

Application No: 13/2389C

Location: Land South of, Old Mill Road, Sandbach

Proposal: Outline Planning Application for up to 200 Residential Dwellings, Open Space and New Access off the A534/A533 Roundabout at Land South of Old Mill Road

Applicant: Muller Property Group

Expiry Date: 06-Sep-2013

## **SUMMARY RECOMMENDATION**

**Minded to Refuse**

### **MAIN ISSUES**

**Impact of the development on:-**

- Main issues
- Policy position
- Housing land Supply
- Landscape
- Highway Implications
- Amenity
- Air Quality
- Noise
- Trees and Hedgerows
- Public Open Space
- PROW
- Affordable Housing
- Design
- Ecology
- Flood Risk and Drainage
- Archaeology
- Loss of Agricultural Land
- Education
- Health
- Planning Balance

## **REASON FOR REFERRAL**

This application is referred to the Strategic Planning Board as it relates to a departure to the Congleton Borough Local Plan and the application is accompanied by an Environmental Statement.

### **1. DESCRIPTION OF SITE AND CONTEXT**

The application relates to 9.2 ha of land, located within the open countryside as defined by the Congleton Borough Local Plan. Part of the site is also located within a wildlife corridor and is subject to Policy NR4.

The site is split into three parcels of land. The main part comprises Fields Farm and the surrounding agricultural land. This is located to the east of the A534 and to the west of residential properties that front onto Palmer Road, Condliffe Close and Laurel Close. The site has uneven land levels which rise towards the residential properties to the west. The site includes a number of hedgerows and trees which cross the site. To the north of the site is a small brook and part of the site to the north is identified as an area of flood risk.

The second and third parcels of land are located to the west of the A534 and comprise agricultural land which is bound by hedgerows and trees.

### **2. DETAILS OF PROPOSAL**

This is an outline application with all matter reserved apart from access.

The development relates to a residential development of 200 dwellings (this has been reduced from 250 dwellings following negotiations with the applicant). The dwellings types would be a mix of 1-4 bed dwellings and would include 30% affordable housing. Public open space would also be provided on the application site.

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

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

The application is accompanied by an Environmental Statement.

**An appeal has been lodged for the non-determination of this application. Therefore this report is to consider how the Council would have been minded to determine the application.**

### **3. RELEVANT HISTORY**

14/1193C - Outline planning application for up to 200 residential dwellings, open space and new access off the A534/A533 roundabout at land South of Old Mill Road, Sandbach – Application under consideration

13/2767S – EIA Scoping – Decision Letter issued 7<sup>th</sup> August 2013

13/1398S – EIA Screening – EIA Required

12/3329C - Mixed-Use Retail, Employment and Leisure Development – Refused 6<sup>th</sup> December 2012. Appeal Lodged. Appeal Withdrawn

The reasons for refusal for application 12/3329C were as follows:

1. *The proposed development relates to an out-of-centre retail development which fails to satisfy the sequential test and does not satisfy the retail impact test of the NPPF (Para's 24 & 26) and Policy S2 (Shopping and Commercial Development Outside Town Centres). The proposed development is not considered to be sustainable development and would have a significant adverse impact upon Sandbach in terms of the impact upon the vitality and viability of the town centre. The proposed development is therefore not sustainable development and contrary to the guidance contained within the NPPF and Policies S2 (Shopping and Commercial Development Outside Town Centres) of the Congleton Borough Local Plan First Review (2005) which seek to promote competitive town centre environments.*
2. *The proposed access and improvements at the Old Mill Roundabout and the junction of The Hill/High Street/Old Mill Road would not mitigate the impact of the proposed development which is reliant on car borne trade. The development would result in increased congestion at these junctions which are already at capacity. As a result the transport impact of the development would be severe and the development is not considered to be sustainable development. The proposal is contrary to the NPPF and Policies GR9 (Accessibility, Servicing and Parking Provision) and GR18 (Traffic Generation) of the Congleton Borough Local Plan First Review (2005) which seek to maximise sustainable transport solutions.*
3. *Part of the application site is located within the Sandbach Wildlife Corridor and the proposed development would result in a significant loss of habitat within the wildlife corridor. The proposed development does not include any details mitigation to off-set this impact and as a result, the proposed development does not conserve and enhance biodiversity. Therefore the proposal would not be sustainable and would be contrary to the NPPF and Policy NR4 (Non-statutory sites) of the Congleton Borough Local Plan First Review (2005).*
4. *The Local Planning Authority considers that insufficient information has been submitted with this application in relation to the impact upon air quality, noise and odour. Without these assessments it is not possible to fully assess the impact of the development upon surrounding residential properties and as a result there is a potential detrimental impact upon residential amenity. Therefore the proposal is contrary to the NPPF and Policies GR1 (New Development) and GR6 (Amenity and Health) of the Congleton Borough Local Plan First Review (2005) which seek to contribute to conserve and enhance the natural environment and reduce pollution and protect residential amenity.*
5. *The proposed development is an inappropriate form of development within the open countryside. The development would not preserve the openness of the countryside and maintain or enhance its local character. Therefore the proposal would not be sustainable development and would be contrary to the provisions of Policies PS3 and PS8 of the adopted Congleton Borough Local Plan First Review and the NPPF which*

*states that planning should recognise the intrinsic character and beauty of the countryside.*

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

Following the refusal of the retail application additional information was submitted to address the reasons for refusal numbered 3 (wildlife corridor) and 4 (noise, air quality, odour). In response to the additional information an update report which was considered by the Cheshire East Strategic Planning Board on 22<sup>nd</sup> May 2013 and it was resolved to '*withdraw reasons for refusal 3 & 4 and to instruct the Development Management and Building Control Manager not to contest the issue at the forthcoming Appeal*'. The appeal was withdrawn before the public inquiry was heard.

#### **4. POLICIES**

##### **Local Plan policy**

PS3 – Settlement Hierarchy  
PS4 – Towns  
PS8 – Open Countryside  
GR1- New Development  
GR2 – Design  
GR4 – Landscaping  
GR5 – Landscaping  
GR6 – Amenity and Health  
GR7 – Amenity and Health  
GR9 - Accessibility, servicing and provision of parking  
GR10 - Accessibility, servicing and provision of parking  
GR13 – Public Transport Measures  
GR14 - Cycling Measures  
GR15 - Pedestrian Measures  
GR16 - Footpaths Bridleway and Cycleway Networks  
GR17 - Car parking  
GR18 - Traffic Generation  
GR21- Flood Prevention  
NR1 - Trees and Woodland  
NR3 – Habitats  
NR4 - Non-statutory sites  
NR5 – Habitats  
H2 - Provision of New Housing Development  
H6 - Residential Development in the Open countryside  
H13 - Affordable Housing and low cost housing

##### **National Policy**

National Planning Policy Framework

##### **Other Considerations**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Community Infrastructure Levy (CIL) Regulations 2010  
SPD 4 Sustainable Development  
Sandbach Town Strategy  
Cheshire East Development Strategy  
Core Strategy Pre-submission Document

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

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
CO1 Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 6 – Green Infrastructure  
SE 8 – Renewable and Low Carbon Energy  
SE 9 – Energy Efficient Development  
SE 13 Flood Risk and Water Management  
IN1 – Infrastructure  
IN2 – Developer Contributions

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

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

- A scheme for surface water drainage including plans to store runoff from the 100 year storm event
- A scheme for detailed designs for compensatory flood storage
- Detailed design of any culvert which may be required
- Provision of a 8 metre undeveloped buffer zone along the water course
- Water Vole mitigation measures
- Protected species survey to be submitted prior to the commencement of development
- The development shall proceed in accordance with the ecological method statement

**United Utilities:** No objection subject to the following:

- No construction over the public sewer which crosses the site. An access strip of 6m is required (3m either side)
- The site must be drained on a separate system in full accordance with the submitted FRA

**Strategic Highways Manager:** In highway terms it is clear from capacity tests undertaken that leaving the current infrastructure in place and without this development would still result in longer delays and increased congestion due to general traffic growth and already committed developments within Sandbach. Therefore, it is important that the A534 Old Mill Road operates as efficiently as possible and it is for this reason that the recommendation is for the CEC improvement scheme be introduced that will improve capacity not only for this development but for the existing road users.

A detailed estimate of the CEC improvement scheme has been undertaken and an overall cost of the scheme is 1.5m, the funding of the improvements is likely to be spread over a number of current development proposals. In regard to this particular development the applicant has offered to provide a contribution of £120,000 towards the improvement scheme and although the roundabout provides access to the site this application would also provide the construction of the larger roundabout.

Subject to the financial contribution being agreed the Strategic Highways Manager would not recommend a traffic impact reason for refusal on this application.

**Environmental Health:** Conditions suggested in relation to hours of construction, piling, environmental management plan, noise mitigation, a travel plan, electric vehicle infrastructure, dust control, contaminated land and an informative in relation to contaminated land.

**Natural England:** The proposal does not appear to affect any statutorily protected sites. For advice on protected species reference should be made to the Natural England standing advice, concern over the supporting bat surveys.

**Public Rights of Way:** The development has the potential to affect Public Footpaths Sandbach Nos. 17, 19, 18 and 50, as recorded on the Definitive Map of Public Rights of Way. Although it is recognised that this is an Outline application and that any changes to the Public Rights of Way network will be dealt as part of the Reserved Matters application. Any footpath diversions/creations or extinguishments must be agreed and approved by the PROW unit. An informative is suggested to be attached to any approval.

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

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

**Housing:** 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 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 Choice based lettings 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 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 applicants are offering 30% of the total dwellings as affordable with the tenure split of the affordable dwellings being 65% affordable rented and 35% intermediate.

The applicants affordable housing statement provides details of a proposed mix of affordable housing as a starting point with the mix being –

- 1 beds – 30% of the affordable dwellings, with 25% being rented and 5% intermediate
- 2 beds – 55% of the affordable dwellings, with 30% being rented and 25% intermediate
- 3 beds – 10% of the affordable dwellings with 5% being rented and 5% intermediate

4 beds – 5% of the affordable dwellings all as rented.

This proposed mix seems acceptable, with the exception of the intermediate 1 bed properties as there may be some difficulties in respect of the market for them. As this is an outline application the housing officer would not want the affordable unit types set at this stage and would rather they were agreed at the reserved matters stage to ensure the appropriate type of affordable housing is provided to meet the need at that time.

**Cheshire Fire and Rescue:** Access and facilities for fire services should be in accordance with Building Regulations. The applicant is advised to submit details of the water main installations in order that fire hydrant requirements can be assessed. A fire risk assessment should be undertaken for the construction phase of the development. Consideration should be given to the design of refuse stores and the fire service recommends the fitting of domestic sprinklers.

**Public Open Space:** There is a need for new on site amenity greenspace to meet the future needs arising from the development and based on the policy of 2.4 average bedrooms/persons per dwelling. This equates to 6,000sq.m. It should be noted that if the number of bedrooms change, new calculations would need to be made. It is understood that a substantial amount of amenity greenspace is to be provided. As this is an outline application, no 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.

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

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

Three designs should be sought from three different play companies with specifications and full plans must be submitted to the Council at the reserved matters application stage. Streetscape will evaluate the designs and recommend the preferred design. The design should be approved, in writing prior to the commencement of any works. It is also requested that landscaping is 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.

Alternatively the POS Officer is willing to negotiate a smaller LEAP facility on site containing at least 5 items of equipment with the additional provision going towards a play area within 800m of the development site with appropriate commuted sums for maintenance. The nearest easily accessible play facility which is deficient in both quantity and quality is located off Mortimer Drive/Hassall Road.



The Council will consider adopting the play facility and surrounding amenity greenspace subject to detailed plans, but is unable to calculate a commuted sum for maintenance at this outline application stage.

**Education:** Originally stated that *'250 dwellings are expected to generate 45 primary aged children and 33 secondary aged children.'*

*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.*

*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'*

It should be noted that this consultation response is based on 250 dwellings and the scheme has now been reduced to 200 dwellings. An updated calculation of the contributions has been provided following the reduction in the number of units proposed and this shows that the following contribution will be required:

- £390,466 for primary
- £424,909 for secondary

**Congleton Ramblers:** Object to the proposed development on the grounds that:

- The development takes no account of PROW. It would possibly affect a number of footpaths, including but not necessarily limited to Sandbach FP 17, FP 18, FP 19, FP 38 and FP 50.
- The application proposes to develop land, which in conjunction with the PROW network, canal towpath, Salt Line and Wheelock Rail Trail, give a wide range of rural pedestrian access to the centre of Sandbach, not only for shopping, but also for social activities throughout the day. Development of the land on this scale and of this nature would irrevocably change the nature of Sandbach, and its accessibility for pedestrians from outlying areas

**Sustrans:** If this land use is approved by the local community and the council's planning committee Sustrans would like to make the following comments:

- The A534 is a significant barrier for pedestrian/cycle movement. If a toucan crossing is to be provided on one arm only of the roundabout, we would like to see the design show how cyclists in particular will rejoin the carriageway of Old Mill Road, when travelling to the town centre/railway station.
- There should be at least another access for pedestrians/cyclists to the site away from motor traffic such as via Houdings Lane.
- Sustrans would like to see a site of this size make a contribution to the adjacent pedestrian/cycle network. For example can the site be connected by a greenway alongside the A534 to the Salt Line National Cycle Network Route5? Can it help solve the A534 crossing problem on the Salt Line where users are invited to cross a main A road with no assistance?
- The design of any smaller properties should include storage areas for residents' buggies/cycles.

- The design of the estate roads should restrict vehicle speeds to less than 20mph.
- Sustrans would like to see travel planning with targets and monitoring for the site.

## **6. VIEWS OF THE PARISH COUNCIL**

Object to the application as the site is Greenfield and not included within the emerging Local Plan. STC's desired housing requirement for the town is allocated within the plan and, as such, this application goes against the stated housing number and the stated Policy of STC. In addition, the site will increase traffic congestion in an area with existing traffic issues.

## **7. OTHER REPRESENTATIONS**

Letters of objection have been received from 33 households raising the following points;

### Principal of Development

- The proposal is speculative
- There is no need for more housing in Sandbach
- The exact same reasons for the retail park refusal should be applied to this development
- The amount of development in Sandbach is not acceptable
- Inappropriate location
- The loss of Green Belt
- The development is not needed or wanted
- The development does not respect the historic market town
- The number of housing applications is disproportionate to the size of Sandbach
- Loss of countryside
- The site is not identified within the current Local Plan
- There are plenty of brownfield sites which should be used first
- Loss of agricultural land
- The site is not identified within the Local Plan
- The development would have a negative impact upon the Town Centre
- There are no jobs in Sandbach

### Design issues

- The development is out of character
- The density of the development is not acceptable

### Infrastructure

- Impact upon schools
- Impact upon medical infrastructure

### Highways

- Increased traffic congestion
- The proposed alterations between the Old Mill Road roundabout and Junction 17 would only make the problems worse
- Increased traffic
- Pedestrian safety
- Traffic is already a problem at this roundabout
- Highway safety
- Existing problems at Junction 17 of the M6

#### Amenity

- Increased pollution – air quality
- Impact upon living conditions
- Loss of light
- Loss of outlook
- Loss of privacy
- Noise pollution
- Increased Nitrogen Dioxide pollution
- Light pollution

#### Green issues

- Landscape impact
- Loss of trees on the site
- Impact upon wildlife
- Impact upon the wildlife corridor
- Impact upon protected species
- Bats are located on the site

#### Other issues

- Increased drainage problems
- Flooding
- Archaeological interest on the Old Mill site
- Impact upon the PROW
- Difficulty in selling existing dwellings in Sandbach
- Impact upon property value

One letter of support has been received raising the following points:

- Sustainable location in close proximity to the Town Centre and facilities
- The only concern is over the access improvements

An objection has been received from HIMOR (Land) Ltd and is summarised as follows

- The development is situated within the Sandbach Wildlife Corridor, as was the previous proposal, which was refused due to the loss of this habitat contrary to the NPPF and Policy NR4 of the Congleton Local Plan. Therefore the current application should be refused on the same grounds.
- There are a considerable number of surveys absent from the supporting documentation, which is a matter of serious concern. The absence of these surveys demonstrates that the applicant has not adequately considered the impact of the proposed scheme upon a number of nationally and internationally protected species. The missing surveys relate to the following species: Bats – a European Protected Species; Great Crested Newt – a European Protected Species; Badgers - protected under the protection of Badgers Act 1992; Otters – a European Protected Species; Water voles – protected as part of the Wildlife and Countryside Act 1981; White-clawed crayfish – protected by the Wildlife and Countryside Act 1981.
- The application should be refused on ecology grounds.
- The previous application for a mixed-use development was not considered to be sustainable due to reliance on car borne trade and the increased congestion on junctions already at capacity.

- The previous reasons for refusal regarding highways matters still exist and therefore the current application should be refused.
- The landscape impacts of the proposed development would be unacceptable, given the harm to views from the countryside beyond Sandbach.
- As with the recent Alsager appeal, the application should therefore be refused on these grounds.
- Additionally it is considered, as discussed, that the application is contrary to a number of national and local planning policies.
- The application should therefore be refused as it is contrary to Policies PS3 and PS8 of the Local Plan and the NPPF.

A letter of objection has been received from Sandbach Woodland and Wildlife Group (SWWG) which makes the following points:

- The SWWG considers that the enhancements to the wildlife corridor detailed within the ecology method statement outweigh the disruption that would be caused to the north end of the development site. However it is important that disruption is managed sensitively and all comments made by the EA and the following comments are taken into account:
  - Do not consider that the earlier concerns raised by the EA have been addressed
  - Question mark over the dates contained within the Ecological Method Statement
  - Clarification should be sought that the mitigation method statement applies to the current application and not the previous retail application
  - Clarification of the actual area and boundaries of the land to the west of the A534 is required.
  - The SWWG cannot find any details about the future ownership and management of the parcel of land to the west of the A534. It is important that this is clarified at the time at which any development of this land as described in the Ecology Mitigation Method Statement is agreed.
  - There is also no reference to public access to this area. The Environment Agency did ask (page 3 of letter of 26<sup>th</sup> June) for details of proposed footpaths. Sandbach is in need of a good quality path from the Old Mill Road through to Mill Hill Lane. Ideally this should be wheelchair accessible.
  - The SWWG consider there is a major opportunity for the developer to make a significant contribution to the amount and quality of amenity land available to the people of Sandbach. A considerable amount of work is currently being undertaken in Brook Wood (the woodland the other side of Arclid Brook) and the addition of land adjacent to that available in Brook Wood would enhance the wildlife corridor considerably. Much of this footpath enhancement has been funded by Cheshire East Council.

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

To support this application the application includes the following documents;

- Environmental Statement (Produced by ECUS Ltd)
- Planning Statement (Produced by Harris Lamb)
- Design and Access Statement (Produced by Harris Lamb)
- Sustainability Appraisal (Produced by Muller)
- Extended Phase 1 Habitat Survey (Produced by Sensible Ecology Solutions)
- Housing Market Review (Produced by Levvel Ltd)
- Arboricultural Impact Assessment (Produced by Shields Arboricultural Consultancy)
- Flood Risk Assessment (Produced by ARJ Associates Ltd)

- Bat and Bird Surveys (Produced by Sensible Ecological Survey Solutions)
- Ecological Mitigation Method Statement (Produced by Sensible Ecological Survey Solutions)
- Travel Plan (Produced by SCP)
- Water Vole Survey (Produced by Sensible Ecological Survey Solutions)
- Phase I and Phase II Desk Study and Geo Environmental Site Investigation Report (Produced by Fairhurst)
- Preliminary Contamination Assessment Report (Produced by ARJ Associates Ltd)
- Acoustics Report (Produced by RPS)
- Archaeology Assessment (Produced by Matrix Ecology)
- Agricultural Land Classification (Produced by David Hughes Ltd)
- Statement of Community Involvements (Produced by Harris Lamb)
- Landscape and Visual Appraisal (Produced by Tyler Grange)

These documents are available to view on the application file.

## 9. OFFICER APPRAISAL

### Main Issues

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site for residential development, having regard to matters of principle of development in respect of policy and housing land supply, sustainability, loss of agricultural land, affordable housing, air quality, residential amenity, drainage and flooding, design issues, open space, landscape impact, trees and forestry, ecology, education, highway safety and traffic generation and archaeology.

### Principle of Development

#### 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:*

- 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*
- specific policies in the Framework indicate development should be restricted.”*

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2013 the Council 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 Position Statement set out that the Borough's five year housing land requirement as 8,311. This was calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was 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 was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were '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 emerging Local Plan, were also been taken on board.

Sources of supply included 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 accorded with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance* at that time.

A discount was 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 were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore 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* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 5.94 year housing land supply with a 5% buffer or 5.2 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Council's include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to 8.09 years supply.

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would be appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5 year supply of housing land.

In the light of the above the Council considers that the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings/Goldfinch Close in Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies within the existing Plan.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

*“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”.*

There are appeal decisions that appear to support this perspective, although the recent appeals in Cheshire East (mentioned above) have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by Inspectors decisions” that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was “not sufficient directly related to housing land supply that it can be considered time expired for that purpose.” Instead the Policy is “primarily aimed at countryside & green belt protection”. These objectives are largely in conformity with the NPPF and attract “significant weight”. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions (Congleton Road and Sandbach Road North) pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On that occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply and notwithstanding the housing supply position previously identified by Inspector Major, the appeal was dismissed.

In reaching this conclusion, the Inspector memorably noted that:

*“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.*

It is acknowledged that the Council has recently consented to judgement in a High Court challenge to the Sandbach Road decision and that accordingly that decision has been quashed on the grounds that the Inspector erred in law in concluded that Policies PS4, PS8 and H6 were



not a relevant policy for the supply of housing within the meaning of paragraph 49 of the national Planning Policy framework to the extent that it seeks to restrict the supply of housing. This is consistent with other recent court cases such as *South Northamptonshire v Secretary of State for Communities and Local Government* and *Barwood Land*.

Whilst the implications of this judgement are still being considered, the Council's current stance on this matter, as put at recent inquiries, such as *Weston Lane, Shavington* is that, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at *Sandbach Road North*, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

## **Landscape**

This is an outline application for a development of up to 200 residential dwellings, open space, and a new access off the A534/A533 roundabout. The application site is located on both sides of the A534 bypass and covers approximately 9.2 hectares in total. The part of the application on the western side of the bypass is intended for surface water attenuation, namely ponds and associated planting and covers 1.2 hectares, the remainder of the application site is on the eastern side of the bypass and covers 8 hectares.

The application site is located to the south of Sandbach and the application site is described as ‘*unused land*’ in the Design and Access Statement, although it is in reality agricultural grazing land. The same statement states that ‘*The site has no intrinsic value or landscape merit*’ but offers no justification for such a statement.

As part of the application a Landscape and Visual Impact Assessment has been submitted. This identifies the application site as roughly triangular area, bound to the west by the A534, to the south by Houndings Lane and by residential dwellings along the east, along Condcliffe Close, Palmer Road and Laurel Close. The application site is an undulating area of medium scale semi-improved grassland with horse paddocks. Fields farm is located towards the central part of the site and Houndings Lane Farm is located to the south of the southern boundary of the site.

The Landscape and Visual Impact Assessment indicates that the assessment has been undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment, Third Edition, 2013. The assessment refers to the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge, and also to the Cheshire Landscape Character Assessment 2009, which identifies the application as being located within Type 16 Higher Farms and Woods, specifically HFW2 Little Moreton Character Area; the application area exhibits many of the characteristics of this landscape type. The

assessment also identifies the local landscape character as included in the Congleton Landscape Character Assessment. The Congleton Landscape Character Assessment identifies this as Wheelock Rolling Plain, an area of irregular medium scale fields, predominantly used for pasture that is characterised by a combination of clipped hedgerows with some post and wire fencing.

Despite the existence of the Cheshire Landscape Character Assessment 2009 and the Landscape Assessment of Congleton 1999, the assessment includes a further assessment based on land use in and surrounding the application area, independently identified as 'character types' (LCTs), namely LCT1: Developed Townscape, LCT2: Mixed Agricultural Fringe and Wheelock Plain dairy Farmland, LCT3: Wooded Brook, LCT4: Transport Corridors, LCT5: Recreational Corridors. The adopted Cheshire Landscape Character Assessment clearly identifies that the application site is located within the Higher Farms and Woods Landscape Type, and that within this landscape type it is further characterised as being specifically in the Little Moreton Character Area (HFW2); the landscape character of the Little Moreton Character Area HFW2 is fully described in the Cheshire LCA and the application site is characteristic of this character area and exhibits the features and characteristics of this character area. There is no justification for identifying what is essentially a land use area assessment as a baseline for a landscape character assessment, when the existing, adopted LCA, which has been undertaken following the Guidelines for Landscape Character Assessment Guidance for England and Wales and Scotland, published in 2002 by the Countryside Agency and Scottish Natural Heritage, should and could have been used.

The visual context includes a photographic record of 19 selected views and a number of photomontages from several of these viewpoints and an analysis of the Extent of Visibility, the Field verified Visual Envelope and Photoviewpoint Locations are shown on Plan 1. The Interim Summary indicates *'the site is well contained, with visibility being heavily filtered by an established vegetated landscape framework of mixed native screening vegetation aligning the western boundary A534 road corridor, hedgerow tree belts traversing and bounding the site and the extent of woodland belts and scattered mature trees and field boundary vegetation throughout the surrounding agricultural landscape to the south'*.

The assessment does include a significance of landscape and visual effect. The significance of landscape character effects is based on the independent character classification submitted as part of the assessment. The Councils Landscape Architect feels that the visual effects would be more significant than indicated although not significantly so. It is not considered that the landscape impact of this development would outweigh the requirement for housing in this case.

## **Highways Implications**

### **Access**

The proposed development is in outline form with access to be determined at this stage. The proposed development includes an improvement to the existing roundabout at Old Mill Road which consists of the addition of a fifth arm to serve the site, an increase in the diameter of the roundabout along with alterations to the geometries and approaches. To the north-east arm of Old Mill Road a toucan crossing would be provided to encourage pedestrian/cycle linkages between the site and the Town Centre.

### Traffic impact

The Transport Assessment submitted with the application has assessed a number of junctions on the road network. The junctions that were assessed are as follows:

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

Assessments of the operation of these junctions have been undertaken in the base year in order to validate the models and future assessment year (2021) 'with' and 'without' development scenarios. The potential traffic generation from the development would create 148 vehicle movements in the AM peak hour (08:00-09:00) and 165 vehicle movements in the PM peak hour (17:00-18:00).

#### A523 Old Mill Road/ A534 Wheelock Bypass/ (Site Access) roundabout junction and A523 Old Mill Road/A523 The Hill/ High Street signal junction

Due to the proximity of these junctions and their interaction it is necessary to consider the impact of this development together.

The results of the capacity assessments at the roundabout indicate that the existing roundabout operates over capacity and this is made much worse with the introduction of development traffic onto the roundabout.

To overcome the capacity issues the applicant has submitted improvements that substantially increase the size of the roundabout, this has then been tested and the results show an improvement in capacity in the 2021 test (the Old Mill Road west arm would still be over capacity in the PM peak hour but the queue length would be reduced to 9.5 vehicles from 27 vehicles). However, a standalone assessment does not provide a realistic assessment of the current problems that are experienced at this roundabout as there is an interaction with the nearby signal junction at the High Street/The Hill. Queues regularly extend back to the site access roundabout from the signal junction blocking the exit from the roundabout and therefore congestion is worse than indicated in the model results.

The signal junction at the The Hill/High Street has been assessed and although the applicants TA has shown that it operates over capacity in the base case in 2021, the cycle time at 120 seconds is too long as pedestrians do tend not to wait for the pedestrian stage and cross without the green light. The queue lengths indicated especially in the PM peak do not correlate with surveys that CEC have undertaken at this junction. The model with the development traffic in place at 2021 does include some minor improvements; these are small road marking changes to the layout of the junction. These road markings are forecast to produce reductions in the degree of saturation at the junction and the associated queues lengths will be reduced. It is not accepted that these changes alone to road markings will make any material difference to the operation of this signal junction.

The Strategic Highways Manager does not consider that the construction of the roundabout would provide full mitigation for the development as this is needed for the site access. The roundabout alone would not alleviate the congestion problems and therefore improvement works are required at the nearby signal junction at Old Mill Rd/The Hill and the development should make a contribution towards the improvement scheme.

The Strategic Highways Manager considers that it is important that the A534 Old Mill Road operates as efficiently as possible and it is for this reason that he recommends a CEC improvement scheme is introduced that will improve capacity not only for this development but for the existing road users.

A detailed estimate of the CEC improvement scheme has been undertaken and the overall cost of the scheme is £1.5m, with the funding of the improvements likely to be spread over a number of current development proposals. In regard to this particular development the applicant has offered to provide a contribution of £120,000 towards the improvement scheme and although the roundabout provides access to the site this application would also provide the construction of the larger roundabout.

#### Crewe Road / A533 Old Mill Road / A533 Middlewich Road / Hightown Roundabout and Crewe Road / A523 Wheelock Bypass roundabout junction

The other two junction assessments at Crewe Rd/Hightown Roundabout and Wheelock Bypass/Crewe Road have assessed the percentage increase at each of the junctions. As the development impact produces a very small percentage increase, the applicant does not consider that there is a material impact at these junctions. This is a reasonable conclusion as it is not considered that a severe impact can be justified at these junctions with a 1% to 2% increase in flows.

#### Other issues

There has been a suggestion that this development should contribute to improvements to public transport in Sandbach. However given the location of the site and its distance to Sandbach Town Centre this is not considered to be acceptable.

#### Highways Conclusion

In conclusion the proposed development would include a new larger 5 arm roundabout at the entrance to the site. The design of this would reduce the queue lengths at this junction and improve capacity. However given the interaction with the junction of The Hill/Old Mill Road it is necessary to secure a contribution towards the CEC Council improvement scheme at this location. It is therefore considered that the highways impact of the development would be acceptable and comply with the NPPF which states that:

*'Development should only be prevented or refused on transport grounds where then residual cumulative impacts of development are severe'*

#### **Location of the site**

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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

- Amenity Open Space (500m) – would be provided on site
- Children’s Play Space (500m) – would be provided on site
- Bus Stop (500m) – 400m
- Public House (1000m) – 800m
- Public Right of Way (500m) – On site
- Convenience Store (500m) – 500m
- Supermarket (1000m) – 500m
- Post office (1000m) – 800m
- Pharmacy (1000m) – 1000m
- Community Centre/Meeting Place (1000m) – 1000m

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities are:

- Primary School (1000m) – 1280m
- Secondary School (1000m) – 1280m
- Child Care Facility (nursery or crèche) (1000m) - 1280m
- Medical Centre (1000m) - 1200m
- Outdoor Sports Facility (500m) – 2000m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Sandbach, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development to the east of the site. However, all of the services and amenities listed are accommodated within Sandbach and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this site is a sustainable site.

## **Amenity**

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

As the application is outline it is difficult to assess the impact upon the adjacent properties and details in terms of separation distances and privacy issues would be dealt with at the reserved matters stage.

The Environmental Health Officer has requested conditions in relation to hours of operation, environmental management plan, external lighting, and contaminated land. These conditions will be attached to any planning permission.

## **Air Quality**

There is an Air Quality Management Areas (AQMA) at Junctions 17 of the M6 which was declared in 2008 as a result of breaches of the European Standard for nitrogen dioxide (NO<sub>2</sub>).

The proposed scale of the development is considered significant in that it is likely to change traffic patterns in the area. There are concerns that the cumulative impact of developments in the area will lead to successive increases in pollution levels, thereby increased exposure.

The submitted Environmental Statement uses ADMS Roads to model NO<sub>2</sub> and particulate matter (PM<sub>10</sub>) impacts from the predicted additional road traffic associated with the proposal. The model predicts that the proposed residential areas will all be below the air quality objectives. This is accepted by the Council's Environmental Health.

Regarding existing sensitive receptor impact, it is highlighted that there is likely to be increased exposure to airborne pollution at all 10 receptors modelled. Five of these receptors are within the AQMA and as such any increase is considered significant.

Taking into account the uncertainties associated with air quality modelling, 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 developer in the form of direct measures to reduce the impact of traffic associated with the development. Mitigation to reduce the impact of the traffic can range from hard measures to softer measures such as the provision of infrastructure designed to support low carbon (and polluting) vehicles.

The air quality impacts from this development could be mitigated with the implementation of the proposed travel plan and suitable electric vehicle charging infrastructure. Subject to the mitigation measures being secured the Environmental Health Officer has no objection to the development. Details of dust mitigation would be secured by condition.

## **Noise**

The applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from the A534.

The mitigation recommended in the report shall be revisited at reserved matters stage in order that they are applied to the detailed layout of the site and that the proposed mitigation can be applied correctly. The detailed layout will provide the glazing and/or ventilation to be provided to each dwelling in order to meet the BS 8233 'Good' standard and also the site layout in order to meeting the WHO guidelines for gardens and any further mitigation measures which may be required for the gardens in order to meet the WHO guidelines.

## **Trees and Hedgerows**

### Trees

The application is supported by an Arboricultural Implications Assessment which has been prepared in accordance with current British Standard Guidance BS5837:2012; the primary document guiding the process of determining planning applications concerning trees.

The report identifies 34 trees and 7 hedgerows on and adjoining the site. The assessment identifies the trees as 2 category A trees, 10 category B trees, 18 category C trees and 4 category U trees (the U trees should be removed for arboricultural reasons).

The report states that site design should make provision to retain trees within the A and B categories (unless significant compensation is incorporated into the design). The report goes on to state that the site layout should seek to incorporate as many A and B category trees in to the design as practical and that although the proposed development will result in a small amount of unavoidable tree loss, it should be possible to incorporate most of the significant trees into the design.

Both category A trees (a Lime and an Oak) are described as large specimens which are significant components of the landscape which should be incorporated into the site design and layout.

The Design principles identify a landscaped buffer along the A534 and southern boundary, a substantial area of public open space, including play area, ecological and wildlife mitigation to the west of A534 and the retention reinforcement of existing landscape features where necessary with any losses mitigated on site.

The 'Proposed Site Access and Internal Spine Road Plan' and indicative 'Concept Plan' which identify the position of the proposed access road show the access via an additional arm on the south east section of the existing roundabout junction of Old Mill Road, Sandbach. The access runs south through the western section of the site cutting through a slope which runs down to the A534. The access originally intersected the rooting environment of a mature Oak (Tree 2 AI category), which the Arboricultural Report states should be incorporated into the site design and layout. An amended plan has been provided and this shows that this tree can be retained and that the access would be located outside the Root Protection Area (RPA) of this tree.

At the southern end of the site two Oaks (Trees 24 and T25 – C1 category) are directly in line of the access. Both trees are likely to require removal to accommodate the access; however it is agreed that both trees provide only a limited contribution to amenity, with T25 compromised due to a structural defect.

Whilst the applicant's statements make reference to the retention of existing trees and no long term loss, potential losses include two trees (Oak Tree 17 and Lime T19) within the boundaries of Field Farm.

### Hedgerows

The submitted Arboricultural Implication Assessment refers to seven hedgerows within the application site although these have been referred to as part of one hedgerow within the Ecological Mitigation Statement. The hedgerow(s) proposed for removal follow existing field boundaries from the east of the site and to the south of Fields Farm buildings traversing south to Houndings Lane Farm.

The Extended Phase 1 Habitat Survey provides an assessment of the Hedgerows in terms of their importance under the criteria laid down within the Hedgerow Regulations 1997. In this regard the Survey has not assessed the historical or landscape criterion associated with the hedgerows but has determined that in terms of the number of woody species the hedgerows do not meet the criteria for Importance under the Regulations.

Reference is made in the Archaeological Report to field names suggest enclosure occurred no later than 17th Century most having been largely removed with the Cheshire Historic Landscape Characterisation Study referring to the area as part of a 20th Century field system. The boundaries of Fields Farm are recognised as having some historic significance; however it is uncertain as to the relevance of this to any associated hedgerows in terms of their Importance under the Regulations.

Total loss of hedgerows has been estimated at some 400metres with the Habitat Survey suggesting that 600metres of native hedgerow is proposed to be planted in mitigation for this loss. In this case the loss of hedgerow is outweighed by the need for housing in Cheshire East and is considered to be acceptable.

### **Public Open Space**

In this case the level of open space that would be required is 6,000sq.m. The submitted indicative plan does not show areas for the open space that would be provided. The site of the proposed housing measures 8 hectares and a subtracting the required amount of open space would result in a development of 33.7 dwellings per hectare which is consistent with the residential areas to the east of the site. This required amount of POS will be secured via a condition.

In terms of children's play space this would be provided on site and the applicant has indicated that they are willing to provide a NEAP with 8 pieces of equipment as requested by the POS Officer.

The POS and NEAP would be managed by a management company and this would be secured as part of a S106 Agreement.

### **Public Rights of Way**

Public footpaths Sandbach FP17, FP18 and FP19 all cross the application site. The amended indicative plans show that the PROW which cross the site could be retained with only minor alterations to the position and route of the PROW.

Further details of the impact upon the PROW would be negotiated at the Reserved Matters stage.



## **Affordable Housing**

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 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 Choice based lettings 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 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 applicants are offering 30% of the total dwellings as affordable with the tenure split of the affordable dwellings being 65% affordable rented and 35% intermediate. This complies with the Interim Planning Statement.

As this is an outline application and the detail of the affordable housing offer is limited details of the affordable housing could be secured by condition, with a requirement that an affordable housing scheme is included with the Reserved Matters application.

## **Design**

The application site is presently Greenfield and in use as pasture/grazing land, except for Fields Farm located on the eastern side of the site. It is also adjoined to the south by Houndings Lane Farm. To the north east of the site, elevated above it, is an area of post war housing. To the

west, set back from the line of Arclid Brook and its associated landscape is housing development (early post war and early 21st century off Old Mill Road).

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

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

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

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

The proposals seek to access the site off the roundabout on Old Mill Road via a new access over the culverted Arclid Brook.

The proposed development would have a density of 23 dwellings per hectare when deducting the required amount of public open space. It is considered that this density would not appear out of character when compared to the adjoining residential areas to the east of the site which includes areas of dense housing development which fronts Condcliffe Close, Ormerod Close, Palmer Road and Birch Gardens.

In this case it is considered that although the indicative layout of the development is poor that an appropriately designed scheme could be negotiated at the Reserved Matters stage.

In terms of the finished land levels these details would be secured at the Reserved Matters stage and this issue would be controlled by condition.

## **Ecology**

### Water Vole

The Water Vole survey has been undertaken under poor survey conditions. However, no evidence of Water Voles was recorded and a similar survey has also been undertaken on a nearby section of the Arclid Brook in connection with a separate unrelated application which also did not record any evidence of Water Voles. Therefore on balance it seems likely that Water Voles are absent from this section of the brook.

### Otter, Barn Owl, Kingfisher and White Clawed Crayfish

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

### Breeding Birds

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

### Sandbach Wildlife Corridor

The proposed development is located partly within the Sandbach Wildlife Corridor and is subject to Policy NR4 (Non-statutory sites). The proposed development will result in a loss of an area of habitat from within the wildlife corridor. The habitat lost however, with the exception of the hedgerows, is of relatively limited nature conservation value. The proposed development would result in the loss of hedgerows (a UK BAP priority habitat and a material consideration).

To mitigate for the loss of habitat within the wildlife corridor the applicant is proposing to undertake habitat creation including:

- pond creation
- hedgerow planting
- wildflower grassland creation
- tree planting
- enhancement of the riparian corridor adjacent Arclid Brook
- grassland habitat restoration

The proposed habitat creation would take place on an area of land to the west of the proposed development. This additional area of land is located within the Sandbach Wildlife Corridor.

The Councils Ecologist advises that if planning consent is granted then the proposed habitat creation will be adequate to compensate for the loss of habitat associated with the proposed development and has the potential to enhance the overall ecological value of the Sandbach Wildlife Corridor.

As part of the proposed habitat creation area is within the blue as well as the red line of the application a Section 106 Agreement will be required to secure the proposed habitat creation together with the detailed design of the proposed habitat creation and the submission of a management plan.

### **Flood Risk and Drainage**

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

In terms of the land located in Flood Zones 2 and 3 it is proposed to remodel the land levels to move the whole site into Flood Zone 1 and provide the compensatory flood storage on the western parcels of land.

The FRA identifies that it will be feasible to drain the proposed development and manage surface water runoff using attenuation and/or SuDS features. The FRA also demonstrates that the proposed development can address the residual risk of flooding of surface water and will not increase the risk of flooding to neighbouring properties.

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

## **Archaeology**

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

## **Loss of Agricultural Land**

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

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

An assessment of agricultural land has been submitted in support of this application and the results show that 45% of the agricultural land on the site is Grade 2 and 55% of the agricultural land is grade 3b or 4. This will be incorporated into the reason for refusal.

## **Education**

The proposed development has been reduced from 250 dwellings to 200 dwellings.

The local primary and secondary schools are forecast to be cumulatively oversubscribed and the Education Department has requested that contributions are sought in the town on a per pupil basis (£390,466 for primary education £424,909 for secondary education).

The contributions will mitigate the impact of the development and could be secured as part of a S106 Agreement. Therefore the development is considered to be acceptable in terms of its impact upon education in Sandbach.

## **Health**

Concern has been raised over the potential impact upon health infrastructure in Sandbach. In support of this application the applicant has reviewed the local services within Sandbach using

the NHS choices website. This has confirmed that all of the local doctor's surgeries and most of the local dental surgeries are accepting new patients. This suggests that there are no capacity issues and the impact upon health infrastructure is considered to be acceptable.

## **10. CONCLUSIONS**

The site is within the Open Countryside where under Policy PS8 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council can now demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy PS8.

The proposed development would not adversely affect the visual character of the landscape.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact subject to contributions to secure mitigation.

In terms of Ecology it is not considered that the development would have a significant impact upon the Sandbach Wildlife Corridor, ecology or protected species subject to the mitigation proposed.

The proposed development would provide an over provision of open space on site and the necessary affordable housing requirements.

The education department has confirmed that there is no capacity within local schools and that a contribution will be required in this case. This would be secured as part of a S106 Agreement.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

It is considered that an acceptable solution could be negotiated in terms of the PROW on this site at the Reserved Matters stage.

## **11. RECOMMENDATIONS**

**Minded to REFUSE for the following reasons:**

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside involving the loss of best and most versatile agricultural land within the open countryside contrary to Policies PS8 and H6 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East**

**Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.**

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.**

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

