

Application No: 16/6224C

Location: LAND WEST OF CREWE ROAD, WHEELLOCK HEATH, SANDBACH

Proposal: Proposed development of up to 60 no. dwellings, including the provision of 30% on-site affordable homes, a local convenience store, an area of open space and significant areas of landscaping with access reserved

Applicant: Mulbury Homes Limited, Ms I Griffin, Ms K Griffin & Ms C Goodwin

Expiry Date: 31-Mar-2017

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

Policies PS8 and H6 of the Congleton Borough Local Plan First Review and Policy PC3 of the Sandbach Neighbourhood Plan are considered consistent with the aims of the Framework. Policy PC3 of the Sandbach NP has been prepared within the context of the NPPF and independently tested against its criteria by the Inspector who considered whether the Neighbourhood Plan was consistent with the Framework.

The relevant policies of the development plan are therefore considered consistent with the Framework and should be afforded due weight, with the conclusions drawn in PC3 based on up to date and recent evidence. In this case, the SNP presents a policy approach which supports sustainable development on the basis of recent and up to date housing evidence that advocates a strategic approach. The undermining of this

approach would represent a significant and adverse impact in Para 14 terms that would outweigh the benefits of the proposal.

Neighbourhood planning provides a powerful set of tools for local people to ensure they get the right kind of development for their community. Whilst the weight afforded to those policies that restrict the supply of housing land may be limited due to the lack of a five year housing land supply, the harm done by approving a proposal which does not comply with the Development Plan and housing policies contained in the Sandbach Neighbourhood Plan is significant and directly conflicts with the overall aims of the framework to deliver sustainable development, through a plan led system which seeks to ensure that proposals contrary to an adopted neighbourhood plan should not normally be granted permission.

It is accepted that the development would provide positive planning benefits such as the provision of a market and affordable dwellings, the minor economic benefits created predominantly during the construction phase of the scheme and the limited social benefits.

Balanced against these benefits, however, must be the adverse impacts, which in this case would be the loss of Open Countryside, the unsustainable location of the site, and the harm caused to the plan led system by virtue of the proposal's non compliance with policies with in the made Sandbach NP.

In this instance, it is considered that the dis-benefits of the scheme, outweigh the benefits and that the proposal does not comprise sustainable development .

RECOMMENDATION: REFUSE

REASON FOR REFERRAL

The application is referred to Southern Planning Committee as it proposes residential development of over 20 units.

PROPOSAL

This application seeks outline planning permission to erect up to 60 dwellings, including the provision of 30% on-site affordable homes, a local convenience store, an area of open space and areas of landscaping. Approval is sought for the means of access into the site.

Approval of layout, scale, appearance and landscaping are not sought at this stage and as reserved for subsequent approval.

As such, this application shall consider the principle of the development only.

SITE DESCRIPTION

The application site comprises of a former agricultural field of around 2.024 hectares and is situated off Elton Lane to northwest of Wheelock Heath. The site lies within the Open Countryside as defined by the Congleton Borough Local Plan First Review 2005. The site is generally level with and is enclosed by tall hedgerows.

The field is bound by Elton Lane to the south, the A534 extending northwards and Crewe Road to the East. To the southeast of the site is Western Park caravan park and other residential properties beyond; and to the north east are 2No. residential properties known as 'Astley House' and 'Hill View'.

RELEVANT HISTORY

14/2625C - Retrospective application for change of land use from Agricultural to recreational and siting of two storage containers on the field. Only the use of the field for Archery is requested plus the siting of the 2 storage containers for Archery equipment storage. Approved 21 July 2014.

11/2750C - Retrospective change of use of land from agricultural to archery use and siting of two storage containers and shed – Approved 21 September 2011

LOCAL & NATIONAL POLICY

Sandbach Neighbourhood Plan (SNP)

The Sandbach Neighbourhood Plan has been made on 12th April 2016 under 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 and now forms part of the Development Plan for Cheshire East. The relevant Policies in the Neighbourhood Plan are:

PC2 (Landscape Charter),
PC3 (Policy Boundary for Sandbach),
H1 (Housing growth),
H2 (Design and Layout),
H3 (Housing mix and type),
H4 (Housing and an Ageing Population)
H5 (Preferred Locations)

Congleton Borough Local Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside

The relevant Saved Policies are;

PS8 – Open Countryside,
H6 - Residential development in the Open Countryside and the Green Belt,
GR2 – Design,
GR5 – Landscape,
GR6 - Amenity and Health,

GR7 - Amenity and Health,
GR9 - Accessibility, Servicing And Parking Provision - New Development,
GR10 - Accessibility, Servicing And Parking Provision - New Development,
GR18 – Traffic Generation
GR19 - Infrastructure
GR20 – Public Utilities,
GR22 – Open Space Provision,
NR1 – Trees and Woodlands,
NR2 - Wildlife And Nature Conservation Statutory Sites,
NR3 – Habitats

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 Presumption in Favour of Sustainable Development
SD 1 Sustainable Development in Cheshire East,
SD 2 Sustainable Development Principles,
SE 1 Design,
SE 2 Efficient Use of Land,
SE 4 The Landscape,
SE 5 Trees, Hedgerows and Woodland,
SE 9 Energy Efficient Development,
IN 1 Infrastructure,
IN 2 Developer Contributions,
PG 1 Overall Development Strategy,
PG 2 Settlement Hierarchy,
PG 5 Open Countryside
PG6 Spatial Distribution of Development
SC 4 Residential Mix
SC5 Affordable Homes

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, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist

CONSULTATIONS

Strategic Infrastructure Manager (SIM) – No objection. This matter is dealt within in detail later in the report.

Environmental Protection – No objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission/approval of a Construction Phase Environmental Management Plan; the prior submission/approval of lighting details; the implementation of the noise mitigation measures proposed; the provision of electric vehicle infrastructure; the prior submission/approval of a dust mitigation scheme; prior submission/approval of a Phase I and if required, Phase II contaminated Land report; The prior submission/approval of verification information that the imported soils are free of contamination and works should stop if contamination identified.

Housing (Cheshire East Council) – No objections, as the policy required 30% on-site affordable housing provision requirement is agreed by the applicant.

United Utilities – No objections, subject to the following conditions; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan

Natural England - No objection.

ANSA Greenspace – No comment received at the time of writing the report

Education – No objection on the basis a financial contribution is agreed for school places in the area. This matter is considered in detail later in the report.

Flood Risk Manager – No objection. Conditions relating to submission of surface water details and levels details. Informatives have also been requested.

Countryside and Rights of Way - No objection.

Sandbach Town Council – Object to the proposal for the following reasons;

- *Contravention of policy PC3 of Sandbach Neighbourhood Plan as the need for housing does not outweigh the loss of, and harm to, open countryside.*
- *Exacerbated flood risk in an area with frequent flooding, thus contravening Local Plan Saved Policy GR21 and CEC Local Plan Strategy (Submitted Version) policy SE 13.*
- *Application does not meet requirements of emerging local plan policy SC 4 (Housing Mix)*
- *Sandbach Neighbourhood Plan Policy PC 1 requires maintenance and enhancement of open countryside between settlements; this development proposes to reduce this open space and therefore contravenes the policy requirements.*
- *The location is unsustainable, with no nearby amenities, infrastructure improvements, suitable walk or cycle ways.*
- *This application, when taken cumulatively with other approved developments within the area, will exceed the spatial distribution for Winterley; further housing in Winterley is no longer considered to be sustainable. As a result the proposed development would be contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy - Submission Version.*

Haslington Parish Council – Made the following comments;

- *Contravention of policy PC3 of Sandbach Neighbourhood Plan as the need for housing does not outweigh the loss of, and harm to, open countryside.*
- *Exacerbated flood risk in an area with frequent flooding, thus contravening Local Plan Saved Policy GR21 and CEC Local Plan Strategy (Submitted Version) policy SE 13.*
- *Application does not meet requirements of emerging local plan policy SC 4 (Housing Mix)*
- *Sandbach Neighbourhood Plan Policy PC 1 requires maintenance and enhancement of open countryside between settlements; this development proposes to reduce this open space and therefore contravenes the policy requirements.*
- *This application, when taken cumulatively with other approved developments within the area, will exceed the spatial distribution for Winterley; further housing in Winterley is no longer considered to be sustainable. As a result the proposed development would be contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy - Submission Version.*
- *The residents of Winterley are suffering from many developments well above the proposed number for our service centre as proposed in the local plan.*
- *The residents and Parish council feel that the infrastructure will not be able to facilitate such a build on a green gap as there is insufficient amenities and the location is unsustainable, lacking in suitable walk or cycle ways.*

REPRESENTATIONS

16/6224C – 86 Letters of objection, raising the following concerns;

- Too much development in the area.
- Loss of Green space.
- No infrastructure.
- Leighton Hospital will struggle.
- Loss of countryside.
- Loss of habitat for wild animals
- Flood risk zone.
- Increased traffic and danger to pedestrians.
- Increased pollution.
- Housing market saturated.
- Inadequate drainage and impact on existing field drainage.
- Disproportionate additions to village.
- Will reduce the countryside between settlements.
- Loss of privacy for the mobile homes adjacent to the site.
- Loss of light to existing dwellings.
- Insufficient services in the area.
- Loss of agricultural land.
- Unsustainable location.
- Uncharacteristic development.
- Contrary to Sandbach Neighbourhood Plan.
- Loss of scenery.
- Noise pollution.

APPRAISAL

The key issues are:

- The principle of the development
- The sustainability of the proposal, including its; Environmental, Economic and Social role
- Planning balance

Principle of Development

The NPPG advises that where the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites, decision makers may still give weight to relevant policies in neighbourhood plans, even though these policies should not be considered up-to-date.

The site lies in Open Countryside, outside the settlement boundaries for Sandbach and Winterley, as shown on:

- the Proposals Map of the Congleton Borough Local Plan First Review (2005) and is subject to 'saved' Policies PS5 and PS8, relating to 'Open Countryside';
- The Sandbach Neighbourhood Plan (SNP) ('made' in April 2016) and is subject to Policy PC3;
- The Cheshire East Local Plan Strategy, and is subject to Policy PG5.

The proposal is contrary to all of the above open countryside policies.

The Cheshire East Local Plan Strategy is at an advanced stage. The 'Inspector's Views on Further Modifications needed to the Local Plan Strategy (Proposed Changes)' (RH D009), dated 13 December 2016 sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy and he has expressed support for the Council's approach to the allocation of development sites and of addressing housing supply.

Cheshire East Council commenced public consultation on Main Modifications to the Local Plan Strategy for six weeks, on 6 February until 20 March 2017.

It is not considered that the need for housing within Cheshire East would outweigh the loss of open countryside and harm to Policy PC3 of the SNP and the 'saved' Policy PS8 of the Congleton Borough Local Plan First Review.

Cheshire East Local Plan Strategy

Of the full Objectively Assessed Need of 36,000 homes for Cheshire East it is proposed, as set out in Policy PG6, that 2,750 homes be accommodated in Sandbach, over the Plan period. To ensure this number of homes is built the Local Plan Strategy allocates sites for some 2,950 new homes. This figure comfortably meets the "proportionate" distribution of development based on existing population. The town is therefore taking its 'fair share' of residential development.

The site subject of this application lies outside the settlement boundaries for Sandbach and Winterley, in open countryside and is subject to Policy PG5 of the Local Plan Strategy. This Policy lists the type of development that will be permitted in the open countryside which does not include development of this scale; the proposal is therefore contrary to Policy PG5 of the Local Plan Strategy.

The Cheshire East Local Plan Strategy Examination hearings concluded on 20 October 2016. The 'Inspector's Views on Further Modifications needed to the Local Plan Strategy (Proposed Changes)' (RH D009), dated 13 December 2016 sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy.

The Inspector confirmed that his previous endorsement for the core policies on the plan is still valid 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.

A recent appeal decision (APP/R0660/W/16/3147420) for a site at Main Road, Shavington. In this decision that was issued in February 2017 the Inspector places significant weight of the contents of the December 2016 interim letter because it includes the Local Plan Inspector's views on housing land supply and the acceptance of the Council's approach. The appeal site is not required to assist the Council in achieving a 5 year supply of housing and is shown to remain as Open Countryside. In this appeal the inspector gave 'substantial' weight to the emerging Local Plan given the relevant policies are unlikely to be materially changed.

The proposals are therefore contrary to the Policies PS8 and H6 relating to development within the open countryside and there is a presumption against the proposal. The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection and these are considered below.

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.

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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 the context of the SNP, paragraph 198 of the NPPF states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. However, this potentially conflicts with the clear advice in the NPPG which states that where a five year supply cannot be demonstrated then the policy is ‘out of date’ and the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in

the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.

This includes paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

It is therefore a matter for the decision maker to balance these issues to reach a conclusion on whether permission should be granted or conclude that the development should be refused as being contrary to the PC3 of Sandbach Neighbourhood Plan.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being;

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

These roles should not be undertaken in isolation, because they are mutually dependent.

The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a

sufficient material consideration to outweigh the policy objection. These are considered below.

Environmental role

Locational Sustainability

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. The standards set out in the toolkit are also referred to in the justification of emerging Policy SD2. 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.

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The performance against these measures in the toolkit and Policy SD2 are 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:

- Public house (1000m) - 482m
- Bus stop (500m) – 6m
- Public right of way (500m) – 498m
- Post Box (500m) – 480m
- Local meeting place (1000m) – 482m

The following amenities/facilities fail the standard:

- Amenity open space (500m) – 1609m
- Children’s Play space (500m) – 2730m
- Pharmacy (1000m) – 3057m
- Supermarket (1000m) – 6115m
- Railway station (2000m) – 5310m
- Any transport node – 5471m
- Primary School (1000m) – 1931m
- Outdoor Sports Facility – (1000m) – 2253m
- Child care facility (1000m) – 3057m

- Bank or Cash Machine (1000m) – 2574m
- Post Office (500m) – 3057m
- Convenience Store (500m) – 2574m
- Medical Centre (1000m) – 3055m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 4667m
- Secondary School (1000m) – 4988m

The site fails to meet the majority of the criteria above. However the access to local bus services does mitigate against this to a limited extent. Overall it is considered that the site is not a sustainable location when taking the above into account. This is because the site clearly fails to meet the clear majority of the criteria.

A convenience store is included as part of the proposals and whilst this would be an acceptable part of the scheme and assist in improving the sustainability of the site it does raise some issues. No information has been provided regarding potential operators of the store or that a store of the size proposed is viable to be located on the site.

Landscape Impact

The submitted application includes a Landscape and Visual Impact Appraisal. This indicates that it has been based on the Guidelines for Landscape and Visual Impact Assessment (GLVIA) 3rd Edition 2013.

The application site is identified as Open Countryside in the Congleton Borough Local Plan, there are no landscape designations on the application site and within the Cheshire Landscape Character Assessment the application site is located on the boundary of the Lower Farms and Woods landscape Type, specifically Character Area LFW7 Barthomley, although it is also in close proximity to The East Lowland Plain character Type ELP5 Wimboldsley to the north.

The submitted landscape appraisal indicates that the landscape value is Moderate and that the sensitivity of the landscape as being low-medium and that it is the proposals would have a moderate landscape effect on the study area and a slight or negligible effect on the wider area, reducing to slight-moderate on the study area and negligible on the wider area after fifteen years when mitigation has become established. The visual assessment identifies 6 receptors, residential, pedestrian and vehicular, and offers a sensitivity for each.

In terms of the landscape assessment, it is agreed the assessment of quality and value, as well as the moderate effect at year 1, however, the reduction indicated at year 15 will largely depend on the quality of mitigation provided.

The appraisal offers a number of points to help mitigate and help ensure that the landscape and visual impacts are addressed, namely, to retain and enhance existing hedgerow, to retain existing large mature trees, to provide large native trees, to provide internal structural tree planting and to consider the existing adjoining residents when undertaking the design layout. It is considered that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. This could be ensured through the reserved matters and appropriate conditions.

Trees and Hedgerows

The application is supported by a Tree Survey Report and Tree Retention/Removal Plan. The trees within the site are currently not protected by a Tree Preservation Order or lie within a designated Conservation Area.

The Report identifies two Moderate (B) category Oak trees (T7 and T8), one probably located offsite, five low (C) category groups of trees and two Hedgerow (H1 and H3). Both Oak are to be located within the indicative open space provision and are therefore unaffected by the development proposal.

A section of Hedgerow H3 will require removal to accommodate the proposed site access. As hedgerows are a priority habitat, replacement planting shall be secured as part of any landscape scheme at reserved matters stage and if the application is approved this can be included as a condition on the decision notice.

Ecology

The application is supported by an Ecological appraisal prepared following surveys of the site.

Statutory Designated Sites

The application site falls within Natural England's SSSI impact risk zones for developments of over 50 houses. Natural England has been consulted and no objections have been raised to the development of the site.

Habitats

The submitted habitat survey was undertaken at a poor time of year. With the exception of the hedgerows the habitats on site however appear to be of relatively limited nature conservation value. There is however a small area of marshy grassland that would be lost as a result of the proposed development. It is recommended that the loss of this habitat be compensated for through the creation of a new area of marsh/pond habitat within the open space of the development. If planning permission is granted this matter could be dealt with by means of a condition.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development is likely to result in the loss of a section of hedgerow to facilitate the site entrance. If outline planning permission is granted it must be ensured that suitable replacement planting is included as part of a landscape scheme submitted at the reserved matters stage.

The proposal is therefore considered that subject to the above conditions, the proposal would adhere to Policy NE.9 of the Local Plan.

Flood Risk and Drainage

The application proposal is supported by a Flood Risk and Drainage Strategy.

The site is located in flood zone 1, however there are some significant areas of surface water risk on the site. On this basis that the design suggests that these surface water risk areas are reserved for open space and contain no residential buildings. No objections have been raised to this approach.

Before construction starts the developer should be made aware that, in line with Part H of the Building Regulations, the surface water drainage options should be considered in the following order:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

Subject to the inclusion of conditions relating to details of the surface water drainage scheme and levels details across the site the proposals are considered acceptable in terms of flooding and drainage.

With regards to drainage, United Utilities have advised that they have no objections, subject to the following conditions; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan.

Design

The indicative layout shows the provision of up to 60 new dwellings within the site and indicates a mixture of house. It proposes that the site be accessed via a new access point onto Crewe Road with the existing access on Elton Lane being closed.

Policy H2 of the SNP refers to design and layout. The policy advises that all new developments will be expected to, amongst other considerations; be in keeping with the character and countryside setting of the local area; contribute to the local distinctiveness in terms of scale, height, density, layout and appearance; make efficient use of land while respecting the density, character, landscape and biodiversity of the surrounding area; create environments addressing crime prevention and community safety; use respectful materials and create secure and safe layouts.

Matters of layout, scale and appearance are also reserved for subsequent approval and as such, are not a strict consideration of this application. However, Policy H3 of the SNP advises that new housing developments should be designed to provide a mix of houses to meet identified need and lists examples such as; affordable housing, starter homes and provision for housing for an ageing population.

SNP Policy H4 states that development will be supported that meets the needs of an ageing population and suggests a mixture of tenures including; private, housing association, self-builds, co-housing and affordable housing.

The indicative plan suggests that such a mix would be provided which would represent a planning benefit in line with the neighbourhood plan.

The indicative design of the development for the purposes of the outline application is therefore considered to comply with SNP Policies H2, H3 and H4 and Policy GR2 the Local Plan.

Highways and Access

The applicant has submitted a Transport Statement in support of the application and has assessed the likely traffic impact arising from the proposal and the level of development would produce relatively low levels of peak hour generation some 35 trips in total. There is an indicative local convenience store indicated on the layout plan although there no traffic generation figures provided for this use. Given the indicative size of the building being relatively small this would not likely generate high levels of trips and in addition the retail use is not predominately peak based.

There have been a considerable number of developments approved in Winterley and Haslington and it is recognised that traffic levels are increasing on Crewe Road and on other routes although the amount of additional generation once distributed does not have a significant additional impact that would warrant a refusal on grounds of capacity.

There is an existing footway on the frontage of the site and pedestrian connectivity to the site can be achieved. There is an existing bus stop located on Crewe Road at the south east corner of the site and there is a bus stop a little further away on the southbound side of Crewe Road but are within walking distance of the site. To improve facilities for pedestrians and users of public transport the frontage footway should be improved to 2m wide and also a bus shelter provided at the stop on the development side of Crewe Road.

The proposed access submitted is a simply priority junction with a ghost island right lane on Crewe Road, the visibility provision is in accordance with the measured 85%ile speeds on the approaches to the junction. The proposed access is of a sufficient standard to serve the level of development proposed. Although there is a layout submitted, this is only indicative and no comments are being provided on this internal scheme.

The proposed level of development is relatively modest in highway terms and does not produce high levels of traffic generation, it is recognised that there have been a number of developments approved locally that will increase traffic levels but this application has a minor traffic impact and does not result a severe impact which is the policy test. In addition, road improvements to the strategic road network at the congestion points locally to the site is being provided and a new revised junction at Crewe Green roundabout is to be constructed in 2018.

Conditions are requested for the following;

1. Prior to occupation details of a frontage footway and bus shelter should be submitted and approved by the LPA, the footway and shelter should be also constructed prior to any occupation.

2.Design details of the ghost right turn lane including site access to be submitted and approved prior to occupation.

3.Construction Management Statement

Subject to the inclusion of these conditions the proposals are considered acceptable in highway terms.

Environmental Conclusion

The proposal would result in the loss of a parcel of Open Countryside, which in itself is an environmental dis-benefit and when considered against the sustainability criteria above it is clear that the site is not in a sustainable location.

The proposal would not create any significant concerns with regards to; landscape, trees and hedgerows, ecology, flooding and drainage and highways safety, subject to conditions.

The provision of a mix of house types in line with the SNP would be a planning benefit.

However, as a result of the loss of the Open Countryside and the unsustainable nature of the site, it is not considered that the proposed development would be environmentally sustainable.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest facilities in Sandbach and Crewe for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

Social Role

The proposed development would provide open market housing which in itself, would be a social benefit.

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of less than 3,000 that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 10 dwellings or more, or larger than 1000sqm's total floor space including annexes and garages in size.

The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This application is situated on the border of the Wards of Haslington (2011) and Sandbach Ettiley Heath and Wheelock. The Parishes of Haslington PC, Sandbach Town PC as such for the purposes of these comments I am combining the Parishes and Wards to give a valid housing need comment.

This is a proposed development of 60 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 18 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Haslington, Englesea and Sandbach is for 19x 1 bedroom, 44x 2 bedroom, 37x 3 bedroom and 19x 4 bedroom for General Needs per year between 2013/14 – 2017/18.. The SHMA 2013 also show the need for 12x 1 bedroom and 6x 2 bedroom Older Persons dwellings per year between 2013/14 – 2017/18.

The majority of the demand on Cheshire Homechoice is for 119x 1 bedroom, 122x 2 bedroom, 75x 3 bedroom, 21x 4 bedroom and 1x 5 bedroom dwellings therefore 1, 2 and 3 bed units on this site would be acceptable. As the need for Older Persons accommodation is shown to be needed we would welcome the bungalows mentioned in the planning statement or cottage style flats with easy access on the site. 12 units should be provided as Affordable rent and 6 units as Intermediate tenure.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings.

The affordable housing provision will be secured by way of a S106 agreement, which: -

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

Public Open Space (POS)

In accordance with the advice, standards and formulae contained in the CBC Interim Policy Note on "POS Provision for New Residential Development" 2008 , the public open space needed to serve the outline proposals for up to 60 (144 persons) dwellings based on 2.4 persons per dwelling shown on the proposed Landscape Layout, Drawing no 103, dated 16.12.16, there would be a deficiency in quantity of both Amenity Green Space and Children

and Young Persons provision, having regard to the adopted local standards set out in the Council's Open Space Study.

The Policy Note provides for (1) amenity greenspace (AGS) and (2) children and young persons play provision (CYPP), other land typologies such as woodland, buffers, green corridors, verges, wildlife or semi natural areas are not a standard requirement therefore these areas go beyond policy requirements.

Amenity Greenspace (AGS)

Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 60 new homes will require a minimum of 1,440sq.m on site AGS. This figure will change and need to be revised on production of the housing schedule. The only AGS provision is located at Wheelock playing fields within 800m of the site however this is insufficient for the existing population and in CIL terms the Haslington By Pass is considered a major busy barrier to cross for access. The Planning Statement 5.21 states "the proposals will involve the delivery of a significant area of public open space" this will need to be clarified in terms of quantity and quality. Please note paragraph two - policy requires AGS and CYPP.

Based on the current number of dwellings using 2.4 per dwelling, applying the standards and formulae in the 2008 Guidance the Council would need a commuted sum of £17,028 to maintain the AGS over 25 years. Upon submission of the housing schedule and detailed open space layout, these figures will need to be recalculated.

Children and Young Persons Provision (CYPP)

Having calculated the existing amount of accessible Children and Young Persons Provision within 800m of the site and the existing number of houses which use it, new homes will generate a need for a new LEAP play facility as there are no play facilities within 800m.

The Interim Policy Note September 2008 updated the legacy Borough's SPG1, however the legacy SPG1 remains relevant in the absence of a new Cheshire East Borough wide SPD. Therefore when developments of 50+ dwellings are proposed, a LEAP (Local Equipped Area for Play) standard play facility is required and is acceptable due to the size of the development and should be suitable primary school age. This should be of a minimum of 400sq.m and is in addition to the AGS.

The Cheshire East 2012 Open Spaces Review summary report for Sandbach states 'Sandbach has 3.56ha of children and teenager play space. This gives 0.2ha of space for every 1,000 residents, which is below the 0.6ha Fields in Trust minimum standard. This leaves a shortfall of 0.4ha for every 1,000 residents. It has been noted that this proposed development sits on the edge of Sandbach Heath adjacent to Winterley however Winterley does not have AGS or CYPP in close proximity to support this application.

The Landscape Layout shows wildflower planting and a trim trail facility located within it along the south-western buffer/green corridor continuing through into the AGS. The trim trail should not be located within the wildflower planting as this habitat should be left to grow and will not withstand foot traffic. Wildflower areas also require specific management and maintenance standards. The trim trail also has its own maintenance requirements and I do not consider

that the two are compatible. Whilst the trim trail can be in addition to or part of a LEAP facility in the correct location it does not equate to at LEAP on its own.

The AGS would normally need to be provided centrally however it is accepted in this instance that it has been laid out to retain the existing green infrastructure and to protect existing resident views. Ansa request the orientation of the dwellings is maximized to offer the best possible natural surveillance from the new dwellings over the open space.

The LEAP play facility should include at least 6 items/activities incorporating DDA inclusive equipment. Ansa request that the final layout and choice of play equipment is agreed with CEC, it should be to EN and Fields in Trust standards. Full plans showing the designs must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works. A buffer zone of a least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

Due to the complex management required for play facilities and in line with current policy, Ansa considers the Council has the best competencies required to carry out effective maintenance to protect these community facilities. The new children's play facility should be secured for public use and transferred to the Council together with a 25 years commuted maintenance sum of £42,984. Upon submission of the housing schedule new figures will need to be calculated. The surrounding AGS should also be considered along with the calculated commuted sum for maintenance.

Education

The Local Plan is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

The development of 60 dwellings is expected to generate:

10 primary children (60×0.19) – 1 SEN

9 secondary children (60×0.15)

1 SEN children ($60 \times 0.51 \times 0.023\%$)

The development is expected to impact on both SEN school places and Secondary School places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of school places still remains.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 1 child expected from The Land West of Crewe Road application will exacerbate the shortfall. The 1 SEN child who is thought to be of mainstream education age has been removed from the calculations above to avoid double counting.

To alleviate forecast pressures, the following contributions would be required:

$9 \times £17,959 \times 0.91 = £147,084$ (secondary)

$1 \times £50,000 \times 0.91 = £45,500$ (SEN)

Total education contribution: £192,584

Without a secured contribution of £192,584, Children's Services raise an objection to this application.

This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 9 secondary children and 1 SEN child would not have a school place in Sandbach.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest neighbouring properties to the application site would be the occupiers of properties on Crewe Road, Millcroft and within the mobile properties in Western Park to the south of the site.

As layout is not sought for approval as part of this application, consideration as to whether the application site could accommodate 60 dwellings without creating any significant amenity concerns. The separation distances between the mobile homes and the houses on the indicative layout are sub-standard in places. However this plan is indicative and the site is of a sufficient size to ensure that no amenity impacts will occur.

With regards to the future occupiers of the proposed dwellings, it is considered that sufficient private amenity space could be afforded to each of the proposed dwellings and sufficient separation distances can be achieved between the dwellings.

The Council's Environmental Protection Team have reviewed the submission and advised that they have no objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission/approval of a Construction Phase Environmental Management Plan; the prior submission/approval of lighting details; the implementation of the noise mitigation measures proposed; the provision of electric vehicle infrastructure; the prior submission/approval of a dust mitigation scheme.

As such, subject to the above suggested conditions, from the Council's Environmental Protection Officer, the proposal is considered to adhere to Policy GR6 of the Local Plan.

Social Conclusion

As a result of the provision of market housing, affordable housing and the likely provision of allotments, mitigation in the form of commuted sums in respect to education and open space, it is considered that the proposed development would be socially sustainable.

Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements 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 requirement for the provision of on site Public Open Space and/or onsite allotments and their associated management is necessary, fair and reasonable, as the proposed development will provide up to 60 dwellings of different sizes, the occupiers of which will be using these on site facilities.

The education contribution is necessary having regard to the oversubscription of local secondary schools and the demand that this proposal would add.

The proposal is of a scale that hits the trigger for affordable housing for which there is a recognised need.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph

14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

Policies PS8 and H6 of the Congleton Borough Local Plan First Review and Policy PC3 of the Sandbach Neighbourhood Plan are considered consistent with the aims of the Framework. Policy PC3 of the Sandbach NP has been prepared within the context of the NPPF and independently tested against its criteria by the Inspector who considered whether the Neighbourhood Plan was consistent with the Framework.

The relevant policies of the development plan are therefore considered consistent with the Framework and should be afforded due weight, with the conclusions drawn in PC3 based on up to date and recent evidence. In this case, the SNP presents a policy approach which supports sustainable development on the basis of recent and up to date housing evidence that advocates a strategic approach. The undermining of this approach would represent a significant and adverse impact in Para 14 terms that would outweigh the benefits of the proposal.

Neighbourhood planning provides a powerful set of tools for local people to ensure they get the right kind of development for their community. Whilst the weight afforded to those policies that restrict the supply of housing land may be limited due to the lack of a five year housing land supply, the harm done by approving a proposal which does not comply with the Development Plan and housing policies contained in the Sandbach Neighbourhood Plan is significant and directly conflicts with the overall aims of the framework to deliver sustainable development, through a plan led system which seeks to ensure that proposals contrary to an adopted neighbourhood plan should not normally be granted permission.

It is accepted that the development would provide positive planning benefits such as the provision of a market and affordable dwellings, the minor economic benefits created predominantly during the construction phase of the scheme and social benefits such as open space/allotment provision and design features that are sought with the Neighbourhood Plan.

Balanced against these benefits, however, must be the adverse impacts, which in this case would be the loss of Open Countryside, the loss of Best and Most Versatile agricultural land, and the harm caused to the plan led system by virtue of the proposal's non compliance with policies within the made Sandbach NP.

In this instance, is considered that the dis-benefits of the scheme, outweigh the benefits.

Accordingly it is recommended for refusal.

RECOMMENDATION

REFUSE

1. The proposed residential development is unacceptable because it is an unsustainable site located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policies SD2 and PG5 of the Cheshire East Local Plan Strategy – Consultation Draft March 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 results in a development which will compromise the Spatial Vision for the future development of the rural areas within the Borough, contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy – Consultation Draft March 2016 and guidance within the NPPF.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation) in consultation with the Chair (or in their absence the Vice Chair) of the Southern Planning Committee, 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, Committee authority is sought to secure the following Heads of Terms as part of any S106 Agreement:

1. £60,012 contribution to maintain the amenity greenspace and LEAP.
2. 30% on-site affordable housing provision in a 65:35 split affordable rent: intermediate
3. Education contribution of £192,584

