

Application No: 12/3948C

Location: LAND BOUNDED BY OLD MILL ROAD & M6 NORTHBOUND SLIP ROAD, SANDBACH

Proposal: Outline application for commercial development comprising of family pub/restaurant, 63 bedroom hotel, Drive through cafe, Eat in cafe and office and light industrial commercial units with an adjacent residential development of up to 250 dwellings. The proposal also includes associated infrastructure and access.

Applicant: David Brislen, W and S (Sandbach) Ltd

Expiry Date: 09-Sep-2013

**Date report prepared: 5 March 2014**

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions and s106 agreement

#### **MAIN ISSUES**

- Planning Policy And Housing Land Supply
- Employment land
- Affordable Housing
- Highway Safety and Traffic Generation.
- Town centre impact
- Impact on nature conservation interests
- Air Quality
- Noise Impact
- Landscape Impact
- Hedge and Tree Matters
- Amenity
- Sustainability
- Impact on Public Right of Way

#### **REASON FOR REPORT**

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

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises approximately 12.5 hectares of open farmland, which is bound to the east by the M6 motorway, to the south by the Sandbach wildlife corridor and to the north east by Old Mill Road (A534). The site is located substantially within the Settlement Zone for Sandbach, and is shown on the Congleton Borough Local Plan proposals map as an employment commitment. However, previous permissions for employment uses have now expired, and policy E2 of the Congleton Borough Local Plan, which relates to committed employment sites, is not a saved policy. Consequently, most of the site is currently an unallocated site within the Settlement Zone. The remainder at the most northerly point of the site adjacent to J17 lies within Open Countryside.

## **DETAILS OF PROPOSAL**

This application seeks outline planning permission for a commercial development comprising a family pub / restaurant, 63 bedroom hotel, drive through café, eat in café, and office and light industrial units with an adjacent residential development of up to 250 dwellings, and associated infrastructure and access.

The application has been submitted with all matters reserved except for access. However, given that the submitted layout plan is indicative and no further details relating to internal access have been provided, a condition will be required to make it clear that no consent is granted for the internal access arrangements.

247 dwellings are shown on the indicative layout.

## **RELEVANT HISTORY**

There have been a number of applications over the years relating to the commercial use of the site. The most recent is:

05/0263/FUL - Variation of condition 2 on permission reference 33295/1 for B1 Business Park and Hotel to extend the period for submission of reserved matters until 3rd November 2008 – Approved 26.04.2005

This has now expired.

## **POLICIES**

### **Congleton Borough Local Plan First Review 2005**

PS8 (Open countryside)

GR1 (New Development)

GR2 (Design)

GR3 (Residential Development)

GR4 (Landscaping)

GR5 (Landscaping)

GR6 (Amenity and Health)

GR7 (Amenity and Health)

GR8 (Amenity and Health - pollution impact)

GR9 (Accessibility, servicing and provision of parking)

GR10 (Accessibility for proposals with significant travel needs)  
GR11 (Development involving new roads and other transportation projects)  
GR14 (Cycling Measures)  
GR15 (Pedestrian Measures)  
GR17 (Car parking)  
GR18 (Traffic Generation)  
GR19 (Infrastructure provision)  
GR20 (Utilities infrastructure provision)  
GR21 (Flood Prevention)  
GR 22 (Open Space Provision)  
NR1 (Trees and Woodland)  
NR2 (Statutory Sites)  
NR3 (Habitats)  
NR4 (Non-statutory sites)  
NR5 (Creation of habitats)  
H1 (Provision of new housing development)  
H6 (Residential development in the open countryside)  
H13 (Affordable Housing and Low Cost Housing)

#### **Other Material Considerations**

National Planning Policy Framework (The Framework)  
Sandbach Business Park Development Brief (1989)  
Interim Planning Statement: Affordable Housing  
Strategic Housing Market Assessment (SHMA)  
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994  
5 Year Housing Supply Position Statement  
Cheshire East Local Plan Strategy – Submission Version

#### **Cheshire East Local Plan Strategy – Submission Version**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> March 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of

State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Relevant policies of this document are:

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
EG1 Economic Prosperity  
EG3 Existing and allocated employment sites  
EG5 Promoting a town centre first approach to retail and commerce  
SC1 Leisure and Recreation  
SC2 Outdoor sports facilities  
SC3 Health and Well-being  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO2 Enabling business growth through transport infrastructure  
CO4 Travel plans and transport assessments

Strategic Site CS24 – land adjacent to J17 of M6, south east of Congleton Road, Sandbach

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

Environment Agency – No objections subject to conditions relating to drainage of foul and surface water

Sustrans – If approved would like to see a safe crossing of Old Mill Road for pedestrian and cycle routes, and at the new roundabout junction of M6; cycle parking for staff on employment site; restrict speeds to 20mph in residential area; residential properties should include storage for buggies / bikes; travel planning with targets and monitoring.

Natural England – No objections

United Utilities – No objection subject to the site being drained on a separate system

Highways Agency – No objections

Public Rights of Way – No objection subject to the public footpath (Sandbach No.11) being accommodated at the reserved matters stage and provision for pedestrian and cyclist movements both within, and to and from the site, in particular connectivity between the town centre and the site.

Environmental Health – No objections subject to conditions

Housing Strategy & Needs Manager – Comments awaited

Strategic Highways Manager – No objections subject to financial contributions towards improvements to the local highway infrastructure to mitigate for the impact of the development

Archaeology – No objections subject to condition

Greenspaces – No objection subject to provision of open space in accordance with policy requirements

Education - Local primary and secondary schools are forecast to be oversubscribed. In light of this S106 contributions to extend local schools are sought.

Cllr Corcoran (local ward member) has provided the following comments –

#### **Why the Prospects Are Now Good**

1. The prospects for this business park are looking more hopeful than for a decade. Previously disputes between the landowners have caused problems, but these are now resolved.
2. The government has agreed to pay for J17 improvements.
3. There is now a clean slate for planning applications.
4. There is a developer interested in (and owning/controlling) the whole site.

Of course the developers will not put forward plans for a business park when they have the prospect of being allowed to build houses. The developers will make a lot more money out of housing and so will argue for housing. However, I predict that once the Local Plan is in force making clear that housing will not be allowed for 20 years on the Capricorn Site then (and only then) the developers will come forward with plans for a decent business park.

#### **Why Employment Only Sites in Sandbach Are Important**

Over the last 10 years several employment sites in Sandbach have been closed and replaced with housing estates. As a result there are now 0.51 jobs for every worker in Sandbach. Put another way, there are 2 workers in Sandbach for every job in Sandbach. This means that people have to look outside Sandbach for work and Sandbach is at risk of becoming a dormitory town.

There is a highly skilled workforce in Sandbach and we need highly skilled local jobs. This is not a rival or an alternative to Old Mill Quarter. Old Mill Quarter is primarily a retail park. The J17 site should be for laboratories and offices.

If more people live, work and shop locally then this has benefits for community spirit as well as for the environment.

There will always be people who commute in and out of Sandbach, but if we wish to promote Sandbach as a sustainable town then we need more employment sites in Sandbach. Many of the key employees of businesses in the NorthWest live in the Sandbach area. In my work I have travelled to board meetings in Liverpool and Manchester only to meet up with people who live in Cheshire. If there were a suitable location in Sandbach then businesses would locate here. That is why I have argued for many years for a science and business park close to junction 17.

### **Why Nothing Has Happened in the Past**

To those who say nothing has happened for the last 20 years so nothing will happen in the next 20 years, I say that there was outline planning permission for a decent business park, but Congleton Borough Council approved rival plans for a pub and a couple of office blocks on a third of the site instead. That planning permission has now expired (without a brick being laid) and so there is hope again for a decent plan. (See planning references 30578/1, 04/0128/OUT, 37773/3, 05/0502/FUL.)

To those who say houses are needed to make the site commercially viable, I say that in a speech I made at Sandbach Town Council in 2009 I set out the finances surrounding the millions already made on the site:

"I have obtained the accounts of Halfmoon Investments Ltd and Avenue Shelfco 17 Ltd and from these it appears that the land was sold

a) from Nigel Dale, a former Congleton Borough Councillor, to Halfmoon Investments Ltd for about £1M-£1.5M in about 2004

b) from Halfmoon Investments Ltd to Avenue Shelfco 17 Ltd for £5.5M in about 2006.

Avenue Shelfco 17 Ltd then raised a £6.8M mortgage on the land from Bank of Ireland."

If over £5M can be made just through getting planning for a pub and 2 office blocks on a third of the site, then a proper development of the whole site could be a profitable project for a genuine developer.

Furthermore, the government has recently agreed to pay for J17 improvements, giving a £5m boost to the development.

To those who say the economic climate is not right for a business park, I say that this is a 20 year plan. Although we are now in the depths of a double dip recession, in 5-10 years time the economic situation will have changed. We should not abandon the long term future of Sandbach so that developers can make a short term profit.

### **Public Support for a Decent Business Park**

In the public consultation in 2012 the site was approved as a business park site by 161 to 41. That is a remarkable outcome. Most people don't want housing in their backyards, so to get a clear vote in favour of an employment site shows the strength of feeling in favour of a site to provide employment.

In the public consultation in 2013 the plans for houses on Sandbach Heath were overwhelmingly rejected and the plans for a business park were supported. There was also strong support for protecting and enhancing the wildlife corridor.

### **VIEWS OF THE TOWN COUNCIL**

Sandbach Town Council - Whilst Members welcome development of this site, in particular the industrial and commercial use, in accordance with Sandbach Town Council's response to the

Development Strategy Consultation, it is felt that a maximum of 200 houses would better suit the topography of Site 1 (Ba and Bb) over the whole period of the local plan. However, no more than 50 houses should be built without a *significant* improvement in infrastructure.

## OTHER REPRESENTATIONS

There have been three rounds of public consultation for this application following the receipt of additional information.

Approximately 140 letters of representation have been received throughout the consultation periods objecting to the proposal on the following grounds:

- Site should only be used only for employment in line with majority of responses to development strategy
- Additional housing would take jobs away from local people by promoting inward migration
- Impact on highway safety
- Impact upon overstretched public services
- Encroachment onto wildlife corridor
- Not a sustainable development contrary to policy GC10 of the local plan and the NPPF
- Reliant on car use
- Loss of agricultural land
- Impact upon local highway network
- Other brown field sites available (e.g. Saxon Cross Motel)
- Impact upon local character
- Wrong greenfield rate used in FRA
- No pedestrian access to town centre and local facilities
- Junction 17 needs to be improved prior to any development of this site
- Increased pollution
- Impact upon public right of way
- Loss of Green Belt
- Land is unlikely to be suitable for any built development in the long term because of brine subsidence
- Impact on local house prices
- Impact on local businesses (e.g. convenience stores)
- Existing empty office space in Sandbach
- No need for pubs, hotels and cafes
- If approved a minimum code level 4 housing should be built
- Spoil gateway to Sandbach
- The SBI must be protected at all costs, especially from the possibility of contamination, including creep.
- A534 is a significant barrier for pedestrians
- Housing on this site has already been rejected on two occasions, namely the "Strategy for Jobs and Sustainable Communities" and the "Sandbach Town Local Strategy".
- Site not allocated for housing in Congleton Local Plan
- Application attempts to pre determine the Local Plan
- Commercial side appears to be a mini service area

- Lack of social housing
- Ideally positioned to attract investment in a business park
- Traffic noise for future residents
- Transport Assessment does not comply with national guidance
- Employment land review and Employment land assessment identify a significant demand for employment land in Sandbach and a shortfall in supply.
- Little weight should be afforded to emerging local plan
- No bus services along Old Mill Road
- More sustainable sites on the edge of Sandbach town centre.
- Application suggests that vehicle trip rates will be reduced through sustainable transport measures, however no information is provided (timescales / agreements with bus operators etc)
- Suggestion that 10% of residents in the proposed housing will work in the employment development is not justified
- Overall reductions in trip rates are not justified
- Existing capacity problems at local junctions are not identified
- Housing dilutes employment land prospects
- 5,300 additional jobs need to be generated in the town to provide jobs for the town's residents of working age
- Draft Core Strategy suggests 240 houses on the entire Sandbach Heath site. An outline planning application for 50 houses has already been approved off Hawthorne Drive. Therefore this application is for housing in excess of the Core Strategy allocation for the site.
- Loss of trees and hedgerows
- Brings more costs than benefits
- Discrepancies in the trip generation section of the TA
- Distribution of development traffic is not made clear in the TA, leading to potential under assessment at junctions
- Given that 60% of trips to / from the site will come from the motorway, reductions are unlikely as other more sustainable transport is not a realistic alternative
- Validity of the model used to test the impact of the development is questioned
- Queue lengths will increase at Old Mill Road / The Hill junction
- No impediments to the development of the site for solely employment generating uses
- Land ownership is no more an issue for a wholly employment development than a mixed use development
- No revenue from commercial / employment uses is identified in the viability report
- An industrial logistics development would return a positive land value at a level similar to that identified in the viability report, and would be viable
- Improvements to J17 will be undertaken by the Highways Agency and is not a constraint
- Contrary to policy E2 of Local Plan and paragraph 20 of the NPPF
- Transport Chapter of the Environmental Statement does not sufficiently address the traffic situation of the site
- Accessibility by non-car modes are very limited
- TA does not consider road safety and accident records
- Information in TA relating to bus services is incorrect
- Insufficient ecological surveys have been submitted with the application



- Loss of habitat in wildlife corridor contrary to policy NR4 and NPPF
- Flood risk and associated impact on wildlife and existing properties
- The developer does not need houses to make a profit - residual land value for the business section plus house is LESS than the land value for a business park
- Protection and enhancement of wildlife corridor needs more detail
- Route of existing right of way through the site is unclear
- On and off site safe cycle provision needs to be incorporated
- No sequential assessment has been undertaken
- Impact upon town centre is not properly considered

In addition 3 letters of support / general observations raise the following points:

- Ideal location for business park
- Understand how viability could be compromised if residential element was not included
- Cyclists and pedestrian crossings required at desire lines across Old Mill Road to Congleton Road
- Covered cycle parking required at the car sharer's car park opposite the Texaco petrol station
- Investigate if Betchton footpath 6 could be used to gain rear access for cyclists to the Service Station on the M6. This would be a good location for lift sharing and could be reached within 10 minutes from Sandbach by bicycle.
- Extending the speed limit on Congleton Road up to its junction with Old Mill Road (A534)

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted the following documents with the application:

Tree constraints information; air quality assessment; design & access statement; noise assessment; public open space statement; planning statement; flood risk assessment; transport assessment; travel plan; viability report; sequential and impact assessment statement; retail impact assessment; affordable housing statement; site waste management statement; preliminary site investigation report; extended phase 1 habitat report; and an environmental statement.

## **OFFICER APPRAISAL**

### **Principle of Development**

The site lies substantially within the settlement boundary of Sandbach, and was previously allocated as an employment commitment under policy E2 of the Local Plan. As noted above, previous permissions for employment uses have now expired, and policy E2 is not a saved policy. Consequently, the site is currently an unallocated site within the Settlement Zone, and therefore there is no objection in principle to the development.

In terms of the very small proportion of the site within the open countryside, the proposal development would not fall within any of the categories of exception to local plan policy PS8 relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that

planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy concerns.

Members should note that on 23<sup>rd</sup> March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15<sup>th</sup> June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

*“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.*

It should also be noted that the Sandbach Business Park Development Brief exists for this site. However, given the age of the document (1989), and the fact that the employment commitment and related policy were not saved in the Congleton Local Plan First Review, it is considered that the weight to be afforded to the SPG would be limited. That being said it does remain Council policy and is therefore a material consideration.

In terms of the emerging local plan the application site forms part of strategic site CS24, which extends from the M6 down to the existing residential development along Heath Road / Hawthorne Drive. The emerging policy seeks to deliver a mixed used development site with the main emphasis on providing an employment site, and with a small level of residential development which will help to enable improvements to access and infrastructure of the site. The site is greenfield and is currently in agricultural use with a watercourse bisecting the site north to south.

Specifically the emerging Local Plan identifies the following development over the Local Plan Strategy period:

1. The delivery of up to 20 hectares of employment land to the north of the site;
2. The delivery of up to 200 new homes to the south of the site;
3. The provision of appropriate retail for local needs;
4. The provision of appropriate leisure uses, potentially including a hotel, public house or restaurant;
5. The incorporation of Green Infrastructure, including:
  - i. The retention, where possible, of important hedgerows that have a cumulative screening impact on development and contribute to the habitat value of the site;
  - ii. The protection and enhancement of the wildlife corridor and Local Wildlife sites; and

- iii. Open space including a Multi Use Games Area and an equipped children's play space.

And the following site specific principles of development:

- a. Contributions to the improvement of junctions at A534 Old Mill Road corridor and J17 of the M6.
- b. The site will avoid development within the functional floodplain, wildlife corridor and Site of Biological Importance / Local Wildlife Site and these features will be retained within appropriate undeveloped buffer zones.
- c. Appropriate contributions will be made to improvements to junction 17 of the M6 motorway and the junctions on the A534 Old Mill Road corridor.
- d. Provision for improved access off Old Mill Road and a new bridge across the Brook.
- e. Contributions to education and health infrastructure
- f. Development should consider the 'Cheshire East Green Space Strategy 2011' and include the creation of improved access to green corridors whilst protecting and enhancing the Site of Biological Importance, watercourse and wildlife corridor already on site.
- g. Provision for future widening of the A534 Old Mill Road Corridor adjacent to the development site.
- h. A desk based archaeological assessment will be required for this site.
- i. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).

It is evident that the site has a long history of employment proposals and allocations, and this is reflected in existing policy in the form of the SPG for Sandbach Business Park (1989), and in the emerging local plan strategy (Feb 2014). The application is to the north of the site where the strategy seeks to provide 20 hectares of employment land. The north and south of the site are separated by the Sandbach Wildlife Corridor.

The application has been submitted to include up to 250 dwellings as it is stated that this is necessary to provide the required funding for infrastructure works to serve the employment site.

### **Housing Land Supply**

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

*“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.*

The NPPF clearly states at paragraph 49 that:

*“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- n any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- n specific policies in the Framework indicate development should be restricted.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met. With specific reference to the current proposal, site CS24 is one of the Strategic Sites included within the latest housing supply figures. 200 dwellings are expected over years 1-5.

It should be noted that site CS24 covers an area of approximately 50 hectares. A 1.5 hectare site to the south of CS24 has outline planning permission for 50 dwellings (12/4874C – land off Hawthorne Drive), and there is a further full planning application for 146 dwellings on a 6.2 hectare site adjacent to this currently being considered (13/5242C) by the Council.

The application site is approximately 13 hectares, with the 5 hectares of the current proposal devoted to employment / commercial land and the remaining 8 in residential use, providing up to 250 dwellings. The residential proposal would therefore exceed the allocation for site CS24. Such an amount of housing is therefore not required for the 5 year housing land supply plus buffer.

The applicants have submitted a viability report which seeks to justify the amount of residential development required to bring forward the commercial / employment uses. The impact of this upon the social, environmental and economic roles of sustainable development are considered below.

## **EMPLOYMENT / COMMERCIAL USES**

Policy PS4 of the Local Plan identifies that there is a general presumption in favour of development provided it is in keeping with the town's scale and character and does not conflict with other policies within the Local Plan. Policy E3 states that proposals for employment development on land not allocated for such purposes within the settlement zone line identified within PS4 will be permitted provided that the proposal is appropriate to the local character in terms of use, intensity, scale and appearance. Policy SP4 states that any development within the Settlement zone lines on land, which is not otherwise allocated for a particular use, must also be appropriate to the character of its locality in term of use, intensity, scale and appearance.

Within the Employment Land Review published in 2012 carried out by Arup and Colliers International it is concluded that up to 2030, Cheshire East could have a potential shortfall of employment land of between 5.40ha and 51.33ha. Sandbach is identified as having a limited office market and a surprising shortage of available industrial property. The Capricorn site in particular is identified as a potential employment site for an office location, high quality Business Park, Incubator or SME cluster site. The study however suggests that the site may need to be of a mixed use (50% non-employment use) in order to make the proposed employment use economically viable due to the cost of infrastructure and access costs. Within this report Sandbach is also identified as a strategic location adjacent to the M6 and West Coast Mainline therefore making the town an important logistic location.

The 5ha of employment / commercial land included in this application will make some contribution to the 20ha of employment land allocated on this Strategic Site in the emerging local plan.

Paragraph 24 of the Framework requires local authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre, and not in accordance with an up to date local plan. The local plan dates from 2005 and cannot be considered to be up to date.

The applicant has submitted a sequential statement, which reports on considerations arising from the pub, hotel and café uses. Office uses, which are a town centre use, are not referred to. Notwithstanding this, there are no known sites that would provide *“a reasonable prospect of a sequentially preferable opportunity coming forward which is likely to be capable of meeting the same requirements as the application is intended to meet”* (para 5.7 of Practice Guidance on need, impact and the sequential approach), having regard to the strategic location of this employment site immediately adjacent to J17, and its offer to end users. The site has also been identified as a strategic site within the emerging local plan for the proposed range of uses.

The proposal for employment use of predominantly B1/B2 uses on this site is considered to accord with the aspirations of the emerging Local Plan Strategy.

However, paragraph 26 of the Framework sets out that developments for town centre uses (such as offices) outside of town centres over 2,500sqm, a town centre impact assessment should be submitted to ensure the proposal will not harm the viability and vitality of Sandbach Town Centre.

The employment and commercial components of the application clearly exceed the threshold of 2,500sqm. Therefore the impact upon any planned investment in a centre or centres in the catchment area, and the impact upon town centre vitality and viability must be considered.

There is no known existing, committed or planned public or private investment in town centres that the proposal could have a significant impact upon.

Paragraph 6.9 of the Practice Guidance on need, impact and the sequential approach states that *a hotel associated with a motorway service area is likely to cater for a distinct market compared to a traditional city centre hotel. Similarly, a town centre office development will serve a different function and market compared to a business park.* Given its location, the commercial uses including the hotel will effectively serve as a motorway service station, and the scale of the employment proposals, that will adopt the form of a business park will cater for a different market to established town centre uses, and as such will not be competing with them. The proposal is therefore not considered to have a significant adverse impact upon the vitality and viability of town centres.

## **AFFORDABLE HOUSING**

The site is located in Sandbach which is a settlement in Cheshire East with a population exceeding 3,000.

The Interim Planning Statement: Affordable Housing states that for both allocated sites and windfall sites the Council will negotiate for the provision of a specific percentage of the total dwelling provision to be affordable homes. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the 2010 Strategic Housing Market Assessment. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

The SHMA 2010 identified a requirement for 375 affordable homes in Sandbach between 2009/10 – 2013/14, made up of a requirement for 21 x 1 bed, 33 x 2 beds, 7 x 3 beds, 4 x 4/5 beds and 10 x 1/2 bed older persons dwellings each year.

In addition to the information from the SHMA 2010 there are currently 576 active applicants on the waiting list with Cheshire Homechoice (which is the system for allocating social & affordable rented accommodation across Cheshire East) who have selected Sandbach as their first choice, showing further demand for affordable housing. These applicants have stated that they require 192 x 1 beds, 226 x 2 beds, 100 x 3 beds, 14 x 4 beds, 44 applicants didn't state how many bedrooms they required.

Since 2009/10 there has been delivery of 32 affordable homes in Sandbach and there is anticipated delivery of 34 affordable dwellings at the Canal Fields and Fodens Factory sites this year, which is less than 1 year's requirement for affordable housing in Sandbach as identified by the Strategic Housing Market Assessment 2010.

In addition to this there are up to 326 affordable dwellings anticipated to come forward on future sites, however it seems unlikely that these will be delivered in the current 5 year period of the Strategic Housing Market Assessment 2010 (251 of the dwellings are secured as part of outline applications which do not have reserved matters approval yet).

There is currently a shortfall of affordable housing delivery in Sandbach, and the affordable housing requirements for this application as per the Interim Planning Statement: Affordable Housing are the provision of 75 affordable dwellings with 49 provided as either social or affordable rent and 26 as intermediate tenure. The Interim Planning Statement: Affordable Housing also requires that affordable housing is pepper-potted, provided no later than occupation of 50% of the open market dwellings (or 80% if the development is phased and has high levels of pepper-potting), and that the affordable housing is built to meet the Design & Quality Standards required by the Homes & Communities Agency and meets Code for Sustainable Homes Level 3.

The applicant is currently offering 20% affordable housing provision, which would be contrary to the requirements of the Interim Planning Statement and given the identified shortfall of affordable housing in Sandbach, policy H13 of the local plan, or policy S5 of the emerging local plan.

## **ACCESSIBILITY**

The location of the site and presence and nature of Old Mill Road limits the accessibility of the site beyond the use of the private car. This road creates something of a barrier to occupants

of the site when considering movements to and from the site in non car modes of transport. There are no dedicated cycle routes along Old Mill Road or Congleton Road, and the nearest bus service is on Congleton Road. Therefore, any non-car borne to or from the site travel will require the crossing of Old Mill Road, on which cars travel at the national speed limit.

Policies GR9 and GR10 of the local plan, and policy CO1 of the emerging local plan, seek to ensure that developments are accessible by a range of transport options. This is consistent with paragraphs 34 and 35 of the Framework, which require plans and decisions to take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. Indeed one of the core planning principles of this document is to actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Any development of this site should therefore include provision for the safe crossing of this road. The detail to be developed through the reserved matters application should assess and incorporate pedestrian and cyclist movements both within, and to and from the site, in particular connectivity between the town centre and the site. The existing public footpath No. 11 offers a trajectory that could be enhanced in specification and legal status to provide a mainly off-road and pleasant route for non-motorised traffic. A key element in this concept would be a crossing facility on the A534. The developer should be required to provide this in order to accommodate the anticipated demand for this connection that would arise as a result of the proposed development.

Furthermore, appropriate destination signage should be provided both on and off site for pedestrians and cyclists, and the travel planning provided for residents and employees should include information on walking and cycling route options.

The legal status of the proposed pedestrian/cycle routes within the site would need agreement with the Council, with the maintenance of such routes being included within the arrangements for greenspace management.

The provision of walking and cycling infrastructure should be completed prior to the occupation of employment or residential sites in order that travel habits can be developed as the new sites are occupied. Consideration of this would need to be afforded across the proposed phasing of the development.

## **EXISTING PUBLIC RIGHTS OF WAY**

The proposed development is to affect Public Footpath Sandbach No.11, part of which is located within the site. Rights of Way Circular 1/09 states that most outline planning applications do not contain sufficient information to enable the effect on any right of way to be assessed (and are not required to do so) and consequently such matters are usually dealt with during consideration of the matters reserved for subsequent approval. The Rights of Way Unit are satisfied with this approach.

## **HIGHWAY SAFETY & TRAFFIC GENERATION**



The Strategic Highways Manager has commented on the application noting that there are two points of access proposed to the site, the employment zone will be served via a new enlarged roundabout close to junction 17 M6, this roundabout access is the subject of a separate planning application.

The residential element of the application is served from a priority junction arrangement with a right turn lane off Old Mill Lane. There is a considerable separation distance between the residential access and the roundabout at J17.

### **Development Traffic Impact**

The likely traffic impact of the development has been assessed using the Vissim model that was developed to support the Highways Agency (HA) Pinch Point scheme at J17 M6. The assessment year was agreed at 2020 and the assessments were undertaken in the traditional peak hours of 08.00-09.00 and 17.00-18.00.

The applicant has submitted a set of total trips generation figures to test the traffic impact of the development on the network; these figures are based upon a target peak hour person trip generation.

There is no justification that the site location and transport links can justify the substantial reduction in trips that has been undertaken in the figures and these traffic generation figures are not accepted. It is considered that the traffic generations from the site are likely to be more consistent with the Trics outputs being some 160 two way residential trips and 250 two-way commercial trips.

### **Distribution**

The trip routing to and from the site is indicated in the Table below:

<b>Direction to/from</b>	<b>%Total Residential Trips</b>
M6 (North)	45%
M6 (South)	16%
Congleton Road (East)	18%
Congleton Road (North)	0%
Old Mill Road (West)	21%

The Vissim model coverage included the following junctions:

- i) M6 J17 HA PPS
- ii) Site Access/ Old Mill Road
- iii) Old Mill Road/ The Hill signals
- iv) A534/ A533 Wheelock Roundabout

To assess the implications of the development a number of scenarios were run using the Vissim model for the A534 corridor:

- i) Base + Committed Development + Pinch Point Scheme (Do Minimum)
- ii) Base + Committed Development + PPS + Capricorn + Revised Rbt Design ( Do Something)

### **Model Delay Results**

It is clear that the model results indicate that the provision of a much larger roundabout at Junction 17 will improve journey times along the A534 Old Mill Road corridor to and from the motorway and even though the commercial development and residential have been added to the traffic flows. The Vissim model does not provide capacity assessment outputs but the impact of the scheme can be assessed by comparing journey times along the corridor and also the predicted queue lengths. A comparison of the travel times indicates that the inclusion of the larger roundabout does improve travel reliability over the “Do Minimum” scenario. The development will increase delays on the M6 S/B off-slip, however this is a matter for the HA to consider in their comments on the application. Apart from the slip road impact, the journey times on the other routes are much improved with the new roundabout in place despite the inclusion of a further new arm and the Capricorn development included.

With regard to the impact on the local road network, CEC has undertaken considerable capacity assessment work on the junctions at Old Mill Road/ The Hill junction and at the A534/A533 Wheelock roundabout using stand alone Linsig and Arcady programs. The results of this extensive work indicate that these junctions have substantial congestion problems not only confined to the peak hours but also have excessive queues forming currently without committed development traffic being included. To deal with the congestion problems at these junctions and also to allow the planned Local Plan developments to come forward, an infrastructure improvement scheme has been designed.

Clearly, not all development traffic from the Capricorn Site will access the M6 motorway and substantial amount of trips (21%) would travel west through the above junctions and will have an impact on the operation of the local junctions and add to the congestion levels currently being experienced.

### **Sustainable Transport**

The accessibility of the site for non-motorised modes of transport is poor. The site is isolated and whilst there are footway connections to the existing footway network, there are no crossing points on the A534. In addition, there are no cycle facilities along Old Mill Road or facilities at the new roundabout access. The access to public transport is similarly very poor, although there are services that run along the A534 and Congleton Road although these are very infrequent services. Even if a journey from the site by public transport was to be made, there are no pedestrian links to the services.

### **Highways Conclusions**

There are two distinct uses proposed in this application with both having a separate access to serve the each one. The commercial development is situated close to the M6 motorway and would be served by a new enlarged roundabout with a separate arm into the scheme. The residential application for 250 units has a priority junction access onto Old Mill Road some 250m away from the proposed new roundabout. There is no internal vehicular link proposed between the commercial and residential schemes.

With regard to the new roundabout, this design does provide road network benefits in regards to overall travel times on the A534 Old Mill Road corridor and would be an improvement over the smaller HA pinch point scheme despite having the Capricorn development included. Therefore, the development impact at J17 M6 has been acceptably mitigated.

The impact of the development has been undertaken using target trip generation figures which are not accepted given the issues on the sustainability of the site and it is likely that an underestimation of 13% has been made on the total development traffic in the peak hours. This reduction in trip generation would not affect the consideration of the new roundabout as it more than accommodates the 13% additional flow that would be expected from the site. However, there is an impact on the other junctions in the locality of the site, namely Old Mill Rd/The Hill and at the Wheelock roundabout, as these junctions are already very congested the impact of the development at these junctions has not been mitigated by any proposed measures.

As there are identified improvements required to these sections of the local road network, contributions towards these works have already been secured from other developments that also have an impact. As this site is one of the locations that has a direct impact on these junctions a contribution based upon the size of development should be provided. The level of contribution has been based on a CIL compliant sharing of funding of the total works and this equates to a contribution of £469,000 from this development.

As indicated earlier, the sustainability of the site is poor, measures to improve the accessibility of the site are needed. The provision of a footway/cycleway from the junction of Old Mill Road/ High Street where there are existing pedestrian crossing facilities to the site access and beyond to the proposed new roundabout.

To conclude, the application is acceptable in highway terms but only with the necessary contributions to improve the local infrastructure being provided.

## **AIR QUALITY**

The applicant has submitted an Air Quality Impact Assessment with the application. This was not scoped with Environmental Health. The proposed scale of the development is considered to be significant in that it is likely to change traffic patterns and traffic flows in the area. In particular, the development lies within 300m of the Sandbach (J17, M6) Air Quality Management Area (AQMA), which was declared in 2008 as a result of breaches of the European Standard for nitrogen dioxide (NO<sub>2</sub>). There is also concern that the cumulative impact of developments in the area will lead to successive increases in pollution levels, thereby increased exposure.

The assessment uses BREEZE Roads CAL3QHCR to model NO<sub>2</sub> impacts from the predicted additional road traffic and changes to traffic flows associated with this proposal and other permitted developments. The report considers the impact of the M6, Old Mill Road and from the two proposed access roads on the phase 1 development and the impact of the proposed phase 1 development on existing receptors in the area.

The model predicts that both the proposed residential and mixed use areas of phase 1 will be below the air quality objectives. Regarding existing receptor impact, it is highlighted that there

is likely to be increased exposure to airborne pollution at all 10 receptors modelled. Four of these receptors are within the AQMA. Environmental Health advises that any increase of concentrations in an AQMA is considered significant as it is directly converse to their Local Air Quality Management objectives.

If the report had taken sensitivity analysis into consideration whereby the predicted decline in vehicle emissions has not occurred as recent evidence has shown, impacts of the development could be significantly worse than that which has been reported. In addition, taking into account the uncertainties with modelling generally, the impacts of the development could be significantly worse.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered that mitigation should be sought from the developers in the form of direct measures to reduce the impact of traffic associated with the development. In addition, Environmental Health advise that there should be funding provided to the Council to enable it to implement elements of the Air Quality Action Plan in relation to Sandbach.

Modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow charging of electric vehicles in new, modern developments.

Whilst raising no specific objections, Environmental Health recommend conditions relating to travel plans and electric car charging points and a financial contribution towards implementing the Air Quality Action Plan in Sandbach in order to mitigate for the air quality impact of the development, and to comply with policy GR7 of the local plan.

## **NOISE IMPACT**

The applicant has submitted a noise assessment with the application which has indicated that mitigation measures are required for certain aspects of the residential and commercial aspects of the development. The report details the reduction that will be provided by standard and secondary glazed windows.

Further information will be required to ensure the noise impacts of the proposal are acceptable. This would include a detailed layout; the orientation of the internal layout of residential properties; the glazing to be applied to the individual properties most affected; the layout attenuation which will be provided by the layout of the site and more specific details of the ventilation systems to be provided to the proposed properties. The detailed layout of the site will also help to ensure that any mitigation requirements for gardens are also met.

The residential properties must achieve the good internal standard of BS8233:1999 and also <55dB in residential gardens in accordance with the WHO Guidelines.

### **Residential and Commercial Noise Mitigation**

The report does not include details relating to whether noise mitigation measures are required to be implemented between the residential and commercial/industrial units. A scheme of

mitigation is therefore required to be submitted and approved by the LPA prior to the commencement of the development.

Subject to this additional detail and appropriate mitigation the noise impact of the proposal is considered to be acceptable in accordance with policy GR7 of the Local Plan.

## **CONTAMINATED LAND**

There is a petrol station currently adjacent to the site, therefore there is the potential for contamination of the site and the wider environment to have occurred. Additionally, the application is for new residential and commercial properties which are a sensitive end use and could be affected by any contamination present.

The applicant has submitted an Environmental Statement and a contaminated land report for the site. The relevant chapter of the Environmental Statement does not appear to take the contaminated land report into account as the results of this work have not been included within the risk assessment (it is assumed that the applicant has reliance on this report).

The Environmental Statement for the site recommends a site investigation be undertaken for the site. However, a site investigation has been undertaken and is presented within the contaminated land report also submitted with the application; an updated site investigation should be undertaken for the site. Within this updated investigation, sufficient depth would need to be achieved near to the petrol station to enable a thorough investigation of any migration from this potential source of contamination.

The Contaminated Land team has no objection to the above application subject to a condition requiring an updated Phase II investigation to be carried out and submitted.

## **LANDSCAPE & TREES**

### **Landscape**

As part of the application a Landscape and Visual Impact assessment has been submitted, this indicates that it has been based on the Guidelines for landscape and Visual Impact assessment, 2<sup>nd</sup> Edition, 2002.

As part of the assessment the baseline landscape is referred to, the assessment identifies the National Character Area in which the application site is located, as well as the local landscape type, in this case Lower Farms and Woods – landscape Type 10. However, what the assessment doesn't identify is that the Lower farms and landscape type is further divided into seven separate character areas, and that in this case the application site is located in the Brereton Character Area (LFW2). This provides a greater level of detail on the specific characteristics that are represented within this character area. The baseline conditions (8.3) also refer to The Landscape Character Assessment of Congleton Borough (1999), but this has not been used as part of the baseline information included with the assessment. Because of these omissions, the landscape officer suggests that the appraisal offers nothing more than a summary of the landscape character of this area. Nevertheless he does broadly agree with the assessment in terms of the significance of effects.

Landscape concerns relate to the density of the development and the proposed mitigation measures that this allows. The proposed Masterplan indicates that the existing wooded spurs and Offley Wood to the south would be retained; however there is little scope for any additional planting within the application site and mitigation appears to be minimal, with hedgerow trees being maintained where possible and the hedgerow to the west of the site to be retained and reinforced. Old Mill lane A543 is one of the main routes into Sandbach and the proposals offer little in terms of enhancement.

This is an outline application and the Masterplan is therefore indicative, but it is considered that a development such as this offers opportunities to create a high quality and robust new landscape framework, including new open spaces, trees, structure planting, hedgerows and other mixed habitats, and particularly attention to design and specification of landscape boundary treatments. The Framework highlights the importance of high quality design that also responds to local character and that reflects the identity of local surroundings, with appropriate landscaping; this is not something that has been achieved in this instance.

## **Trees**

Arboricultural information has been provided in stages throughout the course of the application. The submission now includes a BS 5837:2012 Tree Survey and Arboricultural report / consideration of buffer zones. The stated purpose of the latter document is to provide further information on trees that were surveyed as groups and woodlands during the initial survey in 2011; specifically, to provide accurate root protection areas (RPAs) for woodland boundary trees. The report includes a layout plan for the residential element of the site - plan ST11631-025

As an outline application with only access to be determined at this stage, limited weight must be given to the indicative layouts provided. The full implications of development would only be realised at reserved matters stage, with detailed analysis of tree constraints and issues such as ground modelling. Nevertheless, it is important for the LPA to be satisfied that the site has the capacity to accommodate the scale of development proposed.

Whilst tree cover to the north of the site is limited, the submission does not illustrate how tree constraints impact on the indicative layout for the employment area. The indicative layout would provide limited opportunities for meaningful boundary screen planting to the prominent north and east boundaries of this part of the site.

In respect of the residential layout, at face value it appears that a development could be accommodated whilst generally respecting root protection areas for existing trees. Nevertheless to the south of the site in particular, some plots are shown in positions where it appears they could be dominated and overshadowed by adjacent TPO trees. Such a situation would provide poor private amenity and would be likely to result in threat to the long term retention of the trees. At the reserved matters stage it will be necessary to improve this relationship and it would be desirable to secure an undeveloped buffer to the woodland, outside of residential plots. This could impact on the capacity of the site to accommodate the number of dwellings proposed. It is also noted that the density of the residential development

to the north is high with a layout which would provided limited opportunities for meaning full tree planting.

The arboricultural report places emphasis on the importance of the existing woodland and wildlife corridor, and it is agreed that it would benefit from active management. However, the reports go no further in this regard, and do not explain how or even if this will be achieved.

The Forestry Officer has reservations that the site can accommodate the scale of development proposed without compromising existing trees and meeting good design principles. However, should the application be approved then the reserved matters will need to be supported by a comprehensive tree survey, Arboricultural Impact assessment, Arboricultural Method Statement, tree protection measures and full details of proposed levels. In addition it should provide a robust mechanism to secure the long term retention and management of retained trees and woodland, together with a new strategic landscape structure with significant additional tree planting and ongoing management provision.

### **Hedgerows**

A Hedgerow Regulations 1997 Assessment has not been undertaken as the hedgerows are species poor as confirmed by the Phase 1 Habitat Survey undertaken as part of the EIA, whilst the cultural heritage chapter of the EIA identifies the impact on the historical value of the hedgerows within development as being only moderate.

## **ECOLOGY**

The nature conservation officer has commented on the application and provides the following comments:

### **Arclid Brook Local Wildlife Site and Sandbach Wildlife Corridor**

The proposed development is located immediately adjacent to the Arclid Brook local wildlife site and the Sandbach wildlife corridor.

I advise that the proposed development will not result in the direct loss of habitat within either the wildlife corridor or the local wildlife site. However the proposed development has the potential to have an adverse impact upon these two designated sites in a number of well evidenced ways:

- The tipping of garden waste from adjacent residential properties.
- Direct loss of habitat due to the unauthorised extension of gardens into the woodlands.
- The introduction of non-native invasive species from adjacent gardens.
- Contamination resulting from garden pesticides and herbicides.
- Disturbance associated increased public access.
- Disturbance associated with increased road traffic.
- Increased predation from domestic cats.
- Light pollution.
- Disturbance impacts occurring during the construction phase.
- Pruning of trees due to issues of shading.

The submitted Environmental Statement initially prescribed a 2m buffer from the edge of the woodland habitats. The submitted indicative layout plan also shows residential gardens

backing onto the woodland and also access roads in close proximity to the woodlands forming the wildlife corridor and local wildlife site. The proposed development as indicated by the submitted illustrative master plan therefore had the potential to have an adverse impact upon both the wildlife corridor and the SBI in the ways described above.

The nature conservation officer advised that an undeveloped buffer zone of 15m, consisting of semi natural habitats/informal open space would be more likely to address the potential adverse impact of the development upon the Wildlife Corridor and Local Wildlife Site. Additionally, it was recommended that the layout should avoid residential properties backing onto the wildlife corridor. The creation of an “appropriate undeveloped buffer zone” is stated in the emerging plan as one of the site specific principles for development.

Considerable discussions have taken place with the applicants regarding the suggested buffer zones, and a revised indicative plan has been submitted. As part of these discussions the nature conservation officer identified a recommended buffer zone on a plan.

In respect of the various ‘buffers’ proposed adjacent to the Sandbach Wildlife Corridor the revised indicative plan is an improvement over the original layout. However, the indicative layout does still show a number of residential properties backing immediately onto the woodland which forms wildlife corridor. In accordance with nature conservation officer’s initial consultation response, he advises that this arrangement is likely to have an adverse impact upon the wildlife corridor.

In order to ensure appropriate ecological buffer zones are incorporated into the detailed design of this development, the nature conservation recommends that if outline consent is granted, a condition should be attached to ensure that appropriate buffer zones are incorporated in accordance with his written specification.

### **Buffer zone specification**

#### Section A (southern most section of corridor)

In this section the development would be adjacent to the core area of the wildlife corridor. A 15m buffer should be provided along this section to safeguard the wildlife corridor and reduce issues associated with trees shading the proposed dwellings. The buffer should be measured from the point where the land levels off at the top of the slope. The buffer should be of informal open space and include an element of woodland edge planting. A footpath within the buffer would be acceptable. Any properties adjacent to the buffer should face rather than back onto it.

#### Sections B and D (projecting fingers of corridor)

In these two woodland spur sections an undeveloped buffer should be provided which is in accordance with the root protection area and crown spreads of the woodland trees or a minimum 5m depending which is the greater. No properties should be located adjacent to this undeveloped buffer, but an access road, footpath, open space or similar located outside and adjacent to the buffer would be acceptable. If the buffer is located adjacent to an access road or footpath it would be acceptable for the buffer to consist of a lightly managed grass verge.



### Section C (central section)

In this section the development would be adjacent to the core area of the wildlife corridor. This is the narrowest section of the wildlife corridor. A 20m deep area of woodland planting should be provided in this section to ensure adequate protection for the woodland core woodland to provide screening for the development.

### Section E (eastern section of corridor)

This section of the Wildlife Corridor is designated as a Local Wildlife Site (formally known in Cheshire as Sites of Biological Importance) and forms an integral part of the wildlife corridor. The buffer here should consist of either:

- 1) Where trees are present a 5m buffer measured from the root protection area (or canopy) of the trees on the woodland edge or
- 2) Where no trees are present a minimum 5m buffer should be provided measured from the application site boundary.

The buffer should be of semi-natural grassland habitats to compliment the adjacent Local Wildlife Site.

### General Specification

There should be no change to the existing levels within any of the buffer areas. It is also suggested that a footpath link be provided along the southern boundary of the development to run between the wildlife corridor and the harder elements of the proposed development.

The buffer zone indicated above will have implications on the total numbers of dwellings that can be achieved on the site.

### **Otter and water vole**

No evidence of these species was recorded and as such are unlikely to be affected by the proposed development.

### **Great Crested Newts**

No evidence of this species was recorded during the submitted survey and as such are unlikely to be present or affected by the proposed development.

### **Breeding Birds**

A number of Biodiversity Action Plan priority species have been recorded on site. These species are a material consideration for planning. The site, which includes the adjacent wildlife corridor and local wildlife site is considered to be of value in the local context for breeding birds. The submitted Environmental Statement identifies the adverse impact of the proposals on breeding birds as being moderate due to increased disturbance of the adjacent woodland and displacement of declining farmland and woodland birds.

It is considered that the increased undeveloped buffer as described above would assist in mitigating the adverse impacts of the proposals on breeding birds, however there is still likely to be a residual impact on breeding birds associated with the proposed development.

### **Bats**

A high level of bat activity was recorded on site. This is mainly associated with the edge of the woodlands located in the southern half of the site. Whilst woodland habitats will be retained, the close proximity of the proposed development may have an adverse impact upon

bat foraging activity if artificial lighting is required. The potential impact of the proposed development upon foraging and commuting bats associated with the wildlife corridor would be reduced through the increased size of the undeveloped buffer as described above. The impact could also be mitigated further through the careful design of the lighting scheme for the development. The submission of a lighting scheme could be made the subject of a condition if consent were granted.

### **Badgers**

Significant evidence of badger activity was recorded during the submitted survey. The activity is mostly within the retained woodlands to the south of the site. Three setts have been identified, however these were found to be disused when the latest surveys were completed. Therefore, whilst the proposed development will result in the loss of some available badger foraging habitat this is not likely to have a substantial adverse impact upon the local badger population.

## **LAYOUT & DESIGN**

With all matters reserved for subsequent approval except for strategic means of access, only an illustrative layout has been submitted. This illustrative layout has been amended during the course of the application to allow for changes to the proposed site access. The illustrative layout shows the provision of 247 dwellings.

Paragraph 64 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Consequently, the following matters will need to be considered as part of any reserved matters application.

### **Employment / mixed use**

The edge along the slip road frontage is very hard, a more “balanced” edge is needed with landscape softening the impact of buildings. The quality of the buildings on this frontage will be important to the scheme and the environmental character of the area. It is the scheme’s shop window but also the doormat of Sandbach and Cheshire East from the vantage point of the motorway. Strong focal buildings are needed on the corners.

### **Housing**

The Old Mill Road frontage needs landscape reinforcement to retain the essence of its green character beyond the site entrance, a softened profile to housing but where landscape is still a dominant characteristic. Similarly the gateway into the site needs to be appropriately scaled and landscaped to help waymark the scheme but also set a positive gateway context. The relationship to existing tree groupings needs to be positive, responding to both design and ecological considerations. In this regard it is questioned whether 250 units can be achieved and deliver a character of housing appropriate to the site and its wider context.

The emerging local plan allocates the provision of “up to 200 new homes to the south of the site”. The proposed dwellings are to the north of the strategic site, and there is an extant consent for 50 dwellings already on land to the south of the site adjacent to Hawthorne Drive. The proposal would therefore not accord with the emerging strategy in this regard.

The housing as submitted on the indicative layout is not ideal due to the density, character, impact on wildlife corridor, and lack of opportunities for landscaping. A lower density would better suit the site's position and character and provide greater opportunity to retain landscaping as the dominant characteristic. The options would therefore be to reassess the mix of housing, providing smaller units to provide more space across the site, or reduce the number of houses. Both of these options would inevitably impact upon the viability of the development. In addition, the housing mix outlined in the viability information identifies the open market housing to be all 3, 4 or 5 bed properties, and the affordable units to be all 2 bed properties. Such an approach cannot be considered to provide tenure blind affordable units, nor are the units shown to be pepper potted across the site on the indicative layout.

### **Integration between uses**

Previously, whilst the main access into the site potentially created quite a significant barrier, there was still the opportunity to align this route with positive frontage on both sides, and with the benefit of a positive approach to pedestrians there was real capacity to genuinely link the employment and residential elements of the scheme, to create genuine cohesion, which would be a key attribute of the proposal.

Since the inclusion of the access for the business park from the J17 roundabout it seems that in accommodating this it has resulted in a very disconnected development with the housing turning its back on the employment area and no apparent pedestrian or vehicular connectivity between the two. There should be direct and attractive connections between uses, and this is not evident on the indicative layout.

### **Integration between application site and remainder of the strategic site**

It is also unfortunate that the wider masterplan provided in the Design & Access Statement clearly illustrates how poorly connected the first phase of the Capricorn site will be from the remainder of the site. It will sit as an enclave, set apart from the rest of the site. The existing landscaping has to be a strong feature within the scheme but there is a strong indication in this masterplan that the sites will largely be divorced from one another. Given that this future part of the site is intended to provide many of the local community facilities this is a little worrying, a weakness even, when the emerging local plan sees this as a single site, albeit with a strong landscape infrastructure.

### **Integration with the wider town and town centre**

There are no real proposals to link both the residential and mixed use elements to the wider area and the town centre. Are there proposals to improve pedestrian connectivity, over and above those originally intended with the access into the whole scheme of Old Mill Road, opposite Congleton Road. Separating the vehicular access from the nodal point at Congleton Road presents an opportunity to significantly enhance pedestrian and cyclist facilities and present a more positive gateway into the town. A high quality gateway space could also be designed into the scheme, particularly for the benefit of pedestrians.

### **Gateway/landmark character**

Whilst it is inevitable that development will have an urbanising effect and the nature of the present gateway will change, there is a danger that a very hard urban character will be established, particularly given the junction improvements to J17 and the access proposals for the site on Old Mill Road. This could drastically impact upon impressions of Sandbach as an historic market town.

Therefore, considerable attention will need to be paid to the likely impressions arising from this development, allied to its strategic importance as a gateway into Sandbach; but also more widely, for visitors heading to Crewe, to the east toward Congleton and Macclesfield and so for Cheshire East more generally. This site is a real opportunity to showcase the future aspirations of Cheshire East as a place: open for business but a place where high quality and sustainable design are essential. Many thousands of people will pass this site every day, and many will be entering the Borough at this point. What impression will the development have upon them? The reserved matters will need to ensure that the site will not feature ordinary and uninspiring design, particularly when coupled with the dominance of vehicles imposed by the road infrastructure.

## **AMENITY**

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site are reserved matters and it is considered that the dwellings could be accommodated on the site, whilst maintaining these distances between the proposed dwellings within the new estate and adequate amenity space could be provided for each new dwelling. No further significant amenity issues are raised at this stage.

The commercial aspects of the development can similarly be determined at the reserved matters stage to ensure amenity is safeguarded accordingly.

## **FLOODING**

The Environment Agency has no objection in principle to the proposed development but do advise that the discharge of surface water from the proposed development should mimic that which discharges from the existing site. As recommended in the Flood Risk Assessment (FRA) contained within Chapter 15 of the Environmental Statement infiltration tests should be undertaken to confirm the feasibility of such an approach for the disposal of surface water and rates.

In the event that disposal of surface water via infiltration is not shown to be appropriate, and in accordance with Building Regulations Approved Document H, discharge to watercourse should be considered. If a single rate of discharge is proposed, this is to be the mean annual runoff ( $Q_{bar}$ ) from the existing undeveloped greenfield site.

For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

The FRA suggests a series of below ground tanks for the attenuation of surface water from the residential element of the development. However, the discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. We

would therefore recommend that consideration be given to the provision of SuDS features (either above or below ground) at the detailed design stage.

No flood risk objections are therefore raised subject to conditions relating to surface water runoff and the management of risk of flooding from overland flow of surface water.

## **OPEN SPACE**

Paragraph 73 of the Framework places an emphasis on the need to provide high quality open spaces and opportunities for sport and recreation as they can make an important contribution to the health and well-being of communities.

Policy GR22 of the Local Plan and SPG1: Provision of Public Open Space in New Residential Development require the provision of Public Open Space. Policy GR22 requires that this public open space is of *'an extent, quality, design and location in accordance with the Borough Council's currently adopted standards and having regard to existing levels of provision'*. SPG1 states that *'the requirement for public open space will normally apply to all developments of 7 or more dwellings'*. The Interim Policy Guidance on Public Open Space Provision provides details in relation to the level and types of provision which will be required for the development.

The Cheshire East Open Space Assessment (March 2012) identifies that there are no allotments within the Sandbach area and a very limited provision of children's play provision.

The emerging local plan states that a multi use games area and an equipped children's play space should be provided on this Strategic Site.

The Parks Management Officer (Streetscape) has commented on the application and calculated the open space requirements for the site in accordance with the advice, standards and formulae contained in the Congleton Borough Council Interim Policy Note on "POS Provision for New Residential Development" 2008. This has identified a deficit of Amenity Greenspace provision and Children and Young Persons provision.

The Policy Note provides for (1) amenity greenspace (AGS) and (2) children's play provision, other land typologies such as woodland, wildlife or semi natural areas are not a standard requirement therefore these areas go beyond policy requirements however, they are considered beneficial for the ecology, diversity, aesthetics and openness of the site.

### **Amenity Greenspace (AGS)**

Having regard to the amount of accessible AGS within 800m of the site and the existing number of houses that use it, 250 new dwellings will generate a need for 6,000 sqm new AGS within the site. In the absence of a housing schedule the amount of Public Open Space that would be expected in respect of the new population is based on 2.4 persons per dwelling.

Amenity greenspace is shown on the indicative layout in three areas. One at either end of the existing public footpath adjacent to the boundary with Old Mill Lane, and a third to the south of the employment area adjacent to the wildlife corridor.

As this is an outline application and the layout is indicative, no specific details are available of size of areas or landscaping therefore figures are not able to be calculated at this stage and will be offered at the reserved matters application.

This development borders Sandbach Wildlife/Green corridor which includes the river Wheelock with densely planted woodland and shrubberies, and it is most welcomed that the developer has recognised the importance of this area as a local amenity.

The proposed green Infrastructure will include the retention of existing green corridors and new additional planting throughout the development. All these areas, including any additional buffer planting, should be considered in some depth in light of future maintenance implications, planting distances in relation to buildings, and species type of trees. For liabilities and maintenance implications Streetscape would look to a residents' management company or other competent body.

Although the green corridor does not fall under the definition of 'amenity greenspace' it could potentially mitigate some of AGS through negotiation. However some formal green/kick-about areas with natural surveillance are also required in accordance with policy. Indeed, improving access to the green corridors whilst protecting and enhancing the Site of Biological Importance, watercourse and wildlife corridor are identified as specific principles for the development of the Strategic Site.

The Planning Support Statement regarding open space shows a plan indicating 'strategic/public open space' within close proximity of the development, however this may or may not evolve and is outside the actual application site.

### **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 by over 2 play facilities, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons provision.

Consequently there is a requirement for new on site Children and Young Persons provision to meet the future needs arising from the development and a one larger on site facility would be preferred. This should be a NEAP facility provided by the developer containing at least 8 items of equipment and would take into account all ages of play, items including elements of DDA inclusive equipment, infrastructure and appropriate safer surfacing. Landscaping should be kept to a minimum to ensure the best natural surveillance possible. Consideration should also be given to the design in respect of minimising future maintenance costs.

Due to the complex management required for play facilities, Streetscape considers the Council has the best competencies required to carry out effective maintenance to protect these community facilities. If however, the decision is made to transfer the play facilities to a residents management company then a full maintenance plan should be submitted prior to commencement of any works.

Based on 250 dwellings providing the NEAP standard play area is provided by the developer on site, a commuted sum 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 calculated as follows:

No. of Dwellings X No. of Beds = \*\*\* X £298.50 = £\*\*\*

The open space requirements outlined above will have will have implications on the total numbers of dwellings that can be achieved on the site. Together with any required financial contributions this will also impact upon the viability of the scheme.

## **EDUCATION**

250 dwellings are expected to generate 45 primary aged children and 33 secondary aged children.

### **Primary**

The local primary schools are forecast to be cumulatively oversubscribed. Contributions are being sought from other developments in the town on a per pupil basis. Therefore a contribution of £488,083 will be required to accommodate the pupils of this age to be generated.

### **Secondary**

The local secondary schools are forecast to be cumulatively oversubscribed (excluding 6<sup>th</sup> forms) and contributions towards secondary provision are now being sought from developers on a per pupil basis. Therefore a contribution of £539,309 will be required to accommodate the pupils of this age to be generated.

## **ARCHAEOLOGY**

The application is supported by and archaeological and cultural heritage study which is contained in Chapter 11 of the Environmental Statement. The report notes that there are currently no designated or undesignated Heritage Assets within the application site but there are a number of potential areas of interest, which merit further investigation and recording. These include the arm of an enclosure adjacent to Old Mill Road, a number of features that may be associated with a kiln (probably a post-medieval brick kiln), an area of ridge and furrow, and the boundary separating the two northern fields which appears on the Tithe map and will be destroyed by the development.

These features will require a programme of archaeological mitigation, which should consist of targeted trial trenching followed by further investigation if anything of significance is found. The mitigation should be accompanied by a programme of supervised metal detecting and a report on the work will need to be produced. The mitigation may be secured by condition.

## **AGRICULTURAL LAND**

Paragraph 112 of the Framework states that Local Planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land.

Where significant development of agricultural land is necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The proposal does involve the loss of some grade 2 agricultural land, which is some of the best and most versatile, as well as some grade 4 (poor quality).

However, Inspectors have previously considered the need for housing land supply outweighs the loss of agricultural land. It is also considered that the potential economic benefits, including job creation, of the proposal also outweigh the loss of agricultural land in this case.

## **VIABILITY**

Paragraph 173 of the Framework advises that; pursuing sustainable development requires careful attention to viability. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

The applicant has stated that affordable housing requirements, and other required contributions impact upon the scheme's viability to an unacceptable degree, given the associated infrastructure costs for a major access road and junction, and associated utility and drainage provision. Similarly, the latest indicative layout that now shows 247 dwellings is the minimum required to ensure the viability of the scheme.

The applicant has submitted a viability report, which is currently being considered by an independent consultant on behalf of the Council. The findings and implications of this will be reported to Members as an update.

## **HEADS OF TERMS**

The proposed heads of terms cannot be confirmed until the viability issues are resolved. If the application is approved a Section 106 Agreement will be required, and should include:

- Education contributions
- Provision of open space
- The provision of a LEAP facility
- Management details for the maintenance of all amenity greenspace / public open space, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming private gardens or part of the adopted highway in perpetuity.
- Provision of affordable housing with appropriate tenure split
- Phasing of affordable housing
- Contributions towards improvements on the local highway network (including crossing facilities for Old Mill Road)

## **Community Infrastructure Levy (CIL) Regulations**

An assessment of the requirements of the s106 agreement against the Community Infrastructure Levy (CIL) Regulations 2010 will be undertaken in an update report once the viability matter is resolved and the appropriate level of contributions is confirmed



## CONCLUSIONS AND REASON(S) FOR THE DECISION

The site is located within mainly within the Settlement Zone of Sandbach, with a small proportion located within the Open Countryside. The site has long been associated with, and allocated for, employment uses, however previous permissions have expired and relevant local plan policies have not been saved.

The site is intended to serve as major employment site for Sandbach being identified in the emerging local plan for the provision of up to 20ha of employment land. It is accepted that in order to bring the employment uses forward an amount of residential development is required to fund the necessary road and infrastructure for the employment site. Due to the extent of these works identified by the applicant a viability assessment has been submitted.

The development is acceptable in principle subject to the full appraisal of the viability assessment. There are, however, some concerns in respect of housing density. The outcome of the viability appraisal, as well as confirming the level of infrastructure that can be provided, will help inform whether the housing mix on the site needs to be re-assessed and whether the housing density as proposed is justified.

Whilst the independent appraisal on the viability report is awaited, the application is recommended for approval subject to the broad heads of terms above and the following conditions. The impact of the viability assessment upon the development and the recommendation will be provided in an update.

**RECOMMENDATION:** Approve subject to a Section 106 Agreement and the following conditions

1. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A03OP - Time limit for submission of reserved matters
4. A06OP - Commencement of development
5. A01AP - Development in accord with approved plans
6. A22GR - Protection from noise during construction (hours of construction)
7. A32HA - Submission of construction method statement
8. A08OP - Ground levels to be submitted with reserved matters application
9. A19MC - Refuse storage facilities to be approved
10. Environmental Management Plan to be submitted
11. Details of external lighting to be submitted
12. Updated contaminated land Phase II report to be submitted
13. Noise mitigation details to be submitted with reserved matters
14. Submission of residential and business travel plans
15. Energy from decentralised and renewable or low-carbon energy sources

16. Scheme to limit the surface water runoff to be submitted
17. Scheme to manage the risk of flooding from overland flow of surface water
18. Scheme to dispose of foul and surface water to be submitted
19. Wildlife corridor buffer zone
20. Site to be drained on a separate system
21. Provision of electric car charging points
22. Reserved matters application to incorporate public right of way routes
23. Provision for pedestrians and cyclists
24. Submission of arboricultural details
25. Written scheme of archaeological investigation to be submitted
26. Hedgerow retention and enhancement



DRAWING IS THE INTELLECTUAL COPYRIGHT OF 12/23  
ARCHITECTURE DESIGN LTD. AND SHOULD NOT BE  
REPRODUCED WITHOUT PRIOR CONSENT.  
ANY ALTERATIONS SHOULD BE REPORTED TO THE  
ARCHITECTS IMMEDIATELY.  
DRAWING CONSULTATION SHOULD NOT BE USED FOR ANY  
OTHER PURPOSES THAN THAT FOR WHICH IT WAS  
DESIGNED. IT IS THE RESPONSIBILITY OF THE USER  
TO OBTAIN ALL NECESSARY INFORMATION  
AND TO OBTAIN ALL NECESSARY INFORMATION  
ON ANY INCOMPLETE INFORMATION.



12/23  
Architecture Design  
LTD.

12/23  
Architecture Design  
LTD.

12/23  
Architecture Design  
LTD.



12/23  
Architecture Design  
LTD.

12/23  
Architecture Design  
LTD.

12/23  
Architecture Design  
LTD.