

Application No: 14/1193C

Location: Land South of, Old Mill Road, Sandbach

Proposal: Outline planning application for up to 200 residential dwellings, open space with all matters reserved.

Applicant: Muller Property Group

Expiry Date: 04-Jun-2014

SUMMARY

The site is within the Open Countryside where under Policy PS8 there is a presumption against new residential development. In this case the principle of development has already been accepted following the appeal decision on this site. The main difference between this application and the extant consent is that the means of access is no longer specified so that all matters are reserved.

The benefits in this case are in terms of much needed affordable housing provision and the development would help in the Councils delivery of 5 year housing land supply. Also 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 on protected species/ecology (subject to mitigation), drainage/flood risk implications, highways, trees, residential amenity/noise/air quality. Contaminated land could be mitigated through the imposition of planning conditions and the impact upon education infrastructure would be mitigated through the required contributions

The adverse impacts of the development would be loss of open countryside, loss of agricultural land and the development would adversely affect the landscape character of the site and the surrounding area and would have a negative effect on the setting to the urban area of the market town.

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 this weighs in favour of approving the development.

RECOMMENDATION

Approve subject to conditions and a S106 Agreement

PROPOSAL

This is an outline application with all matters reserved. The position of the access point was originally proposed as part of this application but has now been removed.

The development relates to a residential development of 200 dwellings. 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 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.

SITE DESCRIPTION

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.

RELEVANT HISTORY

13/2389C - 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 – Appeal for non-determination – Strategic Planning Board ‘Minded to Refuse’ – Appeal Allowed 11th December 2014

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

13/1398S – EIA Screening – EIA Required

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

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

Local Plan Policy

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

The relevant Saved Policies are:

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

Cheshire East Local Plan Strategy – Submission Version

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
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

Sandbach Neighbourhood Development Plan (Draft for Consultation)

H1 – Housing Growth
H2 – Design and layout
H3 – Housing Mix and type
H4 – Preferred Locations
PC2 – Landscape Character

Other Considerations

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

CONSULTATIONS (External to Planning)

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

Strategic Highways Manager: This development proposal benefits from approved access arrangements determined under appeal ref: APP/R0660/A/14/2212604 accordingly Cheshire East Council as Highway Authority is content that satisfactory access arrangements have been established for this development proposal subject to securing the necessary land to enable implementation and the inspectors recommended conditions and S106 contributions namely:

- S106 contribution of £120,000 towards The Hill/High Street junction.
- The access to the residential site shall be from a junction to the A534/A533 roundabout, in accordance with plan SCP/13111/F04 rev D hereby approved.

No assessment of the access shown on drawing 0239 SK01 Rev D from A534 Wheelock Bypass has been undertaken for this application as all matters are reserved.

On this basis, and in the absence of other assessments, Highways consider that site access from a junction at the A534/A533 roundabout is preferable on grounds of network integrity and road safety.

No other highway objections are raised on this outline application.

CEC 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.

CEC 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. An informative is suggested to be attached to any approval.

CEC Strategic Housing Manager: No objection subject to 30% of the dwellings as affordable in perpetuity and 65% as social or affordable rent and 35% as intermediate tenure. The preferred method of securing the affordable housing is as part of a S106 Agreement.

CEC Archaeology: 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.

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.

ANSA Public Open Space: No comments received but as part of the last application they stated that:

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.

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.

Education: The following contributions will be required:

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

Congleton Ramblers: Object to the proposed development as it does not respect the existing PROW on the land to be developed

VIEWS OF THE TOWN COUNCIL

Object on the grounds that the development is so substantial that its cumulative effect would be significant; granting permission would undermine the plan making process because of the emerging Neighbourhood Plan for Sandbach.

OTHER REPRESENTATIONS

Letters of objection have been received from 17 households raising the following points;

Principal of Development

- The proposal is speculative
- There is no need for more housing in Sandbach
- The development is too large for Sandbach
- No benefits from this development unlike the retail park scheme
- Questions raised by the previous appeal decision on this site
- The development should not be approved as it is contrary to local plan policies
- There are more appropriate sites which could be developed
- Loss of BMV Agricultural land
- The development is contrary to the Sandbach Neighbourhood Plan
- The development is not needed or wanted
- The development does not respect the historic market town
- Lack of detail contained within this planning application
- 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
- The site is not sustainable
- The previous application on this site was refused
- There are no jobs in Sandbach
- This site should be kept green for local residents to enjoy
- Impact upon the character of Sandbach which is a market town
- Loss of Green Belt

Design issues

- Visual impact due to the topography of this site
- The development should include bungalows as well as housing
- Over intensive suburban form of development
- Impact upon local Listed Buildings and the Conservation Area
- The development is too dense
- The site is prominent/landscape impact

Infrastructure

- Impact upon schools
- Impact upon medical infrastructure
- No assessment of the impact upon local infrastructure

Highways

- Increased traffic congestion
- Pedestrian safety
- The highway network should be improved first
- Increased traffic
- Cumulative highways impact
- The traffic information contained within this application is out of date
- Traffic is already a problem at this roundabout
- Traffic congestion where there is an accident on the M6
- Existing problems at Junction 17 of the M6
- Lack of car parking within Sandbach Town Centre

Amenity

- Increased pollution – air quality
- Impact upon living conditions
- Loss of outlook
- Loss of privacy
- Noise pollution
- Proximity of the proposed dwellings to existing dwellings. Certain plots should be removed from the application
- The existing trees and hedgerows which provide a buffer to existing dwellings should be retained as screening
- Light pollution
- Increased landscaping/vegetation is required
- Further clarification is required in relation to boundary treatment

Green issues

- Landscape impact
- Loss of trees on the site
- Impact upon wildlife habitat
- Impact upon local ecology
- Impact upon protected species
- Bats are located on the site
- Impact upon the wildlife corridor
- Significant ecological improvements are required

Other issues

- Increased drainage problems
- Flooding
- Impact upon the PROW
- The site is well used by walkers and ramblers

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 representation has been received from the Sandbach Woodland and Wildlife group raising the following points:

- This planning application needs to demonstrate a better appreciation of the characteristics and requirements of how these red and blue areas impact the adjacent area of the environmental corridor which includes Brook Wood and the need to link its recently formed trails with the public footpaths in Mill Hill Lane. A 'Location of Ecological Habitat' which arises in this planning application as an isolated feature with no connection to the future overall environmental plan for Sandbach and therefore does not have the support of the SWWG as it currently stands in the planning application.
- There is also no reference to public access to this area. The Environment Agency did ask 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. It would also be highly desirable to have a bridge crossing the Arclid Brook from Coronation Crescent/Townfields joining with this proposed new footpath.

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*".

In this case the principle of development has already been accepted following the appeal decision on this site as part of application 13/2389C.

Sandbach Neighbourhood Plan

Sandbach Neighbourhood Development Plan Working Group, in conjunction with the Sandbach Town Council has prepared a draft Neighbourhood Development Plan for the Parish of Sandbach.

Paragraph 216 of the NPPF states *From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

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

The NPPG states that an emerging neighbourhood plan may be a material consideration.

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

The NPPG also states that *‘refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process’*.

The Neighbourhood Plan is therefore a material consideration which must be weighed in the planning balance taking account of the stage that the neighbourhood plan is currently at and the context, location and scale of the proposed development relative to the Sandbach area.

Members may be aware there have been a number of recent legal cases that have supported Neighbourhood Plan policies even when a Local Plan has not been fully adopted. The weight to be attached to the plan depends on the particular circumstances in each case but this also reflects ministerial support given to Neighbourhood Plans over the past 18 months.

Policy H1 within the Neighbourhood Plan aims to limit development to sites of up to 30 dwellings with exceptions being made for brownfield sites. The site is clearly a greenfield one which proposes a development of up to 200 dwellings.

However in this case the principle of a development of 200 dwellings has already been accepted on this site and this is acknowledged within the Neighbourhood Plan. As a result it is not considered that this development would conflict with the main aims of the neighbourhood plan.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Councils 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

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.

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 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.

Affordable Housing

The site falls within the Sandbach sub-area for the purposes of the SHMA update 2013. This shows a net requirement for 94 affordable homes per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 18 x 1 bed, 33 x 2 bed, 18 x 3 bed and 9 x 4+ bed general needs units and 11 x 1 bed and 5 x 2 bed older persons accommodation.

Information taken from Cheshire Homechoice shows there are currently 308 applicants who have selected one of the Sandbach lettings areas as their first choice. These applicants require 117 x 1 bed, 125 x 2 bed, 58 x 3 bed and 8 x 4+ bed units.

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%.

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 a s106 Agreement, with a requirement that an affordable housing scheme is included with the Reserved Matters application.

Education

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

ENVIRONMENTAL SUSTAINABILITY

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 '*underused 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.

As part of the appeal application on this site the Council produced landscape evidence in an attempt to demonstrate that the development would adversely impact upon the landscape character of the site. As part of her appeal decision the Inspector found that:

'The loss of this area of countryside to housing would adversely affect the landscape character of the site and the surrounding area and would have a negative effect on the setting to the urban area of the market town. The proposal is not supported by Policy GR5. The degree of harm and the extent to which the proposal may respect landscape elements would be dependent on the details of the scheme, which are not for consideration in the outline application. The application of

the landscape mitigation principles suggests that the indicative housing layout would have to undergo significant amendment and possible reduction in housing units.

The Framework is not only concerned with protection of nationally designated landscapes but in preparing plans to meet development needs the aim should be to minimise adverse effects on the local and natural environment. Account should be taken of the different roles and character of different areas and recognition afforded to the intrinsic character and beauty of the countryside as core planning principles. With this proposal there would be significant harm to local character and given the lack of detail it is not possible to say that the harm would be minimised. Whether this environmental harm would be sufficient to justify refusal of permission is a matter for further consideration in assessing the overall sustainability of the proposal'

As part of her appeal conclusion the Inspector then went on to conclude that the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As such the development constituted sustainable development.

The conclusions made by the Inspector equally apply to this current application.

Access

The proposed development is in outline form with all matters reserved. The revised indicative plan submitted with this application shows an indicative access point to the west of the site onto the A534 via a new roundabout.

The outline application allowed at appeal 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.

As part of this application no assessment of the indicative access to the A534 Wheelock Bypass has been undertaken by the applicants. Had the applicants wished to determine the acceptability or otherwise of this access point they could have included it as part of the application. Similarly, had the application not shown a preferred access point then outline consent could have reasonably been granted leaving the point of access to be determined through reserved matters. In this case the indicative 'preferred' access point needs to be addressed as otherwise it will be assumed that the LPA accept the indicative access point as being acceptable when it is for the applicant to show that it is through the approval of details. As this access is directly onto a principle highway where the highway authority generally seek to restrict the number of new access points, it is important not to convey the impression that this access is acceptable without proper consideration of the details.

Consideration of the new access point has to form part of the outline application. This is because Article 5 (3) of the T&CP (Development Management Procedure)(England) Order 2015 states that where access is a reserved matter, the outline application must "*state the area or areas where access points to the development proposed will be situated*" which is what the applicants have done. The effect of art.5 is (i) that if outline permission is granted it would be difficult for the Council

to argue later that the new access point is unacceptable in principle if the details of the access show that it can be constructed and will work properly.

In this case as part of the determination of the appeal application the Inspector found that the development would not have a severe impact in terms of traffic generation. The Head of Strategic Infrastructure has stated that there is an acceptable access strategy onto the Old Mill Road roundabout and the required junction geometry/visibility could be achieved as shown on the indicative access. As such access could be secured as part of any reserved matters application for this application.

Highways Conclusion

In this case the traffic generation from this development was considered to be acceptable as part of the appeal decision and an acceptable access to the site could be achieved at the Reserved Matter stage. 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'

However, a condition should be attached to make it clear that the indicative access point is not accepted and to advise that the access should preferably come off the previously approved roundabout.

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 (NO₂).

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 NO₂ and particulate matter (PM₁₀) 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

A revised Arboricultural Impact Assessment Addendum has been submitted in support of the amended plans/details.

The amended details show an alternative indicative access off the A534. The alternative indicative access proposes a 3 arm roundabout and widening of the A534 at its approach and exit.

The supplementary Arboricultural Statement states that the indicative access road '*will cut through an existing belt of early mature mixed species trees planted adjacent to the A534*' resulting in the loss of some. The Assessment Addendum has not provided any specific survey details of these trees or their category and definition as required by *BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations*.

The trees were originally planted as part of the landscaping for the A534 and are within the ownership of CEC (Assets). Comprising of a mix of semi mature Willows, Alder, Ash, Pine, Alder and various other native species, the trees are visually prominent along the A534 providing a buffer/screening to the A534.

In terms of tree losses the Councils Tree Officer concurs with the amended Arboricultural Assessment that the indicative proposal would not result in any loss of any A or B category trees. The internal spine road should ensure the safe long term retention of Oak (T2).

The loss of trees to provide the new roundabout and access as shown on the indicative plans has not been quantified, the Planning Statement refers to a small area of plantation and hedgerow and the Arboricultural Assessment refers to 'some trees'.

The proposed roundabout and associated infrastructure (road widening), levels changes and service provision etc will inevitably require the loss of trees potentially on both sides of the A534 and probably more significant than what is suggested. The trees lost are all relatively young specimens and although they are visually prominent they be mitigated by replacement planting as part of a landscape scheme.

In design terms the indicative layout does appear to show some potential conflict with existing trees and proposed housing plots and therefore some further reassurance is required at reserved matters stage by provision of a detailed Arboricultural Impact Assessment that trees could be retained in the long term. An updated Arboricultural Impact Assessment will need to be secured as part of the planning conditions should the application be approved.

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.

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/Wheellock 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 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 Condliffe 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

Other Protected Species

No evidence of other protected species has been recorded on site during the latest survey. The Councils Ecologist advises that this species is not likely to be significantly affected by the proposed development.

Water Vole

This species was previously recorded as being associated with the ditch on the western block of land. No evidence of this species was recorded during the latest surveys. As the survey was constrained by lack of access to the ditch resulting from the density of the vegetation, the Councils ecologist advises that it is entirely possible that this species is still present and associated with the ditches on the western block of land.

The potential impacts of the proposed development should be mitigated by means of a condition requiring the provision of undeveloped buffer zones adjacent to the on-site water courses.

Bats and Barn Owls

Updated Bat and Barn Owl surveys have been undertaken. No evidence of roosting by either of these species has been recorded and the Councils Ecologist advises that the proposed development is not likely to have a significant adverse impact upon these species.

Breeding Birds

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

Sandbach Wildlife Corridor

The proposed development is located partly within the Sandbach Wildlife Corridor. Local Plan policy NR4 is pertinent to the determination of this application.

The Councils Ecologist advises that the proposed development would result in a loss of area of habitat from within the wildlife corridor contrary to local plan policy NR4. The habitat lost however, with the exception of the hedgerows, is of limited nature conservation value consisting primarily of improved grassland. The proposed development would however 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 also located within the Sandbach Wildlife Corridor.

The Councils Ecologist advises that if planning consent is granted the proposed habitat creation would be adequate to compensate for the loss of habitat associated with the proposed development and has the potential to lead to an enhancement of 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.

A condition should also be attached requiring the submission of an in perpetuity habitat management plan for the ecological mitigation area.

Impacts of indicative alternative access

The alternative indicative access scheme would result in the loss of an area of relatively recent plantation woodland and the loss of 90m of establishing hedgerow habitat. The alternative access would however be beneficial in avoiding the need for a crossing over Arclid brook and would also allow an area of semi-improved grassland/tall ruderal (of modest nature conservation value) to be retained within the open space area of the development.

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 Council's 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.

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.

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.

In relation to this issue the Inspector found that:

'In conclusion, the BMV is not critical to the efficiency and productivity of the farming operation at Hounding Lane Farm. The proposal is unlikely to have adverse economic effects in respect of farming operations and the business overall, provided that the design of the housing layout responded to the constraints imposed by the farmyard and buildings with suitable mitigation to protect amenity'

The Impact upon Housing Lane Farm

The impact upon this adjacent working farm was considered by the Inspector as part of her appeal decision on this site. The Inspector found that:

'The probability is that because of the shape and topography of the site a fair proportion of the proposed dwellings would be sited to the north and east of the farm buildings and yard at Houndings Lane Farm. In fact the indicative scheme layout shows gardens backing onto a silage clamp and some dwellings sited within a few metres or so from the north western boundary of the farm unit. There is the potential for dwellings, and more especially those nearest the boundaries, to be in close proximity to the activity and the associated noise and odour associated with a working dairy farm and the outlook would be severely affected by the silage clamp. The proposed housing would have a very different relationship to the farmstead when compared to the existing residential development to the east of the site on Palmer Road, Condliffe Close and Laurel Close, which is a good distance away. The fact that there have been no complaints from residents about the farming operation provides no guide to the likelihood of future complaints after development.'

'There are proposals to reorganise and update the farmstead that includes relocation of the silage clamp. Even so, to site dwellings and private gardens immediately next to a farmyard, with no buffer space at all, would be poor design and unacceptable in terms of amenity, whether or not the silage clamp is relocated. The indicative layout adjacent to the farm would require significant revision. The Appellant advised that the loss of some 10 units would not affect the viability of the scheme'

It is considered that the assessment above applies to this outline application and a further assessment and the potential reduction in the number of dwellings will be required at the reserved matters stage.

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 development would result in increased vehicular movements along the A533/A534 corridor which is already at capacity. In order to mitigate this impact a contribution is required towards the Councils scheme of improvements along this corridor. 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 site is within the Open Countryside where under Policy PS8 there is a presumption against new residential development. In this case the principle of development has already been accepted following the appeal decision on this site.

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.
- 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 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 development would not raise any significant highways issues
- The impact upon trees is considered to be neutral
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- The impact upon education infrastructure would be mitigated through the required contributions

The adverse impacts of the development would be:

- Loss of open countryside
- Loss of agricultural land
- The development would adversely affect the landscape character of the site and the surrounding area and would have a negative effect on the setting to the urban area of the market town.

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 this weighs in favour of approving the development.

Furthermore, the previous appeal decision provides confirmation of the acceptability of the scheme and that a development – subject to the access being agreed, can be achieved.

RECOMMENDATIONS

APPROVE subject to a S106 Agreement to secure the following Heads of Terms:

- 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 £390,466**
- 4. Secondary School Education Contribution of £424,909**
- 5. A contribution of £120,000 towards off-site highway improvements (The Hill/High Street)**
- 6. Detailed design, implementation and management of the ecological mitigation area**

And the following conditions:

- 1. Standard outline 1**
- 2. Standard outline 2**
- 3. Standard outline 3**
- 4. Notwithstanding the preferred access point as indicated as part of the submitted details, this permission does not convey or imply that a vehicular access directly onto the A534 is acceptable in principle to the Local Planning Authority as no information has been submitted to demonstrate that it is.**
- 5. Landscaping shall include details of replacement hedgerow planting**
- 6. Phasing shall be submitted to the LPA for approval in writing**
- 7. Reserved matters to include details of land levels**
- 8. Surface water drainage scheme**
- 9. Compensatory flood storage**
- 10. Details for the disposal of foul water**
- 11. Provision of an 8m buffer to Arclid Brook**
- 12. Contaminated land**
- 13. Environment Management Plan**
- 14. Noise and Odour Assessment in relation to Houndings Lane Farm**

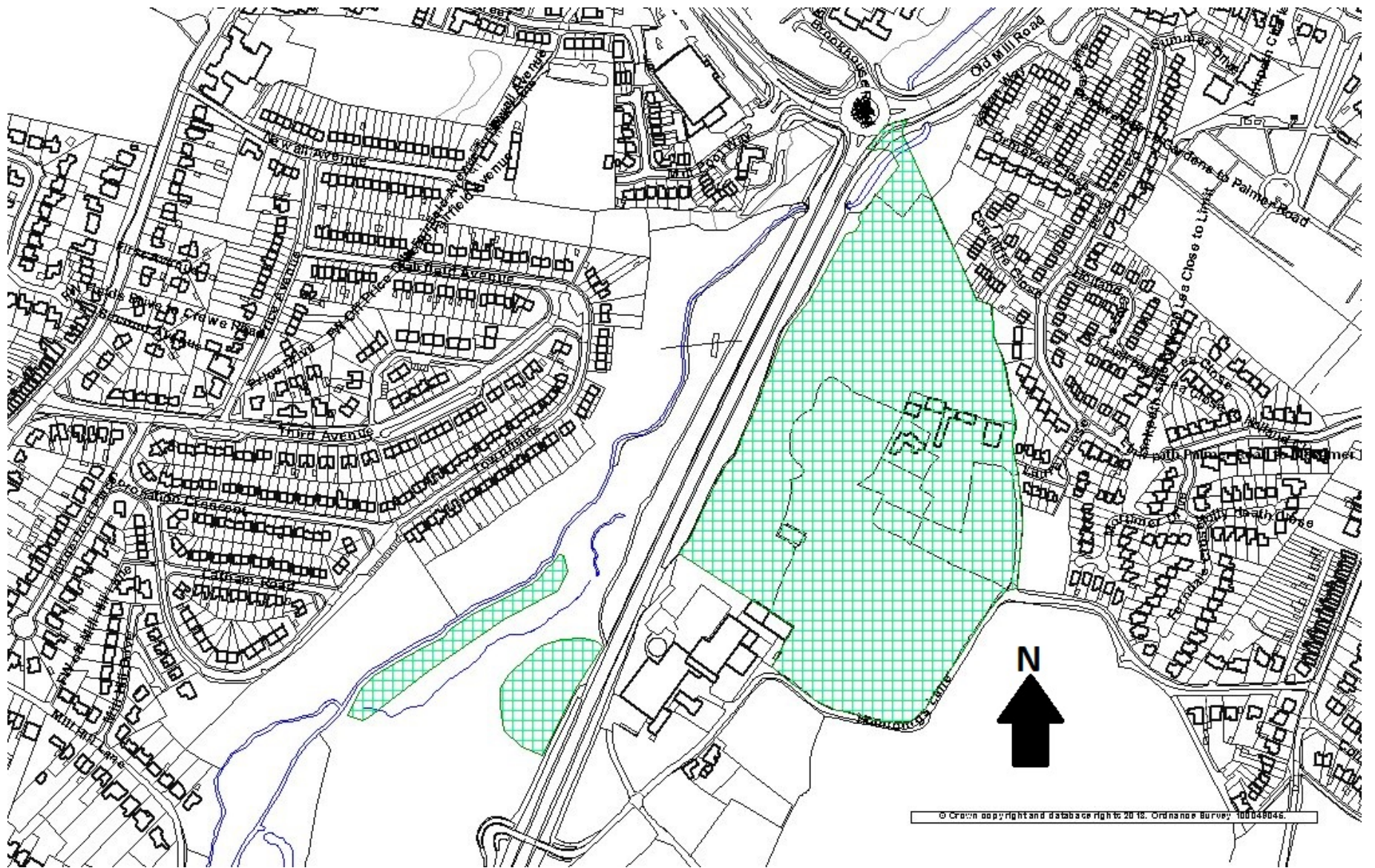
15. Archaeology mitigation
16. Timing of works within the bird breeding season
17. Breeding bird and bat boxes
18. Ecology mitigation strategy
19. Arboricultural Method Statement
20. Travel Plan
21. Pedestrian and cycle provision
22. Electric vehicle Infrastructure
23. No development within the area adjacent to the silage clamp unless the silage clamp has been relocated to a position south of Houndings Lane Farm
24. Reserved Matters application to include updated protected species surveys

Informative: There is an access point already determined to be acceptable as part of the access arrangements as determined under appeal ref: APP/R0660/A/14/2212604.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) 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 is approved to enter into a S106 Agreement with the following Heads of Terms:

2. 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 £390,466
4. Secondary School Education Contribution of £424,909
5. A contribution of £120,000 towards off-site highway improvements (The Hill/High Street)
6. Detailed design, implementation and management of the ecological mitigation area



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