

Application No: 14/0977C

Location: Land to the South of, Hind Heath Road, Sandbach

Proposal: Outline Application for the Erection of Up To 120 Dwellings, Public Open Space, Green Infrastructure and Associated Works.

Applicant: Mr Paul Campbell, Richborough Estates Partnership LLP

Expiry Date: 21-May-2014

## **SUMMARY**

The proposed development would be contrary to Policy PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and a NEAP, improvements to the cycle infrastructure in the area, and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

The development would have a neutral impact upon education, protected species/ecology, drainage, highways, trees, residential amenity, noise, air quality and contaminated land. Landscaping could be secured at the reserved matters stage.

The adverse impacts of the development would be the loss of open countryside and the loss of agricultural land.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. As such the application is recommended for approval.

## **RECOMMENDATION**

**Approve subject to conditions and a S106 Agreement**

## **PROPOSAL**

This is an outline planning application for the erection of up to 120 dwellings (17.4 dwellings per hectare). Access is to be determined at this stage with all other matters reserved. The site would be accessed via a single vehicular access point which would be located off Hind Heath Road adjacent to the residential development which is currently under construction.

The dwellings would mainly be detached and semi-detached properties. The site would include the provision of 30% affordable housing and 3.5 hectares of public open space and buffers.

The majority of the proposed dwellings would be two-stories in height with those at the centre of the site being up to two and a half storeys.

This application site has outline planning permission for up to 100 dwellings following the approval of application 13/3887C which was allowed at appeal.

## **SITE DESCRIPTION**

The site of the proposed development extends to 6.9 ha and is roughly rectangular in shape and is located to the southern side of Hind Heath Road. The site is within open countryside as defined by the Congleton Borough Local Plan. To the north of the site is agricultural land and Big Hind Heath Farm, to the east is a residential development which is under construction following the approval of applications 10/2609C, 13/2762C and 14/2913C; to the south are a Canal and a sewage plant beyond, to the west of the site is agricultural land.

The site includes a tree lined watercourse which is located to the west of the site, the land levels gradually slope down to this watercourse. A native hedgerow forms the front boundary to the site. The site includes an existing access track which serves a property known as Bridge House and a sewage plant on the opposite side of the Canal.

## **RELEVANT HISTORY**

### Application site

13/3887C - Outline Application for the Erection of Up To 100 Dwellings, Public Open Space, Green Infrastructure and Associated Works – Refused – Appeal Lodged – Appeal Allowed with costs awarded against the Council 1<sup>st</sup> August 2014

### Adjacent site

14/2913C - Application for Reserved Matters the appearance, landscaping, layout & scale for Phase 2 to include 177 dwellings on planning application no: 10/2608C – Approved 18<sup>th</sup> November 2014

13/2672C - Reserved matters application to Outline 10/2609C (approved under appeal) to provide a 3m wide shared footpath/cycleway adjacent to a section of Hind Heath Road – Approved 24<sup>th</sup> March 2014

13/1215C - Reserved Matters Application for 10/2608C for the Appearance, Landscaping, Layout & Scale for Phase 1 to Include 67 Dwellings – Approved 19<sup>th</sup> June 2013

13/0915C - Reserved matters following Outline Approval 10/2508C – Approved 17<sup>th</sup> May 2013

10/2609C - Shared Footpath and Cycleway and Associated Works - Refused 21<sup>st</sup> December 2010. Appeal Lodged. Appeal Allowed

10/2608C - Erection of up to 269 Dwellings, Provision of Public Open Space, Highway Works and Associated Works – Refused 28<sup>th</sup> October 2010. Appeal Lodged. Appeal Allowed

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **Development Plan**

The Development Plan for this area is the Congleton Borough Local Plan First Review 2005, which allocates the site, under policy PS8, as open countryside.

The relevant Saved Policies are:

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

NR1 - Trees and Woodland

NR3 – Habitats

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

RC2 – Protected Areas of Open Space

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

## **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

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  
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

### **Supplementary Planning Documents:**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land  
Sandbach Town Strategy

## **CONSULTATIONS**

**Environment Agency:** No objection subject to the imposition of the following conditions:

- A scheme to limit surface water run-off
- A scheme to manage the risk of flooding from overland flow
- Contaminated land
- No development shall take place until a scheme for the provision and management of at least an 8 metre wide buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority.

**CE Flood Risk Manager:** No comments received at the time of writing this report.

**United Utilities:** Drainage conditions suggested.

**Strategic Highways Manager:** Based on the earlier description of development for 100 dwellings the Strategic Highways Manager raised the following comments:

No objection subject to the following:

There will be a need for a S106 agreement to secure the provisional sums for road and cycle facility improvements and the Strategic Highways Manager recommends that the Local Planning Authority attach related conditions to any permission which may be granted for this site.

There are no specific off-site highway works related to this development proposal and the new junction and frontage footpaths will be covered under the S38 agreement so there is no need for a S278 agreement.

An updated consultation response is awaited based on the revised description of development for 120 dwellings.

**Environmental Health:** Conditions suggested in relation to construction management plan, hours of operation, piling, travel plan, dust control, and a contaminated land. An informative is suggested in relation to contaminated land.

**Ansa (Public Open Space):** No comments received. As part of the last application they stated that:

*'Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission (in accordance with the submitted details on the Proposed Indicative Site Layout) there would be a surplus in the quantity of provision, having regard to the adopted local standards set out in the Council's Open Space Study for Amenity Greenspace.*

*As the application is outline, for a guide based on 2.4 persons per dwelling the amount of POS that would be expected in respect of the new population on site would equate to 2400sq.m. When the housing schedule is submitted then new figures would need to be calculated.*

#### Children and Young Persons Provision

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

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

*Streetscape can confirm that the NEAP (Neighbourhood Equipped Area for Play) standard play area would be acceptable due to the size of the development and should be suitable for all ages. This should include at least 8 items/activities incorporating DDA inclusive equipment'*

**Natural England:** Statutory nature conservation sites – No objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

For advice on all other protected species refer to the Natural England standing advice.

**Countryside Access Team:** The developer is requested to supply new residents with information on local walking and cycling routes and public transport options, for both transport and leisure purposes.

**Education:** 120 dwellings would generate 22 (120 x 0.18) primary and 16 (120 x 0.13) secondary.

Forecasts show that the development will impact on primary and secondary provisions.

22 x £11,919 x 0.91 = £238,618.38 primary education

16 x £17,959 x 0.91 = £261,483.04 secondary education

Total £500,101.42

**Cheshire Brine Subsidence Board:** No comments received at the time of writing this report.

**Canal and Rivers Trust:** No comments to make.

**Cheshire Fire Service:** Access should be in accordance with Building Regulations. Details of water mains will be required. Consideration needs to be given to bin storage areas and sprinkler systems.

**Cheshire East PROW:** The proposed development does not appear to affect a PROW.

## **VIEWS OF THE PARISH COUNCIL**

**Sandbach Town Council:** Sandbach Town Council feel the amended documents do not accurately reflect projected traffic impact of further development; plans considerably underestimate the degree of congestion this development will generate. As yet, signals referenced at Crewe Road/Hind Heath Road Junction are not in place.

Developments with existing Planning approval will further increase traffic and congestion and, as such, members request that CEC continue to monitor Crewe Road/Hind Heath Junction once Phase 1 is complete and traffic lights are operational.

## **REPRESENTATIONS**

Letters of objection have been received from 22 local households raising the following points:

### Principal of development

- The site is outside the settlement boundary
- Land grapping
- Contrary to Local Plan
- Contrary to Sandbach Town Plan
- The increase in the number of dwellings should be treated as a new application

- Brownfield land should be promoted over the use of Greenfield land
- Too many dwellings are being built too quickly
- Lack of jobs in Sandbach
- There is enough housing development in Elworth
- Lack of consultation
- Loss of agricultural land
- Cheshire East can demonstrate a 5 year housing land supply
- The development will create urban sprawl
- Sandbach is losing its identity
- Over development of Sandbach
- Over development of this site
- Development creep
- The proposal is contrary to the NPPF

### Highways

- Increased traffic flow
- Vehicle speeding along Hind Heath Road
- Sever highways impact
- Cumulative highways impact with other committed developments in Sandbach
- The submitted Transport Assessment is inadequate (it contains a number of errors)
- The cycle track along Hind Heath Road should be completed
- Hind Heath Road is a rat run
- There are accident records on Hind Heath Road
- Poor motorway access
- Inadequate access to the site
- Increased traffic would result in a danger to cyclists

### Green Issues

- Landscape impact
- Loss of the green gap along Hind Heath Road
- Impact upon wildlife
- Impact upon protected species

### Infrastructure

- Increased pressure on local schools (both primary and secondary)
- Impact upon local health provision
- Flooding problems in this locality

### Amenity Issues

- Loss of outlook
- Inadequate levels of privacy for the proposed dwellings
- Increased noise pollution
- Increased air pollution

### Other issues

- Subsidence concerns on the application site

A representation has been received by CTC – The National cycling Charity raising the following points:

- Larger “visibility splays” result in drivers being able to make faster turnings out of the estate onto Hind Heath Road. They might even result in a larger junction altogether. This will affect the cycle crossing across the frontage of the site.
- Additional pedestrian and cycle links will be provided throughout the site with linkages onto a Linear Park walk along the western boundary. These are welcome if they provide shortcuts for cyclists that are not available for drivers. Shared footways running along roads in the estate are not required as cars’ speed will be low and cyclists can use the road.
- Also, the Linear Park walk should be extended to be used by cyclists, too.
- There should be links to connect east to the Bovis Homes development across the access road to Bridge House.
- The barriers at the bridge at Hind Heath Lane, crossing the Wheelock Rail Trail. Developer funding could be allocated to replace the barriers later should a trial period show abuse of this link by motorcyclists.
- The current transition to the road would be at the circle. It would be beneficial if the cycle track were extended as well further north to join up with Proctors Lane so that cyclists travelling west towards Ettiley Heath would not have to join the carriageway at all.
- A bicycle shelter would be welcome and this has been acknowledged by Northern Rail.

A representation has been received from Sustrans raising the following points:

- The design of the estate should restrict vehicle speeds to less than 20mph.
- Sustrans would like to see the site integrated with the adjacent Bovis Homes site for pedestrians/cyclists by joining the cul-de-sac heads with a greenway.
- The design of the proposed footway/cycle track on Hind Heath Road at the site entrance should observe the advice set out in the DfT's Local Transport Notes 2/08 sections 10.3, and 1/12 section 7.56 - 7.62.
- Can the site be integrated to the south into the canal towpath for pedestrians/cyclists?
- The provision of a refuge on Hind Heath Road is welcome to connect with the Wheelock Trail. This should be deep enough for shared pedestrian/cycle use.
- The design of any smaller properties without garages should include storage areas for residents' buggies/bikes.
- Sustrans would like to see travel planning with targets and monitoring and a sense of purpose (National Planning Policy Framework, clause 36)

## **APPRAISAL**

### **The key issues are:**

- Loss of open countryside
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Landscape Impact
- Amenity of neighbouring property
- Highway safety
- Impact upon local infrastructure

### **Principle of Development**

The site lies largely in the Open Countryside as designated by the Congleton Borough Local Plan 2005, where policies PS8 and H6 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public



service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy 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 objection.

In this case it should be noted that the principle of residential development has been accepted on this site following the appeal decision for 100 dwellings. This application seeks to alter the unit types within the site to accommodate 120 dwellings. There would be no increase in the developable area of the development as part of this application.

### **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council’s identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council’s calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector’s Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of

housing land. Accordingly recommendations on planning applications will now reflect this position.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

There should be provision of 30% of the total dwellings on this site as affordable, with 65% provided as social or affordable rent and 35% intermediate. This equates to a requirement for up to 36 affordable dwellings on this site, with up to 23 provided as social or affordable rented dwellings and up to 13 provided as intermediate tenure.

The affordable housing provision will be secured as part of a S106 Agreement.

### **Public Open Space**

The indicative layout shows that an area of POS/landscape and ecological buffers would be provided to the southern and western boundaries of the site. The Open Space Officer has stated that if the development is approved there would be a surplus in the quantity of provision. The area shown on the indicative plan is 3.5 hectares this is an over-provision. Therefore the amount of open space to be provided is acceptable.

In terms of children's play space, the Public Open Space Officer has requested the provision of a NEAP. This is not shown on the indicative plan but could be secured as part of a S106 Agreement.

The open space/landscape and ecological buffers and NEAP on site would be managed by a management company and this would be secured as part of a S106 Agreement.

### **Education**

In terms of primary school education, as there are capacity issues at the local primary schools, the education department has requested a contribution of £238,618.38. This contribution would be secured via a S106 Agreement.

In terms of secondary school education, as there are capacity issues at the local secondary schools, the education department has requested a contribution of £261,483.04. This contribution would be secured via a S106 Agreement.

### **Location of the site**

The site is considered by the SHLAA to be sustainable. In this case the same site was considered to be sustainable by the Inspector who allowed the appeal. As a result it is considered that this proposal is sustainably located owing to its location on the edge of the settlement.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

In terms of the surrounding residential properties, these are mainly off-set to the north-east and north-west with Bridge House to the south and the dwellings which are currently under construction as part of the Bovis scheme.

From the indicative plan the separation distances that would be achieved exceed those contained within the SPD on Development on Backland and Gardens. Therefore, it is not considered that the development would have a detrimental impact upon neighbouring residential amenity. Further details would be obtained at the reserved matters stage.

The Environmental Health Officer has requested conditions in relation to a construction management plan, hours of operation, piling, travel plan, dust control, and a contaminated land. These conditions will be attached to any planning permission.

### **Air Quality**

There is concern that the cumulative impact of development in the Sandbach area will lead to successive increases in pollution levels thereby increased exposure. In particular, the development has the potential to impact upon the Sandbach (J17, M6) Air Quality Management Area (AQMA), which was declared as a result of breaches of the European Standard for nitrogen dioxide (NO<sub>2</sub>).

The assessment uses DMRB to model NO<sub>2</sub> and PM<sub>10</sub> impacts from the predicted additional road traffic associated with this proposal and two committed developments in the vicinity. The report predicts that all three receptors modelled will experience a negligible increase in airborne emissions.

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. Any negative impact on air quality should be mitigated against to help safeguard future air quality irrespective of whether it would lead to an exceedence of an air quality objective or the designation of an (AQMA). 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. This will be secured through the use of planning conditions.

### **Contaminated Land**

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. A condition will be attached to secure remediation on this site.

### **Impact upon the adjacent canal**

The Conservation Area runs along the line of the adjacent canal located to the south of the site. Given that open space would be located to the south of the site on the indicative plan it is considered that it would be possible to negotiate an acceptable design solution that would not harm the setting of the Conservation Area.

### **Highways**

## Access

The development would have a single vehicular access point onto Hind Heath Road which involves the upgrade of the existing sewerage works access. Hind Heath Road has a 30mph speed limit at this point and the proposed development would provide visibility splays of 2.4m x 120m which would be sufficient for a 40mph speed limit. The Strategic Highways Manager has no objections to the design of the proposed access.

## Impact upon surrounding junctions

The relevant test contained within the NPPF states that

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

The development of 100 dwellings on this site was considered to be acceptable by the Inspector at the appeal and as such it is necessary to consider the impact of the additional 20 dwellings.

The submitted Transport Assessment has evaluated the junctions at Hind Heath Road/Crewe Road and the Salt Line Way/Abbey Road/Elton Road. The Strategic Highways Manager concurred with the submitted TA in that these junctions will have spare capacity with this and other committed development (this is based on the development of up to 100 dwellings and an updated consultation response is awaited for the development of 120 dwellings).

The appeal application secured a contribution of £200,000 towards the Old Mill Road/The Hill and Junction 17 of the M6 and a contribution of £100,000 towards cycle way improvements within the vicinity of the site. These sums will be updated based on the revised highways comments.

## **Trees and Hedgerows**

### Trees

There are no trees protected by a Tree Preservation Order on this site.

The submitted Tree Survey has identified 10 individual trees and 3 groups located across the site. Of the individual trees 5 are Grade A (High Quality and Value), 4 are Grade B (moderate Quality and Value) and 1 is Grade C (Low Quality and Value), of the groups two are Grade B (moderate Quality and Value) and 1 is Grade C (Low Quality and Value). All of these trees are located along the watercourse and to the south of the site.

The illustrative site layout indicates that all trees will be retained within the proposed open space, and as a result the impact upon trees is considered to be acceptable.

### Hedgerows

The submitted indicative plan indicates that the hedgerows to the north and eastern boundaries would be retained. As a result, the impact upon boundary hedgerows is considered to be acceptable.

## **Design**

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

In this case, although the density of the site has been increased since the previous approval it is appropriate and is consistent with that of the surrounding area of Sandbach and the development approved on the adjacent site.

The indicative layout shows that the properties on the site would overlook the open space, highway and parking areas. The properties located at corner plots would have the potential for dual-frontages. A strong and prominent scheme of tree-planting within the site would create an avenue effect which would add quality to the appearance of the development.

To all sides of the site, a boundary hedgerow would be provided/retained to act as a green buffer to the open countryside and surrounding residential properties.

It is considered that the indicative scheme is acceptable and that an appropriate design solution could be negotiated at the reserved matters stage. The proposal would comply with Policy GR2 (Design) and the NPPF.

## **Landscape**

The application site is fairly level with a small tributary depression running down the western part of the site. There are a number of hedgerows and also a number of trees associated with the tributary depression that runs through the site.

As part of the appraisal the baseline landscape character is given. The National character area has been identified, as well as the character type as identified in the Cheshire Landscape Character assessment 2009( East Lowland Plain –ELP5 Wimboldsley) and also the Congleton Landscape Assessment, which identifies the area as being in the Wheelock Rolling Plain. The assessment also identifies the visual context and amenity of the application site, with a series of 11 views and the Councils Landscape Architect would broadly agree with the visual summary for each of these views.

With reference to the constraints and opportunities, the Councils Landscape Architect does not feel that the existing green infrastructure along the western half of the site is as robust as the appraisal appears to indicate and there will potentially be greater inter-visibility than appreciated. The proposed indicative site layout is disappointing, it indicates that there will be no additional enhancement along the existing tributary strip, which is identified as a Linear park. In reality there are opportunities to provide hedging and hedgerow trees along the very western boundary of the site, as well as substantial landscape enhancement throughout this Linear Park. There is scope to enhance the existing northern boundary hedgerow, which currently has no hedgerow trees along its length and there are opportunities to provide landscape enhancement across other parts

of the site. In reality all the proposed indicative layout appears to show is just the retention of existing vegetation, with minimal enhancement. However it is considered that as landscape is a reserved matter such details could be negotiated/secured at the Reserved Matters stage.

As part of the earlier appeal decision on this site the Inspector found that:

*'The principal effect would be to advance the edge of built development in a westerly direction, but there would be no significant impact in the wider landscape. Whilst the agricultural landscape is well-maintained and characteristic of the current setting of development around Sandbach, it is not the subject of any special designation for its particular qualities'*

## **Ecology**

### Protected Species

#### *Breeding birds*

If planning consent is granted a standard planning condition could be used to safeguard breeding birds.

#### *Other Protected Species*

A sett is present within the area of the proposed open space adjacent to the proposed development. The Councils Ecologist advises that based on the submitted indicative layout plan the proposed development is unlikely to have a direct adverse impact upon other protected species. An acceptable mitigation method statement has been submitted in support of this outline application.

#### *Reptiles*

Grass snakes are known to occur in this locality and may occur on site. The majority of suitable habitat for this species will however be retained as open space as part of the illustrative layout. There remains a small risk that reptiles could be disturbed during site clearance works. The applicant has submitted a reptile and amphibian mitigation method statement to reduce the risk of any animals being disturbed during the site clearance and construction process. The Councils Ecologist advises that the proposed development is unlikely to have a significant adverse impact upon reptiles.

### Habitats

#### *Hedgerows*

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. Based upon the submitted indicative layout it appears feasible that the vast majority of the existing hedgerows can be retained as part of the development. However, any losses of hedgerow must be compensated for through additional hedgerow planting as part of any detailed landscaping scheme produced for the site.

#### *Ecological Mitigation*

This application is supported by an ecological mitigation strategy which in addition to mitigation recommendations also includes a number of proposals for the ecological enhancement of the open space area. The proposed ecological enhancements are welcomed and to ensure they are incorporated into any future detailed reserved matter application a condition should be attached to any approval.

#### *Sandbach Flashes SSSI*

In this case Natural England have been consulted and do not consider that the development would affect the Sandbach Flashes SSSI.

#### **Flood Risk**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare in size, a Flood Risk Assessment (FRA) has been submitted as part of this application.

The submitted FRA identifies that the development is not at significant flood risk subject to the recommended flood mitigation strategy. The proposed surface water drainage discharge rate will be limited to Greenfield run off rates and the point of discharge for the site will be to the watercourse to the west of the site. The FRA also indicates that SuDS will be employed on this site.

The Environment Agency and United Utilities were consulted as part of the last application and raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

#### **Agricultural Land Quality**

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

An Agricultural Land Survey has been produced and this indicates that 3.2 hectares of the site is Grade 2, 3.4 hectares is Grade 4 and 0.4 hectares in non-agricultural land.

The loss of agricultural land was considered as part of the appeal decision for this application and the Inspector found that:

*'In my experience it is not unusual for BMV land to be located on the edge of existing towns and settlements, in locations which in other respects are likely to offer the most sustainable opportunities for development. The Framework does not place any absolute prohibition on the development of BMV land, and it was accepted at the Inquiry that it would be reasonable to deal with any loss of good quality land as something to be considered in the overall balance'*

The loss of agricultural land was outweighed in this case by the need to provide housing towards the Councils 5 year housing land supply.

### **Ground Conditions**

A number of the objections submitted as part of this application make reference to the ground conditions on this site.

In relation to this issue the Brine Board has been consulted but no response had been received at the time of writing this report. However it should be noted that residential development has already been approved on this site and the adjacent site.

### **Health Infrastructure**

Concern has been raised about the potential impact upon health infrastructure and in response to this issue the applicant has responded by stating that the NHS doctors surrounding the site are all accepting new patients. Officers have obtained information from the NHS choices website which confirms that the 7 practices within 4 miles of the site are all accepting new patients.

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Sandbach including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

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

The development would result in increased demand for primary and secondary school places in Sandbach where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards primary and secondary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

The cycleway contribution would improve the sustainability credentials of the site and was considered to be CIL compliant by the Inspector as part of the appeal.

The development would result in increased vehicular movements at the junctions of Old Mill Road/the Hill, Crewe Green Roundabout and Junction 17 of the M6 which are already at capacity. In order to mitigate this impact a contribution is required towards the Councils scheme



of improvements at these junctions. This is considered to be necessary and fair and reasonable in relation to the development.

The cycling contribution of £100,000 for improvements to cycling provision in the Wheelock, Sandbach and Elworth/Ettiley Heath area would improve the sustainability credentials of this site. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy. It is directly related to the development and is fair and reasonable.

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

## **PLANNING BALANCE**

The proposed development would be contrary to Policy PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS provision and the proposed NEAP this is considered to be acceptable. The provision of a NEAP would provide a facility for future residents and other residents in this part of Sandbach.
- Community facility
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The proposed highways contribution would mitigate the highways impact and the overall impact would be neutral.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- The impact upon the landscape would not in itself be sufficiently harmful to make the appeal proposal unacceptable

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. This is consistent with the earlier appeal decision for up to 100 dwellings on this site which was allowed with an award of costs against the Council.

## **RECOMMENDATION:**

**APPROVE** subject to completion of Section 106 Legal Agreement to secure the following:-

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
  - The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 2. Provision of Public Open Space and a NEAP (8 pieces of equipment) to be maintained by a private management company**
- 3. Primary School Education Contribution of £238,618.38**
- 4. Secondary School Education Contribution of £261,483.04**
- 5. Highways Contribution (Sum to be confirmed) towards the junctions of Old Mill Road/the Hill, Crewe Green Roundabout and Junction 17 of the M6**
- 6. Cycling Contribution (Sum to be confirmed) for improvements to cycling provision in the Wheelock, Sandbach and Elworth/Ettiley Heath area.**

And the following conditions:-

- 1. Standard Outline**
- 2. Submission of Reserved Matters**
- 3. Time limit for submission of reserved matters**
- 4. Approved Plans**
- 5. Details of existing and proposed ground levels**
- 6. Phasing of the development**
- 7. Submission of materials for the development**
- 8. Details of overland flow**
- 9. Details of scheme for the disposal of foul water**
- 10. Contaminated land**
- 11. Environment Management Plan**
- 12. Travel Plan**

13. 8m buffer zone along the watercourse
14. Submission of a revised Ecological Mitigation Strategy
15. Breeding Birds timing of works
16. Replacement hedgerow planting as part of the reserved matters application
17. Arboricultural Method Statement
18. Landscape Design and Management Strategy
19. Open Space Scheme
20. Management Plan for the Open Space

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Principal Planning Manager, in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
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