

Application No: 12/3329C

Location: Land south of, OLD MILL ROAD, SANDBACH

Proposal: Mixed-Use Retail, Employment and Leisure Development

Applicant: Mr Carl Davey

Expiry Date: 28-Nov-2012

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

Impact of the development on:-

- **Principal of Development**
- **Sequential Test**
- **Impact Assessment**
- **Loss of Employment Land**
- **Landscape**
- **Highway Implications**
- **Amenity**
- **Trees and Hedgerows**
- **Design**
- **Ecology**
- **Flood Risk and Drainage**
- **Archaeology**
- **Loss of Agricultural Land**
- **Environmental Impact Assessment**
- **Renewable Energy/Sustainability**

REASON FOR REFERRAL

This application is before the Strategic Planning Board as it is for a retail development involving the formation of retail floor space between 1000 – 9999sqm.

1. DESCRIPTION OF SITE AND CONTEXT

The application relates to 10.9 ha of land, located within the open countryside as defined by the Congleton Borough Local Plan. Part of the site is also located within a wildlife corridor and is subject to Policy NR4.

The site is split into two parcels of land. The main part comprises Fields Farm and the surrounding agricultural land. This is located to the east of the A534 and to the west of residential properties that front onto Palmer Road, Condcliffe Close and Laurel Close. The site has uneven land levels which rise towards the residential properties to the west. The site includes a number of hedgerows and trees which cross the

site. To the north of the site is a small brook and part of the site to the north is identified as an area of flood risk.

The second parcel of land is located to the west of the A534 and is agricultural land that which is bound by hedgerows and trees.

2. DETAILS OF PROPOSAL

This is an outline application with all matter reserved apart from access. The proposal consists of the following:

- Supermarket (Class A1 use) with a maximum floor area of 5,574sq.m gross external area
- Petrol filling station with a maximum area of 1,311sq.m gross external area
- Garden Centre 4,645sq.m gross external area
- Hotel (C1 use) with up to 62 bedrooms
- Family pub/restaurant (A4 use) with a maximum floor area 593sq.m
- Drive thru restaurant (Class A3/A5 use) with a maximum floor area 316sq.m
- Drive thru café (Class A1/A3) with a maximum floor area of 220sq.m
- Employment units (Class B1b, B1c, B2 and B8 use) with a maximum floor area of 2,187sq.m
- Access, associated highway works and parking
- Hard and soft landscaping

The access to the site would be taken via a remodelled 5 arm roundabout at the junction of Old Mill Road, the A534 and Brookhouse Road.

The above development would be located on the western parcel of land with the eastern parcel of land used for water drainage and attenuation ponds.

3. RELEVANT HISTORY

There is no relevant planning history

4. POLICIES

Local Plan policy

PS3 – Settlement Hierarchy
PS4 – Towns
PS8 – Open Countryside
GR1- New Development
GR2 – Design
GR4 – Landscaping
GR5 – Landscaping
GR6 – Amenity and Health
GR7 – Amenity and Health
GR9 - Accessibility, servicing and provision of parking
GR10 - Accessibility, servicing and provision of parking
GR13 – Public Transport Measures
GR14 - Cycling Measures
GR15 - Pedestrian Measures
GR16 - Footpaths Bridleway and Cycleway Networks
GR17 - Car parking
GR18 - Traffic Generation
GR21- Flood Prevention
NR1 - Trees and Woodland
NR3 – Habitats

NR4 - Non-statutory sites
NR5 – Habitats
E10 – Re-use or Redevelopment of Existing Employment Sites
S1 – Shopping Hierarchy
S2 – Shopping and Commercial Development Outside Town Centres

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP3 Promote Sustainable Economic Development
DP4 Making 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
W5 Retail Development
RT2 Managing Travel Demand
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM2 Remediating Contaminated Land
EM3 Green Infrastructure
EM5 Integrated Water Management
EM 10 A Regional Approach to Waste Management
EM11 Waste Management Principles
EM17 Decentralised Energy Supply

National Policy

National Planning Policy Framework

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Community Infrastructure Levy (CIL) Regulations 2010
High Streets at the Heart of our Communities: the Government's Response to the Mary Portas Review
Cheshire Retail Study Update (April 2011)
PPS4 Practical Guidance
SPD 4 Sustainable Development
Draft Sandbach Town Strategy

5. CONSULTATIONS (External to Planning)

Environment Agency: No objection in principle to the development subject to the imposition of the following planning conditions:

- A scheme to demonstrate the finished floor levels are set at a minimum of 55.10 AOD
- A scheme for the provision of compensatory flood storage
- A scheme to limit the surface water run off
- A scheme to manage the risk of flooding from overland flow
- The provision of a 8m wide buffer alongside the water bodies

- Prior to the commencement of development an ecological survey should be carried out

United Utilities: No objection subject to the following:

- Several public sewers cross the site and therefore a modification of the site layout or diversion of the affected public sewer at the applicants expense may be necessary
- The site must be drained on a separate system in full accordance with the submitted FRA

Strategic Highways Manager: This is a major planning application of substantial size. The access is directly onto a principal route of the road network that serves as access to major settlements such as Crewe, Middlewich, Sandbach and also the motorway network at J17 M6. It is agreed that the current junctions have capacity problems although CEC consider the degree of congestion to be much worse than the applicant and the extent of the impact is wider than has been assessed by the applicant.

The amount of trip generation assessed by the applicant is considered to be lower than would be expected from the development proposals and also there are omissions such as no trips to and from the petrol filling station. The assessment years submitted are wholly unrealistic with the completion of the development likely to be much later than 2014.

In mitigation of the development impact, there are two main improvements proposed to the road network.

These consist of:

1. An enlarged roundabout at the Wheelock Bypass roundabout that provides the site access via a new fifth arm.
1. The Old Mill Road / The Hill junction proposed changes to the existing road markings to improve lane usage through the junction.

CEC has undertaken its own assessment of the proposed new roundabout that has not assumed unrealistic lane usage and has found the roundabout to operate at over capacity levels which is significantly different to the results indicated in the applicants Transport Assessment. The proposed changes to road markings are considered to have little or no effect on the congestion that occurs at the Old Mill Road/ The Hill junction as the changes are not much different to how the junction currently operates and that lane usage in practice will not be fully utilised.

The accessibility of the site is considered poor in that most trips to the site will be car based and although there are links proposed to the town centre for pedestrians the distance is still considerable for someone undertaking a shopping trip. The site does not have access to a frequent bus service close to the site and as no details of the likely improvements to public transport are included in the Transport Assessment then it has to be assumed that very few trips to the site will be made using bus services.

In summary, the planning application is a major development proposal that has multiple uses within it and as it will access onto a congested part of the road network it is important that it will not make the situation worse. It is considered that the transport assessment is deficient in a number of areas and that the mitigation proposed is wholly inadequate to cater for the development proposed and the subsequent impact on the road network. In these circumstances it is recommended that the application is refused.

Environmental Health: Recommend refusal as insufficient information has been submitted with the application relating to the impact of the development on air quality. There is also insufficient information for the impact of noise on residential properties and odour controls. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.

Natural England: The proposal does not appear to affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils, nor is the proposal EIA development. For advice on protected species reference should be made to the Natural England standing advice.

Public Rights of Way: The proposed development may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026.

The application documents make reference to the 'realignment' of footpaths Nos. 17 & 19: this would need to be undertaken via TCPA Diversion Order. The application documents are unclear as to where this realignment would be to, and it should be noted that the diversion of a public footpath onto the footway of a public highway (assuming that the roads within the development are to be adopted highways) equates to a loss of a public right of way and therefore an extinguishment order is appropriate.

The planning statement states that pedestrian only access will be provided via Laurel Close. In contrast the Cycle Links plan within the Design and Access Statement suggest that this route will be available for cyclists also. Clarification is required, with off-road cycle access to be created where possible.

Overall, the proposed development could take the opportunity to upgrade the existing public footpaths into formal traffic-free cycle tracks for both pedestrian and cyclist use as the primary access spines for each of the elements of the development, thus improving the sustainability of the proposal and minimising the impact on highways network and associated issues.

The concept of the proposed toucan crossing facility for Old Mill Road is supported, provided that adequate and improved pedestrian and cyclist infrastructure is installed to connect that facility with routes either side.

Cycle access from Wheelock to the south via Houndings Lane should be assessed and incorporated into proposals. Further, appropriate destination signage should be provided both on and off site for pedestrians and cyclists.

It should be noted that there is a proposal, logged under the Council's statutory Rights of Way Improvement Plan (ref. W27) to formalise the legal status of and enhance the footpath link between Townfields and the A534 roundabout. This route could form a key access link for residents of the town to the west of the A road to access the proposed facilities of the development site and therefore contributions towards the project would be sought. Facilities for residents to cross the A534 to the south of the roundabout need also to be assessed as residents from the west of the town are unlikely to use the proposed toucan crossing on the north side of the roundabout to access the facilities of the site.

Archaeology: The archaeology report submitted with the application identifies that there are no statutorily-designated Heritage Assets within the application area but, having examined the data held in the Cheshire Historic Environment Record and information contained in readily-available historical sources, it concludes that the site does contain several areas of archaeological potential which are likely to need further archaeological mitigation, in the event that planning permission is granted.

These include historic field boundaries, that part of the Brook Mill site within the application area, the Fields Farm complex, and the field known as 'Scot's Meadow'. It is not suggested that any of the above historic features are significant enough to generate an objection to the development on archaeological grounds or require further pre-determination work. However it is advised, that in the event that planning permission is granted a programme of archaeological work will be required, which may be secured by condition.

Cheshire Wildlife Trust: Cheshire Wildlife Trust has the following comments to make:

- Extended Phase 1 habitat surveys are referenced in accompanying documents but do not appear on the planning website. We are therefore unable to comment on the methodology or results of these surveys.

- Breeding bird and bat (roosting and emergence) surveys have been carried out at Fields Farm and are acceptable, although it would be helpful to have details of the qualifications of assistant surveyors in order to establish their competence. However, the report of the Dusk and Dawn Bat Surveys at Fields Farm (SESS, July 2012) refers also to bat surveys of Houndings Lane Farm during which two common pipistrelle roosts had been recorded. Few details of this survey are given and it does not appear on the planning website.

- Although the implications for bats of the development proposals in respect of the buildings are discussed, there is no assessment of the potential impact for foraging bats of the loss of foraging habitat. CWT would expect to see the land surrounding both Fields and Houndings Lane Farms surveyed and assessed for its value to bats, with recommendations for impact mitigation/compensation as appropriate.

- Land to the west of the A354 (the 'west site') was surveyed for water voles by SESS. In spite of sub-optimal survey conditions (recent heavy rain and raised water flow in the ditch), the survey found evidence of 'low levels of water vole activity' in the southern end of a ditch which joins Arclid Brook at the northern end of the western site. The report concludes that 'the ditch currently supports only small numbers of water vole'. However, given the current physical condition of the ditch and the possibility of occasional polluted storm water incursion, the presence of a population of water voles is considered by CWT to be a valuable aspect of this site, particularly in view of their national and Cheshire Species Action Plan status. CWT therefore objects to the storm water attenuation element of this planning application if it results in the loss of existing water vole habitat. As recommended in SESS' report the ditch should be subject to enhancement management measures to maximise the future water vole carrying capacity, including sensitive desilting and a 6m. (*CWT recommendation*) minimum stand-off from the top of the ditch embankments.

Highways Agency: No objection

Cheshire Brine Subsidence Board: No comment

Economic Development: It is encouraging that a developer looking to deliver a mixed use retail, employment and leisure scheme has the confidence to want to invest in Sandbach. Proposals which could deliver the opportunity for hundreds of jobs in the local area should be carefully considered. We support measured growth in Sandbach appropriate to the scale of the town. There are a number of issues with the proposed scheme and would like to raise the following comments:

- The proposed development site location is not within the town centre. We would not support commercial uses at the proposed development site which could damage the town centre and which might be located within the town centre.
- The White Young Green Cheshire Retail Study (2011) identified additional convenience goods capacity for Sandbach up to 2021 to a maximum of 14,305 sq ft. Additional comparison goods capacity up to 2021 was identified as being 31,538 sq ft. The proposed development includes a 40,000 sq ft (net retail floor space) Supermarket and a Garden Centre of 50,000 sq ft (GEA). The development and trading of these stores would exceed the recommended additional retail capacity for convenience and comparison goods in the town. There is a concern that units of this size and type could damage the town centre especially regarding the sale of comparison goods at this location.
- The development of Employment Units, Petrol Station and Hotel could be considered to have less impact on the town centre, (depending on end user of employment units) and could create a significant number of jobs. However the existing allocated site at 'Capricorn' could compete with this site, particularly in regard to the employment units.
- The retail assessment provided should be independently assessed and an independent impact assessment produced.
- If permission is granted to this proposal, pedestrian and cycle linkages to the town centre is of the utmost importance as is a high standard of urban design to promote permeability into and from the town centre.

Ramblers Association: Object to the application on the following grounds:

- The development does not take account of the PROW. It would possibly effect a number of footpaths including Sandbach FP17, FP18, FP19, FP38 and FP50.
- The application proposed to develop land in conjunction with the PROW network, canal towpath, Salt Line and Wheelock Rail Trail give a wide range of rural pedestrian access to the centre of Sandbach, not only for shopping, but for social activities throughout the day. Development of the land on this scale and of this nature would irrevocably change the nature of Sandbach and its accessibility for pedestrians from outlying areas.

6. VIEWS OF THE PARISH COUNCIL

Object to the application on the following grounds:-

- As an 'out of town' development the proposals are not in accordance with S4, paragraph 23 of the NPPF, supporting vitality of Town Centre. This development will negatively impact viability of the Town Centre.
- Proposals will significantly increase traffic in an area with existing difficulties. Members believe proposed access and road improvements to be inadequate and unsafe, therefore contravening S4, paragraph 32 of the NPPF.
- Contrary to NPPF S4, paragraph 35, the development will not create safe and secure layout for cyclists and pedestrians.
- Public Footpaths FP17, FP18, FP19, FP38, FP50 and FP20 may be affected through construction works and development of this site.
- It is felt that development of this Green Field site does not support preservation of the setting and special character of this historic market town of Sandbach, contravening S9 of the NPPF.

Should CEC be minded to approve this outline application, then Sandbach Town Council would seek to actively engage with the developer/s to ensure that an acceptable detailed plan is submitted, which compliments the existing infrastructure and town centre offering.

7. OTHER REPRESENTATIONS

Letters of objection have been received from approximately 220 households/local businesses raising the following points;

Principal of Development

- The proposal is ill thought out and will harm the character of the town
- The loss of Green Belt
- The development is not needed or wanted
- There are adequate facilities in Sandbach
- The development does not respect the historic market town
- Sandbach does not need chain stores
- Loss of countryside
- The proposal is a speculative development
- The jobs created would be low paid
- There are plenty of brownfield sites
- The site next to Junction 17 would be more appropriate
- Loss of the individuality of Sandbach
- The creation of a clone town
- The proposal is premature ahead of the Local Plan
- The proposal would be in conflict with the Portas Review
- The development will not create jobs but displace existing ones
- The development is not sustainable
- There will be no benefit for Sandbach
- There is no need to employment units and office space given the existing vacancies
- Existing infrastructure cannot cope
- Increase in anti-social behaviour

- Lack of consultation
- Increased crime
- The proposal is only the first phase
- A larger second phase of housing will follow
- Lack of a local plan

Retail Impact

- Detrimental impact upon Sandbach Town Centre
- The development would be harmful to local traders
- The town centre will become a ghost town dominated by charity shops
- The development would be occupied by national firms and there would be little benefit to Sandbach
- The development is remote from the town centre and there would be no linked trips
- There are vacancies within the Town Centre
- It is difficult to assess the true retail impact
- There is a choice of super markets in Sandbach
- There is a wide range of pubs and bars in Sandbach
- There is a range of shops selling plants with a ten minute walk of the site the- The garden centre is not needed
- The development will be in competition with existing businesses
- Loss of employment in the town centre

Highways

- Increased traffic congestion
- The proposed alterations between the Old Mill Road roundabout and Junction 17 would only make the problems worse
- Increased traffic
- Traffic is a barrier to the town
- Traffic is already a problem at this roundabout
- Highway safety
- Difficulties exiting the Palmer Road estate would be made worse
- Increased traffic from delivery vehicles via the M6
- Highway safety for pedestrians and cyclists
- There is insufficient car parking on the site
- The traffic surveys were undertaken in the school holidays

Amenity

- Deliveries to the store would cause amenity concerns to local residents
- Increased pollution – air quality
- Noise to local residents
- Structural damage
- Light pollution

Green issues

- Impact upon wildlife
- Impact upon protected species
- Bats are locate on the site
- Water Voles are located on the site
- The Water Vole Survey is inadequate

Other issues

- Problems caused during the construction period would lead to delays
- Increased drainage problems
- Flooding
- Loss of property value

Letters of support has been received from approximately 270 households/local business raising the following points;

Principal of Development

- Sandbach needs new investment
- Increased employment – 600 jobs
- The development should be supported in this economic climate
- The proposal will be an excellent addition to Sandbach
- Sandbach needs a proposal like this as it does not benefit from the level of visitors of similar towns like Nantwich
- The proposal will make Sandbach a visitor destination
- The hotel will boost spending in local shops, cafes and bars
- The petrol station will promote competitive prices
- There are many people in Sandbach looking for jobs
- The proposal will bring new life to a dying town
- The agricultural land that would be lost is poor quality
- On balance the traffic impact would not be that bad

Retail Impact

- The proposed supermarket will mean that residents will not have to travel to Crewe for shopping
- The supermarket will benefit local people
- There is currently no local garden centre in close proximity to Sandbach
- The supermarket will encourage people to shop in Sandbach and visit the town
- There should be more choice
- There is no mid-range supermarket in Sandbach
- An alternative to Waitrose is required

A letter of objection has been received from Fiona Bruce MP raising the following points;

- Object in the strongest possible terms. Extremely concerned by the unprecedented threat to Sandbach from development on the fact that there is no established local plan.
- The character of Sandbach would be damaged and there would be irreparable damage as trade would be taken out of the centre and businesses would be forced to close. The strong independent retail sector which exists in Sandbach would be destroyed.
- Gravely concerned that this development could lead to a second phase of hundreds of homes.
- The NPPF states a preference for the development of brownfield sites. This is being ignored by developers who are targeting a prime Greenfield location at the heart of Sandbach.
- Local people should be given a say in whether this application is given approval. There have been dozens of objections to the application
- There are grave concerns regarding the infrastructure in Sandbach. The roundabout close to the site cannot cope with the volume of traffic during peak hours. There are further traffic related problems at junction 17 of the M6.

An objection has been received from Cllr Corcoran stating as follows:

‘There are some aspects of this application with which I sympathise. Some Sandbach residents currently do their weekly shops outside Sandbach. Sandbach lacks a town centre hotel. (The Chimney House Hotel is a bit out of town.) There is no ‘Wacky Warehouse’ type pub in Sandbach with a children’s soft play area.

I have 3 major concerns regarding this development

1. Highways

The junctions at the Waitrose roundabout (junction of Old Mill Road, Brookhouse Road, Wheelock Bypass) and the traffic lights at the bottom of The Hill already cause traffic delays. I am concerned that these plans will make that situation worse and that the proposed road improvements do not adequately address the problems.

The concerns of cyclists (as detailed in the report by Matthias Bunte of CTC) have not been properly addressed, particularly concerning the Waitrose roundabout.

I would like to see more work done on highways improvements.

2. Split Town Centre

A report by University of Southampton (UoS) has been quoted to support the application. However, having read this report, it is clear that this report deals with supermarkets in the town centre or in direct proximity to the town centre. Thus the University of Southampton (UoS) report is relevant to the Waitrose supermarket in Sandbach, but not to the Old Mill Quarter development. In the UoS report local traders supported the new supermarkets. By contrast in Sandbach most traders oppose the Old Mill Quarter development.

For me the critical question is whether people will visit/park at the Old Mill Quarter development and then walk into the town centre. To test this idea I have been monitoring the Homebase car park (which is adjacent to the Old Mill Quarter site). On a Thursday (market day) many other car parks in Sandbach are full. Therefore I would have expected to find that the Homebase car park was full on a Thursday, with people parking at Homebase and walking into the town centre. In fact the Homebase car park was not full and the number of cars was no different from any other day. From this I conclude that people will not park at Homebase/Old Mill Quarter and walk into Sandbach Town Centre.

The works to link the Old Mill Quarter and the existing town centre actually included in the plans are modest and I believe that they will be ineffective. Other works were discussed but are not included in the plans submitted.

I would like to see more work done to link the Old Mill Quarter and the existing town centre.

3. Environmental

The wildlife corridor runs through the development and through the area set aside for water runoff. The importance of the wildlife corridor has been confirmed in the recent public consultation on the Draft Sandbach Town Strategy.

At present, the plans do not give adequate assurance of protection and enhancement of the wildlife corridor'.

A letter of objection has been received from Waitrose which makes the following points:

- Compliance with the National Planning Policy Framework: the proposal should not benefit from the presumption in favour of development, as under paragraph 14 of the NPPF, the adverse impacts of the scheme outweigh the benefits when assessed against the NPPF as a whole.
- Development Plan Compliance: the scheme does not fully comply with saved policies of the Congleton Borough Local Plan or the emerging Cheshire East Local Plan / Sandbach Town Strategy which are material considerations.
- Retail Impact on Sandbach Town Centre: the Retail Impact Assessment within the submitted Retail Statement does not provide an adequate assessment of the scheme's impact on Sandbach Town Centre and trade in the wider area and raises concerns about the scheme's actual impact on the health of the Town Centre, contrary to NPPF paragraph 26.

- Sequential Assessment: the Sequential Test within the submitted Retail Statement fails to consider the constituent parts of the scheme in line with NPPF paragraph 24 and whether these could be accommodated on sequentially preferable sites within Sandbach Town Centre or in better connected and more accessible edge or out of Centre locations.
- Highways: there are significant weaknesses within the Transport Assessment prepared by Singleton Clamp & Partners (SCP) August 2012. This raises significant concern about the scheme's actual and potential impact on the local highway network, contrary to saved Local Plan Policies GR9, GR10, GR11 and GR18 in particular.

An objection has been received from Sandbach Traders and Retailer Group raising the following points:

- Sandbach does not need a duplication of what it effectively has already got.
- It will split to the existing town in two due to the proposed extra widening to the roads therefore causing a by-passing of the town.
- Shoppers will not make linked trips with the town centre
- Sandbach Town Council and Cheshire East Council need to invest in the existing town centre
- Sandbach has the lowest percentage of empty retail shops in the country – 3.97% as compared to 14.5% - this proposal goes against all Mary Portas' recommendations for High Streets.
- Sandbach's character, history, uniqueness and Market Charter need to be built on not ripped apart by some unimaginative Retail Park.
- Sandbach will in effect become a "no-go area" if this plan goes ahead – there will be 3-5 years of construction and that is just for Phase 1 – this will keep existing shoppers out of the town and deter new shoppers from coming to the town
- The roads are grid-locked each day
- This is the wrong kind of development

A number of representations have been received from the 'Stop Old Mill Quarter' group. The comments are summarised as follows:

- A survey has been carried out and 90% of Sandbach residents and shoppers are against the proposal.
- SOMQ feels that there is overwhelming evidence that the highway infrastructure around the development site is struggling to sustain current traffic levels and would not be able to cater for the extra traffic levels that the development would bring to the area. The expected traffic flow over a weekday peak period is would increase to 28% and 41% over the weekend peak periods. This is not sustainable for a town the size of Sandbach with its existing road infrastructure.
- The plans to develop the Waitrose roundabout will achieve nothing other than to allow an extra arm to be built on to it to give access to the development site. The existing roundabout is already used as a two lane roundabout and the plans would simply allow an extra 300 – 500 vehicle per hour during peak periods. There will be no widening of the approach roads and therefore this is a pure increase in confusion and traffic numbers on an already congested system. 5 arms on a roundabout this size is considered under health and safety rules as dangerous.
- The plans for Junction B the Hill junction are nothing more than official lane markings with no road widening measures being undertaken. This system is already used by the local traffic as a two lane section of road and the improved road markings will do nothing other than formalise this behaviour. Also this junction is the major choke point for the whole system and the development will merely add an extra 150 – 250 vehicle per hour during peak periods.
- The data used by the developer is flawed as traffic surveys were undertaken during school holiday periods where traffic is significantly reduced during the weekday peak periods. Also the developer is claiming traffic flow rates are and will continue to reduce over the next 5 years, this goes against all common sense the simple fact we can see year after year for the last 20 years that traffic levels on a whole have increased. The expected increase in traffic flow would be significantly higher should these additional factors be accounted for.
- Access to the Birch Gardens / Palmer Road estates is already extremely dangerous and the current plans will compound the issue further with official 2/4 lanes of traffic to navigate dependent upon the turn direction from the estate and the increased traffic flow. Also the removal of the slip road on the entrance

of the junction is a potential black spot for accidents with vehicles coming to an almost standstill in 2 lanes of fast flowing traffic to navigate a blind and tight 180 degree left turn into the estate.

- Should the development be built, within a few years Sandbach can expect the traffic levels that we see around similar developments in local towns such as Crewe and Congleton. Sandbach would become a no go area during the weekend and local residents and traders of Sandbach would suffer the most.
- The traffic levels and the general chaos introduced would greatly increase the risk to the elderly and younger members of our community trying to cross such as busy highway on the way to the town centre and during the school periods.
- The destruction of wildlife and green field sites is not justified.
- The increased traffic issues on an already congested road system.
- It will cause considerable pollution during the build phase and subsequent use.
- Sandbach's very nature as a small market town will be destroyed forever.
- It will cause massive problems to the infrastructure of the town and the community.
- The development is not required.
- SOMQ feels that there is overwhelming evidence that the development of the retail park proposed by the developers is unsustainable for the future of local businesses in Sandbach Town centre and surrounding areas.
- The major claims by the developer are that the development would entice and enhance the town centre of Sandbach due to its proximity to the town centre. However careful study of the plans and pedestrian routes clearly show that these figures have been exaggerated in favour of the development and the retail park can be considered to be an out of town development with little or no possibility of large numbers of people walking between it and the town centre. 750 – 1000m distance compared to the quoted 300m.
- The very nature of retail parks is to entice car drivers to visit to make large purchases and not pedestrians to visit and hence make the proposed pedestrian walk into the town centre.
- An overwhelming number of residents and traders within the town centre feel that the development of such a retail park in this location would have a severe detrimental effect on the existing businesses causing potential job losses and even business closures due to direct competition by large outlets and their buying power to undercut the independent town centre traders.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Planning Statement (Produced by Pegasus Planning Group)
- Design and Access Statement (Produced by Pegasus Planning Group)
- Transport Assessment (Produced by SCP)
- Framework Travel Plan (Produced by SCP)
- Extended Phase 1 Habitat Survey (August 2011) (Produced by CES Ecology)
- Retail Statement (Produced by Pegasus Planning Group)
- Arboricultural Impact Assessment (Produced by Shields Arboricultural Consultancy)
- Flood Risk Assessment (Produced by Fairhurst)
- Bat and Bird Surveys (Produced by Sensible Ecological Survey Solutions)
- Dusk and Dawn Bat Surveys (Produced by Sensible Ecological Survey Solutions)
- Water Vole Survey (Produced by Sensible Ecological Survey Solutions)
- Phase I and Phase II Desk Study and Geo Environmental Site Investigation Report (Produced by Fairhurst)
- Factual Report on Ground Investigation (Produced by Ian Farmer Associates)
- Statement of Community Involvements (Produced by Pilgrim PR)
- Landscape and Visual Appraisal (Produced by Pegasus Landscape Design)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

The site is located within the open countryside and Policy PS8 states that development will only be permitted if it falls into one of a number of categories (e.g. agricultural and forestry, facilities for sport/recreation/tourism etc). The proposed development would not fall into any of the categories which are permitted by Policy PS8 and as a result the development would be contrary to this Policy.

Policy S2 (Shopping and Commercial development Outside Town Centres) requires significant shopping development to meet all of seven criteria listed within the policy and this includes that;

- A) *There is a proven need for the development;*
- B) *No town centre site or other site allocated for retail use in Policy DP4 is available and suitable. In such instances preference will be given to edge of centre sites, followed by existing district centres, and finally out of centre sites in locations that are accessible by a choice of means of transport;*
- C) *The proposal would not undermine, either individually or cumulatively the vitality and viability of any existing centre;*

The NPPF states that the planning system should support sustainable economic growth and para 14 provides more detail in relation to the presumption in favour of sustainable development:

'for decision taking this means (unless material considerations indicate otherwise) ... where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *Specific policies in this Framework indicate development should be restricted'*

In this case Policy PS8 is not considered to be out-of-date and is considered to be consistent with the NPPF which states as one of the core principles that planning should recognise *'the intrinsic character and beauty of the countryside'*. The proposal would conflict with Policy PS8 but it is necessary to balance the benefits of this development against the adverse impacts to determine whether the proposal is sustainable development and should be permitted.

In terms of retail applications the NPPF states that local authorities should apply a sequential test and require a retail impact assessment which should include the impact on town centre vitality and viability including local consumer choice and trade in the town centre and wider area. The NPPF advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors (planned public and private investment and town centre vitality and viability etc) then the application should be refused. It is considered that Policy S2 is consistent with the NPPF.

There is also guidance relevant in other sections of the NPPF, and this includes paragraph 23 which advises LPA's in drawing up Local Plans that they should (amongst other things):

'retain and enhance existing markets'

Paragraph 23 also advises Local Planning Authorities to identify sites in the development plan to:

"meet the scale and type of retail... development needed in town centres."

Sequential Test

The sequential test is a key element of both the NPPF and Policy S2 (Shopping and Commercial Development outside Town Centres). Paragraph 24 of the NPPF states that applications for main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are

not available should out of centre sites be considered. The PPS4 Practice guide clarifies that when considering edge-of-centre and out-of-centre proposals preference should be given to accessible sites well connected to the town centre.

The applicant considers that the site is edge-of-centre on the basis of the distance to the town centre boundary. This is not accepted as the Planning Inspectorate measure the distance from the front door of the primary shopping area and in Sandbach this equates to the 'Principal Shopping Area'. In this case the nearest point of the Principal Shopping Area is more than 400m to the Waitrose Store. As a result the site is out-of-centre, whilst the A533 roundabout is a major obstruction to pedestrian movement between the application site and the town centre.

In support of this application a number of in-centre and edge of centre sites have been considered as sequentially preferable to the application site. The sites which have been considered within the catchment area are below. It should also be noted that the applicant has not considered any current vacancies for disaggregated elements of the proposal (e.g. the public house, fast food restaurant and café) and it is possible that some of the sites below are capable of accommodating a smaller supermarket.

- Brookhouse Road Allocation
- Sandbach Ambulance Station, Congleton Road
- Royal Mail Sorting Office, Market Square
- Sandbach School Playing Field, Crewe Road
- Football Ground, Flat Lane
- Council Offices, Middlewich Road
- Woodland adjacent to the A533
- Scotch Common Car Park
- Land at Frith Close
- Sandbach Park

None of the above sites are large enough to accommodate the entire proposal but disaggregated elements of the proposal could be accommodated on the above sites and two of which may be available. There is not considered to be a great deal of synergy between the proposed uses within the application to discount a disaggregation of the proposed uses.

In terms of the supermarket the Councils own retail consultant has considered the proposed development in relation to the WYG Cheshire Retail Study Update (April 2011) and states that:

The 2011 WYG Study does not identify capacity to support the superstore element of this proposal. I consider a smaller supermarket on this site or a sequentially preferable site if available / suitable / viable could address the qualitative need identified in the 2011 WYG Study.

As a result of the above it is not considered that the applicant has demonstrated flexibility in terms of scale and format as a smaller supermarket on a sequentially preferable site could increase the market share/retention rate for main food shopping in Sandbach.

The only proposed use that does not appear to have a sequentially preferable site is the Garden Centre as this would serve a wider catchment area.

The Council's retail planning consultant who has considered the sequential test and makes the following conclusion in relation to the sequential assessment:

'It is apparent that the proposal fails to meet one or more of the PG (6.52) checklist criteria for assessing compliance with the sequential assessment. The proposal is a poorly accessed out-of-centre location and there may be sequentially superior out-of-

centre sites that have not been considered such as the designated employment area close to J17 for the hotel and (B Class) employment uses. There are also sites / premises within the town centre available for disaggregated elements of the proposal such as the pub / restaurant and drive through in a flexible format. The superstore is of a much greater scale than needed locally and PPG (the applicant) have not adopted a flexible approach in the sequential assessment. There may be a site for a smaller supermarket in Sandbach. Clearly not all the sequential sites have been thoroughly tested as there are potentially sequentially superior sites / vacancies in Sandbach for disaggregated elements of the proposal particularly when flexible formats are taken into consideration'

Given the conclusions made by the retail consultant it is considered that the sequential test has not been met and this issue will form a reason for refusal.

Impact Assessment

The impact assessment is a key consideration and is referred to within policy S2. The NPPF states that when assessing applications for retail, leisure and office development outside of town centres which are not in accordance with an up-to date Local plan. Local Planning Authorities should require an impact assessment. This should include an assessment of:

- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.*

The applicant supports the 2011 WYG health check for Sandbach town centre and agreeing with its conclusion that the Town Centre is performing well with a below average proportion of vacancies. The WYG health check concludes that:

"Sandbach shows strong signs of vitality and viability, it benefits from a low level of vacancies, and strong service and convenience goods provision."

This is accepted but the Councils Retail Consultant considers that the high level of charity shops in the Principal Shopping Area does not mean that Sandbach can withstand high levels of trade diversion to the proposal. In particular the Councils Retail Consultant is advised that the superstore element will divert a far greater amount of trade from the town centre than assessed by the applicant.

The Councils Retail Consultant advises that he strongly disagrees with the applicant's conclusion that the impact levels of the proposed superstore will be within acceptable limits for the following reasons:

- The trade draw presented by applicant is unrealistic. There is no prospect of the store drawing 70% of its trade from beyond zone 1 when the distance to existing destinations is considered e.g. Alsager in relation to Tesco Kidsgrove;
- The trade diversions that build on the trade draw analysis are therefore skewed and do not appear to reflect current market shares within the zones;
- The trade diversions also fail to properly apply the 'PG (D.30) 'like affects' like and 'proximity' principles as the same amount of trade is diverted from the 'overtrading' Aldi as the 'undertrading' Waitrose despite the latter being much closer to the site and more comparable to the proposal in terms of main food retail offer;

- The applicant has adopted a zonal approach within the study area but they don't present their trade diversion assumptions by zone; and,
- When assessing impact on the town centre and also the post development turnover of the town centre the applicant does not differentiate between the turnover of the shops in the principal shopping area and edge / out-of-centre shops / proposals.

The applicant disregards the 'proximity' principal as the household survey shows existing supermarkets in Sandbach competing directly with the town centre stores for top-up expenditure. The Councils retail consultant states that:

'the proposed supermarket will also compete directly with the town centre stores for top-up expenditure. If only 2.5% of the superstores turnover (£0.5m) is diverted from the town centre 'other' stores this will represent an impact of c. 25% that even healthy centres would find significantly adverse'

Sandbach town centre also includes a number of specialist independent shops (butchers, greengrocer, deli, wholefood shop, off licence, cheesemonger, newsagent etc) and the Councils Retail Consultant does not consider that these stores can withstand an impact of 25% on their trade/turnover.

In assessing impact on the town centre and also the post development turnover of the town centre the applicant does not differentiate between the turnover of the shops in the principal shopping area and edge / out-of-centre shops / proposals. This is contrary to the Secretary of State's (SoS) remarks in the Stoke Tesco and as a result the Councils Retail Consultants conclusion on the superstore element of this out-of-centre proposal is that:

'it will have a significant adverse impact on the turnover and trade of convenience shops in Sandbach town centre'

In terms of the impact upon choice and competition the applicant makes some claims that the proposal will bring improved choice and competition. The applicant suggests that Sandbach Town Centre is more of a top-up destination than main food destination. However the proposed development will also compete for top-up specialist expenditure. In response to this the Councils retail consultant has referred to a recent appeal decision at Saffron Walden, here the Inspector concluded that the enhanced choice and competition offered by an out-of-centre proposal:

'has to be balanced against the adverse effects on the choice and quality of the convenience offer in the town'

As a result the Councils retail consultant concludes that:

'only little weight can be attached to the competition and choice benefits of this out-of-centre proposal that will impact negatively upon the choice and competition within Sandbach town centre directly and cumulatively with other current proposals (contrary to Policy S2). This approach has been endorsed by a more recent PINS decision in Todmorden where the proposal was only 330m from the PSA although 450m from the market hall that formed the town centre anchor'

The proposed supermarket will include 960sq.m of comparison goods which will include goods such as pharmacy goods, baby products, beauty products, household goods, flower, seasonal goods and pet food products. The Councils Retail Consultant considers that the comparison goods element of the superstore will *'undoubtedly impact negatively on the town centre'*.

In terms of the garden centre the main impact is likely to be on the existing edge-of-centre Homebase store. However there is also one store in Sandbach retailing hardware and there are market stalls that will

suffer trade diversion. The proposed garden centre also has 40% of sales floor space devoted to ancillary comparison goods including clothing and the Councils Retail Consultant considers that this need to be *'considerably reduced or alternatively a smaller garden centre promoted'*. The Councils Retail Consultant also adds that it is likely that a greater proportion of comparison expenditure will be diverted from shops inside the catchment area including Sandbach Town Centre and the impact will be *'proportionally higher and is likely to be significant adverse'*.

In terms of the hotel it is accepted that the current offer in Sandbach is limited. However there may be better sites for a business/budget hotel.

The family pub/restaurant and drive-through restaurant is likely to have an adverse impact upon existing pubs/restaurants in the town centre.

The Councils retail consultant concludes on impact that:

'NPPF (para 27) advises with regard to the two (para 26) impact tests "Where an application... is likely to have significant adverse impact on one or more of the above factors, it should be refused." I have considered the proposal and its impact upon Sandbach town centre against the impact tests of NPPF and conclude it is likely to have a significant adverse impact on the vitality and viability of the centre. My overall conclusion on impact therefore is that there are sufficient policy grounds to refuse this planning application. Even if this isn't accepted section 7 of this review demonstrates the adverse impacts "would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

Landscape

The Landscape and Visual appraisal indicates that *'where applicable, the methodologies set out in the Guidelines for Landscape and Visual impact assessment (2nd edition) has been adopted*, and that the appraisal has been undertaken to determine the various different landscape and visual constraints and opportunities of the site. But this is a Landscape and Visual Appraisal, rather than a Landscape and Visual Assessment, although it refers to itself as an assessment, and a study. Nevertheless, as an appraisal it is not considered to be robust enough to be considered *'the impact development would have on the surrounding area and key landscape elements'*.

The appraisal correctly identifies the baseline landscape of the application site and surrounding area, and refers to the national and Cheshire character areas in which the application site is located.

However the Landscape Character Appraisal is an examination of the planning context and a Landscape Character Analysis which merely summarises the Countryside Agency's Character areas and those in the Cheshire Landscape Character Assessment. The Visual Appraisal examines a range of viewpoints around the application site.

From the baseline landscape character information submitted, it is not considered that the appraisal offers any more than a summary of the landscape character of this area, not an assessment of the significance of landscape impact that the proposals may bring about; and although the viewpoint locations chosen are representative, the descriptions are purely that, not an assessment of the visual impact or potential significance of visual impact that the proposals may bring about.

Because of the methodology used the appraisal is subjective and does not offer an analysis of the impact that the proposed development would have on the surrounding area. It is considered that the landscape and visual impacts may well be far more significant than the appraisal suggests.

This is an outline application and although a Landscape and Green Infrastructure Strategy Plan has been included; it is considered that in the development of a site Masterplan, the key objectives of the Landscape Framework proposals that should be addressed are:

- Respect existing landscape and townscape characteristics of the site, principally the mature trees and hedgerows;
- Conserve and enhance the vast majority of the existing mature trees and any notable hedgerows as an integral and structuring part of the Landscape Framework;
- Minimise any potential adverse landscape or visual effects through the application of best practice design principles and careful attention to design through all stages of the development process – particularly, attention to design and specification of landscape boundary treatments to the existing surrounding properties;
- Create a high quality and robust new Landscape Framework, including new open spaces, trees, structure planting, hedgerows and other mixed habitats.

These issues will form part of a design reason for refusal as discussed in the design section.

Highways Implications

The proposed development is an outline with access to be determined at this stage. The proposed development includes an improvement to the existing roundabout at Old Mill Road which consists of the addition of a fifth arm to serve the site, an increase to the diameter of the roundabout of around 50% along with alterations to the geometries and approaches. The proposal also includes minor alterations to road markings at the junction of High Street/The Hill/Old Mill Road.

The main area of congestion in Sandbach occurs on the principal roads including the roundabout access to this development proposal and also the adjacent junction of The Hill/ Old Mill Road. There are also capacity issues at Junction 17 M6 where the design of the junction causes problems to occur with the off slips.

The applicant has submitted a Transport Assessment in support of the application and has also submitted a further report with a VISSIM model of the A534 Wheelock Bypass/ Crewe Road and Old Mill Road/ The Hill. The original Transport Assessment submitted had assessed a number of junctions on the road network. A formal pre-application was not undertaken and the scope of the development impact was not agreed with CEC prior to submission of the application. The junctions that were assessed are as follows:

- A523 Old Mill Road/ A534 Wheelock Bypass/ Site Access
- A523 Old Mill Road/A523 The Hill/ High Street
- Crewe Road / A533 Old Mill Road / A533 Middlewich Road / Hightown Roundabout
- Crewe Road / A523 Wheelock Bypass roundabout junction.

As the scope of the development was not agreed prior to submission, a number of junctions that have congestion problems have not been considered and these are junctions where traffic generation from this scale of development would potentially impact upon. These junctions are:

- A533 / Ashfield Way
- A533 / Birch Gardens
- M6 J17
- A534 / Congleton Road

The background traffic flows used in the transport assessment have been based upon 2012 traffic surveys with the opening year of 2014 and a future year of 2019. It is highly unlikely or impossible that an opening year (completion of the development) would be in 2014 and therefore the assessment years would need to be pushed back. The use of negative growth is not accepted, whilst TEMPRO rates are actually positive for the 2012-14 period development demand in Sandbach is extremely high and whilst all developments may not come forward medium to high growth can be expected.

As the existing traffic flows are very important in determining the traffic impact of the development, the highways department has undertaken a number of traffic surveys at various junctions in Sandbach along with queue length surveys. These surveys will be used to validate the flows used by the applicant in their transport assessment and model.

With regard to traffic generation, there are a number of issues raised by the Highways Officer regarding the trip rates submitted by the applicant but the main points relate to no trips being associated with the petrol filling station and this facility alone will produce a high number of trips. The employment use has been based upon B2 but the submission is for a mixture of B1, B2 and B8 and only part of the gross floor area of the Garden Centre has been used to calculate trips. There has been a general 20% reduction in trips due to cross visitation across all uses and whilst it is agreed that there is cross visitation between multi-use developments, simply applying a 20% reduction is not considered valid.

As indicated previously, the background flows are important in the assessment of the development and there are differences between the applicant's survey results and CEC survey results. This especially applies to the queue length surveys on the A534 and Old Mill Road. The actual peak hour flows results are broadly similar to the applicant's survey results although CEC counts were higher in some of turning movements on Old Mill Road. It is not surprising that the flows are similar at the Wheelock roundabout and the Old Mill Road/The Hill junction, as they are operating at capacity they cannot cater for additional flow. Although the original TA submission modelled these junctions separately, there is an acceptance in the subsequent technical note that there is an interaction between the two junctions and that Old Mill Road/The Hill affects the operation of the roundabout and visa versa.

The capacity assessments undertaken by the applicant have focused on the junctions indicated previously and they have been undertaken on a base year of 2012. In summary, the report states that there are capacity problems currently with both the Wheelock Bypass roundabout and Old Mill Road/The Hill junctions and these problems will increase when committed development is added. With the introduction of the new enlarged roundabout and the new fifth arm site access, it is the contention that the roundabout junction will then operate well within capacity with little queues even with the development traffic added. Additionally, the problems at the traffic signal junction at Old Mill Road/ The Hill are considered to be vastly improved with the introduction of some minor road markings at the junction. The new roundabout design was not supported by a road safety audit that would inform a decision on the suitability of constructing the new proposed five arm roundabout.

In conclusion the existing junctions already have capacity problems and the submitted TA does not assess the impact upon a number of junctions. The Highways department consider that the degree of congestion and the extent of the impact will be worse than the applicant contends. The trip generation is lower than would be expected from the development proposals whilst the submitted assessment years are unrealistic. The highways department consider that proposed roundabout will operate at over capacity levels whilst the improvements to the junction of The Hill/High Street/Old Mill Road are not much different to how the junction currently operates. Finally the accessibility of the site is poor and most trips would be car based as the bus service to the site is not frequent. Therefore it is considered that the highways impact would be severe and this will form a reason for refusal.

Amenity

There are residential properties in close proximity to the application site that would be affected by the development.

As the application is outline it is difficult to assess the impact upon the adjacent properties. However the Environmental Health Department has considered the proposals and considers that insufficient information has been provided in relation to noise, air quality and odour. As a result this will form a reason for refusal.

Trees and Hedgerows

Trees

The application is supported by an Arboricultural Implication Assessment. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in Relation to Construction (actually Trees in relation to design, demolition and construction). The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

BS5837:2012 no longer refers to Arboricultural Implications Assessments, but to Arboricultural Impact Assessments. The assessment should evaluate the effects of the proposed design, including potentially damaging activities such as proposed excavations and changes in levels, positions of structures and roads etc in relation to retained trees. In this regard *BS5837:2012* places greater robustness and level of confidence necessary to ensure the technical feasibility of the development in respect of the successful retention of trees.

The British Standard identifies that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed site layout plans. Above ground constraints should also be taken into account as part of the layout design

The submitted plans and particulars illustrate which trees are suggested for retention but are not cross referenced with their Root Protection Areas and respective tree protection details onto the proposed Master Plan. As a consequence it is not possible to determine the direct or indirect impact of the proposed layout on retained trees.

Therefore it is considered that the submitted arboricultural report does not provide the level of detail required to adequately assess the impact of development on existing trees.

Hedgerows

Reference is made within the Arboricultural Report to the protection of Important Hedgerows but existing hedgerows do not appear to have been assessed. A Hedgerow Assessment in accordance with the Hedgerow Regulations 1997 is required. This should be carried out in accordance with Policy NR3.

Design

The application site is presently Greenfield and in use as pasture/grazing land, except for Fields Farm located on Eastern side of the site. It is also adjoined to the south by Houndings Lane Farm. To the north east of the site, elevated above it, is an area of post war housing. To the west, set back from the line of Arclid Brook and its associated landscape is housing development (early post war and early 21st century off Old Mill Road).

The northern part of this triangular shaped site is characterised by the crossing of Arclid Brook into the site and its relationship to the adjacent roundabout that connects the A533 and A534 (Old Mill Road and the Sandbach/Wheelock bypass).

The site topography generally falls from east to west, but has been artificially affected by the construction of the bypass, which has created an embanked edge topped by landscaping and trees (which lie outside the site boundary).

The site is relatively close to the town centre, but it also feels separated from it by the barrier created by bypass/Old Mill Road. The site is a wedge of countryside that encroaches into the town from the south. It is enclosed by landscaping along the boundary with the Wheelock bypass but there are views into and across the site from Old Mill Road and from car parks and Brookhouse Road. The development is also likely to be partly visible on approach from the south on the Wheelock bypass.

A public footpath runs through the site, north/south and along the eastern boundary, with a branch eastward around Fields Farm connecting to Laurel Close. Views from the site include the view back toward the town centre of St Michael's Church and views across the site from the public footpaths and from Houndings Lane, immediately to the south.

The proposals seek to access the site off the roundabout on Old Mill Road via a new access over the culverted Arclid Brook. The illustrative Masterplan indicates a central spine road serving development on either side, with smaller footprint uses to the west and the larger supermarket and garden centre floor plates to the east.

The scheme proposes a variety of commercial, retail and leisure uses including good outlets, a hotel a pub, petrol filling station, food retail store, garden centre , hotel and employment units.

The parameters in the Planning Statement identify the development types and gross external areas (apart from the hotel, instead setting a maximum number of bedrooms). Height parameters identified range from 6 metres for the petrol filling station to 11 metres for the hotel and employment buildings, garden centre and the pub and restaurants. The food store building would be a maximum of 8 metres but with a feature tower on the NW corner up to 15 metres.

The planning statement indicates that the illustrative layout has been conceived to seek visual prominence, stating its importance to for any commercial use.

Whilst it is acknowledged that this is an outline application with all matters of detail reserved except access, it is possible to respond to the material submitted, principally the illustrative Masterplan and the accompanying Design and Access and Planning Statements.

The illustrative layout places the food store at the heart of the key view into the site. Whilst it is positive that the parameters set in place the potential to create a landmark corner, the likelihood is that this will be a plain and uninspiring building, notwithstanding the tower. Food store design is very formulaic and leaves little scope for imaginative, high quality design. Given the site levels and the extent of frontage parking, there is a danger that the store and its parking will be extremely prominent and not especially positive in townscape terms. There is also the issue of how the levels changes will be dealt with in reality. The site on the opposite side of Wheelock bypass (Homebase and the housing behind) illustrate the negative and urbanising impact of manmade structures to deal with levels changes.

The central zone of the site would be dominated by expansive surface car parking serving the food store and garden centre. Whilst the illustrative Masterplan indicates a boulevard, with further structural tree planting to break up car parks, the reality of recent negotiations on retail stores is that operators will seek to erode this at the detailed stage. Failure to achieve this degree of planting would create large open areas within the site, substantially weakening the landscape infrastructure.

The pedestrian environment through the site could end up being poor and uninspiring if the appropriate landscape quality is not achieved. There is also no positive public space designed into the scheme. A

proper heart could have been created within the scheme by creating a feature space, upon which the mixed uses could have been focused. Instead the layout feels very vehicle dominated. Linked to the above, greater pedestrian permeability could have been created between the eastern and western parts of the scheme to foster greater pedestrian movement and a more pedestrian focused layout. The pedestrian route to Laurel Close, between service yards is also very poor.

Fields Farm, as described below is a non-designated heritage asset and parts of the farm complex could have been retained to help anchor the development and retain a sense of place for the scheme. For example, a pub use could quite easily be incorporated into this range of buildings, with some additions and this would have created an established townscape feature at the heart of the site.

The Wheelock bypass is a key gateway into the town. The illustrative Masterplan indicates buildings presenting their rear elevations to the bypass. Whilst there is extensive planting, there is the potential that these buildings will contribute toward creating a negative gateway into the town, especially the employment units which could be up to 11 metres high. The indicative Aerial view in the Design and Access Statement annotates this block as “shed type construction”. This would be a poor gateway building into the town from the south. Furthermore, the illustrative Master plan relies on the buffer landscape alongside the bypass to screen the associated parking and servicing and, offers little within the site to supplement that landscape.

In terms of the architectural illustrations in the Design and Access Statement, these are not considered to be acceptable. The rationale is understood, but it is not especially cohesive and could be interpreted by designers at detailed stage as a licence to design poor quality pastiche. There are nearby examples where this approach has been adopted in the past and it has failed to create a contextually relevant design that adds to the sense of place of the town. It could well do the opposite by ‘devaluing the distinct character of the older parts of the town centre. A more honest approach would be to use sustainable design as the key design driver for the scheme, but with an emphasis on delivering exceptionally high quality.

Given the size of the scheme, it would be appropriate to use a form of design control such as design coding to manage the design of various aspects of the scheme, including architectural design.

The Design and Access Statement discusses the scheme investing heavily in public realm upgrade of the main pedestrian link to the town centre and in the town centre itself. This would be crucial should the application be approved.

Ecology

Water Vole

The Water Vole survey has been undertaken under poor survey conditions. The flooded conditions of the river at the time of the survey following heavy rain the night before would result in the bulk of Water Vole field signs being lost prior to the survey taking place. The Councils Ecologist advises that the results of the survey, which did not record any evidence of Water Voles, should be treated with some caution. However, no evidence of Water Voles was recorded and a similar survey has also been undertaken on a nearby section of the Arclid Brook in connection with a separate unrelated application which also did not record any evidence of Water Voles. Therefore on balance it seems likely that Water Voles are absent from this section of the brook.

Otter, kingfisher and white clawed crayfish

Following the submission of surveys the Councils Ecologist is satisfied that these species are not reasonable likely to be affected by the proposed development.

Barn owls

The Councils Ecologist is satisfied that the site does not support significant areas of high quality foraging habitat for Barn Owl. Therefore at present there is no evidence to suggest the proposed development would result in a significant adverse impact upon this species.

Breeding Birds

If planning consent is granted standard conditions will be required to safeguard breeding birds.

Sandbach Wildlife Corridor

The proposed development is located partly within the Sandbach Wildlife Corridor and is subject to Policy NR4 (Non-statutory sites). The proposed development would result in a significant loss of habitat within the wildlife corridor. The habitat lost does appear to be relatively limited nature conservation value.

The proposed development would however also result in the loss of hedgerows (a UK BAP priority habitat and a material consideration). Policy NR4 states that planning consent should only be granted if there is an overriding need for the development and there are no suitable alternatives.

If planning consent is granted the Councils Ecologist recommends that the adverse impact of the proposed development upon the wildlife corridor be 'off sett' by habitat improvements on the land to the opposite side of the by-pass. At the time of writing this report no details of mitigation have been provided and this issue will form a reason for refusal.

Western site – water attenuation area

Detailed proposals for this aspect of the proposed development are still currently lacking in detail. The potential ecological impacts (both positive and negative) of this element of the proposals can therefore not currently be assessed. This area does however offer the potential for a significant habitat creation scheme to be incorporated into the site master plan.

Flood Risk and Drainage

In support of this application a Flood Risk Assessment has been submitted in support of the application. The majority of the site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less. The northern part of the site adjacent to the Old Mill roundabout is identified as being within Flood Zones 2 and 3.

The FRA identifies that the development is sequentially acceptable in flood risk terms. The main reason for this is that most of the site is within the Flood Zone 1 apart from the petrol filling station as shown on the indicative layout which is only partly located within Flood Zones 2 and 3. In order to mitigate the risk of flooding to the proposed petrol station the FRA identifies that this would be raised 3.5m above existing levels above the groundwater table and out of Flood Zones 2 and 3 (the fuel tanks would be located in Flood Zone 1).

In order to compensate for the loss of flood plain, the FRA identifies that it is necessary to provide 1,500cu.m of flood capacity and this will be provided in an underground tank and ground level reduction (the final details would be agreed at the Reserved Matters Stage).

As the development would substantially increase the amount of hardstanding on the site the FRA identifies a number of measures to ensure that surface water run-off does not result in increased off-site flooding. These measures include: a restriction in the surface water discharge; surface water discharge to be a combination of public sewer, direct to water course or a new surface water pond located to the west of the

A534; surface water attenuation; discharge calculations undertaken for the 1:30 and 1:100 year storm events; and petrol interceptors.

The Environment Agency and United Utilities have been consulted on this application and have raised no objection to the development on flood risk or drainage grounds. Therefore the development is considered to be acceptable in terms of its flood risk and drainage impact.

Archaeology

There are no statutorily-designated Heritage Assets within the application area. The Councils Archaeologist has examined the data held in the Cheshire Historic Environment Record and information contained in readily-available historical sources, and concludes that the site does contain several areas of archaeological potential which are likely to need further archaeological mitigation, in the event that planning permission is granted. This would be secured through the use of a planning condition.

Loss of Agricultural Land

The proposed development would result in the loss of agricultural land. In relation to this issue the NPPF states that:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'

No assessment of agricultural land has been submitted in support of this application and as a result it is not possible to consider this impact. This issue will form a reason for refusal.

Environmental Impact Assessment

A representation has requested a screening opinion as they consider that the development is EIA development.

The proposal does not fall within Schedule 1 but falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 being an infrastructure project exceeding 0.5 hectares (Section 10(b) Urban Development) where EIA is not mandatory. Having regard to the characteristics of the development, its location and potential impact, the application has been screened and it is not considered that the proposal requires an Environmental Impact Assessment.

Renewable Energy & Sustainability

The key issues are in relation to sustainability are:

- There is a commitment to only meet not exceed Building Regulations in terms of building performance.
- No renewable/low carbon energy is proposed as part of the development. For this scale of development district heating or other forms of decentralised energy should have been considered
- There is no indication that passive environmental design has been considered or is suggested for the Reserved Matters. Again for the size of scheme, this should be fundamental to the design philosophy
- There is no real indication that climate change adaptation has been seriously considered (except for the potential for SUDs).

10. CONCLUSIONS

The site is located outside the Sandbach Settlement Boundary and the development is an inappropriate form of development which would not preserve the openness of the countryside and maintain or enhance its local

character. The principle of development is therefore contrary to the NPPF and Policies PS3 and PS8 of the Local Plan.

The proposal relates to an out-of-centre retail development which fails to satisfy the sequential test or retail impact test of the NPPF and Policy S2. The development would have a significant adverse impact upon the vitality and viability of Sandbach Town Centre.

The indicative layout of the site is poor and would result in a development which would be car dominated and not achieve a sense of place. The proposed development does not achieve high quality and inclusive design.

The information contained within the TA is not considered to be adequate and it is considered that the development would result in a development which is dependent on the car and not sustainable. The proposed development would have a severe impact upon the local highway network and the proposed improvements would not mitigate the impact.

The proposed development would result in the loss of part of the Sandbach wildlife corridor and there is a lack of any replacement/enhanced habitat to mitigate the impact.

This planning application does not include an agricultural land quality assessment and as a result it is not possible to determine whether the development would involve the loss of best and most versatile agricultural land.

The application does not include noise, air quality and odour assessments and it is not possible to assess the impact of the development upon residential amenity.

It is considered that the issues raised above and within the 7 reasons for refusal below would significantly outweigh any economic benefits which would occur through the construction of the site and new employment. Therefore the proposal cannot be considered to be sustainable development.

11. RECOMMENDATIONS

REFUSE for the following reason;

- 1. The proposed development relates to an out-of-centre retail development which fails to satisfy the sequential test and does not satisfy the retail impact test of the NPPF (para 26) and Policy S2 (Shopping and Commercial Development Outside Town Centres). The proposed store would not be accessible by a choice of means of transport and would be reliant on carborne trade. As a result the proposed development is not considered to be sustainable development and would have a significant adverse impact upon Sandbach in terms of the impact upon the vitality and viability. The proposed development is therefore not sustainable and contrary to the guidance contained within the NPPF and Policies S2 (Shopping and Commercial Development Outside Town Centres) of the Congleton Borough Local Plan First Review (2005) which seek to promote competitive town centre environments.**
- 2. The plans submitted as part of this application indicate a form of development that would be vehicle dominated and places pedestrians second at the expense of vehicles and servicing. Furthermore there is a general lack of public space and the development does not achieve a sense of place. Finally the development does not respect and conserve existing landscape and townscape characteristics of the site (principally the mature trees, hedgerows and Fields Farm) and as a result is not of a quality which would be acceptable given emphasis for good design contained within the NPPF. As a result, the proposal is not considered to be sustainable development and is contrary to the NPPF and Policies GR1 (New Development) and GR2 (Design) of the Congleton Borough Local Plan First Review (2005) which seek to achieve high quality and inclusive design for all development.**

3. The Transport Assessment which has been submitted with the application is not considered to be acceptable as the degree of congestion is much worse and the extent of the impact is wider than has been assessed. The proposed access and improvements at the Old Mill Roundabout and the junction of The Hill/High Street/Old Mill Road would not mitigate the impact of the proposed development and the development would be reliant upon car based trips. As a result the transport impact of the development would be severe and the development is not considered to be sustainable. The proposal is contrary to the NPPF and Policies GR9 (Accessibility, Servicing and Parking Provision) and GR18 (Traffic Generation) of the Congleton Borough Local Plan First Review (2005) which seek to maximise sustainable transport solutions.
4. Part of the application site is located within the Sandbach Wildlife Corridor and the proposed development would result in a significant loss of habitat within the wildlife corridor. The proposed development does not include any details mitigation to off-set this impact and as a result, the proposed development does not conserve and enhance biodiversity. Therefore the proposal would not be sustainable and would be contrary to the NPPF and Policy NR4 (Non-statutory sites) of the Congleton Borough Local Plan First Review (2005).
5. The Local Planning Authority considers that insufficient information has been submitted with this application in relation to the impact upon air quality, noise and odour. Without these assessments it is not possible to fully assess the impact of the development upon surrounding residential properties. Therefore the proposal is contrary to the NPPF and Policies GR1 (New Development) and GR6 (Amenity and Health) of the Congleton Borough Local Plan First Review (2005) which seek to contribute to conserve and enhance the natural environment and reduce pollution and protect residential amenity.
6. The proposed development is an inappropriate form of development within the open countryside. The development would not preserve the openness of the countryside and maintain or enhance its local character. Therefore the proposal would not be sustainable development and would be contrary to the provisions of Policies PS3 and PS8 of the adopted Congleton Borough Local Plan First Review and the NPPF which states that planning should recognise the intrinsic character and beauty of the countryside.
7. This planning application does not include an agricultural land quality assessment and as a result it is not possible to determine whether the development would involve the loss of best and most versatile agricultural land. The NPPF states that Local Planning Authorities should take into account the economic and wider benefits of the best and most versatile agricultural land. In this case the development of agricultural land is not considered to be necessary or sustainable and the proposal is therefore contrary to paragraph 112 of the NPPF.

