

Application No: 12/1463C

Location: LAND SOUTH OF MIDDLEWICH ROAD AND EAST OF ABBEY ROAD,
SANDBACH

Proposal: Demolition of 170 and 172 Middlewich Road, Sandbach, Formation of
New Access to Serve Residential Development of up to 280 Dwellings,
Landscaping, Open Space, Highways and Associated Works

Applicant: Fox Strategic Land and Property

Expiry Date: 01-Aug-2012

SUMMARY RECOMMENDATION

Approve subject to the completion of UU/S106 Agreement and conditions

MAIN ISSUES

**Planning history
Principal of development
Location of the site
Impact upon brownfield sites
Affordable Housing,
Amenity
Ecology
Landscape
Trees
Hedgerows
Drainage and flooding
Design
Loss of agricultural land
Open space
Highway Safety And Traffic Generation
Infrastructure
Public Rights of Way
Ground conditions
Other issues**

REFERRAL

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

1. SITE DESCRIPTION

The application relates to 15.6ha of land, situated on the southern side of Middlewich Road, west of Park Lane and east of Abbey Road. The site includes two residential properties 170 and 172 Middlewich Road which are located within the Sandbach Settlement Boundary. The rest of the site lies within the Open Countryside and is bordered by residential properties to its north, western and eastern boundaries, with open fields to the south.

The site is relatively flat although the land level drops slightly to the south of the site. The site is currently used for the growing of crops with a number of hedgerows running along the existing field boundaries. There are a number of trees within the residential curtilages of the properties surrounding the site with a number of mature trees within the grass verges along Abbey Road and Park Lane.

1. DETAILS OF PROPOSAL

Outline planning permission is sought for up to 280 homes together with associated public open space, and highway improvements. All matters are reserved for determination apart from access which is to be determined at this stage.

Although in outline, the Design and Access Statement provides the parameters for the development. In general the focus is on two-three storey with the street pattern reflecting based around an irregular pattern of development blocks. There will be a mix of affordable and open market housing within the site. An Indicative Site Layout plan which is explained further within the Design and Access Statement shows how the site could be developed with 280 units, based on one to five bedroom units.

The site is set behind residential properties fronting Park Lane, Middlewich Road and Abbey Road. Access forms part of this application and this would be formed by the demolition of 170 and 172 Middlewich Road.

The indicative layout plan shows that the public open space would be provided within a Community Park which would cover 3.4 hectares and two equipped play areas. Green corridors would be provided covering 1.4 hectares of the site to enhance biodiversity and public amenity.

This application is a duplicate to application 10/3471C which has been approved by the Secretary of State. The only difference is that the application now includes access which was reserved as part of application 10/3471C but was approved as part of a separate application under 11/0440C. Therefore this application is a combination of applications 10/3471C and 11/0440C.

2. RELEVANT PLANNING HISTORY

14/0191C - Removal of Condition 14 (25% of Housing with no more than 2 bedrooms) on approval 10/3471C - Proposed Residential Development of up to 280 Dwellings, Landscaping, Open Space, Highways and Associated Works – Application under consideration

11/0440C - Demolition of 170 and 172 Middlewich Road, Sandbach and Formation of New Access to Serve Residential Development – Approved subject to the completion of a Unilateral Undertaking 18th October 2012

10/3471C - Proposed Residential Development of up to 280 Dwellings, Landscaping, Open Space, Highways and Associated Works - Refused 18th November 2010 – Appeal lodged – Appeal dismissed – High Court challenge – Decision quashed, Appeal to the Court of Appeal – Appeal Dismissed. Appeal Allowed by Secretary of State

22739/1 – 18 hole golf course, club house, open space, residential development and associated supporting infrastructure – Refused 2nd January 1991

17611/1 – Residential Development – Refused 10th June 1986

3. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

PS8 Open Countryside

GR21 Flood Prevention

NR4 Non-statutory sites

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR9 Accessibility, servicing and provision of parking

GR14 Cycling Measures

GR15 Pedestrian Measures

GR16 Footpaths Bridleway and Cycleway Networks

GR17 Car parking

GR18 Traffic Generation

NR1 Trees and Woodland

NR3 Habitats

NR5 Habitats

H2 Provision of New Housing Development

H6 Residential Development in the Open countryside

H13 affordable Housing and low cost housing

E10 Re-use and redevelopment of existing employment sites

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

4. OBSERVATIONS OF CONSULTEES

Environmental Health

Communication During Period of Development

Throughout the period of development from the commencement up until final completion the Environmental Health Division shall be informed of all noise, dust and odour generative activities that may have an impact on the local residential properties. In addition, all residential properties shall also be provided with contact details for the site manager and provided with regular updates of the proposed works. This Division would also like to see that the developers are registered with the Considerate Constructors Scheme.

The following conditions are suggested:

- Crushing and screening
- Pile driving
- Hours of construction

Noise and Disturbance

The Environmental Health Department are satisfied with the noise report and have no comments or recommendations.

Air Quality

The assessment submitted with respect to potential air quality impact is satisfactory and the conclusions are accepted.

However it is recommend that a condition is attached to the application to ensure there is no adverse impact by virtue of dust generation during the demolition and construction phases of the development.

Contaminated Land

No objection subject to the provision of a contaminated land condition and note to be attached to the permission.

Highways

This is an outline application for 280 residential dwellings; a similar application was submitted in 2010 and was the subject of an appeal. As part of the previous application there was a considerable amount of transport matters agreed and as this application is for the same number of dwellings the highways comments are still valid.

When considering a new application it is appropriate to assess if there have been any material changes to the highway network since the previous application was submitted. With regard to traffic impact, the applicant has used the same background flows to base the development impact, this 2010 data is considered acceptable as general traffic growth has not materially increased since 2010. There have been numerous planning applications

submitted in the Sandbach and Middlewich area that have either received approval or have not yet gained a formal approval. Both the previous and current application have included committed developments in their traffic forecasts and although there are potentially other sites that would have an impact on the road these sites cannot be included as they are not approved development schemes.

As in essence this current scheme is the same as the previous scheme and it would be unreasonable to request further financial contributions over and above that already agreed.

There are no comments provided internally as this is an outline application, the internal layout will be dealt with at the reserved matters stage.

Subject to the same provisions as agreed in application 10/3471C namely the new footway and cycle links and the new toucan crossing on Middlewich Road and the off-site contribution of 50k for J17, there are no highway objections raised to the application.

English Heritage

It is not necessary to notify English Heritage for this development.

Education

There are a number of already approved applications from which it is anticipated will generate 147 primary aged pupils and 117 secondary aged pupils (apps:- 09/2083C, 10/4973C, 12/0009C, 11/3414C, 11/3956C).

Applying the current pupil yields of 0.162 and 0.13 to 280 dwellings will generate some 45 primary aged pupils and 36 secondary aged pupils.

The Councils current projections forecast that the local primary schools (i.e. those within 2 miles) are projected to be oversubscribed from 2014 with the local schools able to accommodate up to 1295 places available and a total of 1313 pupils projected to be in these schools. Therefore a primary contribution will be required from all of the primary aged pupils generated by this development.

$0.162 \times 280 \times £11,919 \times 0.91 = £491,988$ towards local primary school provision

The Councils projections for secondary provision project that by 2018 there will be 2,000 pupils on roll at the local secondary schools with 2,100 places available at the schools (This excludes the 6th form provision). Given that there is already planning approval for several developments in Sandbach which will generate some 117 new secondary aged then a contribution will also be required to accommodate these pupils.

$0.13 \times 280 \times 17,959 \times 0.91 = £594,874$ towards local Secondary Schools.

Environment Agency

No objection in principle to the proposed development but would like to make the following comments;

- The site is shown on the Environment Agency Flood Maps as being within Flood Zone 1, which is low probability of river/tidal flooding. The submitted Flood Risk Assessment from JPB dated 13th April 2012 is acceptable in principle.
- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The FRA demonstrates that the maximum discharge from the proposed development is to be approximately 10 litres/second, which is acceptable in principle.
- The FRA also demonstrates that attenuation is to be provided, in the form of a storage pond, for discharges above this rate up to the 1 in 100 years design event, including allowances for climate change. This is also acceptable in principle. The FRA explains that Sustainable Drainage Systems are to be considered in the detailed design for the surface water drainage system. Therefore the Environment Agency request that planning permission should only be granted to the proposed development if the following conditions are imposed as set out below.
 - A scheme to limit the surface water run-off generated by the development shall be submitted to the LPA for approval in writing
 - A scheme to manage the risk of flooding from overland flow of surface water shall be submitted to the LPA for approval in writing

United Utilities

No objections to the application but the following comments apply;

- The UU water mains will need extending to serve any development on this site. Due to the limited additional capacity in the existing water network in the Sandbach area the provision of mains water supply could be expensive
- Should a water mains extension be required this would be rechargeable to the applicant
- A separate metered supply to each unit will be required at the applicant's expense.

Amenity Greenspace

No comments received, but as part of the last application the comments stated that;

'Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission (in accordance with the submitted details on the Illustrative Masterplan, Drawing No. 4333-P-03 Rev.C, dated August 2010) there would be a deficiency in the quantity of provision, having regard to the adopted local standards set out in the Council's Open Space Study for both Amenity Green Space and Children and Young Persons provision.

Therefore, there is obviously a need to provide green spaces within the boundary of the new site. In the absence of a housing schedule the amount of Public Open Space that would be expected in respect of the new population based on 2.4 persons per dwelling. This is in accordance with Interim Policy Note on Public Open Space and would equate to 6720 m².

Taking into account the amount of proposed POS located within the area of the development site based on the Community Park area alone, the location and quantity of the areas of POS that have been proposed would seem adequate, although more detail as to the landscaping proposals would be sort.

Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency

in the quantity of provision having regard to the adopted local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

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

The plan indicates the inclusion of two play areas one located within the Community Park area and the other to the SW side of the development site; Green spaces can confirm that one NEAP (Neighbourhood Equipped Area for Play) standard play area would be acceptable with the preferred location situated within the Community Park area. This should include at least 8 items incorporating DDA inclusive equipment, using play companies from The Councils select list. We would request that the final layout and choice of play equipment be agreed with CEC, the construction should be to The Council's specification. Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works. A buffer zone of a least 30m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

Providing the NEAP standard play area is provided on site, a commuted sum only for a 25-year maintenance period would be required based on the Council's Guidance Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be:

Maintenance: £200,592.00

For the second play area contributions would be preferred for enhanced play provision located in Sandbach Park, the main park for the town. The Design and Access Statement part 2 and 3 acknowledges that the commuting distance of up to 2000m (approx. 25 minute walk) can be acceptable, Sandbach Park being approx. 1,300m away from the development site. It also recognises the need for parks and open spaces to be 'accessible to both existing and new residents'. Major consultation has recently taken place regarding Sandbach Park and a management plan written. New and enhanced play provision is written into the plan and part funded by contributions from previous and current developments which have been 'pooled'.

Forgoing the second formal play area on site, the enhancement figure is based on recently built provision in the local area, contributions for enhanced works in Sandbach Park would be:

Enhanced Provision: £105,000
Maintenance: £ 200,592 (25 years)

Green Spaces would request that any enhancement contributions should not be 'time limited' so ensure maximum benefit to the new and existing community, thus enabling the 'pooling' of funds.

Cheshire Brine Board

No comments received as part of this application but as part of the last application they stated that:

‘The Board has considered the application and is of the opinion that the site is in an area which has previously been affected by brine subsidence, and the possibility of minor future movements cannot be completely discounted. The Board recommends therefore the

incorporation of structural precautions to minimise the effects of any settlement which does occur, such as raft foundations or ring beams in the subsidence hollows and heavily reinforced strip foundations outside the subsidence hollows area. The subsidence hollows are as identified in the technical reports submitted with the application such as the "Phase 1 Site Investigation Report", ref. JS608-15/AES/HB/GP and dated 27 August 2010, prepared by Johnson Poole and Bloomer'

Archaeology

The application is supported by a revised version of the earlier desk-based assessment. This contains proposals for a broadly similar programme of mitigation, which may again be secured by condition. It also makes reference to the fact that the Planning Policy Statement (PPS5) used to justify the recommendations in 2010 has now been replaced by the new National Planning Policy Framework, of which Section 12 (Conserving and enhancing the historic environment) is the key section in this instance.

It is advised that the document submitted in support of the present application outlines an appropriate scheme of archaeological mitigation and that the work may be secured by the same condition advised in 2010. The work may be justified by reference to Section 12 of the new National Planning Policy Framework, with specific reference to Paragraph 141. As advised in the previous advice, it should be noted that the Cheshire Archaeology Planning Advisory Service does not carry out fieldwork and the applicant will need to appoint an archaeological contractor to carry out the work.

Natural England

Natural England has the following comments to make;

- The Ecology report at paragraph 4.17 states that the *"The proposals will lead to the loss of a large area of arable land of very limited biodiversity value, features of value include the hedgerows, which are UKBAP priority habitats and the mature trees"*, and goes on to detail mitigation measures. In order to determine whether the application will achieve a net gains for nature (as per Para 9 of NPPF) Natural England advise the council requests data on the approximate areas and lengths of lost arable and hedges, and the proposed areas of species rich grassland, open water and hedge type habitat.
- Natural England advise that clarity is sought around the future proposed management of retained hedges. Their long term value will only be maintained where appropriate management can be maintained. Opportunities to gap up and or lay retained hedges should be considered during the construction phase. Similarly, the establishment and management regime of the species rich grassland needs to be considered.
- Natural England note that local plan policy NR5 states that *"Developers will be required to maximise opportunities for creating new wildlife/nature conservation habitats where such features can reasonably be included as part of site layouts and landscaping works, and to preserving existing features of value on site."* Natural England also note that the ecology report states: *"Bird boxes should be incorporated into the proposed development to provide additional nesting opportunities for local species."* Natural England therefore advise that the council considers stipulating bird and bat box provision.
- It is unclear from figure 11 of the DAS the nature of the footpath network. This figure shows an existing footpath running south from the development, but not within the development. As any path presumably does not stop at the edge of the red line, it is thus

unclear what the current footpath network is. However, in figure 10, this path is marked as “8: Potential link to...”, suggesting the path does not currently exist. Natural England advise clarity is sought on this matter. NPPF para 75 says: Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks. Natural England therefore advise that a) if the footpath currently exists, and runs through the site, then the change to the amenity value of the footpath is due to the development is considered, and b) that if the footpath does not exist, the council seeks to ensure that the potential link is made a requirement of the development.

- For advice on protected species reference should be made to Natural England’s standing advice

Cheshire Wildlife Trust:

The CWT has the following comments to make;

- The application includes an Ecological Appraisal dated 19 April 2012. The desk study and surveys within this report were carried out by suitably qualified personnel to appropriate methodologies. However we note that, although rECOrd (the Cheshire Biological Records Centre) was approached for data, there is no indication in the report of whether or not data was supplied and no summary or appended list of species records. Previously recorded species may guide the provision of new or replacement habitat on the site.
- CWT considers that the Ecological Appraisal adequately addresses and responds to wildlife impacts that are likely to arise as a result of the proposed development.
- The application does not include details of opportunities for biodiversity enhancement, although these are referred to in passing. CWT recommends that Reserved Matters should include details of all proposed planting, grassland creation, pond creation, nest box supply, and management for approval prior to the commencement of the development on site.

Public Rights of Way

The proposed development presents 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 makes reference to the permeability of the route to pedestrians and cyclists, the proposals for which would support the above policies. Whilst this may be a premature consideration at this outline stage, it is suggested that destination signage be installed at the ends and junctions of the pedestrian and cycle routes to inform residents and the wider public of the existence of the routes.

The drawing in Figure 7 ‘Proposed cycle lane’ shows a new cycle lane proposed along Abbey Road to the B5079 roundabout and the start of the Wheelock Rail Trail in recognition of the attraction of the route to residents of the proposed development and nearby properties. Previous discussions regarding the development of the site had identified a need for improvements to be made to the Wheelock Rail Trail, a linear country park which offers residents of Sandbach and Wheelock an accessible greenspace and an active travel route.

This need still exists and contributions towards access improvements along the route would be sought.

Cheshire Gardens Trust

Cheshire Gardens Trust believe that the site is certainly significant enough to be Locally Listed, due to its age (in terms of the EH listing criteria it is between 1750 and 1850), the extent of the legibility and survival of the original design, and the status of the designer, John Webb, who was also involved with Rode Hall, Tabley House, Crewe Hall, Tatton Park and Arderne Hall in Cheshire and other significant landscapes elsewhere.

Although Webb is known to have been the designer at Abbeyfields, this site is not mentioned in the UK Parks and Gardens list, so there is clearly scope for further research and discovery. It is essential that this landscape is fully understood before any development is approved, and that the design intentions are taken into account in any layout. There are important views northwards from the balcony of Abbeyfields house which should be preserved if possible.

It is very clear that the Abbeyfields designed landscape extended right up to Middlewich Road, as shown on the 1819 Greenwood map, and again on the 1909 OS map (though part may have been subdivided by field boundaries at some stage inbetween). The roadside trees on Abbey and Park Roads are part of the Abbeyfields landscape and indicate how much its legibility is still preserved in the present day landscape.

On the 1831 Bryant map there is a stream shown in the minor valley that runs N-S through the park. As this is not shown on later maps it could have been diverted/culverted to feed the lake. This is just a supposition, but shows how development to the north might possibly affect the surviving core of the estate if not investigated.

5. VIEWS OF SANDBACH TOWN COUNCIL

Members unanimously and strongly object to this application on the following grounds;

- The defined Strategy of the Congleton Borough Local Plan is to minimise the loss of open countryside to new development and maximise the use of urban land, particularly Brown Field sites. This application runs completely contrary to that strategy and furthermore takes development outside the settlement zone. This contravenes policy PS3 of the Local Plan.
- This Council strongly believes that existing permissions, allocated sites, plus the development of existing Brown Field sites, together will meet the requirement for development in the area and also conform with PPS3.
- The implications for the infrastructure of the area by this, and other pending applications, is alarming. Schools, leisure facilities and other services cannot be protected by the imposition of Planning Conditions. Thus, contravening policy GR19.
- This Council supports residents' concerns on the impact of Traffic Generation this proposal creates. Contravening policy GR18 of the local plan, the scale of traffic generated by this site will worsen the existing traffic problems along both Middlewich Road and Abbey Road.

- Through its impact on the landscape, amenity, traffic and infrastructure of the area, policy GR1 (ii, iii, iv, v and vi) of Congleton Borough Council Local Plan is contravened by the proposed development, in an area of Green Field land.
- The land, certified by Ministry Inspectors as Prime Agricultural land, currently acts as a green barrier between Sandbach and Elworth; the development would not enhance the landscape of the area, contrary to policy GR5.
- Members believe that the proposed development in the open countryside, on a Green Field, prime agricultural site, contravenes policies PS8 and H6 of the Local plan, having no relevance to any of the exclusion categories or stated purposes for permission, and being outside the settlement zone line

6. OTHER REPRESENTATIONS

Letters of objection have been received from 340 local households and a petition signed by 93 residents which raise the following points:

Principle of development

- Loss of the best and most versatile agricultural land
- Economic stimulus should not override the concern of local residents
- Brownfield sites should be developed instead of Greenfield land
- This proposal would prejudice the development of brownfield sites in the borough
- More houses are not needed in Sandbach
- The application is inappropriate given the status of the previous appeal
- Loss of town identity
- The previous appeal should be completed
- Sandbach appears to be providing the 5 year housing land supply for the whole of Cheshire East
- The previous application has already been denied and the applicant is forcing the Council to spend more money fighting this application
- Impact upon climate change
- The same decision should be issued as this is basically the same application
- The site has been discounted within the Sandbach Town Strategy
- The development would result in a loss of identity once the villages are merged
- Loss of open space
- Negative impact upon the area
- The scale of the development is inappropriate in this location
- There are large numbers of properties for sale in Sandbach
- There is already a number of approvals for large scale housing development around Sandbach
- Elworth and Sandbach would become one
- The Fodens sites and Albion Chemicals site should be developed
- The development would be contrary to the Local Plan
- The development would be contrary to Policies PS8 and H6 of the Local Plan
- A similar application was rejected by the Secretary of State
- The proposal is contrary to National Policy
- Urban sprawl
- The applicant will intends to make a second larger application
- The applicant is seeking to benefit from changes in national planning policy

- The applicant uses quotes from planning policy and caselaw which support their view. In some cases this has been taken out of context
- The application is premature and should wait for the high court ruling
- The impact upon the landscape
- There is no employment in Sandbach and the new residents would need to drive to work
- Loss of village identity
- A similar application was refused in 1986
- Allowing this development would mean that other applications in the area would be difficult to resist
- There are a number of permissions and developments within Sandbach which meet housing need
- The relocation of employment uses away from Sandbach means that Sandbach is becoming a commuter town and should not support new housing developments
- Developers should wait for the preparation of the Cheshire East Council's Local Development Framework, so that the needs of the community regarding employment, retail and leisure arising from new housing developments can be properly assessed.
- It is recognised that councils have to manage an increase in housing provision, but far too much appears to be concentrated in a small area around Sandbach. Development must be spread equitably across the council's area.
- Loss of Green Belt

Flooding / Drainage

- Problems with the foul drainage in the area
- Water pressure is low
- Sewage and water utilities could not support a further 280 dwellings

Amenity

- Loss of boundary hedgerows would affect residential amenity
- Loss of amenity
- Noise from Middlewich Road
- The development would have a detrimental impact upon users of the Wheelock Rail Trail
- Loss of a view
- Loss of outlook
- The impact upon the mobility of elderly residents
- Green spaces such as this contribute to the quality of life for all residents in Sandbach
- Light pollution
- Noise pollution
- The impact of headlights shining through windows
- Increased traffic noise
- Loss of privacy
- Loss of amenity caused by the proposed access points

Green Issues

- Loss of trees is contrary to SPD14
- Loss of hedgerows and trees which are important for ecology
- The Great Crested Newt Survey is incomplete and focussed on the Park Lane side of the site. There should be a further study on the Abbey Road side

- Loss of birds and bats
- Loss of trees would be harmful to the character of the area
- Loss of open countryside
- The application site acts as a wildlife corridor
- The hedgerows will not survive the construction process
- Loss of trees would harm the ecology of the area
- The impact upon protected species
- Loss of wildlife habitat
- The loss of a TPO tree located onto Middlewich Road. This would be contrary to Policy NR1 of the Local Plan
- Errors within the arboricultural report
- Loss of hedgerows

Infrastructure

- The infrastructure of the Sandbach could not support the proposed housing together with other approved housing developments
- The development would detract from the Wheelock Rail trail
- The impact upon overcrowded schools
- The impact upon health services
- Impact upon postal services
- Local schools are full
- Insufficient leisure facilities within Sandbach
- Broadband rates are already slow
- The S106 contributions will not solve the infrastructure problems

Highways

- Increased traffic congestion is contrary to Local Plan Policies GR11ii and GR18
- Increased noise and environmental pollution which is contrary to policies GR1, GR5, GR7i and GR9
- This application is only the first phase and the second phase for a further 200 dwellings would raise highway implications that have not been considered
- Safety implications at the junction with Park Lane have not been considered
- The UU for the access application has not been completed
- The new junction and increased traffic will pose a hazard to pedestrians, cyclists and school children
- Impact upon traffic safety flow at key junctions at ind Heath Road, Station Road, Abbey Road
- Traffic figures used in the application are too low
- The removal of the pelican crossing will be harmful to pedestrian safety
- The proximity of the access to a bus stop is dangerous
- Residents who live along Middlewich Road already have difficulty accessing their property due to large volumes of traffic
- There is no consideration of the highway impact of the approved development on the Albion Chemicals site
- The traffic figures do not take into account the recently opened Sandbach United facility
- When accidents occur on the M6 traffic in Sandbach is at a deadlock
- Increased traffic problems at Junction 17 of the M6

Other matters

- The site is liable to subsidence
- Loss of character properties for the construction of the access point
- The removal of the TPO tree may damage adjacent property
- The development could take up to 7 years to construct and would leave residents living next to a building site for this length of time
- The Agricultural Holding Certificate was not given 21 days prior to the notice of submission
- There is overwhelming public opposition to this proposal
- Localism would be undermined by approving this application
- The development would be against the wishes of local people
- Lack of pre-application consultation
- Loss of property value

A letter of objection has been received from The Friends of Abbeyfields. This objection raises the following points;

- The application description is misleading
- The application is the same as that which is still at appeal. This application should not be determined until the appeal has been determined
- Lack of consultation
- The site has been discounted by the Sandbach Town Strategy due to concerns about brine subsidence, highway impacts and that the development would detract from the semi-rural character of the town
- Loss of agricultural land
- The development would be contrary to the local plan policies PS8 and H6 as it is located outside the settlement boundary
- The TA is inadequate and does not take into account Sandbach United
- There are Great Crested Newts on the site and the survey carried out has only been done on part of the site.

An objection has been received from the Middlewich Road Site Access Group together with a traffic count and DVD raising the following points;

- Loss of good agricultural land to housing when brownfield sites exist and should be used first.
- The increased traffic, in the immediate area of the site, as well as in travelling to places of employment which are extremely limited in Sandbach.
- More pressure on the woefully inadequate junction 17 of M6.
- Concern for highway safety, particularly for the numerous school children who walk along Middlewich Road to the two High Schools.
- Lack of any assessment of the Park Lane junction in either of previous applications related to the same site(s).
- The increased burden on local amenities such as schools, doctors' surgery, leisure facilities, post office etc.
- Negative impact on residential amenity with the demolition of two character houses to create an access.
- Loss of a TPO tree.
- Negative impact on existing habitats and wildlife, e.g. bats, birds, badgers, newts
- Localism means that the application should be refused
- MRSA conclude that there is a need for the following:
 - CEC Traffic counts, independent of Fox SLP and AHA.

- Traffic counts to be conducted once schools are operating at full capacity (Autumn Term).
- Additional traffic count at the end of the school day.
- Re-consideration of the evening “peak hour”.
- Full and proper assessment of the Park Lane/Middlewich Road junction.
- To disregard the erroneous claim made by Fox SLP and AHA that planning permission already exists for the proposed access.

An objection has been received from Fiona Bruce MP. The previous application for a similar development on this land has not yet been determined by the Secretary of State and it is not appropriate for a decision to be taken in respect of this application at this time. The points of objection are as follows;

- This is a Greenfield site – there are brown field sites which could be developed instead
- The site is prime agricultural land which should not be lost
- The development of this Greenfield area is a threat to the village identity of Elworth by increasing the loss of green space between Elworth and Sandbach
- The development will result in the loss of 21 mature trees including English Oaks
- The development will result in a loss of wildlife
- Increased traffic congestion
- Increased risk to children from increased volume of traffic
- Greater pressure on local services
- There are other developments in the area and unsold properties
- Residents feel left down – when the nearby Abbeyfields Football development was planned they were given assurances that there would be no further developments in the area
- Incompatibility with the Local Plan
- Residents do not want this development. ‘If we are to be truly genuine about the belief in localism then the views of the residents should be respected’

An objection has been received on behalf of the Betley Hall Estate raising the following points:

- The appeal needs to be determined before the current application at the site is determined. This is to ensure that the decision are consistent and contradictory decisions are not made.
- The proposal would unacceptable merge Sandbach and Elworth together

An objection has been received on behalf of Goodman raising the following points:

- The site is located outside the settlement boundary within the open countryside
- The development is contrary to Policies PS8 and H6 of the Local Plan
- The proposed development is not consistent with the Councils emerging Core Strategy
- The development would infill two distinct areas of Sandbach
- Loss of Grade 3a Agricultural Land
- The development is contrary to the Interim Planning Policy

A letter of representation from ‘Working for Cycling’ has been received. This letter makes the following points;

- A Toucan crossing at Middlewich Road/Abbey Road is welcomed
- Three quarters of cyclist collisions happen at, or near junctions. Rear collisions on the other hand are rare

- The drawings don't show the transitions of the track to the road
- Extending the cycle track beyond Lodge Road and further up to the Wheelock Rail Trail would be difficult due to lack of width on the pavement
- Widening the footpath for a length of around 10m on Elton Road between the dropped kerb and the access to the Wheelock Rail Trail and allow access for cyclists is suggested
- On balance the benefits of on-road cycling outweigh the benefits of the cycle track. Cyclists of any age would be better served by reducing the speed limit on Abbey Road, potentially accompanied by traffic calming
- This would be an excellent opportunity to pursue installation of not only pedestrian refuges at the crossing at Middlewich Road/Abbey Road/the co-operative food shop/Turnpike Court. This would enable safer access to the bus stops, the nursing home Turnpike Court, the children's nursery First Steps and the co-operative food shop.
- On road cycling is a viable option on Abbey Road and the currently proposed cycle track lacks a safe crossing of Middlewich Road on the east side of Abbey Road. Consideration should be given to the installation of a Toucan crossing, preferably on the west side of Abbey Road, which would allow cyclists as well as pedestrians to cross Middlewich Road. This should be complemented with a short cycle track on the corner of Abbey Road/Middlewich Road, to feed to the crossing.
- The cycle route should connect to Abbeyfields/Park Lane.

7. APPLICANT'S SUPPORTING INFORMATION:

To support this application the application includes the following documents;

- Planning Statement (Produced by Fox Strategic Land & Property)
- Design and Access Statement (Produced by Fox Strategic Land & Property)
- Transport Assessment (Produced by Ashley Helme Associates)
- Travel Plan (Produced by Ashley Helme Associates)
- Ecological Report (Produced by Fox Strategic Land & Property)
- Archaeology Report (Produced by Oxford Archaeology North)
- Landscape and Visual Assessment (Produced by Fox Strategic Land & Property)
- Arboricultural Report (Produced by Fox Strategic Land & Property)
- Air Quality Assessment (Produced by Wardell Armstrong)
- Flood Risk Assessment (Produced by Johnson Poole & Bloomer)
- Agricultural Land Quality Report (Produced by Land Research Associates)
- Noise Assessment (Produced by Wardell Armstrong)
- Statement of Community Involvement (Produced by Fox Strategic Land & Property)
- Utilities and Infrastructure Report (Produced by Gladman Developments Ltd)
- Phase 1 Site Investigation Report (Produced by Johnson Poole & Bloomer)
- Renewable Energy Statement (Produced by Gladman Developments Ltd)
- Affordable Housing Report (Produced by Levvel Ltd)
- Socio-Economic Report (Produced by Regeneris)
- S106 Heads of Terms

These documents are available to view on the application file.

8. OFFICER APPRAISAL

Planning History

The site has a complex planning history and it is necessary to consider this planning history as part of this planning application.

An outline planning application (10/3471C) with all matters reserved was refused on 18th November 2010 for six reasons. Three of the reasons for refusal were addressed prior to the appeal and this left three reasons for refusal which were fought at the appeal. The reasons for refusal were as follows;

- 1. The proposed residential development within the open countryside would be contrary to the provisions of Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review. Whilst it is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing, the current proposal is not considered to be "suitable" as it is located on the periphery of Sandbach, rather than Crewe. It would undermine the spatial vision for the area and wider policy objectives as it would be contrary to the general thrust of the Core Strategy Issues and Options which directs the majority of new development towards Crewe, as well as the Council's Draft Interim Planning Policy on the Release of Housing Land and Policies RDF1 and MCR3 of the North West of England Plan Regional Spatial Strategy to 2021, which articulate the same spatial vision. This would be contrary to advice in PPS.3 and PPS1, which states these emerging policies are material considerations. For these reasons the Housing Land Supply arguments advanced by the applicants are considered to be insufficient to outweigh the general presumption against new residential development within the Open Countryside as set out in the adopted development plan.*
- 1. Release of this site would prejudice the development of the significant number of brownfield sites within Sandbach with extant planning permission, which would provide significant regeneration benefits, and would be sufficient to address housing requirements within the Sandbach area. The proposals are therefore contrary to Policy advice within PPS.3 which gives priority to the development of previously developed land, the provisions of Policy H2 of the adopted Congleton Borough Local Plan First Review, and Policies DP4 and DP7 of the North West of England Plan Regional Spatial Strategy to 2021.*
- 2. The proposal would involve the loss of best and most versatile agricultural land. PPS7 states that where significant development of agricultural land is unavoidable, local planning authorities should seek to use areas of poorer quality. In this case it is considered that the development of the site is avoidable as there are no overriding reasons for allowing the development. For the reasons stated above, in this case there are not considered to be any overriding reasons for allowing the development and the proposal is therefore contrary to PPS7.*

An appeal was lodged and a public inquiry was held in April 2011. The decision was recovered by the Secretary of State and the appeal was dismissed by the Secretary of State.

The Secretary of State's decision was then subject to a high court challenge and the decision was quashed as the Secretary of State was found to have made a '*major error of law*'.

The decision to quash the Secretary of State's decision was then subject to an appeal at the court of appeal. The Court of the Appeal refused the appeal and the original decision made by the Secretary of State remained quashed.

On 17th October 2013 the Secretary of State re-determined the outline application following the court cases and approved the application.

A second planning application for the demolition of two properties onto the Middlewich Road frontage and the formation of an access to serve the site was approved by the Strategic Planning Board (11/0440C) subject to the completion of a Unilateral Undertaking to state that the development would not commence unless the application is allowed at appeal.

Principle of Development

The principal of 280 dwelling has previously been accepted following the approval by the Secretary of State. This development is for the same number of units on the same site with the only alteration being the inclusion of the access which was approved as part of a separate planning application 11/0440C.

As a result the principle of residential development on this site is considered to be acceptable.

Location of the site

The site benefits from good access to a range of open spaces and employment opportunities. It also has access to public transport nodes.

The accessibility of the site shows that following facilities meet the minimum standard;

Amenity Open Space (500m) – A community park would be provided on site

Children's Play Space (500m) – A NEAP would be provided on site

Supermarket (1000m) – 965m (Aldi, Sandbach)

Bank/Cash Point (1000m) – 480m

Public House (1000m) – 804m (The Limes)

Bus Stop (500m) – 30m

Railway Station (2000m where geographically possible) – 1126m

Primary School (1000m) – 804m (Elworth Hall Primary School)

Secondary School (1000m) – 320m (Sandbach High School)

Convenience Store (500m) – 480m

Pharmacy (1000m) – 965m

Medical Centre (1000m) - 804m

Child Care Facility (nursery or crèche) (1000m) - 800m

Post Box (500m) – 130m

Leisure Facilities (leisure centre or library) (1000m) – 350m

Outdoor Sports Facility (500m) – Sandbach Golf Club 320m, Leisure Centre 350m, Sandbach United 650 metres

Public Right of Way (500m) – 480m (Sandbach FP33) The site is also in close proximity to the Wheelock Rail Trail

Significant Failure to meet the minimum standard

Post office (1000m) – 1,600m

It is considered that in this case that the site is located within a highly sustainable location.

Impact upon Brownfield sites in Sandbach

This issue formed a reason for refusal as part of the last planning application. Since the last decision three of the large brownfield sites in Sandbach (Fodens Factory, Fodens Test Track and Canal Fields) have all commenced development. In any event the Secretary of State agreed with the Planning Inspector and determined in relation to this issue that *'there is no evidence that development of this site would prejudice the development of brownfield sites, elsewhere'*.

The impact upon brownfield sites in Sandbach is therefore considered to be acceptable.

Affordable Housing

The Councils Interim Planning Statement for Affordable Housing states that the Council will seek affordable housing on all sites with 15 units or more, and the general minimum proportion of affordable housing for any site will be 30% of the total units.

The Strategic Housing Market Assessment 2013 update shows that for the sub-area of Sandbach, there is a requirement for 94 new affordable units per year, made up of a need for 18 x 1 beds, 33 x 2 beds, 18 x 3 beds, 9 x 4/5 beds and 16 x 1/2 bed older persons units.

Cheshire Homechoice which is the system used to allocate social and affordable rented housing across Cheshire East currently has 348 applicants who have selected areas of Sandbach which are close to the site as their first choice. These applicants require 126 x 1 beds, 143 x 2 beds, 55 x 3 beds and 9 x 4/5 beds (15 haven't stated the number of rooms they require).

Therefore as there is an affordable housing need in Sandbach there is a requirement that 30% of the total units at this site are affordable, which equates to up to 84 dwellings, however the applicant is offering 35% of the total units as affordable housing, which is up to 98 units. The Affordable Housing IPS states that the tenure mix split the Council would expect is 65% rented affordable units (either social rented dwellings let at target rents of affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2013.

Amenity

The site is bounded to the south by open countryside. Existing residential development bounds the site on all other sides with residential properties fronting Middlewich Road to the north, Park Lane to the east and Abbey Road to the west. The layout and design of the site are reserved matters. However, the indicative layout demonstrates that the site could be developed, whilst maintaining the recommended minimum distances between existing and proposed dwellings as set out in the Councils SPG 2 ; Private Open Space in New Residential Development. It should also be noted that the site would be developed at density of 17.9 dwellings per hectare and it is considered that this density would allow the development to be brought forward without impacting upon residential amenity.

Concerns have been raised in relation of noise pollution, air pollution and light pollution caused by the development. The Environmental Health Department has been consulted and raised no objection to the development on these grounds as a result it is not considered that these issues would warrant the refusal of this application.

Ecology

Sandbach Flashes Site of Special Scientific Interest (SSSI)

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

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

Natural England has raised no objection to the development in terms of the impact upon the SSSI (as per the last application). As a result it is considered that the development would not have an impact upon the SSSI.

Bats

A roost of a relatively uncommon bat species was recorded within one tree on the site. Bats were also recorded foraging along the hedgerows on site. The tree which includes the bat roost would be retained as part of the proposed development, however there could be some loss of bat foraging habitat as a result of the loss of hedgerows. Native tree planting and the creation of a large wetland/pond as part of the community park is however likely to more than compensate for this loss of habitat. The success of this would however depend upon the final design of the scheme.

Great Crested Newts

A pond to the south of the site was surveyed and no evidence of Great Crested Newts was recorded. A second pond to the north of the site which is located within the curtilage of 180 Middlewich Road was subject to a terrestrial trapping exercise in 2011 with no Great Crested Newts being found. Given these results it is considered that there will be no impact upon Great Crested Newts.

Breeding Birds

The site is considered to be of limited value for breeding birds with only the hedgerows providing foraging and nesting habitat. Conditions could be attached in the event of an approval to secure nesting bird mitigation and to control the timing of works within the bird breeding season.

Hedgerows

Hedgerows are a BAP priority habitat and hence a material consideration. It appears likely that there will be a loss of hedgerows as part of the proposed development. The loss of hedgerows could be compensated for through appropriate native species planting associated with the creation of the Community Park and green corridor areas. The success of this would again be dependant upon the final design of the scheme.

Ecological enhancement and the Community Park

The proposed community park has the potential to deliver significant benefits for biodiversity as required by the NPPF. Whether these benefits are fully realized however would depend upon the finalised design of the open space areas. For example the provision of an additional smaller wildlife pond and amphibian hibernacula within the community park area would significantly increase its potential value for amphibians. Similarly the provision of an amphibian tunnel under the access road to the north of the community park would further strengthen the ecological connectivity between the country park and the pond within the garden of the property on Middlewich Road. This issue will be dealt with at the reserved matters stage.

Landscape

The site is approximately 15.6 Hectares and is located to the south of the A533 in Sandbach. It is relatively flat and in agricultural (arable) use. It is bounded by residential development to the north, west and east. To the south lies agricultural land and the property Abbeyfields, a Grade II listed building. Boundaries are defined by hedgerows and fences with occasional trees. There are also hedgerows mid site.

The application includes a Landscape and Visual assessment dated April 2012. The methodology that has been used encompasses the 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA) published by the Institute of Environmental Assessment and the Landscape Institute (2002) and 'Landscape Character Assessment. Guidance for England and Scotland' (LCA) published by the Countryside Agency and Scottish National Heritage 2002.

The baseline conditions are based on Natural England's Countryside Character Assessment, the Cheshire Landscape Character Assessment (adopted in 2009) and the Landscape Assessment of Congleton Borough (1999).

The general descriptions of landscape character areas are accepted. In terms of sensitivity to change however, it could be argued that the adjacent agricultural land and adjacent residential areas are of higher sensitivity to change than suggested.

The principle immediate views of the site are from the surrounding residential properties immediately adjacent to the boundaries. More distant views can be obtained from Abbeyfields. Glimpsed public views can be obtained from gaps between properties on Abbey Road, Middlewich Road and Park Lane and at a distance from the Wheelock Rail Trail.

The visual analysis considers visual impacts of the proposal by reference to a number of key viewpoints. The assessment of sensibility of receptors to visual impacts appears reasonable. The analysis affords considerable weight to the opportunities for proposed planting within the Community Park and on the site boundaries to enhance/mitigate views. Planting would take time to mature and as it would be inappropriate for planting to comprise solely evergreen species, the screening benefits of deciduous planting would be reduced in winter. The existing properties to the north, west and east are highly sensitive receptors and currently have views across open agricultural land. The enclosing effect of buffer planting is unlikely therefore, to be considered by residents as acceptable mitigation for loss of visual amenity. Unless buffer planting was maintained and managed out with private properties, (as opposed to within rear gardens as proposed) successful establishment and long term retention would be difficult to guarantee. Any mitigation or benefits to be obtained from new planting would inevitably take several years to be achieved.

The indicative layout has some merit in that it offers a strong landscape structure for the development. Nonetheless, in view of the indicative nature of the illustrative master plan, it is difficult to fully assess whether or not the number of dwellings proposed could be accommodated without compromising the proposed landscape framework.

Whilst the site has no national protective landscape designation, notwithstanding existing development to the north, west and east, it has an open character of managed agricultural land and it has local landscape value forming part of a wedge of open countryside which extends to the south. The development proposed would inevitably alter the landscape character of the area and there would be opportunities for a landscape framework to help the proposals assimilate into the adjacent residential areas.

The comments made by the Cheshire Gardens Trust have been noted however the site is not included on the local list and the historic landscape has been much changed due to the existing agricultural use of the site. This issue did not form part of the previous reason for refusal on this site.

The landscape issue and the importance of maintaining a green gap between Sandbach and Elworth was considered as part of the SoS decision. As the landscape aspect of the SoS decision was not quashed it can be given some weight in the determination of this application. The SoS found that the views of the site are 'glimpsed' and that the site has no

special landscape designation. The development would include a 3.4 hectare community park that would ensure that a large swathe of land would remain open and unlike at present the park would allow public access and enjoyment. The SoS therefore reached the view that the *'loss of part of the green gap between Elworth and Sandbach weighs against the proposal, but he considers that it would not in itself be sufficiently harmful to make the appeal proposal unacceptable'*. Although the NPPF has come into force since this statement was made it is not considered that this would result in a different view being taken.

Trees

There are trees on the boundaries of the application site and one hedgerow tree mid site. In addition there are a number of trees outside the site boundary which need to be taken into consideration. Of particular prominence and public amenity value are trees on the wide Council owned verge on Abbey Road and mature specimens within the curtilage of properties on Middlewich Road. Some trees on Middlewich Road and several specimens to the south east of the site are subject to TPO protection: The Sandbach UDC Abbeyfields TPO 1970 and The Middlewich Road, Sandbach TPO 1984.

In principle, the indicative layout should allow for the retention of most of the existing trees in the vicinity. Exceptions comprise the mid site young Oak tree (not subject of TPO protection) within a field hedge and a mature Silver Lime tree subject of TPO protection which is located on the frontage of 170 Middlewich Road. The Lime tree (afforded Grade A in the Arboricultural Assessment) would have to be removed to create the main point of vehicular access to the site. Whilst the loss of this tree would impact on public visual amenity the loss has been accepted in principle by the Council's resolution to approve previous application 11/0440C. In addition the Legal Agreement would secure a contribution of £2,400 towards replacement tree planting along Middlewich Road within 500 metres of the tree which would be removed.

Hedgerows

There are a number of lengths of hedgerow in the vicinity of the site. Should the site be developed, there is the potential for hedgerow loss. Taking into account Policy NR3 of the Adopted Congleton Borough Local Plan First review, the hedgerows need to be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The criteria cover ecological and historic value. (Hedges forming the boundary to residential properties are excluded).

The majority of the hedgerows would be retained and they are shown on the indicative layout. Further details in relation to this issue will be determined at the reserved matters stage.

Drainage and Flooding

The application site is located within Flood Zone 1 as identified on the flood maps produced by the Environment Agency. The submitted Flood Risk Assessment (FRA) identifies that the site is not at risk from fluvial flooding. The proposal has the potential to increase flooding from pluvial (overland) flooding and to the receiving watercourse, the FRA identifies that attenuation storage could be provided by a combination of permeable paving, below ground

storage, swales and a pond. Such details will be provided as part of the reserved matters application.

In response to this issue the Environment Agency and United Utilities have both raised no objection to the development. The proposal is therefore considered to be acceptable in terms of its flood risk and drainage implications.

Design

The surrounding development comprises a mixture of ages and architectural styles, ranging from single-storey properties to two-storey properties. Notwithstanding this, there is consistency in terms of materials with most walls being finished in simple red brick; some properties incorporate render and cladding. The predominant roof forms are gables although some are hipped and most are finished in grey concrete tiles.

Although external appearance and design are reserved matters, the applicant has submitted indicative modeling to show how the site would be laid out together with some indication of the appearance of the site. These have been influenced by the form and mass of surrounding residential properties. On this basis it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area.

Abbeyfields is a Grade II Listed Building. Given the separation distance to this property it is not considered that the development would have a detrimental impact upon the setting of this Listed Building.

Loss of Agricultural Land

The Soil and Agricultural Land Use report for this application identifies that of the 27.7 hectares surveyed (this includes the area edged blue), 68% (16.9 hectares) is grade 2 (very good) while 28% (7 hectares) is grade 3a (good). This land is classed as the best and most versatile agricultural land (defined as grades 1, 2 & 3a grade land).

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved, however there is guidance contained within the NPPF which states at paragraph 112 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'*.

The lack of a 5 year housing land supply would outweigh the loss of agricultural land on this site and a reason for refusal could not be sustained on these grounds. This was the view given by the Secretary of State in approving application 10/3471C.

Open space

The indicative layout plan shows the provision of both Green corridors and a Community Park within the development. Having regard to the adopted local standards set out in the Council's Open Space Study for Amenity Greenspace, based on the Community Park area alone, the location and quantity of

the areas of POS that have been proposed would be acceptable although more detail as to the landscaping proposals would be sort as part of the reserved matters.

The amount of Public Open Space that would be expected in respect of the new population on site would equate to 6720sq.m.

Within the Community Park area there is scope for allotment provision, this would be most welcome as set out in Open Space, Sport and Recreation Study 2005, there is an under provision although no definitive national or local standards are set as it is thought to be 'demand led'.

Within the Community Park area, new native tree and shrub planting, woodland paths and a wildflower meadow area are proposed. The Council is not best placed to maintain these areas; therefore a management company is required. The informal play area surrounding the formal play area could be maintained by The Council but confirmation of the size would be required, thus determining the financial contribution for maintenance from the developer. Alternatively, this and the informal open space where the second play area is proposed could be blocked with the other surrounding areas and maintained by the management company.

The plan indicates the inclusion of two play areas one located within the Community Park area and the other to the South Western side of the development site; as part of the last application the open space officer confirmed that one NEAP (Neighbourhood Equipped Area for Play) standard play area would be acceptable with the preferred location situated within the Community Park area. This should include at least 8 items incorporating DDA inclusive equipment, using play companies from The Councils select list. The Open Space Officer requested that the final layout and choice of play equipment be agreed with CEC, the construction should be to The Council's specification. Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works. A buffer zone of a least 30m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

For the second play area contributions would be preferred for enhanced play provision located in Sandbach Park, the main park for the town. The Design and Access Statement part 2 and 3 acknowledges that the commuting distance of up to 2000m (approx. 25 minute walk) can be acceptable, Sandbach Park being approx. 1,300m away from the development site. It also recognises the need for parks and open spaces to be 'accessible to both existing and new residents'. Major consultation has recently taken place regarding Sandbach Park and a management plan written. New and enhanced play provision is written into the plan and part funded by contributions from previous and current developments which have been 'pooled'.

Forgoing the second formal play area on site, the enhancement figure is based on recently built provision in the local area, contributions for enhanced works in Sandbach Park would be enhanced provision £105,000.

Subject to the above requirements, which could be secured through a Section 106 agreement, and in the absence of any objection from the Open Space officer, it is considered that the proposal complies with Council's adopted Interim Guidance Note on Public Open Space Requirements for New Residential Development and the relevant local plan policies.

Highway Safety and Traffic Generation

The application includes access to be determined at this stage and in essence the application is a combination of planning applications 10/3471C and 11/0440C.

The proposed junction design provides a simple priority junction with a ghost island right turn lane with pedestrian refuges within the splitter islands. The design caters for appropriate re-

positioning of the bus stops in the vicinity of the site to bring them into positions which integrate with the new junction layout.

The junction itself will have 3 lanes, one access and two egress, which allows improved capacity and turning movements.

The proposed access would be approximately 82 metres to the west of the junction of Park Lane and Middlewich Road. There has been much concern raised over the proximity of this proposed access to the existing junction. However the position of this junction was accepted as part of application 11/0440C.

A Transport Assessment has been submitted with this application. This indicates that the traffic generated by this development would pass through the following junctions;

- Site access/Middlewich Road
- Abbey Road/Middlewich Road
- Abbey Road/Elworth Road/Lodge Road
- Elworth Road/Hind Heath Road/Elton Road/Salt Line Way
- Crewe Road/Hind Heath Road
- Middlewich Road/Old Mill Road/Crewe Road
- Old Mill Road/A534
- Old Mill Road/A534/The Hill
- Old Mill Road/Congleton Road
- M6 Junction 17
- Congleton Road/Holmes Chapel Road

The TA takes into account a number of committed developments in the Sandbach area and these are taken into account within the traffic data (an access appraisal accompanied planning application 11/0440C and this also assessed the impact from the Albion Chemicals Site). The TA identifies that the development will have the following impact upon the junctions listed above:

Junction	Operational Performance of Highway Network
Site access/Middlewich Road	The proposed priority junction is predicted to operate in an acceptable manner in the 2018 AM & PM peak hour with development situations
Abbey Road/Middlewich Road	This junction will operate in an acceptable manner in both the AM & PM peak hours and continues to do so with the development situation.
Abbey Road/Elworth Road/Lodge Road	The existing priority junction is predicted to operate with a high degree of spare capacity and small queues in the 2018 AM & PM peak hour base and with development situations.
Elworth Road/Hind Heath Road/Elton Road/Salt Line Way	The existing roundabout is predicted to operate with a high degree of spare capacity and negligible queues in the 2018

	AM & PM peak hour base and with development situations.
Crewe Road/Hind Heath Road	This junction would not meet the threshold of 30 two-way trips and in accordance with the DfT Guidelines on Transport Assessment a formal assessment is not required.
Middlewich Road/Old Mill Road/Crewe Road	<p>Crewe Road experiences traffic demands approaching capacity in the AM peak hour in the base situation. However there will be no discernible to road users in the with development situation.</p> <p>The 2018 modelling predicts that Hightown experiences traffic demands above capacity in the PM peak hour base situation. However as the development generates only 5 vehicles on Hightown in the PM peak hour.</p> <p>It is concluded that on balance that the traffic impact of the development is acceptable.</p>
Old Mill Road/A534	<p>The roundabout would suffer some deterioration and certain arms would operate above capacity in the AM and PM peak hours. In order to address this issue an improvement scheme has been offered as part of this development. This shows that the one arm would operate in a significantly improved manner in both the AM & PM peak hours compared with the 'no development situation' and this would achieve an overall net highways benefit. The other arms are predicted to operate in a similar manner in the base and with development situations.</p> <p>The TA concludes that on balance the improvement scheme acceptably mitigates the impact of the proposed development.</p>
Old Mill Road/A534/The Hill	This junction is predicted to operate in an acceptable manner with spare capacity in the 2018 AM & PM peak hour base solutions and continues to do so upon implementation of the proposed development.
Old Mill Road/Congleton Road	Observations of this junction in the AM & PM peak periods suggest that the junction presently operates in an acceptable manner. This junction is predicted to

	<p>experience a marked deterioration in performance in the AM & PM peak hours when traffic generated by the committed developments and traffic growth are added to the junction. However the PICADY model does not predict any further deterioration in junction performance upon implementation of the proposed development. On balance this development would have no material detrimental impact and mitigation measures are not required or justified.</p>
M6 Junction 17	<p>This junction is predicted to experience a marked deterioration in performance when traffic generated by committed developments and traffic growth are added to this junction. A significant change in operational performance is predicted at during:</p> <p>Northbound off slip – right turn AM & PM Southbound off slip - right turn AM & PM Southbound off slip - left turn AM & PM A534 Congleton Road (W) – right turn PM</p> <p>This junction is predicted to experience some modest deterioration in performance upon implementation of the proposed development.</p> <p>The TA states that CEC is considering options to improve the operation of M6 J17 and that a contribution of £50,000 towards the improvement of this junction was agreed as part of the 2010 application.</p> <p>The TA states that the contribution towards this improvement would mitigate the traffic impact of the proposed development.</p>
Congleton Road/Holmes Chapel Road	<p>This junction would not meet the threshold of 30 two-way trips and in accordance with the DfT Guidelines on Transport Assessment a formal assessment is not required.</p>

From the above it is considered that there are two junctions that would be impacted by the proposed development. These are Old Mill Road/A534 and M6 Junction 17.

For the Old Mill Road/A534 roundabout a scheme of improvement is identified and this would be secured to address the highway implications.

In terms of the M6 Junction 17, this junction does have capacity issues. The approach taken as part of the last application was to negotiate a contribution and the level of this contribution agreed was £50,000. This contribution has been offered as part of the current application

and this would go towards the scheme of improvements which the Council is currently working on. Given that this contribution was accepted as part of the last application it is considered to be acceptable and the Highways Officer has raised

The issue of traffic generation was considered as part of the SoS Decision and the Inspectors Report. The Secretary of State found that:

'The additional traffic that would be generated by the development would not in itself be sufficiently harmful to make the appeal proposal unacceptable'

The Inspector stated that;

'Local residents have little faith in the appellant's Transport Assessment. I do not dispute their claim that at peak hours the roads and junctions in the vicinity of the site become congested and drivers are inconvenienced. The additional traffic generated by the proposed houses would undoubtedly add to that congestion. But congestion in itself is not necessarily a bad thing; it can encourage people to use forms of transport other than the private car or to make travel arrangements. I also note that the Council's Strategic Highways Manager did not recommend refusal of the planning application, although he felt that the Transport Assessment had some shortcomings'

The Inspector then went on to state that

'Therefore, in the absence of any evidence to the contrary, I have reached the view that the additional traffic that would be generated by the development would not in itself be sufficiently harmful to make the appeal proposal unacceptable'

Given the above it is considered that the development would not have such a significant impact upon the highway network and the highways officer has raised no objection to the proposed development.

The principle of residential development has previously been accepted as has the point of access. The highway implications of this development are therefore acceptable.

Infrastructure

Local residents have expressed concerns in respect of the impact of the development upon local infrastructure including schools, health and leisure facilities.

Education

The education department has requested a contribution of £491,988 towards local primary school provision and £594,874 towards local Secondary Schools (total of £1,086,862). However in this case the fall-back position is the contribution which was agreed as part of appeal which totals £513,773.11, which was considered to meet the CIL tests. It would be unreasonable to request additional contributions for this development which relates to the same number of units.

Medical Infrastructure

A number of representation raise issue with the impact upon medical infrastructure in Sandbach. In this case there are 4 GP Surgeries within 4 miles of the site which are still accepting NHS patients.

It should also be noted that there is outline consent on this site for 280 dwellings.

Public Rights of Way

The proposed development presents 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.

A new cycle lane proposed along Abbey Road to the B5079 roundabout and the start of the Wheelock Rail Trail in recognition of the attraction of the route to residents of the proposed development and nearby properties. As part of this development the developer is offering a contribution of £10,000 to improve facilities along the Wheelock Rail Trail and this is considered to be acceptable to upgrade this route and to accommodate the additional users.

Ground Conditions

A number of representations have been received in the relation to the ground conditions on the site which they say is liable to subsidence. As part of the application consultation has been carried out with the Cheshire Brine Board and no response has been received.

However as part of the last application a consultation response was received and this recommended the incorporation of structural precautions to minimise the effects of any settlement which does occur, such as raft foundations or ring beams in the subsidence hollows and heavily reinforced strip foundations outside the subsidence hollows area.

Other issues

The same Heads of Terms for the Unilateral Undertaking which was approved by the Secretary of State will be applied to this application as part of a S106 Agreement/UU.

All conditions attached to the outline consent approved by the Secretary of State are recommended to be attached to this permission with 2 exceptions:

9. The requirement for 10% renewable energy provision is no longer considered to be reasonable given that the RSS Policy which was used as a basis for this condition has now been abolished.

14. The requirement for 25% of the dwellings on the site to have no more than 2 or more bedrooms does not mean the condition tests. The policy background for this condition is the IPS on Affordable Housing with no requirement in development plan policy. This requirement is not considered to meet the requirements of the NPPF and is excessively onerous.

The requirement for 25% of dwellings to have no more than 2 or more bedrooms is not attached to any other housing applications within Cheshire East and in this case it should also be noted that the developer is willing to provide 35% affordable housing on this site.

LEVY (CIL) REGULATIONS

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

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

The provision of a contribution towards upgrade works at Junction 17 of the M6 and the travel plan contribution is required to help mitigate against the highways impact of the development. The proposed development cannot proceed without these improvements and the contribution is reasonably related in scale and kind to the development.

The provision of a contribution towards the Wheelock Rail Trail is required to help mitigate against the impact of the development through increased use of this route. The proposed development cannot proceed without these improvements and the contribution is reasonably related in scale and kind to the development.

The provision of a contribution towards tree planting is required to help mitigate against the impact of the development which would result in the loss of a TPO tree. The proposed development cannot proceed without these improvements without having a harmful impact upon the amenity of the area and the contribution is reasonably related in scale and kind to the development.

The development would result in increased demand for school places in Sandbach which have very limited spare capacity. In order to increase capacity of the local schools which would support the proposed development a contribution towards schools is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space is a requirement of the local plan; it is directly related to the development and is fair and reasonable.

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

9. CONCLUSIONS

The principle of development of 280 dwellings and the point of access have previously been accepted by the Secretary of State on this site. Therefore the principle of development is considered to be acceptable.

It is considered that the tree losses are acceptable subject to mitigation measures to secure replacement planting.

The development would not have a detrimental impact upon Sandbach Flashes SSSI, protected species or hedgerows.

The proposed development would involve the loss of best and most versatile agricultural land and issue was outweighed as part of the previous decision to approve housing on this site.

It is not considered that the development would have a significant impact upon medical or education infrastructure in Sandbach.

There are no flood risk/drainage issues associated with this application.

The proposal is considered to be acceptable in terms of affordable housing provision, impact on amenity, public open space.

It is considered that the economic and social benefits of this development would outweigh the environmental harm (loss of open countryside, the removal of 1 TPO tree and the loss of BMV agricultural land).

Given the scale and location of the development, its relationship to the urban area and its proximity to other services, and no objections being raised by the relevant consultees, it is not considered that the adverse impacts significantly and demonstrably outweigh the benefits – and so accordingly the application is recommended for approval, subject to a Section 106 Agreement and appropriate conditions.

9. RECOMMENDATION

APPROVE subject to completion of Unilateral Undertaking/Section 106 Legal Agreement to secure the following:-

1. Affordable Housing Scheme

- The numbers, type, tenure and location on the site of the affordable housing provision which shall consist of not less than 35% of the residential units (or at the option of the Council 30% of the residential units together with a commuted sum commensurate with the cost of the provision of a further 5% of the residential units as affordable housing as a contribution towards the costs of the provision of off-site affordable housing)
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to a Social Landlord
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. The provision of Community Park and Children's play provision and scheme of management to be agreed

3. Education contribution of £513,773.11

4. Wheelock Rail Trail contribution of £10,000

- 5. Highways contribution of £60,000 towards upgrade works at Junction 17 of the M6**
- 6. Travel Plan monitoring contribution of £5,000**
- 7. Tree Contribution of £2,400**

And the following conditions

- 1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.**
- 2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.**
- 3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.**
- 4. The development hereby permitted shall follow the general parameters of the illustrative Development Framework (Drwg No 4333-P-02 Rev D), the Masterplan (Drwg No 4333-P-03 Rev E), and the Design and Access Statement.**
- 5. No development shall take place until a programme of phasing for the implementation of the whole development, including public open space and the provision of 35% affordable housing on each phase, has been submitted to and agreed in writing by the local planning authority. The phasing of the development shall be in accordance with the approved programme.**
- 6. No development shall take place until a scheme of archaeological investigation, including a programme for its implementation, has been submitted to and approved in writing by the local planning authority. The investigation shall be implemented in accordance with the approved scheme.**
- 7. No development shall take place until a scheme for surface water drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be based on an assessment of the potential for disposing of surface water by means of a sustainable drainage system. Surface water drainage of the site shall be in accordance with the approved scheme.**
- 8. No development shall take place until an ecological management plan has been submitted to and approved in writing by the local planning authority. The management plan shall be implemented as approved.**
- 9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:**
 - the parking of vehicles of site operatives and visitors**
 - loading and unloading of plant and materials**
 - storage of plant and materials used in constructing the development**

- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

10. Construction hours, and associated deliveries to the site, shall be restricted to 08.00 to 18.00hrs Monday to Friday and 09.00 to 14.00hrs on Saturdays. There shall be no working on Sundays or Bank Holidays.

11. No development shall take place until a Travel Plan, including a timetable for its implementation, has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented as approved from the date of the first occupation of the first dwelling.

12. No development shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the Framework or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 35% of housing units;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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 Planning and Place Shaping Manager 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.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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