

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD REPORT

Date:	24 th February 2016
Report of:	David Malcolm – Head of Planning (Regulation)
Title:	Update following the Refusal of Application 14/1189C – Outline Application for 165 dwellings
Site:	Land off Abbey Road, Sandbach

1.0 Purpose of Report

1.1 Planning application 14/1189C was determined by the Strategic Planning Board on 3rd June 2015. This report is to consider an update to the reasons for refusal in advance of the upcoming appeal.

1.2 The minutes from the meeting are as follows:

(a) That the application be REFUSED for the following reasons:

1. The Local Planning Authority considers that having regard to the context of developments in the Sandbach area and the scale of the proposed development that it would be premature following the publication consultation draft of the Sandbach Neighbourhood plan. As such allowing this development would prejudice the outcome of the neighbourhood plan-making process and would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.

2. Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that the development is unsustainable because of the conflict with the draft Sandbach Neighbourhood plan and because of the unacceptable environmental and economic impact of the scheme in terms of loss of best and most versatile agricultural land and open countryside. These factors significantly and demonstrably outweigh the social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such the proposal is contrary to Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review 2005 and Policies PG 5 and SE 2 of the Cheshire East Local Plan Strategy – Submission Version and the provisions of the NPPF.

(b) That, in order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority

be delegated to the Head of Strategic & Economic Planning, 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.

(c) That, 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*
- 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 £325,388.70

4. Secondary school education contribution of £343,169.49

5. PROW Contribution of £25,000

6. Highways Contribution of £137,211 towards improvements to the A533/A534 corridor

2.0 Decision Required

- 2.1 Since the refusal of this application an appeal has now been lodged and it is now necessary to update the reasons for refusal to reflect the current policy position as detailed.

3.0 Background

- 3.1 The site of the proposed development extends to 9.36 hectares and is located to the east of Abbey Road. To the east of the site is Abbeyfields a Grade II Listed Building. Sandbach United Football Club is located to the south of the site with the Wheelock Rail Trail beyond. To the south-west of the site are employment units which front Lodge Road and to the west are residential properties which front onto Abbey Road.

- 3.2 The land is currently in agricultural use and there are a number of trees and lengths of hedgerow to the site boundaries. Some of these trees to

the boundary with the property known as Abbeyfields and north-east corner of the site are subject to TPO protection.

4 Proposed Development

- 4.1 14/1189C is an outline planning application for up to 165 dwellings (reduced from 190 dwellings during the course of the application). Access is to be determined at this stage with all other matters reserved.
- 4.2 The access point to serve the site would be taken off Abbey Road to the west of the site. The site would include the provision of 30% affordable housing and public open space.
- 4.3 The development would consist of 2-2.5 stories in height (a maximum 10 metres in height). The application extends to 9.36 hectares and would include a net development area of 5.65 hectares which would give a density of 29 dwellings per hectare.
- 4.4 The land to the north is known as 'Abbeyfields' and has been subject to an extensive planning history. Planning applications 10/3471C and 12/1463C have given outline approval for 280 dwellings on this site.

5 Officer Comment

- 5.1 Given the passage of time it is now considered appropriate to provide an update on the current situation to allow the appeal to proceed based on the most up to date position. In this case the first reason for refusal refers to the development being premature following the publication consultation draft of the Sandbach Neighbourhood Plan. In this case the Sandbach Neighbourhood Plan has now been through examination and a number of changes have been suggested.
- 5.2 It is understood that these changes will be made and the Neighbourhood Plan will proceed to referendum on this basis. The current timetable indicates that the Neighbourhood Plan (subject to a successful vote in favour of the Plan) will be made prior to the public inquiry and if this is the case the appeal will no longer be premature but will be contrary to the Neighbourhood Plan.
- 5.3 It should also be noted that there is a clear link between the Sandbach Neighbourhood Plan and the emerging Cheshire East Local Plan Strategy which was noted by the Examiner.
- 5.4 On this basis it is necessary to agree the alternative wording that this appeal is defended on. The suggested wording is as follows:
 - 1. *The Local Planning Authority considers that having regard to the cumulative impact of developments in Sandbach that the proposed development would be contrary to Policy PC1 contained within the Sandbach Neighbourhood plan and that the*

development when taken cumulatively with other developments in Sandbach would be premature and would prejudice the Local Plan making process. As a result the development would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.

6 Conclusion

- 6.1 On the basis of the above, it is considered that the appeal be defended on the amended grounds.

7 Recommendation

- 7.1 That the appeal is defended on the following grounds;
1. *The Local Planning Authority considers that having regard to the cumulative impact of developments in Sandbach that the proposed development would be contrary to Policy PC1 contained within the Sandbach Neighbourhood plan and that the development when taken cumulatively with other developments in Sandbach would be premature and would prejudice the Local Plan making process. As a result the development would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.*
 2. *Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that the development is unsustainable because of the conflict with the draft Sandbach Neighbourhood plan and because of the unacceptable environmental and economic impact of the scheme in terms of loss of best and most versatile agricultural land and open countryside. These factors significantly and demonstrably outweigh the social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such the proposal is contrary to Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review 2005 and Policies PG 5 and SE 2 of the Cheshire East Local Plan Strategy – Submission Version and the provisions of the NPPF.*

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

10 Risk Assessment

10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

11.1 For the purpose of defending this appeal at the upcoming public inquiry.

For further information:

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Background Documents:

- *Application 14/1189C*