

Application No: 18/0317C

Location: LAND NORTH OF HIND HEATH ROAD, SANDBACH

Proposal: Outline planning application for up to 50 dwellings, new planting & landscaping, car parking, vehicular access point and associated ancillary works

Applicant: Kodiak Land

Expiry Date: 25-Apr-2018

## **SUMMARY**

The proposed development would be contrary to Policy PG6 of the CELPS, Policy PS8 of the Congleton Borough Local Plan and Policy PC3 of the SNP and the development would result in a loss of open countryside. Cheshire East can demonstrate a 5 year supply of deliverable housing sites.

The application site falls within an Area of Separation as defined by the SNP under Policy PC1. In this case the proposed development would result in further coalescence between Wheelock Village and Ettiley Heath. Only the cluster of dwellings onto the southern boundary of the site would remain within the area of separation and separate the two individual settlements of Wheelock Village and Ettiley Heath. This development would result in the two settlements merging and would cause significant harm.

The development would provide benefits in terms of affordable housing provision and 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, POS provision and LEAP, drainage/flood risk, trees, residential amenity/noise/air quality and landscaping could be secured at the reserved matters stage.

The submitted plans show that a buffer would be provided to the Wheelock Rail Trail which is adjacent to the site and this would be secured via a planning condition should the application be approved. There is considered to be insufficient information in relation to protected species as part of this application.

The development is considered to be unacceptable in principle. In addition, insufficient information has been submitted with the application in relation to contaminated land, historic hedgerows and to demonstrate that a safe and suitable access can be achieved for this development.

As a result the application is recommended for refusal.

## **RECOMMENDATION**

## **REFUSE**

## **PROPOSAL**

This application seeks outline planning permission for the erection of up to 50 dwellings at land North of Hind Heath Road, Sandbach. This application seeks approval of the access only with all other matters reserved.

The submitted plan shows that the development would provide a single point of access to the south-west of the site onto Hind Heath Road and a pedestrian access would be provided onto the Wheelock Rail Trail to the north-east.

## **SITE DESCRIPTION**

The application site measures 2.22 hectares and consists of grassland with existing field boundary hedgerows. The site is currently used as an unregulated overflow car park for Sandbach United Football Club.

To the east of the site is the Wheelock Rail Trail which is tree lined and set at a lower level to the application site. The football pitches associated with Sandbach United are located beyond the Wheelock Rail Trail with an area of car-parking to the north of the site. Sandbach Cricket Club is located to the north-west of the site to the opposite side of Hind Heath Road with agricultural land to the east west and south-west of the site.

The nearest residential properties are to the south-east of the site and form a cluster of converted barns and two detached dwellings known as Highfields and Big Hind Heath Farm.

## **RELEVANT HISTORY**

The site has no relevant planning history.

## **NATIONAL & LOCAL POLICY**

### **Cheshire East Local Plan Strategy (CELPS)**

PG1 – Overall Development Strategy  
PG2 – Settlement Hierarchy  
PG7 - 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

### **Congleton Borough Local Plan First Review**

The relevant Saved Policies are:

PS8 - Open Countryside  
NR4 - Non-statutory sites  
GR6 - Amenity and Health  
GR7 - Amenity and Health

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  
NR3 - Habitats  
NR5 - Habitats

### **Sandbach Neighbourhood Plan**

PC1 – Areas of Separation  
PC2 – Landscape Character  
PC3 – Policy Boundary for Sandbach  
PC4 – Biodiversity and Geodiversity  
PC5 – Footpaths and Cycleways  
HC1 – Historic Environment  
H1 – Housing Growth  
H2 – Housing Layout  
H3 – Housing Mix and Type  
H4 – Housing and an Ageing Population  
H5 – Preferred Locations  
IFT1 – Sustainable Transport, Safety and Accessibility  
CW1 – Amenity, Play, Recreation and Outdoor Sports  
CW3 – Health  
CC1 – Adapting to Climate Change

### **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

### **Supplementary Planning Documents**

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

### **CONSULTATIONS**

**CEC Strategic Housing Manager:** No objection

**CEC Flood Risk Manager:** Conditions suggested

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

$9 \times £11,919 \times 0.91 = £97,617.00$  (primary)

$8 \times £17,959 \times 0.91 = £130,742.00$  (secondary)

$1 \times £50,000 \times 0.91 = £45,500.00$  (SEN)

Total education contribution: £273,859.00

**Natural England:** Statutory sites – no objection. For advice on protected species refer to the Natural England standing advice.

**CEC Strategic Highways Manager:** Insufficient information has been submitted with regards to providing a safe access for all users and an objection is raised.

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

**CEC Environmental Health:** Object due to insufficient information in relation to contaminated land.

Conditions suggested in relation to Dust Control, Travel Plan, Low Emission Gas Boilers and Electric Vehicle Infrastructure and an informative has been suggested in relation to hours of construction.

**CEC Public Open Space:** This development requires 1000sqm each of children's play, AGS and GI Connectivity. The buffer planting and proposed drainage pond can form part of the GI but there is still a requirement of 2000sqm of Children's play space and AGS combined.

Whilst the development Framework plan shows the "potential" for a children's play area and refers to this is several places, the Illustrative Masterplan shows the area as proposed tree planting. A play facility is required but ideally should be centrally located along with the amenity green space for informal recreation.

In line with Policy SC2 for Indoor and Outdoor Sport and Policy SC1 Leisure and Recreation a contribution of £1000.00 per family dwelling is sought.

**CEC Indoor Recreation:** A S106 Contribution of £9,100 will be required to provide additional health and fitness equipment at Sandbach Leisure Centre.

**NHS England:** No comments received.

**Cheshire Brine Subsidence Board:** The board is of the opinion that the site is within an area that has previously been affected by brine subsidence and future residual movements cannot be completely discounted. The board recommends therefore, that precautions are incorporated within the design of a proposed development.

**CEC PROW:** Request a number of requirements in relation to the Wheelock Rail Trail as follows;

- Dwellings should have an active frontage and face towards the Wheelock Rail Trail
- Provision of boundary treatment along the Wheelock Rail Trail to minimise the likelihood of unofficial connections
- A contribution of £11,827 towards lighting of the Wheelock Rail Trail with maintenance cost of £861.37

- A contribution of £54,000 towards the surfacing of the Wheelock Rail Trail between the site and Elworth Road

In terms of connections to Hind Heath Road the developer should also be required to provide connection to the shared use footway/cycleway opposite the site at the north-western extent of the site frontage in order to meet the desire lines for pedestrians and cyclists in either direction along that road.

## **VIEWS OF THE PARISH COUNCIL**

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

- This development is within an area of separation shown in figure 3 of the Sandbach Neighbourhood Development Plan. Development in this area would close the area of separation which contravenes Policy PC1 of the Sandbach Neighbourhood Development Plan.
- The site is outside the settlement zone line, as defined in Policy PC3 of the Sandbach Neighbourhood Development Plan. This also contravenes Policy PG6 of the Cheshire East Local Plan and retained policy PS8 from the Congleton Borough Local Plan which define and limit development in the Open Countryside.
- This development would have a negative effect on the movement of wildlife from Wheelock rail trail (reference area J, figure 5 Sandbach Neighbourhood Development Plan) which contravenes Policy PC4 of the Sandbach Neighbourhood Development Plan
- Sandbach has already identified sites to meet its allocation as part of the Cheshire East Council Local Plan Strategy and 5 year Housing Supply.
- Furthermore, Members are very disappointed that the developer hasn't incorporated any of the Town Council's comments, especially relating to the increase in traffic (and the safe management of it) and the effect on air quality after requesting a meeting with Members. Hind Heath Road appears to remain unlit which will be dangerous on an increasingly busy road, a problem which is compounded by the fact that the proposed access is on the inside of a bend which combined with the topography limits visibility. The proposed development is at a point on Hind Heath Road with no footpath on either side of the narrow road, with no safe access or crossing point to the recently constructed footpath/cycleway behind the hedge on the opposite side of the road.
- Any proposal to light this section of Hind Heath Road, the Wheelock Rail Trail or the new footpath/cycleway would emphasise the intrusion into the area of separation and disturb local wildlife.
- Members are concerned that The Brine board is of the opinion that the site is within an area that has previously been affected by brine subsidence and future residual movements cannot be completely discounted.

## **REPRESENTATIONS**

Letters of objection have been received from 65 local households raising the following points:

### Principle of development

- There are enough new developments in Sandbach
- Should be kept as green fields
- This is not a strategic site within the CELPS and is unplanned
- The CELPS housing requirement for Sandbach is 2750 dwellings and 3250 dwellings would be provided exceeding the requirement

- The site is within the open countryside and outside the settlement boundary
- Contrary to the Neighbourhood Plan
- The development is contrary to the CELPS
- Loss of green gap separating Wheelock and Ettiley Heath
- Bungalows are needed for the elderly
- The proposed dwellings will not be affordable to local people
- Loss of the Area of Separation
- The development provides no benefits to local residents
- Loss of hedgerow to provide the access and visibility splays
- Sandbach is becoming unsustainable due to housing growth
- Cheshire East now has a robust 5 year housing land supply

### Highways

- Increased congestion in Sandbach
- The applicants traffic data is from September 2016 and is out of date as it does not include the development sites at Ettiley Heath and Elworth
- Hind Heath Road is used as a rat run
- Hind Heath Road cannot take any further traffic
- The site access has inadequate visibility
- Increased parking on the road
- The existing roads are suffering from potholes
- Hind Heath Road is a narrow country lane
- Problems when there is an accident on the M6
- Hind Heath Road suffers flooding
- Cars speed along Hind Heath Road and the access should be designed for higher speeds
- An alternative overflow carpark for the football club is required
- There is no continuous cycle route to the town centre
- The access is on a bend
- It would be better to use the existing access to Sandbach Football Club
- Access to Lillyput Nursery is difficult
- Loss of overflow parking for the nursery
- Traffic control is needed along Hind Heath Road
- Additional street lighting should be provided
- Better public transport links are needed to Sandbach Station
- The submitted Transport Statement is inadequate
- The proposed access is not safe
- Pedestrian facilities along Hind Heath Road are not safe
- Public transport provision in the area is overstated

Swept path analysis demonstrates that HGV movements cannot be made without crossing both lanes of the carriageway – this is not safe

- The proposal to provide Vehicle Activated Signage is contrary to planning law as it is not necessary
- Insufficient parking in Sandbach Town Centre
- No proposals have been put forward to increase the number of car parking spaces for Sandbach Town FC
- The proposed access is located on a blind bend
- The harm outweighs any benefits of this scheme

### Green Issues

- Loss of wildlife
- Impact upon the landscape
- The development will close off views from the Wheelock Rail Trail
- Impact upon air quality
- Impact upon the peaceful Wheelock Rail Trail
- There should be no additional lighting on the Wheelock Rail Trail
- Loss of habitat
- Additional tree planting is required

#### Infrastructure

- Impact upon the character and appearance of the area
- Schools are overcrowded
- Dentists and Doctors are full
- The drainage infrastructure cannot cope and is constantly blocked
- A token contribution to an Astro turf pitch will do little to provide lasting help to already stretched local Schools and Doctors
- Harm to the Wheelock Rail Trail Site of Biological Importance
- Sandbach needs a lifestyle Centre like Crewe
- Lack of leisure centre in Sandbach

#### Other Issues

- The brine board have stated that the area has been previously affected by brine subsidence and future movements cannot be discounted.
- Difficulty in selling houses in Sandbach
- Limited pre-application consultation has taken place
- The owners of the stables will not allow for additional car-parking to be accessed via the access point to Lilliput Nursery

An objection has been received from Sandbach Woodland and Wildlife Group which raises the following points;

- The SWWG has as its core purpose *"To develop our role of care for the environment by ensuring the conservation of woodland and associated open areas in and around Sandbach, maintaining its wildlife importance whilst ensuring the benefits of some access for the whole community."*
- The proposed development contravenes many of the key policies and issues covered in the Sandbach Neighbourhood Plan (2016), Namely:
  - o To preserve existing farmland, publicly accessible open spaces and green spaces surrounding the town
  - o To maintain and protect the Areas of Separation which separate the distinct village settlements of Sandbach, Elworth, Ettiley Heath, Wheelock and Sandbach Heath
  - o To protect and improve the existing natural wildlife habitats and wildlife corridors
- In addition the proposed development would have a severe detrimental impact on the local wildlife living nearby (primarily the Wheelock Rail Trail)
- If, in spite of objections, the proposed development were to go ahead, the SWWG would expect to see substantial Ecological Mitigation and Enhancement, to be in line with those proposed by Cheshire East's Principal Nature Conservation Officer: *"Any future reserved matters application to be supported by a strategy for the incorporation of features to enhance the biodiversity value of the proposed development. The submitted strategy should include proposals for the provision of features for nesting birds including house sparrow and roosting bats, gaps in garden fences to*



*facilitate the movement of hedgehogs, brash/deadwood piles, a wildlife pond and native species and fruit tree planting.*

An objection has been received from Sandbach Footpath Group which raises the following points;

- The proposed development is on slightly higher ground than the Wheelock Rail Trail and consequently would be a blot on the landscape, detracting from the pleasure of walking or cycling along the Rail Trail. The Rail Trail is very popular for family outdoor excursions, giving the benefit of reasonably fresh air, sunshine, relative peace, and pleasure, some of which would be reduced or negated if the development were to go ahead.
- The Wheelock Rail Trail is designated as a Site of Biological Importance by Cheshire Wildlife Trust. This planning proposal would degrade and damage that designation.
- In the proposed Transport Statement, for 18/0317C, it mentions the walking distance to facilities in Sandbach, but the opportunity of making a link from the Wheelock Rail Trail via the Abbeyfields site to Middlewich Road, as shown in a previous planning applications 17/3915c and 17/3916c, has not been considered.

## **APPRAISAL**

### **Principle of Development**

The site lies largely in the Open Countryside as designated by Policy PG6 (Open Countryside) of the CELPS and Policy PS8 of the Congleton Borough Local Plan 2005. Policy PG6 states 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.

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 site falls within an Area of Separation as defined by the SNP under Policy PC1. This policy aims to maintain the established pattern of development and the distinctive identities of Sandbach, Elworth, Ettiley Heath, Wheelock and Sandbach Heath. Policy PC1 states that within the Areas of Separation developments which would result in further coalescence in the Areas of Separation will not be permitted.

In this case the proposed development would result in further coalescence between Wheelock Village and Ettiley Heath. Only the cluster of dwellings onto the southern boundary of the site would remain within the area of separation and separate the two individual settlements of Wheelock Village and Ettiley Heath. This development would result in the two settlements merging and would cause significant harm.

It is important to note that there is a relevant appeal decision as part of application 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). The SoS agreed with his Inspector that the SNP was *‘immediately out-of-date’*, however

the SoS then went onto 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.

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.

## **Housing Land Supply**

On 27 July 2017, the Council adopted the Cheshire East Local Plan Strategy. This followed an extensive public examination led by an independent and senior Planning Inspector.

The Inspector's Report on the Local Plan was published on 20 June 2017 and signalled the Inspector's agreement to the Plans policies and proposals. The Local Plan Inspector confirmed that, on adoption, the Council was able to demonstrate a 5 year supply of housing land. In his Report he concludes:

*"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"*

The Inspector's conclusion that the Council had a 5 year supply of deliverable housing land was based on the housing land supply position as at 31 March 2016.

Following the adoption of the Local Plan Strategy, the Council released its annual Housing Monitoring Update, in August 2017. It sets out the housing land supply as at 31 March 2017 and identified a deliverable housing land supply of 5.45 years.

On 8 November 2017, an appeal against the decision of the Council to refuse outline planning permission for up to 400 homes at White Moss Quarry, Alsager (WMQ) was dismissed due to the scheme's conflict with the Local Plan settlement hierarchy and its spatial distribution of development.

However, in his decision letter, the WMQ Inspector did not come to a clear conclusion whether Cheshire East had a five year supply of deliverable housing land. His view was that it was either slightly above or slightly below the required 5 years (4.96 to 5.07 years). In this context, the Inspector engaged the 'tilted balance' set out in the 4<sup>th</sup> Bullet point of paragraph 14 of the National Planning Policy Framework (NPPF). This introduces a presumption that planning permission is granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

On 4 January 2018, an appeal against the non-determination of an outline planning permission for up to 100 homes at Park Road, Willaston was dismissed due to conflict with Local Plan policies that sought to protect designated Green Gap, open countryside and rural character. The Inspector also took the view that the housing land supply was either marginally above or below the required 5 years (4.93 to 5.01 years). On this basis, he adopted a 'precautionary approach' and assumed a worst case position in similarly engaging the 'tilted balance' under paragraph 14 of the Framework.

The Council is continuing to update its evidence regarding housing land supply to ensure that decisions are taken in the light of the most robust evidence available and taking account of recent case law. The Council believes it can demonstrate a five year supply and will accordingly be presenting further updated evidence at the forthcoming Stapeley Inquiry.

For the purpose of determining current planning applications it is therefore the Council's position that there is a five year supply of deliverable housing land.

## Location of the Site

The justification to Policy SD2 of the CELPS includes distances to facilities to serve the development and is identified below;

Public Transport	
Bus Stop	500m
Public Right of Way	500m
Railway Station	2km where geographically possible
Open Space	
Amenity Open Space	500m
Children's Playground	500m
Outdoor Sports	500m
Public Park and Village Green	1km
Services and Amenities	
Convenience Store	500m
Supermarket	1km
Post Box	500m
Post Office	1km
Bank or Cash Machine	1km
Pharmacy	1km
Primary School	1km
Secondary School	1km
Medical Centre	1km
Leisure Facilities	1km
Local Meeting Place / Community Centre	1km
Public House	1km
Child Care Facility (nursery or crèche)	1km

The site is between Wheelock, Ettiley Heath and Sandbach Town and is located in close proximity to the approved residential developments off Hind Heath Road, Abbeyfields and Lodge Road. All of the nearby residential developments were considered to be sustainably located and the same conclusion applies to this site.

## **Housing Mix**

Paragraph 50 of the Framework sets out that Council's should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. They should also identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). This is echoed within the SNP Policies H3 (Housing Mix and Type) which states that housing should be designed to provide a mix of houses to meet identified need (e.g. affordable housing, starter homes and provision for housing an ageing population) and Policy H4 (Housing and an Ageing Population) which states that developments will be supported that provide suitable, accessible houses

A condition could be imposed to secure a mix of house types at the reserved matters stage.

## **Affordable Housing**

This is an outline application for up to 50 dwellings and there is a requirement for 30% of dwellings to be provided as affordable dwellings. In order to meet the Council's Policy on Affordable Housing there is a requirement for 15 dwellings to be provided as affordable dwellings.

The SHMA 2013 shows that the majority of the demand in Sandbach annually until and including 2018 is for 18 x one bedroom, 33 x two bedroom, 18 x three bedroom and 9 x four bedroom general needs dwellings. The SHMA also shows a need for 11 x one bedroom and 5 x two bedroom dwellings for older persons. These can be via Bungalows, Flats, Cottage Style Flats or Lifetime standard dwellings.

The current number of those on the Cheshire Homechoice waiting list with both Sandbach and Wheelock as their first choice is 374. This can be broken down to 162 x one bedroom, 143 x two bedroom, 58 x three bedroom and 11 x four+ dwellings. On this site a mix of 1, 2, 3 and 4 general needs dwellings and 1 and 2 bedroom older persons dwellings would be acceptable.

As part of this development 10 units should be provided as Affordable rent and 5 units as Intermediate tenure. The exact mix and location of the affordable dwellings can be detailed in the Reserved Matters application.

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

## **Public Open Space**

The Design and Access Statement submitted with this application states that the development would provide 0.56 hectares of green infrastructure.

This development requires 1000sqm each of children's play, Amenity Green Space (AGS) and Green Infrastructure (GI) Connectivity. The buffer planting and proposed drainage pond can form part of the GI but there is still a requirement of 2000sqm of children's play space (a LEAP) and AGS combined. These features can be conditioned to secure the details at the Reserved Matters stage.

The Playing Pitch Strategy identifies the adjacent Sports facilities as a “hub” for Sandbach. New developments should not be required to address an existing shortfall of provision. However they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand. In line with Policy SC2 for Indoor and Outdoor Sport and Policy SC1 Leisure and Recreation a contribution of £1000.00 per family dwelling is sought.

## Education

An application of 50 dwellings is expected to generate 9 primary aged children, 8 secondary aged children and 1 SEN child.

In terms of primary school education, the proposed development would be served by six local primary schools.

From the table below which it can be seen that by 2021 there will be a shortfall of 22 spaces within the local primary schools and on this basis a contribution of £97,617 will be required to mitigate the impact of this development upon local primary provision.

Primary Schools	PAN Sep 17	PAN Sep 18	NET CAP May-17	any Known Changes	PUPIL FORECASTS based on October 2016 School Census				
					2017	2018	2019	2020	2021
Elworth CofE Primary School	45	45	315	315	334	366	391	415	431
Elworth Hall Primary School	30	30	210	210	175	178	185	184	186
Offley Primary Academy	60	60	420	420	375	385	383	378	376
Sandbach Primary Academy	15	15	105	105	103	111	117	117	118
St John's CofE Primary School	25	25	175	175	154	166	171	170	169
Wheelock Primary School	45	45	315	315	303	325	328	332	334
<b>Total Schools Capacity</b>				<b>1,540</b>					
<b>Developments with S106 funded and pupil yield included in the forecasts</b>				<b>195</b>					
<b>Developments pupil yield not included in the forecasts</b>									<b>133</b>
<b>Pupil Yield expected from this development</b>									<b>10</b>
<b>OVERALL TOTAL</b>	<b>220</b>	<b>220</b>	<b>1,540</b>	<b>1,735</b>	<b>1,444</b>	<b>1,531</b>	<b>1,575</b>	<b>1,596</b>	<b>1,757</b>
<b>OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP</b>					<b>291</b>	<b>204</b>	<b>160</b>	<b>139</b>	<b>-22</b>

In terms of secondary schools, the development would be served by Sandbach High and Sandbach School and the proposed development would generate 8 new secondary places which cannot be accommodated (see table below). As there are capacity issues at these local schools the education department has requested a contribution of £130, 742.

Secondary Schools	PAN Sep 17	PAN Sep 18	NET CAP May-17	any Known Changes	PUPIL FORECASTS based on October 2016 School Census						
					2017	2018	2019	2020	2021	2022	2023
Sandbach High School and Sixth Form College	210	210	1,074	1,074	1,169	1,236	1,329	1,390	1,418	1,420	1,452
Sandbach School	210	210	1,050	1,050	1,028	1,045	1,095	1,139	1,153	1,137	1,132
<b>Total Schools Capacity</b>				<b>2,124</b>							
<b>Developments with S106 funded and pupil yield included in the forecasts</b>				<b>284</b>	Please Note: All figures quoted exclude any allowance for 6th Form Pupils						
<b>Developments pupil yield not funded and not included in the forecasts</b>											<b>135</b>
<b>Pupil Yield expected from this development</b>											<b>8</b>
<b>OVERALL TOTAL</b>	<b>420</b>	<b>420</b>	<b>2,124</b>	<b>2,408</b>	<b>2,197</b>	<b>2,281</b>	<b>2,424</b>	<b>2,529</b>	<b>2,571</b>	<b>2,557</b>	<b>2,727</b>
<b>OVERALL SURPLUS PLACES PROJECTIONS</b>					<b>211</b>	<b>127</b>	<b>-16</b>	<b>-121</b>	<b>-163</b>	<b>-149</b>	<b>-319</b>

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 £45,500 is required based on the increase in population.

This will be secured via a S106 Agreement should the application be approved.

## **Health**

A number of the letters of objection raise concerns about the impact upon health provision in this area. In this case there has been no request for a contribution from the NHS and on this basis the impact upon health care provision is considered to be acceptable.

## **Residential Amenity**

In this case the Congleton Borough SPG requires the following separation distances:

21.3 metres between principal elevations

13.8 metres between a non-principal and principal elevations

In this case the layout and orientation of the proposed dwellings has not been provided at this outline stage. The impact upon the adjacent dwellings to the south-east of the site will be determined at the reserved matters stage.

## Noise

The applicant has submitted a noise screening report in support of the application. The report suggests that additional mitigation measures may not be required however this is still to be investigated further as part of the Reserved Matters stage. It must be noted that Hind Heath Road has increased with volume of traffic due to development in the area and so a noise assessment is required to be undertaken to confirm current statements.

The assessment must assess road traffic noise from Hind Heath Road on the proposed development and be assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. The conclusions of the report and any proposed mitigation must be submitted too and approved by the local planning authority at the Reserved Matters stage.

## Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

A former railway line bounds the northerly site boundary. This area has the potential to be contaminated and may pose a risk to future occupants. The Environmental Health Officer has stated that she would expect to see a minimum of a Phase I Preliminary Risk Assessment for contaminated land submitted with any planning application for this site.

As no contaminated land information has been submitted to support the application insufficient information has been submitted with the application, in order to adequately assess the impact of the proposed development having regard to contaminated land. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.

## Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality whilst Policy H2 of the SNP states that development should not cause unacceptable air pollution. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

This outline proposal is for the residential development of up to 50 dwellings. This scheme is considered to be significant it does not require an air quality impact assessment. However there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular the impact of transport related emissions on Local Air Quality.

Sandbach has two Air Quality Management Areas and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

The Environmental Health Officer has requested the following conditions in relation to air quality;

- Dust Control
- Travel Plan
- Electric Vehicle Infrastructure
- Ultra Low Emission Gas Boilers

Subject to the imposition of these conditions the impact upon air quality from this development is considered to be acceptable.

## **Public Rights of Way**

There are no public footpaths crossing the site. However the Wheelock Rai Trail is located adjacent to the boundary of this site.

The proposed development is adjacent to the Wheelock Rail Trail which is a linear country park and part of the National Cycle Network. This development would provide a link onto the Wheelock Rail Trail and this would improve the permeability of the site and allow future residents to access this recreational resource.

As stated within the ecology section of the report the Wheelock Rail Trail is identified for its ecological value within the SNP and is subject to Policy PC4. In this case it is considered that the requested contribution for lighting along the Wheelock Rail Trail would not have a significant impact upon the ecological value of the Wheelock Rail Trail as this section of the Wheelock Rail Trail already has lighting to the north west and is considered to be less sensitive to ecological impacts.

The suggested contribution to improve surfacing/lighting of the Wheelock Rail Trail is justified and would improve the sustainability of the site as well improving access via non-motorised transport options. On this basis the suggested contributions are reasonable and would be secured via a S106 Agreement.

## **Highways**

### Safe and suitable access

The new access design onto Hind Heath Road has been designed to adoptable standards (with visibility splays of 2.4m x 94m to the left and 2.4m x 56m to the right). It reflects the access design of recently approved development on Hind Heath Road and is acceptable for this development. A new 3m wide footway/cycleway on the eastern side of the access has also been proposed, with dropped kerbs to aid pedestrian/cyclist movement across Hind Heath Road.

There is a cycle route and the Wheelock Rail Trail either side of Hind Heath Road. The proposed development will provide a new access from within the proposed development onto the Wheelock Rail Trail which will encourage pedestrian and cyclist movements from existing nearby developments.

This development will increase the number of movements across Hind Heath Road. With the high design speeds and forecast vehicle flows the option of a signalised Toucan crossing on Hind Heath Road should have been investigated but this has not been carried out.

Speed surveys have been carried out on Hind Heath Road to inform access visibility splay requirements; the north bound design speed at this location is 38mph and the south bound speed is 37mph. It is not clear why dry-weather speed data rather than wet-weather speed data has been used to determine visibility requirements and the speed data has not been submitted for verification.

The visibility encroaches onto the grass verge to the south and it is not known if this verge is highway land or not. Submitted documentation regarding access and dropped kerbs also state that they are '*subject to confirmation of adopted highway land*'. This has not been confirmed by the applicant and it is not known if a safe access as proposed is deliverable.

As a result insufficient information has been submitted with regards to providing a safe access for all users.

### Network Capacity

The proposal will generate around 30 to 35 vehicle trips during the peak hour. Compared to existing and forecast vehicle flows on Hind Heath Rd this is a negligible uplift in numbers and there is no objection in terms of the traffic generation from this development.

## **Trees and Hedgerows**

### Trees

There are trees and lengths of hedgerows in the vicinity of the site with the majority of the tree cover off site along the wooded corridor of the Wheelock Rail Trail to the north. As an outline application with only access included, the full impacts of the development would only be realised at Reserved Matters stage. However it is not envisaged that the development would result in any tree losses at this stage.

### Hedgerows



On the basis of the submitted Development Framework, it appears that the proposals would require hedgerow removal on the Hind Heath Road frontage in order to allow the formation of an access and associated visibility splays.

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, a Hedgerow Removal Notice would be normally required under the Hedgerow Regulations 1997. Therefore, for completeness in the assessment and determination of a planning application, where hedge loss is involved it is considered the hedge should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if it qualifies 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.

In this case a Hedgerow Regulations Assessment has not been undertaken and there is insufficient information to determine this application.

## **Design**

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

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

### Connections

*Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?*

The proposed development would have a single point of vehicular access to the off Hind Heath Road. It is intended that the development would provide a cycle/pedestrian link from the site onto the Wheelock Rail Trail.

### Facilities and services

*Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?*

The application site is highly sustainable and is within easy walking distance of the Town Centre, schools, employment, the train station, bus routes and leisure facilities. This was also found to be the case for the approved developments off Hind Heath Road, Lodge Road and at Abbeyfields.

### Public transport

*Does the scheme have good access to public transport to help reduce car dependency?*

The application site is highly sustainable and is within easy walking distance of the Town Centre, schools, employment, the train station, bus routes and leisure facilities.

#### Meeting local housing requirements

*Does the development have a mix of housing types and tenures that suit local requirements?*

In terms of the affordable housing on site the mix and tenure would be agreed at the Reserved Matters stage in discussion with the Councils Housing Officer.

The Design and Access Statement submitted with this application states that the *'development will provide for a mix of house types, ranging from 2 bed to 5 bedroom houses, offering a mix of market housing from first time homes to larger family homes'*.

In this case a condition could be attached to ensure that the a satisfactory mix is provided at the Reserved Matters stage.

#### Character

*Does the scheme create a place with a locally inspired or otherwise distinctive character?*

The design guide identifies that Sandbach to the east is located within the Silk, Cotton & Market Towns area of the Design Guide and Elworth and Ettiley Heath to the west is located within the Salt & Engineering Towns area of the design guide. This site is split between the two areas but given the surrounding residential development to Hind Heath Road, Abbey Road and Park Lane it is considered that the site is more closely related to Sandbach. Sandbach is identified as an example settlement within the Design SPD and the design cues for this area include the following;

- Tudor, Georgian, Victorian and Edwardian architecture are all found within the town.
- A fine grain of residential lanes/secondary streets lie immediately adjacent to the main streets.
- Streets are well overlooked.
- Streets and lanes curve up the hills into the town centre creating unfolding views.
- Strong well enclosed urban spaces.
- Town centre is surrounded by rows of terraces, beyond which is a mix of 20th Century housing suburbs and estates.
- Mature 'Garden Suburb' style housing (i.e. Park Lane)

There is a variation of house-types adjoining the site. The majority are two-storey in height although there are some single-storey units in the area (adjacent to the site and to the south east along Hind Heath Road). The dwellings surrounding the site vary from detached to semi-detached.

The perimeter block type layout is at an appropriate density (30 dwellings per hectare) as identified on the illustrative masterplans contained within the D&A Statement. On this basis it is considered that an acceptable design solution could be secured at the reserved matters stage.

#### Working with the site and its context

*Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?*

The site is currently open former farmland with no existing buildings with the retention of the tree belt to the boundary with the Wheelock Rail Trail.

The only concern is the relationship to the existing dwellings adjacent to the site and the loss of hedgerow to form the access/visibility splays.

In this case the impacts upon residential amenity would be resolved at the reserved matters stage and the hedgerow implications is considered elsewhere within the report.

#### Creating well defined streets and spaces

*Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?*

The illustrative masterplan shows that the proposed dwellings are generally positioned well in a loose perimeter block layout, front doors face the street, blocks turn corners effectively in a variety of ways creating good passive surveillance and they do define the streets and spaces.

#### Easy to find your way around

*Is the scheme designed to make it easy to find your way around?*

The illustrative masterplan is legible and a varied and interesting layout including corner turning blocks and properly terminated views to aid navigation around the proposed development could be secured at the Reserved Matters stage. The proposal also provides pedestrian/cycle linkages to the Wheelock Rail Trail.

#### Streets for all

*Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?*

There is a clear hierarchy of streets identified within the submitted D&A Statement which identifies the 3 types of highway within the development. These streets could be designed in detail to slow vehicular traffic and provide a safer environment for pedestrians and cyclists.

#### Car parking

*Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?*

The illustrative masterplan shows that parking would be provided within curtilage to the side and rear of the proposed dwellings. The D&A Statement then goes identifies that '*where street parking is present, it will be broken up into blocks of a maximum of 5 bays separated by kerb buildouts. Areas of on street parking will be softened by tree and shrub planting*'.

#### Public and private spaces

*Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?*

The illustrative masterplan shows that all areas of public open space are well overlooked and would feel safe. With regard to private space, every house has a private but independently accessible rear garden that is clearly defined and most homes also have gardens to the front.

#### External storage and amenity space

*Is there adequate external storage space for bins and recycling as well as vehicles and cycles?*

The illustrative masterplan shows that all houses have adequately sized rear gardens with external access that are suitable for the storage of refuse and recycling bins as well as potentially cycles.

### Design Conclusion

On the basis of the above assessment it is considered that the proposed development does score well and on this basis it is considered that the design of the development is acceptable and would comply with the Cheshire East Design guide.

### **Land Levels**

The application is in outline form and no and levels details have been provided. If approved a condition could be imposed to require the details at the reserved matters stage.

### **Landscape**

A Landscape and Visual Appraisal has been submitted as part of the application, this indicates that it has been based on the Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3).

The appraisal identifies the National Character Area (NCA) – Shropshire and Staffordshire Plain and that in the Cheshire Landscape Character Area that the site is situated in the East Lowland Plain, and specifically in the Wimboldsley Character Area (ELP 5). The appraisal also identifies the character of the application site as being gently undulating agricultural land with hedgerow field boundaries, located towards the southern edge of Sandbach, bound to the south by Hind Heath Road and to the north by the Wheelock Rail Trail.

The appraisal identifies that this landscape has no designations and that it is well managed agricultural land with hedgerows and hedgerow trees, in overall good condition, but offers a low value. The appraisal identifies that the landscape effects at construction will be Major/Moderate adverse and following completion as Moderate adverse on the site and the immediate context, reducing to Minor adverse at after 10 years. The visual appraisal offers 11 viewpoints and indicates that at the construction stage for receptors adjacent to the site the effects will be Major/Moderate adverse, and Minor adverse for receptors at a greater distance. The appraisal indicates that after the construction phase the visual effects for the nearby property will be Moderate adverse, minor adverse for the nearby section of the Wheelock Trail and minor adverse for users of roads.

The visual appraisal has been based on the retention of existing landscape features and the overall enhancement of the site through the additional woodland planting, hedgerow provision and habitat creation; consequently the visual effects may be as identified if the proposals are similar to those shown on the Development Framework Plan.

The appraisal identifies that the site is located within the open countryside, Policy PG 6 – Open Countryside seeks to protect open countryside from urbanising development. It recognises the intrinsic character and beauty of the countryside, which is consistent with one of the core planning principles in paragraph 17 of the Framework. Policy PG 6 only permits development in the Open Countryside for certain essential or limited purposes appropriate to the rural area, and that in this

regard identifies that particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced. Since the submitted appraisal identifies that the landscape and visual effects will remain adverse, even after a number of years, it is not clear how the proposed development will either preserve or enhance the appearance and distinctiveness of the Cheshire East countryside; as such the development does not appear to conform with Policy PG 6.

## **Ecology**

### Statutory designated Sites

This proposed site falls within Natural England's SSSI impact risk zone for developments of this type. In this case Natural England has been consulted and raised no objection to this application.

### Non-statutory Sites

The Wheelock Disused Railway Local Wildlife Site (identified by Policy PC4 of the SNP) is located immediately adjacent to the northern boundary of the application site. To ensure that the Local Wildlife site is not compromised by the proposed development a buffer of open space/semi natural habitat must be provided and a suitable buffer is shown on the submitted Development Framework. If planning consent is granted the provision of this buffer must be secured by means of a planning condition.

### Hedgerows

Native species hedgerows are a priority habitat and a material consideration. Whilst it appears feasible to retain the majority of the existing hedgerows on site, the proposed access point will result in the loss of a section of existing hedgerows.

If outline planning permission is granted it must be ensured that any unavoidable losses of hedgerow are compensated for by means of replacement planting at the detailed design stage.

### Bats

Whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development a condition should be attached requiring any additional lighting to be agreed with the LPA.

### Other Protected Species

One of the representations received from a local resident has referred to a sett for a protected species on the boundary of the site. This has not been picked up within the supporting Ecological Appraisal and the case officer has requested that a supplementary assessment is undertaken to check if there is an actual sett on site and its status. At the time of writing this report an updated Ecological Appraisal had not been received.

### Ecological Mitigation and Enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development. If planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

### **Flood Risk/Drainage**

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. However there is a pocket of surface water risk located within the site boundary (this is shown to be retained as part of the drainage strategy for the site). As the site is greater than 1 hectare in size a Flood Risk Assessment has been submitted in support of this planning application.

The submitted FRA identifies that it is proposed to limit overall flows to greenfield runoff rates with flows to be attenuated onsite within an attenuation basin located in a low area of the site along the frontage with Hind Heath Road.

The Councils Flood Risk Management Team has raised no objection to this application subject to the imposition of planning conditions.

### **Brine Subsidence**

The Cheshire Brine Subsidence Board has stated that the site is within an area that has previously been affected by brine subsidence and future residual movements cannot be completely discounted. The Brine Board recommends that precautions are incorporated within the design of the proposed development and this matter will be dealt with at the Building Control stage with an informative attached to any approved development.

### **Economic Sustainability**

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

### **CIL Compliance**

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.

As explained within the main report, the area of open space/LEAP is identified on the submitted plans. It is necessary to secure these works and a scheme of management. This is directly related to the development and is fair and reasonable.

The Playing Pitch Strategy identifies an existing shortfall of provision. To ensure that this situation is not worsened and to mitigate the impact in terms of the additional demand. In line with Policy SC2 for Indoor and Outdoor Sport and Policy SC1 Leisure and Recreation a contribution of £1000.00 per family dwelling is sought. This is necessary, directly related to the development and fair and reasonable.

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

The suggested contribution to improve surfacing of the Wheelock rail Trail is justified and would improve the sustainability of the site as well improving access via non-motorised transport options. On this basis the suggested contribution of £54,000 is necessary and would be secured via a S106 Agreement.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010 and a Deed of Variation will be required to the original S106 Agreement.

## **PLANNING BALANCE**

The proposed development would be contrary to Policy PG6 of the CELPS, Policy PS8 of the Congleton Borough Local Plan and Policy PC3 of the SNP and the development would result in a loss of open countryside. Cheshire East can demonstrate a 5 year supply of deliverable housing sites. However, it should be noted that even in the absence of a 5 year supply of housing land the harm resulting from the development would be such that it would significantly and demonstrably outweigh the benefits of the development.

The application site falls within an Area of Separation as defined by the SNP under Policy PC1. In this case the proposed development would result in further coalescence between Wheelock Village and Ettiley Heath. Only the cluster of dwellings onto the southern boundary of the site would remain within the area of separation and separate the two individual settlements of Wheelock Village and Ettiley Heath. This development would result in the two settlements merging and would cause significant harm.

The development would provide benefits in terms of affordable housing provision and 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, POS provision and LEAP, drainage/flood risk, trees, residential amenity/noise/air quality and landscaping could be secured at the reserved matters stage.

The submitted plans show that a buffer would be provided to the Wheelock Rail Trail which is adjacent to the site and this would be secured via a planning condition should the application be approved. There is considered to be insufficient information in relation to protected species as part of this application.

In this case insufficient information has been submitted with the application in relation to contaminated land, historic hedgerows and to demonstrate that a safe and suitable access can be achieved for this development.

As a result the application is recommended for refusal.

## **RECOMMENDATION:**

### **REFUSE for the following reasons;**

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies PG6 (Open Countryside) of the CELPS, PS8 (Open Countryside) of the Congleton Borough Local Plan and PC3 (Policy Boundary for Sandbach) of the Sandbach Neighbourhood Plan and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. Furthermore the development is located within an Area of Separation and would result in the coalescence of Ettiley Heath and Wheelock Village. The proposed development would therefore be contrary to Policy PC1 (Areas of Separation) of the Sandbach Neighbourhood Plan.**
- 2. The Local Planning Authority considers that insufficient information has been submitted with the application in order to adequately assess the impact of the proposed development having regard to contaminated land and the proposed residential use which is a sensitive end use. The proposed development is contrary to Policy SE12 of the CELPS and guidance contained within the NPPF.**
- 3. The Local Planning Authority considers that insufficient information has been submitted with the application in order to adequately assess the impact of the proposed development having regard to hedgerows on this site. The proposed development is contrary to Policy SE5 of the CELPS and guidance contained within the NPPF.**
- 4. The Local Planning Authority considers that insufficient information has been submitted with the application in order to adequately demonstrate that safe and suitable access can be achieved to this site. The proposed development is contrary to Policies SD1, SD2 and CO1 of the CELPS, Policy GR9 of the Congleton Borough Local Plan and Policies PC5 and IFT1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.**
- 5. The Local Planning Authority considers that insufficient information has been submitted with the application in order to identify the impact upon protected species together with any required mitigation. The proposed development is contrary to Policy SE3 of the CELPS, Policy NR2 of the Congleton Borough Local Plan and Policy PC4 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.**

**In order to give proper effect to the Board`s/Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before 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 LEAP (5 pieces of equipment) to be maintained by a private management company**
- 3. Primary School Education Contribution £97,617, Secondary School Education Contribution of £130,742 and a SEN Contribution of £45,500**
- 4. Contribution of £54,000 towards the surfacing of the Wheelock Rail Trail, £11,827 towards lighting of the Wheelock Rail Trail and £861.37 towards maintenance**
- 5. Contribution of £1000 per family dwelling for the provision of outdoor/indoor sport**

