

Application No: 12/3329C
Location: Land South of Old Mill Road, Sandbach
Proposal: Mixed-Use Retail, Employment and Leisure Development
Applicant: Carl Davey, The Point, Crewe Road, Alsager
Expiry Date: 28th November 2012

UPDATE 5th December September 2012

Applicant's Supporting Information

The applicant has now provided the following additional information:

- Retail Response Note in relation to the Councils Retail consultation
- Agricultural Land Quality Appraisal
- Additional info in relation to Ecology
- Additional info in relation to Trees
- Additional info in relation to Highways

This information is available to view on the application file.

Officer Comments

Agricultural Land Quality

A survey of the agricultural land has now been provided this states that the area of farmable land extends to approximately 7.65ha and just under half is classed as Grade 2 (best and most versatile) with the rest being Grade 3b or 4 due to the steep gradient.

In this case the loss of Grade 2 agricultural land needs to be added to the planning balance and as the use of this land is not demonstrated to be necessary. As a result this issue will form a reason for refusal.

Ecology

The applicant has provided additional information for on-site ecological mitigation principles. These have been forwarded to the Councils Ecologist who states that a plan of what is being proposed is required and a further site visit will be required to assess if what is being proposed is adequate to address the loss of habitat in the wildlife corridor.

The Councils Ecologist is satisfied that this land provides suitable opportunities to allow a scheme to be developed that will work – however he is also conscious that the landowners want this land to stay in agricultural usage so he will need to look closely at how these two land uses could be integrated.

As a result we are not yet in a position to agree that the impacts on the wildlife corridor can be mitigated and this will form a reason for refusal.

Trees

The submitted information does not include a plan and it is difficult to assess the additional information.

The Arboricultural Statement says at Para 6.6 that the development would result in a small amount of unavoidable tree loss. However it is not clear which trees would be lost. In particular there does not appear to be any assessment of the extent of level changes which would be required to facilitate the internal access arrangements and proposed layout in relation to the Root Protection Areas of trees particularly as it is stated below that indicative layouts may change.

Highways

With regard to the additional information submitted in their Tech Note 6, the highways officer still has some fundamental concerns with the development.

There are issues relating to the surveys used compared to those that Cheshire East Council has undertaken. The junctions of the Waitrose Roundabout and the Old Mill Road/The Hill junction are operating at capacity and the amount of traffic that can pass through them is at their limit. As there are considerably longer queue lengths that means that there is much more demand than included in the turning counts. As a result these vehicles are not included in the modelling which the applicant carried out. Also, in some movements our traffic counts are significantly higher so the junctions will operate a worse than they have modelled.

The Highways Officer is not happy with the safety audit which has been submitted for the following reasons:

- The improvement proposals show two lanes northbound towards the Old Mill Road/The Hill junction these are very narrow lanes no more than 3.0m (3.65m normally) and the risk of collision has not been assessed.
- Tracking for two HGV's in both lanes at the roundabout has not been assessed.

The toucan crossing has not been designed adequately; a much wider separation on the stagger is needed (min 3m, currently 0m).

The Old Mill Road/The Hill junction is one of the most important issues. It has been argued that the change in layout means that green time can be taken away from the westbound approach and redistributed to improve capacity across the junction, this is over optimistic as the applicant's highways consultant has shared traffic evenly between the two lanes on the westbound approach to the junction. In practice this does not happen and the minor extension of the merge on the exit of the junction is unlikely to significantly change existing driver behaviour, also the length of merge is not 100m as required.

Despite the modelling showing the junction operating within its capacity the Mean Max Queue values on the eastbound approach exceed 150m in the peak hours; this will lead to queuing through the Waitrose Roundabout junction impacting on junction operation in this location. It is also unclear how/if pedestrians are included in the modelling at the junction.

The recommendation of the highways officer remains unchanged and this will form a reason for refusal.

Design

The application is outline with only access to be determined at this stage. Although there are concerns over the indicative layout it is considered that these concerns could be addressed at the Reserved Matters stage and as a result this reason for refusal has been withdrawn from the recommendation.

Retail Impact

Further information has been submitted by the applicant in relation to the retail impact of the development and this was received on 4th December 2012. This has been forwarded to the Councils Retail Consultant and at the time of writing this report no response has been received. A verbal update will be provided.

RECOMMENDATION

Following further consideration of the additional information and the officer's report the recommendation is amended as follows:

- 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's 24 & 26) and Policy S2 (Shopping and Commercial Development Outside Town Centres). 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 of the town centre. The proposed development is therefore not sustainable development 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 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 which is reliant on carborne trade. The development would result in increased congestion at these junctions which are already at capacity. As a result the transport impact of the development would be severe and the development is not considered to be sustainable development. 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.**

3. 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).

4. 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 and as a result there is a potential detrimental impact upon residential amenity. 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.

5. 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.

6. The proposed development would involve the loss of the best and most versatile agricultural land. As the proposed development is not necessary it would not represent sustainable development as it would result in the loss of a finite resource. The proposal is therefore contrary to paragraph 112 of the NPPF.

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 Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.