Assessment recommends that 'woodland and standard trees that occur along the site boundaries are to be retained by the development and should be protected from construction-related damage by establishing Root Protection Areas'. The Constraints Plan 2536/AC/01 SK01 dated November 2011 indicates locations of protected trees root zones, but the Tree Protection Drawing 2536/TP/01 SK01 dated December 2011 shows fewer retained and protected trees. There appears to be a lack of consistency between the ecologists' recommendations and information supporting the planning application.
- The Cheshire Wildlife Trust endorses the ecologists' recommendations with regard to the planting of native species-rich hedges, and native trees within public space. In addition there are opportunities, which should be taken, to improve water quality within the existing ditch, and provide a pond or ponds to accommodate run-off from the development.
- The ecologists' report identified foraging opportunities for bats on the vegetated perimeter of the site – The canal corridor may also provide a foraging area for some species. CWT therefore supports the provision of features suitable for roosting bats in the new properties.
- Other measures to enhance biodiversity on this site should also be implemented – for example, planting and management of the canal and railway corridors.

## **British Waterways**

No comments received at the time of writing this report.

## **Public Rights of Way**

The development does not appear to affect a PROW.

## **Ramblers Association**

No comments received at the time of writing this report.

## **Open Space Society**

No comments received at the time of writing this report.

## **Amenity Greenspace**

Following the assessment of the existing provision of POS accessible to the proposed development, there is a quantity deficiency. It is acknowledged that the developer is providing an amount of POS on site. However, the exact measurement is not available at this stage. Based on the housing schedule within the Design & Access Statement and the formula in the Interim Policy Note for the Provision of new Open Space the development produces 377 persons thus requiring 3770sqm of POS.

Details of landscaping are limited due to the proposals seeking approval by way of a pre commencement condition. However, taking into account the two locations of POS within the development site the Council would be prepared to adopt with a commuted sum for maintenance calculated in accordance with Interim Policy Note for the Provision of new Open Space. Full landscaping proposals should be submitted and approved in writing at the earliest opportunity, where more detailed consideration by the Council will be given.

Should a shortfall of POS occur, then the site of Gibson Crescent POS which is within 800 meters of the Test Track has been identified for enhancements for drainage, pathway plus other infrastructure works.

## Children and Young Person Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development.

Plans have recently been submitted for Fodens Factory site where play provision is under consideration. If the Factory site size and layout could accommodate further play enhancements, then that would be the preferred site for contributions being the closest location. However, if this were not possible, enhancements could be made at either Gibson Crescent or Thornbrook Way which are both within 800 metres

Given that an opportunity has been identified for upgrading the capacity of Children and Young Persons Provision, based on the Council's Guidance Note on its Draft Interim Policy

Note on Public Open Space Requirements for New Residential Development, the financial contributions sought from the developer would be

Enhanced Provision: £34,521.89  
Maintenance: £112,534.50 (25 years)

### **Cheshire Brine Board**

The Board has no objections to the development outlined in the proposal but your attention is drawn to the fact that the site is in an area which has previously been affected by brine subsidence. The Board recommends therefore, that precautions against brine subsidence damage should be taken in the design of all proposed buildings at the site, as set out in the letter to Encia dated 20 April 2007.

This recommendation has been made in response to the previous application for outline planning permission and therefore the applicant should have been made aware of the Board's recommendation.

### **Natural England**

This proposal lies close to Sandbach Flashes Site of Special Scientific Interest (SSSI). As raised in our previous responses (07/0913/OUT, 10/4660C and 11/3569C) as long as the Watch Lane flash will not be affected or receive any flows from the new development, Natural England is satisfied that the SSSI is unlikely to be impacted by these proposals.

### **Sustrans**

Sustrans have the following comments to make;

- The site is hemmed in by the Manchester railway line and the Trent and Mersey Canal, with the access leading on to the minor road network.
- Sustrans would like to see a site of this size make a contribution toward the improvement of the local walking/cycling network to Sandbach station and toward Sandbach town centre.
- Can Moss Lane be severed to through traffic except for pedestrians and cyclists just west of the entrance to the site?
- Sustrans would like to see travel planning established for the site with targets and regular monitoring.
- The design of any smaller properties should include storage areas for residents' buggies/bicycles.

## **6. VIEWS OF TOWN/PARISH COUNCIL**

**Sandbach Town Council:** No comments received at the time of writing this report

**Moston Parish Council:** No comments received at the time of writing this report



## **7. OTHER REPRESENTATIONS**

A letter of representation has been received from 'Working for Cycling' making the following suggestions for improvements for pedestrians and cyclists;

- A crossing at the junction of Middlewich Road/Abbey Road/Co-op Food Store/Turnpike Court
- Improvements at the junction of Station Road/Elworth Road
- The provision of a cycle route from Moss Lane to Moston Road
- The provision of a cycle shed for the existing racks at Sandbach Station and a bicycle wheeling ramp for the footbridge

## **8. APPLICANT'S SUPPORTING INFORMATION:**

Design and Access Statement (Produced by Persimmon Homes and dated December 2011)

Arboricultural Implications Study (Produced by ACS Consulting and dated December 2011)

Noise Assessment (Produced by Hepworth Acoustics and dated December 2011)

Air Quality Assessment (Produced by AMEC and dated March 2012)

Ecological Assessment (Produced by NLG Ecology Ltd and dated November 2011)

Flood Risk Assessment (Produced by Campbell Reith and dated December 2011)

Transport Assessment (Produced by Campbell Reith and dated December 2011)

Draft Heads of Terms (Produced by Persimmon and dated December 2011)

Financial Viability Appraisal (Produced by BNP Paribas and dated December 2011)

These supporting documents are available to view on the application file

## **9. OFFICER APPRAISAL**

### **Main Issues**

The main issues in the consideration of this application are the suitability of the site, in principle, for residential development having regard to matters of planning policy, housing land supply, loss of employment, affordable housing, amenity, ecology, design landscape, layout drainage and flooding, infrastructure, highway safety and traffic generation.

### **Planning Policy and Housing Land Supply**

The application site is shown as being within the Settlement Zone Line for Sandbach and therefore Policy PS4 is relevant. Policy PS4, states that within the settlement zone line, *'there is a general presumption in favour of development provided it is in keeping with the town's scale and character and does not conflict with the other policies of the plan'*. It goes on to say that *'any development within settlement zone lines on land which is not otherwise allocated*

*for a particular use must also be appropriate to the character of its locality in terms of use, intensity, scale and appearance’.*

Policy H4 provides detailed criteria that the Council will be required to consider before housing development within the settlement zone lines can be granted planning permission. This includes considerations such as the availability of previously developed land and buildings and the capacity of existing infrastructure, the accessibility of the site to jobs, shops and services by modes other than the car and the capacity of existing infrastructure. Generally the proposal is considered to be in line with this policy. Policy H4 also requires that the proposed development complies specifically with policies GR2 and GR3 and also that it accords with other Local Plan policies.

The NW Regional Spatial Strategy (2008) proposes a dwelling requirement of 20,700 dwellings for Cheshire East for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. The Council have decided to continue to use the housing requirement of 1,150 net additional dwellings per annum pending the adoption of the Core Strategy.

In terms of housing land supply this issue has been dealt with at the recent public inquiries at Abbeyfields, Hind Heath Road and Elworth Hall Farm in Sandbach. At these appeals the Councils has conceded that the housing land supply situation is now worse than initially thought and that the current supply stands at 3.65 years.

In this instance the site has been granted outline planning permission under application 07/0912/OUT and is included within the Cheshire East SHLAA. It is therefore considered that the principal of development on this site is acceptable.

### **Development Viability**

As part of this application, a development viability report has been produced by BNP Paribas Real Estate. This identifies that the abnormal costs associated with this development include remediation of the contaminated land, removal of arisings, topsoil importation, piling/foundations and gas membranes.

Of these abnormal costs, the largest sum by far relates to the remediation of this former landfill site with the cost of the works being 2 million pounds, with the specialist foundations and piling equating to £260,000.

The report reaches the conclusion that a viable scheme would provide 0% affordable housing with contributions of £183,750. In support of their case the viability appraisal identifies that the overall developers profit for the development is 18%. This figure is just within 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 Community Agency.

The offer of 0% affordable housing was considered to be unacceptable and as a result the applicant has reassessed the viability of the proposed development and has now offered 10% affordable housing and contributions of £120,000.

This viability report with an offer of 10% affordable housing and a contribution of £120,000 is considered to be robust and is accepted.

Whilst it is clearly unfortunate that a higher level of affordable housing cannot be provided 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.

### **Loss of Employment Land**

The site is allocated for employment use within the Local Plan and Policy DP1 applies. In this case the site already benefits from outline consent for residential purposes and application 07/0912/OUT was subject to a marketing and viability assessment as part of this application.

### **Affordable Housing**

The affordable housing requirement for this development would be 30% and the tenure split should be 65% social rent and 35% intermediate tenure.

The original application included an offer of 0% affordable housing. Following negotiations with the applicants this has been increased to 10% affordable housing in the form of 1 and 2 bedroom properties. This equates to a total of 12 affordable units across the site (6 one bedroom units and 6 two bedroom units), all of the properties would be affordable/social rented which is the preferred option.

Notwithstanding the non-compliance with the affordable housing policy for viability reasons, the delivery of 12 rented units would contribute to addressing housing need within the Sandbach area having regard to the evidence within the 2010 SHMA which identifies an annual need for 21 one bed units and 33 two bed units.

The Draft Heads of Terms indicate the affordable housing will be provided on site in a single block of 12 apartments for Social Rent, although this means the units will not be pepper-potted. This is not considered to be an issue in this case as all the units are apartments and it will make the units easier to manage for the Registered Social Landlord.

Both the Factory and Test Track sites are owned by Hurstwood Landbank but are subject to separate planning applications. The Test Track site has greater levels of contamination and is subject to viability issues. The affordable housing provision across this site would equate to 10% and across both sites it would equate to 16.9% affordable housing provision.

### **Amenity**

There are no existing dwellings in close proximity to the site. The main impact would be upon the proposed housing sites to the north and south. In each case there would be adequate separation distances provided.

In terms of noise from the adjacent land uses and the railway line, the comments of the Environmental Health Officer have been noted. However, mitigation was submitted and agreed as part of the last application, it is therefore clear that the necessary mitigation can be secured and this will be conditioned as part of this application.

In terms of land contamination the development this was considered as part of a separate planning application.

As part of this application there is a requirement for the submission of an Air Quality Assessment. This has been produced and its results have been accepted by the Environmental Health Officer. A condition will be attached in relation to the submission of an Environmental Management Plan which would limit dust sources as part of the construction works.

## **Ecology**

### Sandbach Flashes Site of Special Scientific Interest (SSSI)

Sandbach Flashes is a site of physiographical and biological importance. It consists of a series of pools formed as a result of subsidence due to the solution of underlying salt deposits. The water varies from freshwater, chemically similar to other Cheshire meres, to highly saline. Inland saline habitats are extremely rare and are of considerable interest because of the unusual associations of plants and animals. Most of the flashes are surrounded by semi-improved or improved grassland. Fodens Flash is partly surrounded by an important area of wet woodland.

As well as the physiographical and biological interests of the flashes, the SSSI is notified for both its breeding bird assemblage and for its aggregations of non-breeding birds specifically Curlew, Lapwing, Snipe, Teal and Widgeon. The site is also notified for its geological features resultant of the solution of underlying salt deposits.

In terms of the impact upon the SSSI, Natural England has been consulted and has advised that the proposed development would not materially or significantly affect the SSSI. The proposed development is therefore considered to be acceptable in terms of its impact upon the SSSI.

### Protected Species

The application is supported by an ecological assessment. Whilst the ecological survey was undertaken late in the year the Councils Ecologist is satisfied that an adequate level of information has been gathered to allow an assessment of the ecological impact of the proposed development to be made.

The use of conditions in relation to the timing of the works and details of mitigation measures could be used to ensure that the development would not have a detrimental impact upon breeding birds.

### Habitats and Landscaping

The proposed development will result in the loss of a number of boundary trees and some habitats of limited nature conservation value. A landscaping scheme for the site will be conditioned and this shall incorporate the enhancement of the boundary features of the site and should include the provision of species rich native hedgerows and native tree planting.

The provision of these features would increase the biodiversity value of the completed development in accordance with PPS9.

### **Trees**

The tree survey assesses a number of individual trees and groups of trees on the site. All the trees are afforded a low grade C rating. The majority of the species would be removed for the development, leaving only a number of mature Poplar trees in a proposed area of public open space to the north west of the site. These trees are fully mature and have storm damage and break out wounds.

A scheme of replacement planting would be secured as part of the landscaping condition which would be attached to any approval.

### **Landscape**

The original submission was criticised as it provided no detail of landscape proposals and the layout appeared to provide few opportunities for any meaningful landscape provision to enhance the site and large areas of the development would be dominated by frontage car parking.

As part of the negotiations, a draft landscape strategy has been produced and, although this is not considered to be appropriate, the amended layout does allow opportunities for improved landscaping across the site. A planting strategy could be secured by condition.

### **Drainage and Flooding**

A Flood Risk Assessment has been provided by the applicants and this states that the application site is located within Flood Zone 1. To the south of the site is a small watercourse which discharges into the Trent & Mersey Canal. Given that the watercourse has hydraulic continuity with the canal, flooding is unlikely to ever occur (the flows through the watercourse are restricted by the culvert to the east and any rise in canal level is lost via an overflow weir located close to Yeoward Farm which discharges into the River Wheelock).

There is not considered to be a risk of flooding from artificial drainage systems or from infrastructure failure.

In terms of drainage of the site, foul water would discharge into the existing combined sewer located along Moss Lane.

In terms of surface water drainage, there are two options proposed. The first is a free-flowing outfall into the canal, on the basis that the existing discharge licence is transferred to the Test Track site and the maximum discharge does not exceed that consented. The second option is a Greenfield run-off into the watercourse adjacent to the southern boundary of the site on the

basis that this mimics the current situation and would not increase flows into the watercourse or canal above present day levels.

The Environment Agency have assessed the FRA and raised no objection to the development subject to the imposition of planning conditions. It is therefore considered that the development would not raise any significant flooding/drainage implications that would warrant the refusal of this application.

## **Design**

There is little residential development surrounding the site and, as a result, the application site would be viewed in relation to the modern residential developments which are proposed on the Fodens Factory site to the north and the Canal Fields site to the south. Despite this, a high standard of design will be required as part of the proposed development.

The initial layout which was submitted as part of this application was considered to be unacceptable due to the poor layout, over formal street design, poor connectivity, failure to exploit the canal-side relationship, the use of standardised poor quality house types, car-dominated streets and poor quality POS.

These issues were relayed to the applicant and following negotiations with the applicant's agent a revised scheme has been produced.

One of the main criticisms of the original layout was the internal highway layout which appeared over-engineered, dominated by roads and non-compliant with Manual for Streets. The layout of the site has undoubtedly improved following negotiations and is now considered to be compliant with Manual for Streets.

The layout is now more logical with the purposeful arrangement of buildings linked to the creation of streets and spaces with a distinct character. The proposed house types effectively define spaces, street edges and in most instances avoid blank non active frontages

The amendments have removed the detached garages, whilst the car parking has been broken up significantly to include on-street car parking within landscaped streets and parking to the side and rear of the proposed dwellings.

In terms of legibility, the use of taller two and a half storey house types and three storey apartments introduces an increased scale and focal points to the layout. The use of a varying palette of materials will help to increase legibility across the site. This can be secured through the use of planning conditions.

The house types are of varying heights (up to two and a half storey's in height) which will add some subtle interest to the appearance of the dwellings with a varying ridge line across the development.

It is accepted that the development utilises standard house types and bespoke house types would be preferred. The proposed dwellings include features such as projecting gables, sill and lintel details, and porches. These details provide interest to the dwellings. There has been some improvement in the design of the apartments and the house types and given the

quality of the amended layout, the design of the house types are on balance considered to be acceptable.

The proposed dwellings would provide surveillance of all public areas including the highways, public open space and the footpath/cycle link. Whilst to the canal frontage the proposed dwellings would front onto the canal which is considered to be the most appropriate design solution.

### **Open space**

If planning permission was granted for a development on this site there would be a slight deficit in the quantity of POS in the area.

The site plan shows that the public open space provision to serve the site would be provided within two separate parcels. The larger parcel would be located within the centre of the site and would measure 1,144sq.m. The smaller parcel would be located to the north-west corner of the site and would measure 388sq.m (this gives a total of 1,532sq.m of POS).

The area of POS required on this site has been calculated at 3770sq.m. As a result there would be an under provision on the site consequently the Greenspaces officer has requested a contribution to upgrade the POS at Gibson Crescent. However, the application site is subject to viability issues and the adjacent sites (Canal Fields and Fodens Factory) are also providing open space and PROW improvements. As a result, given the separation distance to Gibson Crescent, it is not considered that a contribution is necessary and the level of POS on this site is considered to be appropriate.

In terms of children and young person's provision, there would be a deficit in provision if planning permission was granted. The Greenspaces Officer has requested that contributions are sort to increase the size of the play area at the Fodens Factory site or to enhance facilities at Gibson Crescent or Thornbrook Way. The enhanced provision and maintenance would require a commuted sum of £146,785.

In this case a LEAP would be provided on the Factory site and would be accessible from this application site given the viability issues associated with this development. It is considered that a LEAP would not be required as part of this application.

In terms of the maintenance of the POS, this would be done via a management company which would be secured via a S106 Agreement.

### **Highway Safety and Traffic Generation**

The site has previously gained outline consent and highways access was determined at this stage. Agreements for further improvements to local sustainable links were also made and included footway repairs and upgrades and the provision of street lighting improvements.

This application offers a similar scheme to the original outline proposal with some changes to the residential aspects of the site (less dwellings overall). Traffic generation from the site will not be materially different from the previously determined application.

The Transport Assessment submitted with this application makes the assumption that the development of the Fodens Factory site will provide the signal junctions for the Moss Lane Bridge and the junction of the B5079/A533 – Station Road/London Road junction prior to the Test Track being developed.

However, there is no certainty that this will be the case. As a result, the Strategic Highways Manager has discussed this aspect with the applicant's highway consultant and it has been agreed that the conditions/improvements which the Highway Authority recommended for the Factory site should be imposed against this development (including the two signal junctions) so that all eventualities are covered.

Upgrades and repairs to the existing footway links to and from the site, between it, and sustainable transport modes such as the railway station and the bus services on London Road and Station Road have previously been identified. These improvements will be secured by schedule under a Section 278 Agreement (Highways Act 1980) and will be provided by the developer. The benefits of these improvements align with the developer's duty to provide and promote sustainable modal choice of travel and the footway and cycle links throughout the site compliment this accessibility.

As part of the development there is the intention to close Mill Lane to through vehicular traffic. This is an important element of the design approach to this development as it will ensure that the correct split of traffic generation from the site. The traffic will be distributed as predicted in the Transport Assessment and will provide correct operation of the improved junction designs and new signals installations.

The need for a traffic regulation order to achieve the closure of Moss Lane does mean that the Authority will have to go through a statutory consultation process and there is a small chance that resolution for the necessary traffic order may not be achieved.

As a result, it is necessary that the developer enters into an informal consultation exercise initially and provides the finance and facility to either achieve the closure at the start of development, or to monitor through flow on Moss Lane beyond development to evidence or otherwise the need for a closure beyond occupation of the site.

The internal layout for this site is considered to be acceptable by the Highways Officer.

## **Infrastructure**

As part of the existing outline permission for this site (07/0912/OUT) a contribution of £183,750 was secured towards enhancing education provision, off-site public open space improvements, canal side improvements and for Traffic Regulation Orders.

The Councils Education Department has been consulted as part of this application and the original consultation response requested a contribution of £216,926.

As stated in the viability section above, the applicant has offered to contribute £120,000 towards education provision. This is below the requested contribution from the Education Department which is based on the original number of dwellings. Given the viability issues



associated with this development it is considered that the education contribution of £120,000 is acceptable.

## **Ground Conditions**

A consultation response has been received from the Cheshire Brine Board this makes recommendations in relation to the construction of the buildings on the site. It is considered that the development can proceed in accordance with these recommendations.

## **Public Rights of Way**

As part of the proposed development, a footway/cycle link would be provided which would run through the site. This would provide a sustainable link to Sandbach Railway Station and would link the site with the Fodens Factory site and the Canal Fields site. The maintenance of this footway/cycle link would be secured as part of a management company.

A key part of this link would be the construction of a foot/cycle bridge over the brook to the south which would link this site and the Canal Fields site. At the time of writing, negotiations were continuing regarding how this would be provided. The options are that the bridge would be constructed by Persimmon or the bridge would be constructed by Cheshire East Council with funding secured from the applicant. An update would be provided in relation to this issue.

As part of this application, the PROW Officer has been consulted and raised no objection to this development.

## **Other Issues**

Policy EM18 (Decentralised Energy Supply) of the RSS requires all residential developments comprising 10 or more units to secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources.

Due to the viability issues associated with the development, no renewables would be provided as part of the proposed development. This is considered to be acceptable as policy EM18 allows non compliance where it is not viable.

## **CIL Regulations**

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

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

The provision of a contribution towards the highway works is required to help mitigate against the highways impact of the development. The proposed development cannot proceed without these improvements and the contribution is reasonably related in scale and kind to the development.

The development would result in increased pressures on local schools which are already at capacity. The contribution is required to increase the capacity of local schools which would serve this development. This is considered to be necessary and fair and reasonable in relation to the development.

The proposed foot/cycle bridge would provide a sustainable link between this site and the Canal Fields site and would enable a sustainable link to Sandbach Train Station. The provision of this link would allow the three sites to link together and encourage sustainable modes of transport. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, affordable housing and POS are a requirement of the Interim Planning Policy; it is directly related to the development and is fair and reasonable.

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

## **9. CONCLUSIONS**

It is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. In this case the application site is a brownfield site within the Sandbach Settlement Boundary and benefits from an outline planning permission for a residential development. It is therefore considered that the principle of a residential development on this site is acceptable.

The proposed development would not have a detrimental impact upon highway safety and the Strategic Highways Manager has secured a number of off-site highway works to ensure that this is the case.

Following the amendments to the proposed development the layout, design and scale of the proposed dwellings is considered to be appropriate.

The development would provide 10% affordable housing and given the viability issues with this site this level of provision is considered to be acceptable. Whilst the development is considered to be acceptable in terms of the POS provision on the site.

The development would make an appropriate contribution to educational provision and the footbridge would be secured as part of this development.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, drainage/flooding, protected species, SSSI, employment land and trees

## **10. RECOMMENDATION**

**APPROVE** subject to the following conditions and the satisfactory completion of a **S106 Agreement** comprising;

**Heads of terms**

- A provision of 10% affordable housing (12 units) all of which are to be provided as Affordable Rent or Social Rent
- 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
- A contribution towards local education provision of £120,000
- The provision of a Public Open Space and footway/cycle link which should be retained in perpetuity and a scheme of management (the scheme of management shall include the bridge link)
- A provision of a foot/cycle bridge or a contribution to provide a foot/cycle bridge and secure the landing and access rights for any foot/cycle bridge and/or footpath and from the adjacent Canal Fields site
- An Interim Residential travel plan in accordance with DfT guidance document
- A commuted sum for the necessary Traffic Regulation Orders and local traffic management orders (£44,000)

#### **Conditions;**

1. Standard time – 3 years
2. Materials to be submitted to the LPA and approved in writing
3. Submission of a landscaping scheme to be approved in writing by the LPA
4. Implementation of the approved landscaping scheme
5. No trees to be removed without the prior written consent of the LPA
6. Boundary treatment details to be submitted to the LPA and approved in writing
7. Remove PD Rights for extensions and alterations to the approved dwellings
8. Prior to any commencement of works between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a detailed survey is required to check for nesting birds.
9. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds.
10. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by, the Local Planning Authority.
11. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to, and approved in writing by, the Local Planning Authority.
12. Before the development commences, and during the course of construction period, temporary protective metal fencing shall be erected 5 metres from the canal and drain.
13. Acoustic mitigation measures to be submitted and agreed
14. The hours of construction shall be limited to 08:00 – 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays
15. Any piling works shall be limited to 08:30 – 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays or Bank Holidays
16. Prior to the development commencing, a Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority.
17. A Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.

18. Prior to development commencing, a comprehensive gas risk assessment shall be undertaken subsequent to the remedial works in order to prove the site is suitable for its intended use, and the results of these shall be submitted to, and approved in writing by, the LPA.
19. No building within 3 metres of the public sewer which crosses the site
20. Completion of the proposed off-site highway works
21. An Environmental Management Plan (EMP) to be submitted with respect to the construction phase of the development. The EMP shall identify all potential dust sources, and outline suitable mitigation. The plan shall be implemented and enforced throughout the construction phase.
22. Measures to show how mud, clay or other material is not deposited on the highway
23. Waste Management Strategy to be submitted to the LPA and approved in writing
24. Details of external lighting to be approved in writing by the LPA
25. Conservatories to be provided in accordance with approved plans and shall exclude two Souter House Types
26. Additional fenestration to side elevations of the plots either side of the foot/cycle link
27. 100mm reveals to windows

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 and Housing in consultation with the Chair of the Strategic Planning Board is delegated authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.



