

Application No: 16/2583C

Location: Land West Of, BRADWALL ROAD, SANDBACH

Proposal: Outline planning permission for residential development to include details of access

Applicant: Site Plan UK LLP

Expiry Date: 08-Nov-2016

SUMMARY

The proposed development would be contrary to Policy PS8 and H6 and the development would result in a loss of open countryside. However Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites then the presumption in favour of sustainable development applies at paragraph 14. 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 PROW 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, trees residential amenity/noise/air quality/contaminated land and 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.

An update will be provided in relation to the impact upon the highways network and the setting of the Listed Building at Abbeyfields.

In this case it is considered that the development would be contrary to countryside policies within the Sandbach Neighbourhood Plan, Congleton Local Plan and emerging CELPS. Given the scale of development and the degree of harm it is considered that the presumption in favour is outweighed.

RECOMMENDATION

Refuse

PROPOSAL

This is an outline planning application for up to 200 dwellings. Access is to be determined at this stage with all other matters reserved.

The access point to serve the site would be taken off Bradwall Road to the south-east corner of the site. The site would include the provision of 30% affordable housing and public open space.

The development would be limited to two-storeys in height.

SITE DESCRIPTION

The site of the proposed development extends to 8.2 hectares and is located to the west of Bradwall Road. To the south of the site are residential properties which front Barlow Way, Raven Close and Swallow Drive. To the west of the site on the opposite side of Bradwall Road in Sandbach Rugby Club. To the north-east corner of the site is an electric substation with agricultural land to the north and west of the site.

The land is currently in agricultural use and there are a number of trees and lengths of hedgerow to the site boundaries. A hedgerow runs across the site from north-south and there are a number of trees within the centre of the site.

RELEVANT HISTORY

16/3880S - EIA screening opinion for residential development – Screening Direction issued by SoS – The development is not EIA Development

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

216 Implementation

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

Sandbach Neighbourhood Development Plan

H1 – Housing Growth
H2 – Design and layout
H3 – Housing Type and Mix

H4 – Housing and an Ageing Population
H5 – Preferred Locations
PC2 – Landscape Character
PC3 – Policy Boundary for Sandbach
PC4 – Biodiversity and Geodiversity
IFT1 – Sustainable Transport, Safety and Accessibility
IFT2 – Parking
IFC1 – Community Infrastructure Levy
CW1 – Amenity, Play, Recreation and Outdoor Sports
CW3 – Health
CC1 – Adapting to Climate Change

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

CONSULTATIONS

Environment Agency: No objection.

CE Flood Risk Manager: No objection. Conditions suggested.

Health and Safety Executive: The HSE does not advise on safety grounds against the granting of planning permission in this case.

CEC Strategic Housing Manager: No objection.

United Utilities: No objection subject to the imposition of conditions.

Strategic Highways Manager: No objection subject to conditions relating to a Travel Plan and Visibility Splays.

Environmental Health: Conditions suggested relating to piling hours, dust mitigation, noise mitigation, travel plan, electrical vehicle infrastructure, contaminated land and an environmental management plan.

Additional information requested in relation to air quality.

NHS England: No comments received.

Ansa (Public Open Space): Based on the minimum standard of 2.4 persons per dwelling and having calculated the existing amount of accessible Amenity Green Space (AGS) within 800m of the site. The development will generate a need for a minimum of 4540sq.m new AGS.

There are no local play facilities accessible within 800m of the site therefore on site provision is required.

The Interim Policy Note September 2008 updated the legacy Borough's SPG1 state that where developments of 75+ dwellings are proposed, a NEAP standard play facility is required having a minimum area of 1000sq.m this being in addition to the AGS. A 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.

Natural England: The proposal is not likely to damage or destroy the interest features for which the Sandbach Flashes Site of Special Scientific Interest (SSSI) has been notified. Natural England have no further comments to make on the application.

CEC PROW: The proposed development is adjacent to public footpath Sandbach No. 6 as recorded on the Definitive Map. It appears unlikely that the proposal would affect the public right of way.

CEC Countryside Access: It is important that the facilities for walking and cycling, including routes, destination signage and information materials, are completed and available for use prior to the first occupation of any property within any phase of the development, and remain available for use during the completion of other phases.

The proposed draft heads of terms for the s106 agreement includes a 'Footpath Contribution' under the Highways Contribution section: Public Footpath No .6 in the Parish of Sandbach runs from opposite the site on Bradwall Road to Offley Road and hence could, with improvement, offer an off-road route to school for children from the proposed development and for adjacent residents. In order to make this route useable year-round and accessible to parents with pushchairs for example, works would be required including surfacing and path furniture replacement. However, all such works would require the agreement of the respective landowner and consideration of their current land use practices. The suggested improvement works have been costed at £26,128.

An assessment would be needed as to whether a crossing facility for pedestrians on Bradwall Road would be required to enable users to reach the public footpath.

CEC Archaeology: Condition suggested.

CEC Education: This development would be expected to generate up to 36 primary aged pupil, 28 secondary aged pupils and 2 children with Special Educational Needs. The following contributions should be secured:

Secondary = £441,253

SEN = £91,000

VIEWS OF THE PARISH COUNCIL

Sandbach Town Council: Object to the application on the following grounds:

- The site is outside the settlement zone line contrary to planning policy PC3 of Sandbach Neighbourhood Development Plan.
- The site would remove an area of open countryside and farmland which is part of the landscape character of Sandbach and contrary to planning policy PC2 of Sandbach Neighbourhood Development Plan and planning policy SE4 of the emerging Cheshire East Local Plan Strategy.

- The site is contrary to planning policy H1 of Sandbach Neighbourhood Development Plan, since it is not contained within the Cheshire East Council Local Plan Strategy and Allocations documents.
- The proposal illustrates a site with a high density of housing which is contrary to planning policy H2 of Sandbach Neighbourhood Development Plan.
- The proposed housing mix and type does not correspond to the forecast requirements for Sandbach and therefore contravenes planning policy H3 of Sandbach Neighbourhood Development Plan.
- The site is contrary to the preferred locations detailed within and contrary to planning policy PC5 of Sandbach Neighbourhood Development Plan.
- The site is situated on a road that has required the recent installation of 2 traffic calming features to improve safety and reduce usage and would be unsustainable and contrary to planning policy IFT1 of Sandbach Neighbourhood Development Plan.
- The site does not link to public transport and so is contrary to planning policy IFT1 of Sandbach Neighbourhood Development Plan.
- Approval of the site would reduce the amenity value of the open countryside thus contravening planning policy CW1 of Sandbach Neighbourhood Development Plan.
- The site is in the open countryside contrary to planning policy H6 PS6 and PS8 of Congleton Borough Council Local Plan and policy PG5 of the emerging Cheshire East Local Plan Strategy.
- The site is on high grade agricultural land contrary to planning policy NR8 of Congleton Borough Council Local Plan.
- The site would be detrimental to the amenity value of the locality, contrary to planning policy GR8 of Congleton Borough Council Local Plan.
- The site would affect the landscape character of the area contrary to planning policy GR5 of Congleton Borough Council Local Plan.
- The site could contravene PC4 on Biodiversity and Geodiversity due to potential to harm protected species.
- There are clear precedents for rejection of this proposed development on the grounds of loss of open countryside, BMV agricultural land and known compliance with NDP. For example the 189 houses at Stapeley rejected by the Secretary of State because of harm to the character and appearance of open countryside.

Bradwall Parish Council: Object to the application on the following grounds;

- The development would be in the open countryside and is contrary to the Site Allocation and Development Policies of the emerging Local Plan Strategy for Cheshire East (Ref. Policy PG5) and the current Congleton Borough Council Local Plan (Ref. Policies H6, PS6, PS8).
- The land was not submitted for consideration as part of the Local Plan Site Selection process and adjoining land, which was submitted for consideration, has been rejected by Cheshire East as unsuitable with one of the main factors being “the impact upon the character and settlement of the urban form”.
- The land is outside the Settlement Zone line identified in the adopted Sandbach Neighbourhood Development Plan (NDP) (Ref. Policy PC2a)
- Includes land identified as of Ecological value in the Sandbach NDP. (Ref. Policy PC3).
- The proposal would result in a loss of high grade agricultural land.
- Additional traffic on Bradwall Road would not be sustainable. The Parish of Bradwall is already experiencing a large increase in the number of vehicles using the narrow, unlit country lanes to avoid congestion in Sandbach and this is creating road safety problems and loss of amenity value for Sandbach and Bradwall residents.

REPRESENTATIONS

Letters of objection have been received from 297 local households raising the following points:

Principle of development

- The site is outside the settlement boundary
- Since 2010 there has been the approval of 2,754 dwellings in Sandbach which exceeds the town's quota until 2030
- This is a speculative development
- Sandbach has had more than its fair share of housing
- Loss of agricultural land
- The site is beyond the Settlement Boundary identified in the Sandbach Neighbourhood Plan
- The development will just add to the commuting nature of Sandbach as there is a lack of employment within the town
- The scale of the development is out of keeping with the town
- Approving the development will open the floodgates for other speculative developments
- The development is contrary to the Sandbach Neighbourhood Development Plan
- The development is contrary to the Cheshire East Local Plan
- The development is contrary to the Congleton Local Plan
- The harm to the character and appearance of the open countryside and loss of BMV agricultural land can outweigh the lack of 5 year housing land supply
- 7 houses have been refused on Congleton Road, Sandbach on the basis that they are outside the settlement boundary
- The mix of housing does not meet the needs of Sandbach
- The site is visible from residential properties, Bradwall Road, PROW 6 and 7, and Sandbach Rugby Club
- The development is contrary to the NPPF
- The application is premature ahead of the Cheshire East Local Plan
- Two further internal access roads are shown on the plans and it is likely that there will be future phases of development
- Increased traffic pollution
- Brownfield sites around the town should be developed first
- The site is not allocated for housing
- Similar applications have been refused
- An EIA will be required given the size of the development
- The density of the development is not appropriate
- Sandbach is losing its market town character
- The development will consist of executive type homes
- The proposed housing will not be affordable
- Sandbach is being targeted due to higher prices than the Potteries
- Sandbach should benefit from the increased Council Tax and not Crewe
- There should be a police inquiry into why these unwanted housing developments have been approved
- More 1 bedroom flats should be provided
- Cheshire East has failed residents by failing to produce a Local Plan
- Sandbach will end up joining with Middlewich
- The site is within the Green Belt

Highways

- Bradwall Road is a country lane and is not suitable for the existing traffic levels
 - Increased traffic congestion
 - Highway safety
 - Increased danger to pedestrians
 - Bradwall Road is currently used as a rat run
 - Emergency services are having difficulty accessing emergencies due to the congestion in Sandbach
 - Speeding traffic along Bradwall Road which has resulted in the installation of traffic calming measures
 - Horse riding is not safe anymore along Bradwall Road
 - Bradwall Road is a country lane and is not suitable to serve this development
 - Several junctions close to the site are already at capacity
 - There is a lack of car-parking with Sandbach Town Centre and this developments will make the situation worse
 - Bradwall road is narrow and unsuitable for additional traffic
 - The site is not on a bus route and is beyond the recommended walking distance for many key amenities
 - Traffic congestion associated with the Rugby Club opposite the site
 - The local road network is unsuitable and large vehicles are unable to pass
 - Disruption caused by temporary traffic lights as part of the approved developments
 - Congleton Road is heavily congested at peak times
 - There are no pedestrian crossing facilities on Bradwall Road
 - The improvements at Junction 17 have made the traffic issues in Sandbach worse
 - When there are problems on the M6 there is traffic chaos in Sandbach
 - The submitted plan shows that vehicles would need to back out onto Bradwall Road
 - There are many flaws with the submitted TA
 - The transport surveys were undertaken in June when school children were revising at home (reducing traffic by a third)
 - There is nothing in the TA which assesses the many temporary traffic lights in Sandbach
 - The TA does not measure the traffic queue's
 - Not all committed traffic is included within the TA (the Capricorn site and the Waste Transfer Station in Middlewich)
 - Bradwall Road is a popular cycling route
 - There has been a number accidents along Bradwall Road and Offley Road
 - Roads and footpaths would become more congested which would be harmful to local people (especially those with disabilities)
 - The development would be a blot on the landscape
 - The development will be visible from nearby footpaths
- Increased traffic makes it difficult to exit private driveways

Green Issues

- Increased flooding
- Impact upon wildlife
- The site is well used by bird life
- Impact upon protected species
- There are Great Crested Newts on this site
- Loss of distant views to Peckforton Castle and High Billinge
- The site contains a number of very old Oak trees
- Loss of trees as part of this development

- Increased air pollution
- The impact upon the landscape character
- Increased air pollution which exceeds EU recommended levels
- The site floods during winter months
- The site is well used by birds

Infrastructure

- Increased pressure on local schools (both primary and secondary)
- Impact upon local health provision
- Increased risk of flooding
- Additional strain on the existing sewage system
- Wifi connections need upgrading in Sandbach
- The emergency services cannot cope with any further housing
- Sandbach cannot cope with any further housing with the existing infrastructure
- Leighton Hospital is at capacity

Amenity Issues

- Loss of outlook
- Loss of privacy
- Visual Intrusion
- Noise and disturbance caused by the access to the site
- Increased light pollution
- Increased noise pollution
- Impact upon mental well being of local residents

Other issues

- The impact upon the character of Sandbach
- The site is close to 2 Roman Roads
- The site may contain archaeological remains
- New builds are swamping the housing market
- Residents have not been given long enough to comment on this application
- Impact upon property values
- Renewable energy should be provided on any development (e.g. solar panels)
- Sustainable materials should be used on any development

A letter has been received from Fiona Bruce MP enclosing a constituent's letter of objection (which is summarised in the section above) and asking that it is given careful consideration prior to a decision being made.

A representation has been received from Cycling UK which raises the following points;

- Footpath Sandbach FP6 between Bradwall Road and Offley Road - Investigations should take place to see if this can be upgraded for cycle use. This would provide a car free connection to Offley Primary School.
- Footpaths Sandbach FP 36/Bradwall FP 3 between Marsh Green Road and Wood Lane/Bradwall – Investigate if this can be upgraded for cycle use. This would provide a connection to Sandbach Railway Station.
- Both suggestions have been logged as Aspirations with the Rights of Way Team.

APPRAISAL

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.

Sandbach Neighbourhood Development Plan

The Sandbach Neighbourhood Plan (SNP) was made on 12th April 2016 and this site falls outside the Settlement Zone Line as identified by the SNP.

Policy PC3 (Policy Boundary for Sandbach) of the Sandbach Neighbourhood Plan (SNP) states that new development will be supported in principle within the policy boundary (Sandbach), but outside of the boundary, where the application proposal lies, only a limited number of developments will be permitted. New dwellings as sought are not listed as one of these permitted developments, and therefore the scheme would be contrary to SNP Policy PC3.

The application does not fall within an Area of Separation as defined by the SNP under Policy PC1, but is sited outside of the settlement boundary. In such locations, Policy H1 permits housing development to meet the housing requirement established in the Cheshire East Council Local Plan through existing commitments, sites identified in the Cheshire East Local Plan (Strategy and Allocations Documents) and windfalls.

In this case it is important to note that there have been a number of relevant appeal decisions relating to housing development outside the Settlement Zone Lines identified by the SNP which are summarised below;

- 16/0574C (7 dwellings at Congleton Road, Sandbach) – Appeal Allowed. As part of this decision Policy PC3 of the SNP was found to be not up to date even when recently adopted and only limited weight was given to this policy. Paragraph 14 of the NPPF was applied and the development represented sustainable development and was allowed.
- 15/5259C (12 dwellings at Church Lane, Sandbach) – Appeal Allowed. The Inspector found that Policy PC3 was out-of-date even though the SNP was only made earlier that year and limited weight was attached to this Policy. Paragraph 14 of the NPPF was applied and the development represented sustainable development and was allowed.

- 14/1946C (75 dwellings at Land off The Hill/Manor Road, Sandbach) – Appeal Dismissed. Policies H5 and PC3 were considered to be out-of-date which reduces the weight which can be attached to the policies and the site is an appropriate location for development. The appeal was dismissed as it caused harm to the living conditions of the adjacent neighbours and this harm was given ‘very significant weight’
- 14/1189C (165 dwellings at Land off Abbey Road, Sandbach) – Appeal Allowed by the SoS – In addition to being outside the Settlement Zone Line this site lay within the Area of Separation (Policy PC1). In this case the SoS agreed with the Inspector that *‘whilst the SNP is only just made, upon being made it was immediately out-of-date in terms of policies relating to housing land supply’*. The adverse impacts were not considered to outweigh the benefits and the appeal was allowed.
- 14/3892C (200 dwellings at Land off Crewe Road, Sandbach) – Appeal Dismissed by the SoS – This site was also located outside the Settlement Zone Line and within the Area of Separation (Policy PC1). Again the SoS agreed with his Inspector that the SNP was *‘immediately out-of-date’*, however the SoS then went on to conclude as part of his planning balance that the development would result in the *‘erosion of the strategic gap would have the effect of increasing the perception of settlements beginning to merge’* and that this environmental harm would outweigh the benefits.

As can be seen from the above appeal decisions Policy PC3 has only be given limited weight as it is a relevant policy for the supply of housing. The appeal at The Hill was dismissed due to amenity concerns only and the appeal at Crewe Road was dismissed due to the loss of the strategic gap identified by Policy PC1 (which does not apply to this site).

Since the above appeal decisions were issued the Government has issued a Ministerial Statement in relation to Neighbourhood Plans which states that the relevant policies for the supply of housing in a neighbourhood plan, that is part of the development plan, should not be deemed to be ‘out-of-date’ under paragraph 49 of the National Planning Policy Framework where all of the following circumstances arise at the time the decision is made:

- This written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;
- the neighbourhood plan allocates sites for housing; and
- the local planning authority can demonstrate a three-year supply of deliverable housing sites.

In this case the SNP does not allocate any sites for housing and as such the Ministerial Statement does not apply.

Housing Land Supply

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council's approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector's recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector's recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the Richborough case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy.

Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies. In addition given the progression of emerging policies towards adoption greater weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

SOCIAL SUSTAINABILITY

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 413 applicants who have selected one of the Sandbach lettings areas as their first choice. These applicants require 132 x 1 bed, 132 x 2 bed, 84 x 3 bed, 64 x 4 bed and 1 x 5 bed units.

The accompanying planning statement outlines that 30% of the units will be provided as affordable with the tenure split outlined is 65% affordable rent and 35% intermediate tenure. This is in line with the requirements of the IPS and represents a benefit of this development.

Public Open Space

This indicative layout shows that an area of POS would be located in two parcels of the site (one linear parcel at the centre of the site and a larger parcel to the north-east of the site). The indicative plans show that the open space would measure 10,544sq.m.

The level of open space would exceed the requirements for a development of this size and would be maintained by a management company.

In terms of children's playspace, the Public Open Space Officer has requested an on-site NEAP with at least 8 pieces of equipment. This would be secured as part of a S106 Agreement together with the management of the NEAP.

Education

An application of 200 dwellings is expected to generate 35 primary aged children, 27 secondary aged children and 2 SEN children.

In terms of primary school education, the proposed development would be served by the primary schools listed within the table below.

Primary Schools	PAN Sep-16	PAN Sep-17	Net Cap May-16	Revised Net Cap 2016	Pupil forecasts based on October 2015 School Census				
					2016	2017	2018	2019	2020
Offley	60	60	420	420	371	367	378	377	379
Elworth CE	45	45	315	315	327	367	379	389	399
Elworth Hall	30	30	210	210	176	185	188	187	189
Sandbach Primary	15	15	105	105	98	114	120	125	129
St Johns	25	25	175	175	158	163	171	170	169
Wheelock	45	45	315	315	287	302	319	317	316
Developments with S106 funded and pupil yield included in the forecasts				236					
Developments with no S106 funded and pupil yield not included in the forecasts									34
Children expected from development									38
Overall total				1,776	1417	1498	1555	1565	1653
Overall surplus places projections					359	278	221	211	123

The Education Department have confirmed that there is capacity to accommodate the children generated by this development and there would be 123 surplus spaces within the local primary schools by 2020. As a result there is no requirement for a primary school contribution.

In terms of secondary school education, the proposed development would be served by the secondary schools listed within the table below.

Secondary Schools	PAN Sep-16	PAN Sep-17	Net Cap May-15	Revised Net Cap 2016	Pupil forecasts based on October 2015 School Census						
					2016	2017	2018	2019	2020	2021	2022
Sandbach High	210	210	1,074	1,074	1081	1142	1243	1257	1309	1320	1373
Sandbach School	210	210	1,050	1,050	1012	1089	1030	1137	1155	1179	1169
Developments with S106 funded and pupil yield included in the forecasts				190							
Developments with no S106 funded and pupil yield not included in the forecasts											56
Children expected from development											30
Overall total				2,314	2,093	2,231	2,273	2,394	2,464	2,499	2,628
Overall surplus places projections					221	83	41	-80	-150	-185	-314

From the table above which it can be seen that by 2022 there will be a shortage of -314 secondary school places and as a result the 27 secondary school children generated by this development cannot be accommodated within the local secondary schools. As there are capacity issues at these local schools the education department has requested a contribution of £441,253 to mitigate the impact of this proposed development. This will be secured via a S106 Agreement should the application be approved.

Although there are no tables available for SEN education provision the Councils Education department have confirmed that children in the Borough cannot be accommodated under current provision and some children are currently being educated outside the Borough. A contribution of £91,000 is required based on the increase in population.

Location of the site

To aid a sustainability assessment, a toolkit was developed by the former North West Development Agency and this is included within Policy SD2 (Sustainable Development Principles) of the Cheshire East Local Plan Strategy. 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) – To be provided on site
- Children's Play Space (500m) – To be provided on site
- Supermarket (1,000m) – 1600m
- Primary School (1,000m) – 965m
- Leisure Facilities (1,000m) – 50m
- Secondary School (2,000m) – 1,450m
- Bus Stop (500m) – 320m
- Public Right of Way (500m) – 50m
- Public House (1,000m) – 965m
- Child Care Facility (nursery or crèche) (1,000m) - 950m

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 facilities are:

- Railway Station (2000m where geographically possible) – 3050m
- Convenience Store (500m) – 800m
- Post Box (500m) – 800m
- Community Centre/Meeting Place (1000m) – 1,400m
- Pharmacy (1000m) – 1,290m
- Medical Centre (1,000m) – 1,290m
- Bank/Cash Point (1000m) – 1290m

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit. Owing to its position on the edge of Sandbach, there are some facilities 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.

However, this is not untypical for suburban dwellings and will be the similar distances for the residential development directly to the south of the application 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, with a bus stop directly outside the site. Accordingly, it is considered that this site is a sustainable one.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

In terms of the surrounding residential properties, these are mainly to the south of the site. The application is outline and there is no reason why adequate separation distances could not be provided to the adjacent properties.

Noise

The applicant has submitted a noise assessment which has considered the impact of noise from the local road network and the adjacent substation.

A scheme of acoustic insulation with the application which identifies that the plots fronting Bradwall Road and those closest to the substation will require double glazing. This will ensure that future occupants of the properties are not adversely affected by noise from road traffic noise or the substation.

The final scheme of noise insulation will be determined at the Reserved Matters stage and will be secured through the imposition of a planning condition. As a result the Councils Environmental Health Team has confirmed that they have no objections to this development.

Air Quality

An Air Quality Impact Assessment has been submitted as part of this application. At the time of writing this report additional information was awaited by the Councils Environmental Health Officer and an update will be provided in relation to this issue.

Contaminated Land

The contaminated land officer has no objection to the above application but states that the application is for new residential properties which are a sensitive end use and could be affected by any contamination present. Furthermore there are a number of emissions within the submitted Phase I Risk Assessment as no site walkover has been undertaken, there is no mention of potentially infilled ponds on the site and there is a former works to the north-east of the site which may be a source of contamination.

As such, and in accordance with the NPPF a condition is suggested in relation to contaminated land.

Public Rights of Way

There are no public footpaths crossing the site.

In this case the PROW Team have requested a contribution to upgrade Sandbach FP6. This would provide a direct pedestrian access to Offley Primary School, facilities on Congleton Road (including the nearest children's nursery), Sandbach Library and Sandbach Park. These works have been costed at £26,128 and this sum would be secured as part of the S106 Agreement.

The PROW Officer has also suggested that an investigation should take place to identify whether a pedestrian crossing could be provided to allow users of Sandbach FP6 to safely cross Bradwall Road. The Strategic Highways Manager agrees that measures to improve pedestrian connectivity to Sandbach FP6 could be secured and that these works could be secured through the imposition of a planning condition.

Archaeology

This application is supported by an archaeological desk-based assessment. This report considers information held in the Cheshire Historic Environment Record and also contains the results of an examination of the historic mapping, aerial photographs, and readily-available secondary sources. It concludes that whilst no sites are currently recorded from within the site boundary, beyond former field boundaries depicted on the historic mapping, there is the potential for earlier remains to be present, with particular reference to the Roman period. This is based primarily on the recent discovery of a Roman settlement during development works c 500m to the south east.

It is not suggested that the archaeological potential is sufficient to justify an archaeological objection to the development or to necessitate further pre-determination work. The Councils Archaeologist recommends that if planning permission is granted the site should be subject to an initial supervised metal detector survey which should be undertaken by suitably-experienced individuals working under direct archaeological supervision who have signed a form waiving any claim to the finds or reward under the Treasure Act (1996). If the survey detects significant concentrations of material further targeted work may be required. A report will be required and the proposed mitigation may be secured by the imposition of a planning condition as suggested by the Councils Archaeologist.

Highways

This is an outline application with all matters reserved except for access. The access design is a priority junction with a 6m wide access road and a 2m footway on both sides.

Traffic Impact

The Transport Assessment submitted with the application has considered a number of junctions on the highway network that would likely be influenced by the traffic generated by the development. In addition to this assessment, further assessment work on the development

impact was required by CEC using the traffic model for Sandbach built to assess the cumulative impact of developments in and around Sandbach.

The junctions assessed by the applicant are at the following locations:

- Bradwall Road/Offley Road 3 arm mini roundabout
- Congleton Road/A534 Old Mill Road
- M6 J17
- Bradwall Road/Hightown/Hope Street mini roundabout
- A533 Middlewich Road/Hightown/A533 Old Mill Road

A further assessment was undertaken by the applicant following the submission of the TA at the Sweettooth Lane/Bradwall Road mini roundabout junction.

The CEC assessment has also considered some of the same junctions that are the principal highway junctions on the network.

The results of the modelling indicate the junctions close to site such as the Bradwall Road/Offley Road and the Sweettooth Lane/Bradwall Road operate well within capacity in both the AM and PM peak in 2021 with the development added.

The applicant's TA results also confirm that there are existing queues and congestion at the A533 Middlewich Road/Hightown Roundabout, Congleton Road/Old Mill Road junction and at J17. These results are consistent with the model output from the CEC vissim runs that were undertaken to assess the impact of this new development.

In determining whether this development would result in a severe impact on the road network it is necessary to look at the actual impact that the additional traffic generated would have at the junctions. The model results show that on average delays at the majority of the main junctions do not change by more than +/- 6 seconds, the main development impact arises at the A533/A534 Waitrose roundabout where delays increase between 13 seconds in the AM peak and 50 seconds in the PM peak hour. However, these increases at the Waitrose roundabout are based upon the current highway layout and there is a funded planned improvement at this roundabout and The Hill junction and with this improvement in place the impact considerably reduces as this junction is forecast to operate within capacity by 2021.

The results of the modelling assessment indicate that although this is a sizeable development once the traffic is distributed on the various routes that the impact is diluted and the actual impact at individual junctions does not result in a material impact.

Access

There is one main access proposed to serve the development taken from Bradwall Road, the location of the access is on the western side close to Oakley Farm. The section of Bradwall Road is a single two lane carriageway that is subject to a 30mph at the location of the access. The proposed access is 6m wide and there is a 2m footway proposed on both sides. The site is to be connected to the existing footway network by extending the footway from Oakley Farm to the site access. Although this is an outline application there is an indicative layout plan submitted that shows a frontage footway along the Bradwall Road boundary and another footpath at the northern end of the site.

Highways Summary and Conclusions

The application site sits on the edge of the existing residential area in Sandbach and is accessed from Bradwall Road. Bradwall Lane at the point of the access is a two lane carriageway, further north it reduces to a single lane rural road. Although, some of development trips will travel north from the access, the vast majority of trips would travel towards Sandbach, the carriageway in terms of width is an acceptable standard to accommodate the generated traffic from the development.

There have been a considerable number of developments approved in Sandbach and the cumulative increase in traffic on the local highway network is a concern of the Council and to assess the impact of these developments a traffic model has been constructed. The model has been used to assess the impact of this development proposal and although it is clear that there are a number of principal junctions that are congested the actual impact at these locations from the development traffic is very limited and it not considered that this represents a severe impact to warrant refusal of the application.

It is important that the site can be assessed by pedestrians and there are proposals to connect the site to the existing footpath network.

As a result it is considered that a safe and suitable site access can be achieved and it is not considered that the development would have a severe highways impact.

Trees and Hedgerows

This application is supported by a Tree Survey and Arboricultural Impact Assessment. An indicative site layout has been submitted which illustrates that the site could accommodate up to 200 dwellings. The statement outlines the design parameters and principles for the proposed development and states that existing mature trees will be maintained and important trees and hedgerows will be protected.

Trees within the site are not currently protected by a Tree Preservation Order and the site is not designated within a Conservation Area that would afford pre-emptive protection to trees

The Tree Survey identifies 41 individual trees and two hedgerows (H1 and H9) within and immediately adjacent to the application site and the Arboricultural Impact Assessment suggests tree felling needs to be undertaken to implement the development. However these removals only appear to relate to four poor quality trees, a Sycamore (T2), Apple (T14), Pear (T32) and Ash (T34).

The Assessment suggests that in terms of design Root Protection Areas (RPA) of trees will not be affected and that shading from trees to proposed plots are not applicable. Access to the site is proposed from Bradwall Road which utilises the existing field access to Oakley Farm which will not impact upon existing trees but will require the removal of a section of field boundary hedgerow.

In terms of the illustrative layout, it is accepted that there will be no direct loss of category A and B trees with some trees being retained within areas of open space. However the relationship of

certain plots to other retained trees, in particular those on the northern and eastern sections of the site does not allow space for the provision of sufficient garden space, shading of buildings, and provision of natural daylight. BS5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations* para 5.3.4 requires a realistic assessment of the relationship of trees and development and the need to give due allowance for space to address issues such as shading and any future pressure for removal. The current illustrative layout does not provide assurances that certain trees could be adequately retained in the long term.

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

Whilst the Tree Survey only identifies two hedgerows, the submitted Ecological Appraisal indicates that there are five, four along each of the boundaries to the site and one towards the eastern boundary with Bradwall Road. The southern boundary hedgerow forms the rear garden boundaries of properties along Barlow Way and by virtue of this would not be deemed 'Important' under the Hedgerow Regulations 1997. The remaining four hedgerows have not been assessed under either the historical or ecological criteria of the 1997 Regulations and whilst it is stated that the hedgerows would largely remain unaffected by the proposed development, their future retention as a boundary to residential development would likely impact upon their long term retention.

It is considered that any reserved matters application should be supported by a detailed Arboricultural Impact Assessment, Tree Protection Scheme and Method Statement in accordance with para 5.4 of BS5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations* and revised layout that address the design considerations stated above.

Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided.

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.”

The development site would have a density of 24.4 dwellings per hectare. This is considered to be reasonable on this site.

In this case an indicative layout has been provided in support of this application. Although the indicative layout is of a poor design it does show that the site can accommodate the number of dwellings proposed whilst providing open space. It is considered that an acceptable design/layout that would comply with Policy GR2 (Design), the Policies within the SNP and the NPPF could be negotiated at the reserved matters stage.

Landscape

The site is agricultural land in two fields laid to grass with hedgerows, hedgerow and field trees and a pond. Power lines cross the site.

The site is located to the west of Bradwall Road with agricultural land to the north and west, an electrical substation to the north east, Sandbach Rugby club pitches and car park to the east of the road with a single dwelling south of the car park access, residential development to the south and the Oakley Farm complex to the south east.

There are no public footpaths crossing the site although Sandbach Footpath 6 runs in a south east direction from Bradwall Road close to the northern boundary of the site. Bradwall Footpath runs some distance to the north/north west.

The whole site is located in open countryside, outside the settlement boundary line for Sandbach. The site has no national landscape designation.

The application is supported by a Landscape and Visual Impact Assessment which correctly identifies the National Character Area (NCA) Shropshire, Cheshire and Staffordshire Plain and in the Cheshire Landscape Character Assessment 2008, Landscape Character Type 7: East Lowland Plain, Character Area 5: Wimboldsley Plain.

The Councils Landscape Architect has stated that he would agree that the application site exhibits a number of the characteristics associated with the NCA and Cheshire Landscape Character Type 7, Area 5 and that he would also agree that the landscape has a medium sensitivity. Although there are Rugby facilities to the east, the Councils Landscape Architect does not agree that the site itself is part of the transition from the urban area to the open countryside.

The submitted report suggests that the landscape has the capacity to accommodate a residential development. It concludes that overall there would be a medium magnitude of effect and a moderate adverse significance of effect on the immediate landscape character. It also indicates that there would be a negligible magnitude of effect and negligible significance of effect on the Wimboldsley Landscape Character Type.

Whilst noting the findings of report, the Councils Landscape Architect considers that the indicative proposals would have a greater magnitude of effect on field boundaries than the negligible effect suggested in the report, with the boundary to Bradwall Road being disturbed for the access and severely disrupted to accommodate private drives and a new footway.

The Visual Impacts are assessed for various receptors. The Councils Landscape Architect agrees that there would be a moderate/major adverse significance of effect on users of Sandbach Footpath 1 at its junction with Bradwall Road. He also agrees that impacts on users

of the more distant Bradwall Footpath 1 would be less significant due to topography and intervening vegetation although some views of the development will be possible, particularly in winter. A moderate adverse significance of effect is indicated for an access point of a footpath on Cooksmere Lane.

Residential receptors are identified on Cookesmere Lane, Bradwall Road and to the south of the site. The Councils Landscape Architect agrees that for properties immediately to the south the proposals would have a high magnitude of effect and a moderate/major adverse significance and he considers that for the dwelling on opposite side of Bradwall Road the magnitude of effect would be high as opposed to moderate. The Councils Landscape Architect agrees that there would be an adverse significance of effect on views for some properties on Cookesmere Lane.

There would be direct views of the site from Bradwall Road and the development would be visible from Cookesmere Lane. The proposal would dramatically alter the character of the section of Bradwall Road adjacent to the site with major adverse significance of effect.

The assessment identifies that there would be both adverse landscape and visual impacts (even with mitigation measures). The development would also be in conflict with the Sandbach Neighbourhood Plan.

Should the principle of development be deemed acceptable, a reserved matters application would need to include details of existing and proposed levels and landscape proposals.

Ecology

Designated Sites

Following the receipt of a bird survey Natural England have confirmed that they do not consider that this application would impact upon Sandbach Flashes SSSI.

Roosting Bats

The methodology for the bat emergence surveys as detailed in the submitted report lacks detail. However no evidence of roosting bats was recorded during the survey and the identified trees are shown on the illustrative layout as being retained along the site boundaries. Therefore based on the submitted illustrative layout plan the proposed development is not likely to have a direct adverse impact upon roosting bats.

Foraging and Commuting Bats

A detailed bat activity survey has been undertaken and submitted in support of the application. Most bat activity was recorded on the inner east hedgerow, the western hedgerow and northern hedgerow. The inner eastern hedgerow may provide a link to roosts in the residential properties to the south.

A number of species were present and overall the level of bat activity was as would be expected of a rural site of this character.

Based upon the submitted layout plan it seems feasible for the western and northern and southern hedgerows to be retained. The inner eastern hedgerow may be 'squeezed' between the proposed residential properties but the illustrated layout plan does show a tree line in this locality. It is likely that the eastern hedgerow would be lost or severely fragmented by the driveways to the proposed properties.

Overall there is likely to be some localised loss of bat foraging habitat, however this could be compensated for through the provision of suitable replacement native species planting in the open space areas of the site.

In the event that planning permission is granted the Council's Ecologist recommends that a condition be attached which requires any future reserved matters application to be supported by a bat mitigation strategy. The strategy shall include the retention of bat foraging habitat, proposals for the provision of compensatory bat foraging habitat in the form of native hedgerow creation and tree planting to address any unavoidable losses, the provision of bat boxes and the implementation of a bat friendly lighting strategy for the site.

Bird Box Provision

In the event that outline consent is granted a condition will be required to ensure that bird boxes are provided as part of the proposed development.

Hedgerows

As well as providing habitat for foraging bats hedgerows are also a priority habitat in their own right. As discussed above the proposed development will result in the loss of some hedgerow on site. If outline consent is granted it must be ensured that suitable replacement planting is provided at the reserved matters stage and this could be secured through the imposition of a planning condition.

Flood Risk

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. A Flood Risk Assessment (FRA) has been submitted as part of this application.

The submitted FRA indicates that the site is at a low risk from all forms of flooding. The FRA anticipates that surface water will be soakaways or infiltration via SuDS but where this is not possible the preference would be via a connection to a local watercourse with attenuation storage on site.

United Utilities and the Council's Flood Risk Manager have been consulted as part of this application and have raised no objection to the proposed development subject to the imposition of planning conditions.

As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

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.

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.

The Agricultural Land Classification submitted as part of this application demonstrates that 2 hectares of the site is classed Grade 3a Best and Most Versatile Agricultural Land (BMV) with 6.5 hectares being Grade 3b.

In this case the loss of BMV agricultural land will form part of the planning balance but this issue is not considered to be determinative in its own right.

Impact upon the Hazardous Installation

The north-western portion of the site falls within the consultation zone for a hazardous installation (the former Albion Chemicals Site on Booth Lane). In this case the Health and Safety Executive have confirmed that they do not advise against this proposed development.

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 secondary school places in Sandbach and SEN in Cheshire East 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 secondary school education and SEN is required. 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.

The works to Sandbach FP6 would encourage non-motorised forms of transport to Offley Primary School, facilities on Congleton Road (including the nearest children's nursery), Sandbach Library and Sandbach Park. These works have been costed at £26,128 and the works

would improve the sustainability credentials of this development. As a result the contributions are necessary, directly related to the development and 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 then the presumption in favour of sustainable development applies at paragraph 14. 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.
- The improvements to the Wheelock Rail Trail would be a benefit to future and existing residents.
- 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 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

The development is contrary to the Sandbach Neighbourhood Plan and open countryside policies as they are considered out of date. So the presumption in favour applies. However, with reference to the *Richborough* Court of Appeal weight can be given to those policies.

There is now a solution to the housing supply in hand through the forthcoming adoption of the Local Plan. As a consequence of the Inspectors most recent comments in December increased weight can be afforded to these 'out of date' policies. In addition given the progression of emerging policies towards adoption it is considered that greater weight can now be given to those emerging policies. A further factor that weighs against the scheme is the scale of the development which extends to some 8 hectares and the extent of the harm that would be caused by the nature of the scheme. The scale of harm is partly reflected in the overall concerns over landscape impact and also the impact on loss of BMV agricultural land which would not be so significant on a smaller scheme

Therefore taking a balance of the overall benefits, the current policy position and the scale of harm it is considered that the presumption in favour is outweighed in this case and a recommendation of refusal is made.

SUBJECT TO An update will be provided in relation to the impact upon the highways network and the setting of the Listed Building at Abbeyfields.

RECOMMENDATION:

REFUSE for the following reasons:

1. The proposed residential development is unacceptable because it is located within the Open Countryside, contrary to Policies PC3 and H1 of the Sandbach Neighbourhood Plan, PS8 (Open Countryside) and H6 (Housing in Open Countryside) of the Congleton Borough Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy Submission Version - 2016 and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.
2. The proposal would be contrary to the spatial strategy for the future development of the Borough due to the scale of the proposed development having regard to Policies PG2 and PG6 in the emerging Cheshire East Local Plan Strategy – Consultation Draft July 2016 and guidance within the NPPF.
3. Loss of BMV Agricultural Land and adverse impact on the landscape character of the area.

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 Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) 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
 - 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. Secondary school education contribution of £441,253
 4. SEN education contribution of £91,000
 5. PROW Contribution of £26,128

