

Application No: 18/0902C

Location: Land to the West of Bradwall Road, Sandbach, CW11 1PB

Proposal: Outline planning permission for residential development on land to the West of Bradwall Road, Sandbach (Revised application)

Applicant: Site Plan UK LLP

Expiry Date: 24-May-2018

## **SUMMARY**

The proposed development would be contrary to Policy PS8 and H6 and the development would result in a loss of open countryside and Cheshire East can demonstrate a 5 year supply of deliverable housing sites. The proposed development would result in a loss of open countryside and BMV agricultural land which is contrary to Policy PG6 of the CELPS, Policy PS8 of the Congleton Local Plan and Policy PC3 of the SNP.

The application contains insufficient information in relation to the highways impact of the development and the submitted information dates from 2016. Since the submission of the 2016 application there has been increased congestion on the A533/A534 in both peak hours and this has also resulted in increased usage of Congleton Road both to and from J17 M6. The operational changes by Highways England at J17 to the traffic signals on the eastern side of the junction has also increased congestion on the local road network.

The development would provide policy compliant provision of affordable housing which is a benefit of this development.

The development would provide a sufficient level of POS and a LEAP whilst the impact upon indoor and outdoor sport would be mitigated via S106 contributions.

The site is on the edge of Sandbach and is considered to be a sustainable location in terms of access to facilities.

The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution. The impact upon protected species/ecology/trees is considered to be neutral subject to the imposition of conditions to secure mitigation.

There is not considered to be any drainage implications raised by this development and the impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

The application is recommended for refusal on the basis that the development is outside the settlement boundary and within the open countryside, it is contrary to the Development Plan, there is insufficient highways information included within the application and the development would result in the loss of BMV agricultural land.

## **RECOMMENDATION**

**Refuse**

## **PROPOSAL**

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

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

## **SITE DESCRIPTION**

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

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

## **RELEVANT HISTORY**

16/2583C - Outline planning permission for residential development to include details of access – Refused 23<sup>rd</sup> February 2017 – Appeal Lodged – Appeal Withdrawn. The reasons for refusal are set out below;

- 1. The proposed residential development is unacceptable because it is located within the Open Countryside, contrary to Policies PC3 and H1 of the Sandbach Neighbourhood Plan, PS8 (Open Countryside) and H6 (Housing in Open Countryside) of the Congleton Borough Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy Submission Version - 2016 and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

2. *The proposal would be contrary to the spatial strategy for the future development of the Borough due to the scale of the proposed development having regard to Policies PG2 and PG6 in the emerging Cheshire East Local Plan Strategy – Consultation Draft July 2016 and guidance within the NPPF.*
3. *The proposed development would result in the loss of BMV Agricultural Land and have an adverse impact on the landscape character of the area. It is considered that the development is unsustainable because of the unacceptable environmental and economic impact of the scheme in terms of loss of best and most versatile agricultural land and the adverse impact upon the landscape character. These factors significantly and demonstrably outweigh the social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such the proposal is contrary to Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review 2005 and Policies PG 5 and SE 2 of the Cheshire East Local Plan Strategy – Submission Version and the provisions of the NPPF.*

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

## **NATIONAL & LOCAL POLICY**

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

PG2 – Settlement Hierarchy

PG6 - Open Countryside

PG7 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

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 12 – Pollution, Land Contamination and Land Sustainability

SE 13 - Flood Risk and Water Management

IN1 – Infrastructure

IN2 – Developer Contributions

### **Congleton Borough Local Plan**

PS8 - Open Countryside

GR6 – Amenity & Health

GR7 – Amenity & 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  
NR4 - Non-statutory sites  
NR5 – Habitats  
RC2 – Protected Areas of Open Space

### **Sandbach Neighbourhood Plan**

The Sandbach Neighbourhood Plan was made on 12<sup>th</sup> April 2016 and the following policies are relevant;

H1 – Housing Growth  
H2 – Design and layout  
H3 – Housing Type and Mix  
H4 – Housing and an Ageing Population  
H5 – Preferred Locations  
PC2 – Landscape Character  
PC3 – Policy Boundary for Sandbach  
PC4 – Biodiversity and Geodiversity  
IFT1 – Sustainable Transport, Safety and Accessibility  
IFT2 – Parking  
IFC1 – Community Infrastructure Levy  
CW1 – Amenity, Play, Recreation and Outdoor Sports  
CW3 – Health  
CC1 – Adapting to Climate Change

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.  
50. Wide choice of quality homes  
56-68 Requiring good design  
216 Implementation

### **CONSULTATIONS**

**Environment Agency:** No comments received.

**CE Flood Risk Manager:** No objection. Conditions suggested.

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

**CEC Strategic Housing Manager:** No objection.

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

**Strategic Highways Manager:** There have been a considerable number of developments approved in Sandbach and the cumulative increase in traffic on the local highway network is a concern. It is clear that there are a number of principle junctions that are congested and operate over capacity especially the Crewe Road/Hightown roundabout that is close to the site. It is considered that the base models submitted for the principal junctions do not accurately reflect the existing queues and that the models have not been validated against queue lengths. It is important that the base models are correct in order to predict the impact at the future year with development traffic added.

In the absence of the Vissim model, the Strategic Highways Manager would require further information submitted that accurately models the development impact at the principal road junctions and this will provide the basis to decide whether an objection is warranted. There are no highway mitigation measures currently proposed as part of this development proposal.

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

Informatives suggested in relation to contaminated land and hours of construction.

**NHS England:** No comments received.

**Ansa (Public Open Space):** A minimum of 11,340sqm of new POS is required to serve this development. A NEAP will be required as part of the proposed development.

The development will require a contribution of £25,500 towards indoor sport provision and a contribution of £1,000 per dwelling for outdoor sport provision.

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

**CEC PROW:** The proposed draft heads of terms for the s106 agreement includes a 'Footpath Contribution' under the Highways Contribution section: Public Footpath No .6 in the Parish of Sandbach runs from opposite the site on Bradwall Road to Offley Road and hence could, with improvement, offer an off-road route to school for children from the proposed development and for adjacent residents. It would be appropriate, subject to landowner agreement, to surface with planings the approx. 75m section between Bradwall Road and the Rugby Club to a 3m width to match the rest of the route. The installation of a bollard/u-bar arrangement at this location, to prevent vehicular use and to minimise the risk of children running out on to the road, may also be required. These works would be estimated to cost £15,531.

**CEC Archaeology:** Condition suggested.

**CEC Education:** This development would be expected to generate up to 35 primary aged pupil, 27 secondary aged pupils and 2 children with Special Educational Needs. The following contributions should be secured:

Primary = £379,620  
Secondary = £441,253  
SEN = £91,000

Total = £911,873.

## **VIEWS OF THE PARISH COUNCIL**

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

- The site is outside the settlement zone line contrary to planning policy PG6 of CEC Local Plan, H17 of Congleton Local Plan (saved policies contained within new CEC local Plan) and PC3 of Sandbach Neighbourhood Development Plan.
- Sandbach already has planning approval for 2,970 houses, which exceeds (by 220) the required number of 2,750 contained within Cheshire East Council Local Plan Strategy applicable to year 2030.
- The site is in the open countryside contrary to planning policy PG6, PS6 and PS8 of Congleton Borough Council Local Plan saved policies contained within Cheshire East Local Plan Strategy and policy PG5 of the emerging Cheshire East Local Plan Strategy.
- The site is situated on a road that has required the recent installation of 2 traffic calming features to improve safety and reduce usage and would be unsustainable and contrary to planning policy IFT1 of Sandbach Neighbourhood Development Plan. Furthermore, the recent introduction of Park and Walk for Parents and Children of Offley Primary Academy at Sandbach Rugby Club, and the use of Bradwall Road as a rat run to avoid traffic on Junction 17, has resulted in an excessive increase of the highway.
- The site would remove an area of open countryside and farmland that has always been in productive use, which is part of the landscape character of Sandbach and contrary to planning policy SE4 of the Cheshire East Local Plan Strategy and PC2 of Sandbach Neighbourhood Development Plan.
- The site is contrary to planning policy H1 of Sandbach Neighbourhood Development Plan, since it is not contained within the Cheshire East Council Local Plan Strategy and Allocations documents.
- The proposal illustrates a site with a high density of housing which is contrary to planning policy H2 of Sandbach Neighbourhood Development Plan.
- The proposed housing mix and type does not correspond to the forecast requirements for Sandbach and therefore contravenes planning policy H3 of Sandbach Neighbourhood Development Plan.
- The site is contrary to the preferred locations detailed within and contrary to planning policy PC5 of Sandbach Neighbourhood Development Plan.
- The site does not link to public transport and so is contrary to planning policy IFT1 of Sandbach Neighbourhood Development Plan.
- Approval of the site would reduce the amenity value of the open countryside thus contravening planning policy CW1 of Sandbach Neighbourhood Development Plan.
- Development of the site would destroy grade 3a agricultural land contrary to planning policy SD2 of Cheshire East Council Local Plan Strategy.
- The site would be detrimental to the amenity value of the locality, contrary to planning policy GR8 of the Congleton Borough Council Local Plan (saved within the CEC Local Plan).

- The site would affect the landscape character of the area contrary to planning policy SE4 of Cheshire East Council Local Plan Strategy.
- The site would remove trees and hedgerows protected within Policy SE5 of CEC Local Plan.
- Parts of the site are prone to flooding which is contrary to Cheshire East Council Local Plan Policy SE13.
- Cheshire East Council has a 5 year housing supply and Sandbach has exceeded its commitment to the Cheshire East Council Local Plan Strategy.
- Increase in traffic along the A533/A534 corridor.
- Current traffic queues on the A533/A534 corridor are substantial at peak times and will get significantly worse within the next 2-3 years due to the completion of committed development sites currently under construction in and around Sandbach.
- Despite assurances from various air quality assessments submitted by developers that the impact of each development will be negligible, the cumulative impact of generated road traffic has had a significant negative impact on air quality to date and will get worse as the developments currently under construction are completed and become operational.
- Impact upon local air quality

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

- The development would be in the open countryside and is contrary to the Site Allocation and Development Policies of the Local Plan Strategy for Cheshire East (Ref. Policy PG5).
- The land was not submitted for consideration as part of the Local Plan Site Selection process and adjoining land, which was submitted for consideration, has been rejected by Cheshire East as unsuitable with one of the main factors being “the impact upon the character and settlement of the urban form”.
- The land is outside the Settlement Zone line identified in the adopted Sandbach Neighbourhood development Plan (NDP) (Ref. Policy PC2a).
- Includes land identified as of Ecological value in the Sandbach NDP. (Ref. Policy PC3).
- The proposal would result in a loss of high grade agricultural land.
- Additional traffic on Bradwall Road would not be acceptable. Access from the site onto Bradwall Road would be a dangerous hazard. The parish of Bradwall is already experiencing a large increase in the number of vehicles using the narrow, unlit country lanes to avoid congestion in Sandbach and this is creating road safety problems and loss of amenity value for Sandbach and Bradwall residents.
- Local Infrastructure such as schools and doctors surgery will not be able to cope with the increased demand for services that new residents would require.

## REPRESENTATIONS

Letters of objection have been received from 266 local households (including representations from Bradwall Road Action Group) raising the following points:

### Principle of development

- The site is outside the settlement boundary
- Cheshire East now has a 5 year housing land supply
- This site is not included within the Cheshire East Local Plan
- Cheshire East has delivered most of its housing for the plan period
- The CELPS identifies a need for 2,754 dwellings in Sandbach and currently planned approvals exceed 3250 dwellings
- This is a speculative development

- This planning application has already been rejected once
- Sandbach has had more than its fair share of housing
- Further housing development in Sandbach is unsustainable
- Loss of agricultural land
- The site is beyond the Settlement Boundary identified in the Sandbach Neighbourhood Plan
- The development is contrary to the Sandbach Neighbourhood Plan
- The development projects into the open countryside to the north of Sandbach
- Loss of Green Belt
- The development will just add to the commuting nature of Sandbach as there is a lack of employment within the town
- Lack of affordable homes being constructed
- The scale of the development is out of keeping with the town
- The development is contrary to the Congleton Local Plan
- The development will be constructed by a national housebuilder and would have limited local economic benefits
- The country is too reliant on food imports and agricultural land should be protected
- Sandbach has delivered its requirement for market and affordable housing
- The Sandbach NP was backed by 95% of local residents
- The harm to the character and appearance of the open countryside and loss of BMV agricultural land can outweigh the lack of 5 year housing land supply
- 7 houses have been refused on Congleton Road, Sandbach on the basis that they are outside the settlement boundary
- The mix of housing does not meet the needs of Sandbach
- The site is visible from residential properties, Bradwall Road, PROW 6 and 7, and Sandbach Rugby Club
- When measured from the centre of the site the development would exceed the distances to local amenities as set out in the Councils standards
- The development is contrary to the NPPF
- Increased traffic pollution
- The site is not allocated for housing
- The density of the development is not appropriate
- Sandbach is losing its market town character
- The development will consist of executive type homes
- The proposed housing will not be affordable

### Highways

- Bradwall Road is a country lane and is not suitable for the existing traffic levels
- Increased traffic congestion
- There is no bus route
- Sandbach is already suffering from congestion
- On street parking problems outside local primary schools
- Highway safety
- Increased danger to pedestrians
- Bradwall Road is currently used as a rat run
- The site is not sustainable
- The submitted Transport Assessment is based on out of date information
- Current delays in Sandbach are greater than those predicted within the TA post-development
- Increased traffic queues will result in further pollution



- The proposed dwellings with driveways directly onto Bradwall Road which would need to reverse onto the highway which is heavily used as a rat run
- It is not possible to walk from the site into Sandbach
- The roads and pavements are not suitable
- There should be no vehicular access onto Bradwall Road
- The footpaths along Bradwall Road are too narrow
- There is a high number of commuters in Sandbach
- This development will attract further commuters
- Lack of car parking within Sandbach Town Centre
- The bus services only run on certain days of the week
- Bradwall Road is in a poor state of repair
- Bradwall Road is too narrow for large construction vehicles
- The submitted traffic reports understate the impact
- The railway station is not accessible on foot
- The occupants of the proposed development would be dependent on the private car
- Emergency services are having difficulty accessing emergencies due to the congestion in Sandbach
- Speeding traffic along Bradwall Road which has resulted in the installation of traffic calming measures
- The traffic modelling is flawed and it does not take into account the proximity of the site to Junction 17 of the M6
- The Cheshire East VISSIM Model underestimates the highways impacts of developments
- Horse riding is not safe anymore along Bradwall Road
- Bradwall Road is a country lane and is not suitable to serve this development
- Several junctions close to the site are already at capacity
- Bradwall road is narrow and unsuitable for additional traffic
- Traffic congestion associated with the Rugby Club opposite the site
- The local road network is unsuitable and large vehicles are unable to pass
- Disruption caused by temporary traffic lights as part of the approved developments
- Congleton Road is heavily congested at peak times
- There are no pedestrian crossing facilities on Bradwall Road
- When there are problems on the M6 there is traffic chaos in Sandbach
- There are many flaws with the submitted TA
- The TA does not measure the traffic queue's
- Bradwall Road is a popular cycling route
- There has been a number of accidents along Bradwall Road and Offley Road
- Roads and footpaths would become more congested which would be harmful to local people (especially those with disabilities)

### Green Issues

- Increased flooding
- Impact upon wildlife
- The site is well used by bird life
- Impact upon protected species
- Landscape impact
- The site is visible from local PROW
- The site suffers from standing water
- The site contains a number of very old Oak trees
- Loss of trees as part of this development

- Increased air pollution
- The impact upon the landscape character
- Air pollution data in Sandbach was falsified
- Air pollution in Sandbach is exceeding EU standards
- The site floods during winter months
- The site is well used by birds

#### Infrastructure

- Increased pressure on local schools (both primary and secondary)
- Local schools are at capacity
- Impact upon local health provision (doctors, dentists, Leighton Hospital)
- The developers should pay for road widening and the expansion of local schools
- Increased risk of flooding
- Additional strain on the existing sewage system
- S106 payments do not resolve the school capacity issues
- Sandbach cannot cope with any further housing with the existing infrastructure
- Leighton Hospital is at capacity

#### Amenity Issues

- Loss of amenity to local residents caused by the loss of this field
- Loss of privacy
- Visual Intrusion
- Noise and disturbance caused by the access to the site

#### Other issues

- The impact upon the character of Sandbach
- The high density of the proposed development is not acceptable
- Insufficient neighbour notification as part of this planning application
- New builds are swamping the housing market
- Impact upon the built heritage of Sandbach

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

## **APPRAISAL**

### **Principle of Development**

The site lies largely in the Open Countryside as designated by Policies PG6 of the CELPS and Policy PS8 of the Congleton Local Plan. Both Policies state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under

the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

### **Sandbach Neighbourhood Development Plan**

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

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

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

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

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

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

### **Housing Land Supply**

On 27<sup>th</sup> July 2017 the Council adopted the Cheshire East Local Plan Strategy. Accordingly the Cheshire East Local Plan Strategy forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.”

This is the test that legislation prescribes should be employed on planning decision making. The 'presumption in favour of sustainable development' at paragraph 14 of the NPPF means: "approving development proposals that accord with the development plan without delay" As a consequence where development accords with the adopted Local Plan Strategy the starting point should normally be that it should be approved – and approved promptly.

The Inspector's Report on the Local Plan was published on 20 June 2017 and signalled the Inspector's agreement to the plans and policies of the Local Plan Strategy. The Inspector confirmed that on adoption, the Council would be 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" This judgement was based on an assessment with a base date of 31 March 2016.

In August 2017 the Council published its Annual Housing Monitoring Update, using the methodology endorsed by the Local Plan Inspector but updating information to a base date of 31 March 2017. This assessment showed that the Council has a supply of 16,151 deliverable homes, equivalent to 5.45 years supply.

Since the adoption of the Local Plan the Council has received a number of important planning appeal decisions:

- On 9 October 2017 the Secretary of State dismissed an appeal concerning 900 homes at Gorsty Hill Weston. In this decision the Secretary of State replicated the Local Plan Inspector's assessment of a 5.3 year housing supply.
- On 8 November 2017 an appeal for 400 homes at White Moss Quarry, Haslington/Alsager, was dismissed, but following evidence at the Inquiry the Inspector concluded that the Council's housing supply was between 4.96 – 5.07 years. Accordingly as 'a precaution' the tilted balance was engaged.
- On 4 January 2018 an appeal for 100 homes at Park Road Willaston was dismissed, but following evidence at the Inquiry the Inspector concluded that the Council's housing supply was between 4.93 – 5.01 years. Once again taking a precautionary approach the tilted balance was engaged.
- On 30 January 2018 an appeal for 29 homes at Rope Lane Shavington was allowed. This case did not hear new evidence on housing supply, but adopted the conclusions of the previous two appeals. The Council now has leave to challenge this decision in the High Court. This challenge maintains that the Inspector erred in his approach to housing supply.

Following the White Moss and Park Road decisions the Council completely revised and updated its housing supply assessment, looking afresh at the latest position on key sites and the housing sector generally. This evidence was presented in detail at two appeals in February/March 2018.

The first of these, involving an appeal by Gladman Developments for 46 homes at New Road Wrenbury, has now reported. This appeal was dismissed with the Inspector finding that the Council could demonstrate a deliverable supply equivalent to 5.25 years employing the most up to date evidence. On considering the Council's claimed supply of 15,908 deliverable homes, the Inspector concluded that *"in total 331 units should be deducted from the Council's supply figure, reducing it to 15,577"*.

The Inspector went on to make an overall assessment of the housing supply position:

*“Whilst I have concluded that at the present time the supply of housing land is not quite as healthy as the Council believes, there is a supply which exceeds the five year requirement. When considered along with recent facts relating to both the supply of land and delivery of housing units, I see no reason to depart from the conclusions of the local plan Inspector in finding that there is sufficient provision to ensure that local housing needs can be met”*

This most recent appeal decision positively affirms that the Council can demonstrate a five year supply of housing land. This appeal involved a thorough scrutiny of all of the relevant evidence and whilst following a hearing format, also featured experienced legal representation. Accordingly the Council considers this to be the most robust and definitive conclusion on housing supply – which confirms that a 5 year supply of deliverable sites can be demonstrated.

In the light of this, relevant policies for the supply of housing should be considered up-to-date – and so consequently the ‘tilted balance’ of paragraph 14 of the NPPF is not engaged.

### **Affordable Housing**

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

Information taken from Cheshire Homechoice shows there are currently 396 applicants who have selected one of the Sandbach lettings areas as their first choice. These applicants require 171 x 1 bed, 153 x 2 bed, 59 x 3 bed and 13 x 4 bed units.

The submitted Affordable Housing Statement outlines that 30% of the units will be provided as affordable with the tenure split outlined is 65% affordable rent and 35% intermediate tenure. This is in line with the requirements of Policy SC5 of the CELPS and Policy H3 of the SNP 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’*.

### **Public Open Space**

This indicative layout shows that an area of POS would be located in three parcels of the site (one linear parcel at the centre of the site and a larger parcel to the north-east of the site and a smaller triangle portion to the north of the site). The indicative plans show that the open space would measure 12,200sq.m.

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

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

## Indoor Sport

Policies SC1 and SC2 of the Local Plan Strategy provide a clear development plan policy basis to require developments to provide or contribute towards both outdoor and indoor recreation

The Indoor Built Facility Strategy has identified that any existing shortfalls for Sandbach should look to focus on improvement of provision at Sandbach Leisure Centre as set out in the Strategy. Whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand for indoor leisure provision that it directly gives rise to.

In order to mitigate the impact from this development the Open Space Officer has requested a contribution of £25,500.

## Outdoor Sport

Policy SC2 – states that whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand.

The Playing Pitch Strategy (PPS) identifies potential sites for improvements at Sandbach United being the main football hub for Sandbach, address issues of overplay and spread out training demand at the key site Rugby club adjacent to the development and support training improvements and help alleviate overplay at Sandbach cricket clubs.

In line with Policy SC2 for Indoor and Outdoor Sport and Policy SC1 Leisure and Recreation, this development a contribution of £1000.00 per family dwelling is sought to help address issues within the PPS for Rugby, Football and Cricket within Sandbach. This will be secured as part of a S106 Agreement.

## **Education**

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

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

	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	Comn
<b>Primary Schools</b>										
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>				1,540						
<b>Developments with S106 funded and pupil yield included in the forecasts</b>				195						
<b>Developments pupil yield not included in the forecasts</b>									133	
<b>Pupil Yield expected from this development</b>									36	
<b>OVERALL TOTAL</b>	220	220	1,540	1,735	1,444	1,531	1,575	1,596	1,783	
<b>OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP</b>					291	204	160	139	-48	

From the table above which it can be seen that by 2021 there will be a shortage of -48 primary school places and as a result the 35 primary school children generated by this development cannot be accommodated within the local primary schools. As there are capacity issues at these local schools the education department has requested a contribution of £379,620 to mitigate the impact of this proposed development. This will be secured via a S106 Agreement should the application be approved.

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

Secondary Schools	PAN Sep 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
Total Schools Capacity				2,124							
Developments with S106 funded and pupil yield included in the forecasts				237	Please Note: All figures quoted exclude any allowance for 6th Form Pupils						
Developments pupil yield not funded and not included in the forecasts											46
Pupil Yield expected from this development											28
OVERALL TOTAL	420	420	2,124	2,361	2,197	2,281	2,424	2,529	2,571	2,557	2,658
OVERALL SURPLUS PLACES PROJECTIONS					164	80	-63	-168	-210	-196	-297

From the table above which it can be seen that by 2023 there will be a shortage of -297 secondary school places and as a result the 27 secondary school children generated by this development cannot be accommodated within the local secondary schools. As there are capacity issues at these local schools the education department has requested a contribution of £441,253 to mitigate the impact of this proposed development. This will be secured via a S106 Agreement should the application be approved.

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

## Location of the site

The justification to Policy SD2 (Sustainable Development Principles) of the Cheshire East Local Plan Strategy provides a guide to the appropriate distances for access to services and amenities. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – To be provided on site
- Children’s Play Space (500m) – To be provided on site
- Supermarket (1,000m) – 1600m
- Primary School (1,000m) – 965m
- Leisure Facilities (1,000m) – 50m
- Outdoor Sports (500m) – 50m
- Secondary School (2,000m) – 1,450m

- Bus Stop (500m) – 320m
- Public Right of Way (500m) – 50m
- Public House (1,000m) – 965m
- Child Care Facility (nursery or crèche) (1,000m) - 950m

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those facilities are:

- Railway Station (2000m where geographically possible) – 3050m
- Convenience Store (500m) – 800m
- Post Box (500m) – 800m
- Community Centre/Meeting Place (1000m) – 1,400m
- Pharmacy (1000m) – 1,290m
- Medical Centre (1,000m) – 1,290m
- Bank/Cash Point (1000m) – 1290m
- Post Office (1000m) – 1287m
- Public Park and Village Green (1000m) – 1287m

In summary, whilst the site does not comply with all of the standards advised by Policy SD2. Owing to its position on the edge of Sandbach, there are some facilities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned.

However, this is not untypical for suburban dwellings and will be the similar distances for the residential development directly to the south of the application site. However, all of the services and amenities listed are accommodated within Sandbach and are accessible to the proposed development on foot or via a short bus journey, with a bus stop directly outside the site. Accordingly, it is considered that this site is a sustainable one.

## **Residential Amenity**

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

## **Noise**

The applicant has submitted a noise assessment which has considered the impact of noise from the local road network and the adjacent substation. This identifies that the plots fronting Bradwall Road and those closest to the substation will require double glazing. This will ensure that future occupants of the properties are not adversely affected by noise from road traffic noise or the substation.

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

## **Air Quality**



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. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

The air quality impacts have been considered within the air quality assessment submitted in support of the application by JMP Consultants Ltd. dated 27<sup>th</sup> July 2016, and a subsequent amendment assessment by SYSTRA dated the 22<sup>nd</sup> February 2017. The reports consider whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses the Design Manual for Roads and Bridges (DMRB) Local Screening Method to model NO<sub>2</sub> and PM<sub>10</sub> impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- Existing 2016
- 2021 'With' and 'Without' development options (including committed development)
- 2026 'With' and 'Without' development options (including committed development)

The assessment concludes that the impact of the future development on the chosen receptors will be *negligible* with regards to both NO<sub>2</sub> and PM<sub>10</sub> concentrations. However, one of the receptors, R5, is located within the nearby AQMA and it is the Environmental Health Officers opinion that any increase in concentrations within an AQMA is considered significant as it is directly converse to our local air quality management objectives, the NPPF and the Council's Air Quality Action Plan.

Also 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. Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

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.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact.

Therefore, prior to the reserved matters stage of the application the developer should submit information regarding in relation to a Travel Plan, Electric Vehicle Charging Points, Dust Control and low emission boilers.

## **Contaminated Land**

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

potentially infilled ponds on the site and there is a former works to the north-east of the site which may be a source of contamination.

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

### **Public Rights of Way**

There are no public footpaths crossing the site.

In this case the PROW Team have requested a contribution to upgrade Sandbach FP6. This would provide a direct pedestrian access to Offley Primary School, facilities on Congleton Road (including the nearest children's nursery), Sandbach Library and Sandbach Park. These works have been costed at £15,531 and this sum would be secured as part of the S106 Agreement.

The PROW Officer has also suggested that an investigation should take place to identify whether a pedestrian crossing could be provided to allow users of Sandbach FP6 to safely cross Bradwall Road.

### **Archaeology**

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

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

### **Highways**

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

### **Traffic Impact**

The Transport Assessment submitted in 2016 application has been resubmitted with this revised application.

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

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

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

In the consideration of the previous application the CEC Vissim model was used to assess the strategic highway impact at the principal highway junctions on the network. Since the submission of the 2016 application the Council is no longer using the Vissim model to assess applications and has no updated to model to reflect current traffic conditions.

Since the submission of the 2016 application there has been increased congestion on the A533/A534 in both peak hours and this has also resulted in increased usage of Congleton Road both to and from J17 M6. The operational changes by Highways England at J17 to the traffic signals on the eastern side of the junction has also increased congestion on the local road network.

The TA submitted has considered the percentage impact of the development traffic at the junctions and concluded that there would be no material impact on the highway network. Given the extent of the queues on the A533/A534 and in the absence of the traffic model it is not accepted that the impact of the development can purely be decided by percentage impact. Given the high traffic flows on the A533/A534, the majority of development applications that are submitted are only likely to result in small increases in flow but it is the cumulative effect of each development that incrementally increases delay on the road network that needs to be considered.

The modelling of the smaller junctions close to the site such as the Bradwall Road/Offley Road and the Sweettooth Lane/Bradwall Road operate well within capacity in both the AM and PM peaks and there are no capacity issues with these junctions.

However as stated above there is insufficient information with this application in order to assess the impact of this development upon the A533/A534 corridor.

### Access

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

## Accessibility

In considering the accessibility of the site, it is clear that the site with the footway improvements included can be accessed by foot and this is also the case for cycle journeys that can use the local highway network to access the site. With regards to public transport, the distance to access the services are beyond the recommended walking distances although there are a number of bus services available in Sandbach.

Overall, given the location of the site it is considered that the vast majority of trips will be made by car to and from the site and this is the case for most developments located in a semi rural environment.

## Highways Summary and Conclusions

There have been a considerable number of developments approved in Sandbach and the cumulative increase in traffic on the local highway network is a concern. It is clear that there are a number of principle junctions that are congested and operate over capacity especially the Crewe Road/Hightown roundabout that is close to the site. It is considered that the base models submitted for the principal junctions do not accurately reflect the existing queues and that the models have not been validated against queue lengths. It is important that the base models are correct in order to predict the impact at the future year with development traffic added.

In the absence of the Vissim model, the Strategic Highways Manager would require further information submitted that accurately models the development impact at the principal road junctions and this will provide the basis to decide whether an objection is warranted. There are no highway mitigation measures currently proposed as part of this development proposal. On this basis there is insufficient information submitted with this application and this issue will form a reason for refusal.

## **Trees and Hedgerows**

This application is supported by a Tree Survey and Arboricultural Impact Assessment. There are 13 individual trees and two groups of trees within the site are protected by a Tree Preservation Order.

The Tree Survey identifies 41 individual trees and two hedgerows within and immediately adjacent to the application site and the Arboricultural Impact Assessment. Tree removals only appear to relate to four poor quality trees, a Sycamore (T2), Apple (T14), Pear (T32) and Ash (T34).

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

In terms of the illustrative layout, it is accepted that there will be no direct loss of category A and B trees with some trees being retained within areas of open space. However the relationship of certain plots to other retained trees, in particular those on the northern and eastern sections of

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

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

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

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

## **Design**

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

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

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

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

In this case an indicative layout has been provided in support of this application. Although the indicative layout is of a very poor design and does not comply with the Cheshire East Design Guide. It does show that the site can accommodate the number of dwellings proposed whilst providing open space. It is considered that an acceptable design/layout that would comply with Policy SE1 (Design), the Design Guide and the Policies within the SNP and the NPPF could be negotiated at the reserved matters stage.

## **Landscape**

The application site is agricultural land forming two fields with hedgerow and field trees. Power lines cross the site towards the electricity substation to the north-east. The site is located to the west of Bradwall Road with agricultural land to the north and west, Sandbach Rugby club pitches and car park to the opposite side of Bradwall Road. Residential development is located to the south and the Oakley Farm complex is located to the south east.

There are no public footpaths crossing the site although Sandbach Footpath 6 runs in a south east direction from Bradwall Road close to the northern boundary of the site. Bradwall Footpath 1 is located some distance to the north/north west.

The whole site is located in open countryside, outside the settlement boundary line for Sandbach. It has no national or local landscape designation. The submission is supported by a Landscape and Visual Impact Assessment prepared by AAH Planning consultants.

The document correctly identifies the National Character Area (NCA) Shropshire, Cheshire and Staffordshire Plain and in the Cheshire Landscape Character Assessment 2008, Landscape Character Type 7: East Lowland Plain, Character Area 5: Wimboldsley.

The Councils Landscape Architect has stated that she would agree that the application site exhibits a number of the characteristics associated with the NCA and Cheshire Landscape Character Type 7, Area A 5 and that the landscape has a medium sensitivity. Although there are rugby facilities to the east it is not accepted that the site itself is part of the transition from the urban area to the open countryside. The urban edge is clearly defined along the southern boundary of the site.

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

The Councils Landscape Architect has stated that she would agree that there would be an overall medium magnitude of effect and a moderate adverse significance of effect on the immediate landscape character of the site and the surrounding area. It is also agreed that the magnitude and significance of effects on the Wimboldsley Landscape Character type would be negligible. The proposals would clearly replace verdant agricultural fields with residential development and it is considered that the indicative proposals would have a greater magnitude of effect on some field boundaries than the negligible effect suggested in the report. For example, the boundary hedgerow to Bradwall Road would be disturbed for the access and severely disrupted to accommodate private drives. The anticipated requirement for a roadside

footway is also likely and this could require complete removal of the hedgerow. In relation to the Hedgerow Regulations 1997, the submitted Ecological Appraisal indicates the northern hedgerow and the eastern hedgerow (Bradwall Road boundary) qualify as 'Important' on ecological grounds (Para 3.2). Further, the submitted Historic Desk – Based assessment dated June 2016, suggests that the trees and hedgerows within and around the site tend to follow the alignments of historic boundary patterns and the western boundary of the Site is aligned along the historic township boundary. On the basis of the Tithe Map it appears that some of the site hedges mark historic field patterns predating the Inclosure Acts and therefore may be classed as 'Important' under the Regulations. This includes the Bradwall Road boundary hedge

At paragraph 3.21, the report comments that the development would form a logical extension to the settlement of Sandbach. Existing residential development to the south of the site is contained by a boundary hedgerow and it is not accepted that extending development to the north is a logical extension. The proposal would push development into open countryside beyond the established settlement line by approximately 280 metres.

Visual Impacts are assessed for various receptors. There would be a moderate/major adverse significance of effect on users of Sandbach Footpath 1 at its junction with Bradwall Road. The impacts on users of the more distant Bradwall Footpath 1 would be less significant due to topography and intervening vegetation although some views of the development will be possible, particularly in winter. A moderate adverse significance of effect is indicated for an access point of a footpath on Cooksmere Lane.

Residential receptors are identified on Cookesmere Lane, Bradwall Road and to the south of the site. For the properties immediately to the south, the proposals would have a high magnitude of effect and a moderate/major adverse significance. For Motley Bank on Bradwall Road the magnitude of effect would be high as opposed to moderate. There would be adverse significance of effect on views for some properties on Cookesmere Lane.

There would be direct views of the site from Bradwall Road and the development would be readily visible from Cookesmere Lane which appears to be well used by cyclists and pedestrians. The proposal would dramatically alter the character of the section of Bradwall Lane adjacent to the site with major adverse significance of effect.

The assessment identifies that there would be both adverse landscape and visual impacts. It concludes that with mitigation any overall effect would, at worst, be reduced to minor/moderate adverse. On the basis of the indicative layout, the opportunities for mitigation appear limited and the overall effects of landscape and visual impacts would at least be moderate adverse. As such it appears that the proposed development would not conserve the landscape quality of the site and its immediate surroundings.

As adverse landscape and visual impacts have been identified, it is unlikely the proposals would preserve or enhance the appearance and distinctiveness of the Cheshire East countryside. The proposal does not fall within any of the list of appropriate land uses defined in CELPS Policy PG6 or PS8 of the CBLP and it appears it would be contrary to these policies. The development would also be in conflict with the Sandbach Neighbourhood Plan.

## **Ecology**

## Designated Sites

Natural England have confirmed that they do not consider that this application would impact upon Sandbach Flashes SSSI.

## Roosting Bats

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

## Foraging and Commuting Bats

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

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

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

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

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

## Bird Box Provision

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

## Hedgerows

As well as providing habitat for foraging bats hedgerows are also a priority habitat in their own right. As discussed above the proposed development will result in the loss of some hedgerow on



site. If outline consent is granted it must be ensured that suitable replacement planting is provided at the reserved matters stage and this could be secured through the imposition of a planning condition.

### Other Protected Species

No active setts are present on site, but a disused sett is present. The proposed development is not likely to have a significant impact upon other protected species.

As the status of other protected species can change in a short timescale it is recommended that if planning permission is granted a condition should be attached which requires an updated survey to be submitted if work has not commenced by October 2018.

### Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and the species may occur on the site of the proposed development. If planning consent is granted it is recommended that features for this species are incorporated into the development. This may be dealt with as part of the ecological mitigation/enhancement condition.

### Ecological 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**

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

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

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

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

### **Economic Implications**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct

and indirect economic benefits to Sandbach including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **Agricultural Land Quality**

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land. This is supported by Policies SD1, SD2 and SE2 of the CELPS

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

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

### **Impact upon the Hazardous Installation**

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

### **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy. It is directly related to the development and is fair and reasonable.

The development would result in increased demand for indoor and outdoor sports provision in Sandbach where there is very limited spare capacity. In order to increase capacity of the facilities which would support the proposed development, a contribution towards indoor and outdoor sport will be required. This is considered to be necessary and fair and reasonable in relation to the development.

The works to Sandbach FP6 would encourage non-motorised forms of transport to Offley Primary School, facilities on Congleton Road (including the nearest children's nursery), Sandbach Library and Sandbach Park. These works have been costed at £15,531 and the works would improve the sustainability credentials of this development. As a result the contributions are necessary, directly related to the development and fair and reasonable.

On this basis the S106, recommendation is compliant with the CIL Regulations 2010.

## **CONCLUSION**

The proposed development would be contrary to Policy PS8 and H6 and the development would result in a loss of open countryside and Cheshire East can demonstrate a 5 year supply of deliverable housing sites. The proposed development would result in a loss of open countryside and BMV agricultural land which is contrary to Policy PG6 of the CELPS, Policy PS8 of the Congleton Local Plan and Policy PC3 of the SNP.

The application contains insufficient information in relation to the highways impact of the development and the submitted information dates from 2016. Since the submission of the 2016 application there has been increased congestion on the A533/A534 in both peak hours and this has also resulted in increased usage of Congleton Road both to and from J17 M6. The operational changes by Highways England at J17 to the traffic signals on the eastern side of the junction has also increased congestion on the local road network. Given the extent of the queues on the A533/A534 and in the absence of the traffic model it is not accepted that the impact of the development can purely be decided by percentage impact.

The development would provide policy compliant provision of affordable housing which is a benefit of this development.

The development would provide a sufficient level of POS and a LEAP whilst the impact upon indoor and outdoor sport would be mitigated via S106 contributions.

The site is on the edge of Sandbach and is considered to be a sustainable location in terms of access to facilities.

The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.

The impact upon protected species/ecology/trees is considered to be neutral subject to the imposition of conditions to secure mitigation.

There is not considered to be any drainage implications raised by this development and the impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

The application is recommended for refusal on the basis that the development is outside the settlement boundary and within the open countryside, it is contrary to the Development Plan, there is insufficient highways information included within the application and the development would result in the loss of BMV agricultural land.

## **RECOMMENDATION:**

### **REFUSE for the following reasons:**

- 1. The proposed residential development is unacceptable because it is located within the Open Countryside, contrary to Policies PC3 and H1 of the Sandbach Neighbourhood Plan, PS8 (Open Countryside) and H6 (Housing in Open Countryside) of the Congleton Borough Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy Submission Version - 2016 and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. The Local Planning Authority considers that there is insufficient information included within this application to determine the impact of the proposed development upon the local highway network. The submitted application relies on information from 2016 and there has been increased queues and useage on the A533/A34 which should be considered. As a result the proposed development is contrary to Policies CO4 of the CELPS, Policy GR18 of the Congleton Local Plan and IFT1 of the SNP and guidance contained within the NPPF.**
- 3. The proposed development would result in the loss of BMV Agricultural Land. It is considered that the development is unsustainable because of the unacceptable environmental and economic impact of the scheme in terms of loss of best and most versatile agricultural land. As such the proposal is contrary to Policies SD1, SD2 and SE 2 of the Cheshire East Local Plan Strategy and the provisions of the NPPF.**

**In order to give proper effect to the Board`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence the Vice Chairman) 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 NEAP (8 pieces of equipment) to be maintained by a private management company
  3. Primary school education contribution of £379,620
  4. Secondary school education contribution of £441,253
  5. SEN education contribution of £91,000
  6. PROW Contribution of £15,531
  7. Indoor Sport contribution of £25,500
  8. Outdoor sport contribution of £1,000 per family dwelling

