

Application No: 19/2539C

Location: Land South Of, OLD MILL ROAD, SANDBACH

Proposal: Hybrid Planning Application for development comprising: (1) Full application for erection of a discount foodstore (Class A1), petrol filling station (sui generis) and ancillary sales kiosk (class A1), drive-through restaurant (Class A3 / A5), drive-through coffee shop (class A1 / A3), offices (class A2 / B1) and 2 no. retail 'pod' units (class A1 / A3 / A5), along with creation of associated access roads, parking spaces and landscaping. (2) Outline application, including access for erection of a care home (class C2), up to 85 new dwellings (class C3), conversion of existing building to 2 dwellings (class C3) and refurbishment of two existing dwellings, along with creation of associated access roads, public open space and landscaping. (Resubmission of planning application ref. 18/4892C).

Applicant: Mr C Muller, Muller Property Group

Expiry Date: 13-Sep-2019

SUMMARY

The application site is within the Settlement Zone Line as identified by the SNP and has an extant planning permission for residential development.

The proposal includes an out-of-centre retail development. It is accepted that there are no sequentially preferable sites. However the development would have a high trade impact and would have a significantly adverse impact upon Sandbach Town Centre. As a result the proposed development is contrary to the NPPF and policies EG5 of the CELPS and HC2 of the SNP.

The highways implications of the development are considered to be acceptable. However the site would be dependent on private motor vehicle and Old Mill Road would act as a barrier to linkages to Sandbach Town Centre to encourage linked trips. The proposed development would be contrary to Policies SD1, SD2, CO1 and CO2 of the CELPS, Policies GR9, GR10 and GR13 of the CLP and Policies H5 and JLE1 of the SNP.

The amenity implications of the proposed development, including noise, air quality and contaminated land are considered to be acceptable and would comply with GR6 and GR7 of the CLP and SE 12 of the CELPS.

The site is an important gateway to Sandbach and the proposed commercial development fails to take the opportunities available for improving the character and quality of the area and is contrary to Policy SE1 of the CELPS, Policy H2 of the SNP and

guidance contained within the NPPF.

The site has a challenging topography and the development would require large retaining structures and little landscape mitigation. The proposed development is therefore contrary to Policies SD2, SE1 and SE4 of the CELPS and PC2 of the SNP.

The impact in relation to the trees on and adjoining the site is considered to be acceptable and would comply with Policy SE 5 of the CELPS (however the tree losses would have landscape implications).

As the principle of retail development on the site is not considered to be acceptable, the impact upon Bats fails the tests within the Habitat Directive. Part of the site is within the Sandbach Wildlife Corridor and the development would result in an overall loss of biodiversity. The development is contrary to Policies NR2 of the Congleton Local Plan, SE 3 of the CELPS, PC4 and JLE1 of the SNP.

The drainage and flood risk implications of the proposed development are considered to be acceptable and the development complies with Policy CE 13 of the CELPS.

The proposed development would affect PROW Nos 17, 18 and 19. The PROW would be accommodated along narrow corridors at the rear of the retail development or residential properties affording no natural surveillance and the potential for anti-social behaviour. The proposed development would be contrary to Policy CO1 of the CELPS, Policy GR16 of the CLP, Policies PC5 and JLE1 of the SNP.

The application demonstrates that the development can accommodate the required level of POS to serve the proposed quantum of development. As such the proposed development complies with Policy SE6 of the CELPS, Policy GR22 of the CLP.

The impact of the development upon archaeology, infrastructure (education and health) and the affordable housing provision is acceptable and would be controlled via a S106 Agreement.

Finally the development of the site would have some employment benefits as identified above and this does attract some weight. However this would be outweighed by the harm identified.

RECOMMENDATION

REFUSE

PROPOSAL:

This is a hybrid application which seeks full planning permission for 3.07 hectares of the site for the following;

- Foodstore (1,956sqm gross internal area and 110 vehicular parking spaces)

- Petrol filling station and ancillary sales kiosk/convenience store (expected to be operated by BP with the kiosk/convenience store operated by M&S simply food. This would have a gross internal area of 481sqm)
- Drive-through restaurant (gross internal area of 306sqm)
- Drive-through coffee shop (gross internal area of 167sqm and including 23 parking spaces)
- Two retail units (collectively they would have a gross internal area of 284sqm and be occupied by a national chain bakery operator and a national sandwich chain operator)
- Offices (Class B1) extending to 849sqm (gross internal area). The building would have 3 floors and be two and a half stories in height. (This use replaces the farm shop which was originally proposed as part of application 18/4892C)

The outline part of the application relates to the remaining 3.96 hectares for the following;

- Care home (78 bed extra-care facility – Class C2)
- 85 dwellings (mix of 2-4 bed houses) with 30% affordable housing. The dwellings are proposed to be two storey with some two and a half storey units.
- Conversion of an existing barn building into two dwellings
- Refurbishment of the existing farmhouse which is currently occupied as two separate dwellings

The application will also include the associated site access (an enlarged 5 arm roundabout off Old Mill Road), internal road network, vehicular parking spaces, landscaping and public open space.

The application is EIA development and is accompanied by an Environmental Statement.

SITE DESCRIPTION:

The application relates to 7.03 ha of land. The site located within the open countryside as defined by the Congleton Borough Local Plan. However the site is located within the Settlement Zone Line as identified within the Sandbach Neighbourhood Plan. Part of the site is also located within a wildlife corridor.

The site comprises Fields Farm and the surrounding agricultural land. This is located to the east of the A534 and to the west of residential properties that front onto Palmer Road, Condliffe Close and Laurel Close. The site has uneven land levels which rise towards the residential properties to the west. The site includes a number of hedgerows and trees which cross the site. To the north of the site is a small brook and part of the site to the north is identified as an area of flood risk.

RELEVANT HISTORY:

18/4892C - Hybrid Planning Application for development comprising: (1) Full application for erection of a foodstore (Class A1), petrol filling station (sui generis) and ancillary kiosk/convenience store (class A1), drive-through restaurant (Class A3 / A5), drive-through coffee shop (class A1 / A3), farm shop (class A1) and 2 no. retail 'pod' units (class A1 / A3 / A5), along with creation of associated access roads, parking spaces and landscaping. (2) Outline application, including access for erection of a care home (class C2), 92 new dwellings (class C3), conversion of existing building to 2 dwellings (class C3) and refurbishment of two existing dwellings along with

creation of associated access roads, public open space and landscaping – Refused 1st March 2019 for the following reasons;

1. *The proposed development would have a high trade impact. There are also concerns regarding the potential loss of linked trips associated with the trade impacts on the Waitrose and Aldi anchor stores in Sandbach Town Centre. The impact on Sandbach Town Centre as a whole would be significantly adverse and would outweigh the small improvement in consumer choice that the application scheme would deliver. The proposed development would be contrary to policy EG5 of the CELPS, HC2 of the Sandbach Neighbourhood Plan and the NPPF.*
2. *This is an important gateway location and prominent site in Sandbach. The level of information provided to demonstrate the appearance and design impact of the site engineering is inadequate. The commercial buildings are all standard designs that pay little regard to Sandbach as a place and consequently the development will not suitably integrate and add to the overall quality of the area in architectural terms. The proposed development fails to take the opportunities available for improving the character and quality of the area and is contrary to Policy SE1 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.*
3. *The commercial part of the development would be car dependent and insufficient information has been submitted with this application to show how the proposed development would be served by public transport and how the site would be linked to Sandbach Town Centre and thereby encouraging linked trips. The proposed development is contrary to Policies SD1, SD2, CO1 and CO2 of the CELPS, Policies GR9, GR10 and GR13 of the Congleton Local Plan and Policies H5 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.*
4. *The proposed development would affect PROW Nos 17, 18 and 19. The PROW would be diverted along estate roads or pavements (which is an extinguishment of the public right of way) or accommodated along narrow corridors at the rear of the retail development or residential properties affording no natural surveillance and the potential for anti-social behaviour. The proposed development would be contrary to Policy CO1 of the CELPS, Policy GR16 of the Congleton Local Plan, Policies PC5 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.*
5. *The Local Planning Authority considers that insufficient information has been provided to demonstrate that the site could accommodate the number of dwellings proposed together with the required level of Open Space/Green Infrastructure/Childrens playspace. As such the proposed development is contrary to Policy SE6 of the CELPS, Policy GR22 of the Congleton Local Plan and guidance contained within the NPPF.*
6. *The application site is of a very challenging topography including an escarpment that runs along the central part of the site. It is considered that there is insufficient information contained within the application in relation to the proposed levels and there is limited evidence of any landscape mitigation within the application. On this basis the development would not achieve a sense of place nor has design quality. The proposed development is therefore contrary to Policies SD2, SE1 and SE4 of the CELPS, PC2 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.*

7. *The proposed development is located partly within the Sandbach Wildlife Corridor and within 2-3m of the top of the bank of Arclid Brook. The proposed development would result in a loss of a substantial area of habitat within the wildlife corridor. The application does not provide a strategy to deliver compensatory habitats of the proposed development upon the wildlife corridor. Without this information the proposed development would be contrary to Congleton Local Plan Policy NR4, CELPS Policy SE3 and SNP Policies PC4 and JLE1.*
8. *The Local Planning Authority considers that insufficient information has been submitted in support of this application to allow an assessment of the impact of the development upon Water Vole. The Council therefore has insufficient information to assess the potential impacts of the proposed development upon this protected species. The proposed development is contrary to Policies NR2 of the Congleton Local Plan, SE 3 of the Cheshire East Local Plan Strategy, PC4 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.*
9. *There is a small bat roost present within an existing building on the site and this proposed development would result in a low impact upon this species as a result of the loss of this roost. The proposed development fails two of the tests contained within the Habitats Directive and as a result would also be contrary to Policies NR2 of the Congleton Local Plan, SE 3 of the Cheshire East Local Plan Strategy, PC4 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.*

18/2540S - EIA Screening Opinion – EIA Required 6th June 2018

14/1193C - Outline planning application for up to 200 residential dwellings, open space with all matters reserved – Approved 12th October 2017

13/2389C - Outline Planning Application for up to 200 Residential Dwellings, Open Space and New Access off the A534/A533 Roundabout at Land South of Old Mill Road – Appeal for non-determination – Strategic Planning Board 'Minded to Refuse' – Appeal Allowed 11th December 2014

13/2767S – EIA Scoping – Decision Letter issued 7th August 2013

13/1398S – EIA Screening – EIA Required

12/3329C - Mixed-Use Retail, Employment and Leisure Development – Refused 6th December 2012. Appeal Lodged. Appeal Withdrawn

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP1 – Presumption in Favour of Sustainable Development

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG6 – Open Countryside

PG7 – Spatial Distribution of Development

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 7 – The Historic Environment
SE 9 – Energy Efficient Development
SE 12 – Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management
EG3 - Existing and Allocated Employment Sites
EG5 – Promoting a Town Centre First Approach to Retail and Commerce
IN1 – Infrastructure
IN2 – Developer Contributions
SC4 – Residential Mix
SC5 – Affordable Homes
CO1 – Sustainable Travel and transport
CO2 – Enabling Growth Through transport Infrastructure
CO4 – Travel Plans and Transport Assessments

Congleton Borough Local Plan

PS4 – Towns
PS8 – Open Countryside
GR6 – Amenity and Health
GR7 – Amenity and Health
GR9 - Accessibility, servicing and provision of parking
GR10 - Accessibility, servicing and provision of parking
GR13 – Public Transport Measures
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 – Non-statutory sites

Sandbach Neighbourhood Plan (SNP)

The Sandbach Neighbourhood Plan was made on 12th April 2016.

PC2 – Landscape Character
PC3 – Policy Boundary for Sandbach
PC4 – Biodiversity and Geodiversity
PC5 – Footpaths and Cycleways
HC1 – Historic Environment
HC2 – Protection and Enhancement of the Town Centre
H1 – Housing Growth
H2 – Housing Layout

H3 – Housing Mix and Type
H4 – Housing and an Ageing Population
H5 – Preferred Locations
JLE1 – Future Employment and Retail Provision
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:

11 Presumption in favour of sustainable development.

50 Wide choice of quality homes

85-90 Ensuring the Vitality of Town Centres

102-107 Promoting Sustainable Transport

124-132 Requiring good design

CONSULTATIONS:

Cheshire Archaeology: No comments received.

United Utilities: A public sewer crosses this site and UU may not permit building over it. UU will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

Conditions suggested.

CEC Education: To mitigate the impact of this development the following contributions should be secured via a S106 Agreement;

$15 \times £11,919 \times 0.91 = £162,694.00$ (primary)

$13 \times £17,959 \times 0.91 = £212,455.00$ (secondary)

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

Total education contribution: £420,649.00

CEC Housing: No objection.

Cadent Gas: General advice provided.

CEC Environmental Health: Conditions suggested in relation to noise mitigation, hours of use, construction/dust management plan, external lighting, electric vehicle infrastructure, low emission boilers and contaminated land. Informatives suggested in relation to contaminated land and construction hours.

CEC Spatial Planning: As the principal of housing on the site has already been established, the main policy consideration from the Strategic Planning team's perspective is whether the 'out of centre' retail element of the application will have a significantly adverse impact on Sandbach town centre bearing in mind the 'town centre first' policy approach of the Council and national policy. It is assumed that colleagues in other areas of the Council will comment on the extent to which the application satisfies relevant policies in the Council's statutory development plan for their areas of specialty e.g. landscape, design, wildlife, green infrastructure, public transport, highways etc.

WYG have undertaken a detailed appraisal, on behalf of the Council, of the Retail Impact Statement and other related matters submitted by the applicant to support the retail element of their proposal. This has highlighted potential concerns about the impact the proposal will have on individual convenience goods retailers within Sandbach town centre, as well as the potential for loss of linked trips to the town's principal shopping area resulting from diverting trade away from Aldi and Waitrose. This is considered to outweigh the small improvement in consumer choice that the proposal will deliver.

Consequently, WYG have concluded that the overall impact of the application on the vitality and viability of Sandbach town centre is likely to be significantly adverse. The applicant has also failed to assess the compatibility of the proposed scheme with the size and scale of Sandbach town centre. For these reasons, the application fails to satisfy policy EG5 of the Council's Local Plan Strategy, policy HC2 of the Sandbach Neighbourhood Plan and paragraphs 89 & 90 of the NPPF.

In the light of WYG's conclusions, there are considered to be good retail policy reasons for refusing this application.

Natural England: No objection.

CEC PROW: Object to the application on the following grounds;

Sandbach FP18

- A more detailed plan is required to show that the footpath will be 2m wide and between grass verges of 2m in width. There are sections where it looks like this will not be achieved.
- No surfacing of the footpath is provided
- Sectional information is required together with details of the boundary treatment
- Footpath no. 18 is depicted as being accommodated along a narrow corridor between retail development and particularly the rear of a large food store. This would create an unattractive ginnel giving rise to the potential for anti social behaviour. It would also run to the rear of the existing residential properties affording no natural surveillance.

Sandbach FP19

- Further information is required on the distance that the footpath is offset from the road
- The footpath is shown running outside the application boundary. How will the diversion be secured?

Sandbach FP17

- No provisions have been made for this footpath

Sandbach FP50

- The footpath is shown running outside the application boundary. How will the diversion be secured?

The diversion or accommodation of a public right of way along estate roads or pavements is effectively an extinguishment of the public right of way and therefore not a suitable provision. This applies to most of Footpath no. 19 and most of Footpath no.17.

Open Spaces Society: Object to the application. The proposed development does not currently make adequate provision for the PROW on the site.

Ramblers Association: No comments received.

Sustrans: No comments received.

Highways England: Whilst the development doesn't necessarily present a significant traffic generation in the direction of M6 Junction 17, given the current climate at M6 Junction 17, and also the ongoing Capricorn application, Highways England would have welcomed an assessment of the motorway junction (capacity modelling) to support this application. However, the development is unlikely to have a significant *additional* impact on the operation of this junction and with this in mind we offer no objection in this instance.

CEC Regeneration: No comments received.

CEC Head of Strategic Infrastructure: The application is considered acceptable and no objections are raised although this is subject to the access roundabout works being constructed, traffic calming works and a contribution of £200,000 towards improvements between The Hill junction and the access roundabout.

CEC POS: This application is an improvement on 18/4892C with regards to the public open space however there are still reservations as to whether the scheme meets the requirements of Policy SE6 and the needs of the new and existing community.

Much of the green infrastructure being provided is buffer planting and landscaping required for the retention of trees, hedgerows and as part of an acceptable urban design and to for allow SUDs. Clarification should be sought to confirm how much of that provision is actual useable recreational open space

This application sits alongside Sandbach Wildlife Corridor and improvements have been made to increase the green infrastructure running along this side however there are questions as to how the large gabion retaining baskets and 6.9m high concrete retaining wall conserves or improves the area.

Although the C2 care home does not require amenity green space by policy SE6, it does require quality communal space for the residents and there is little evidence of this.

A play area is proposed to the SE of the site connecting through to existing housing. There is a deficiency of children's play within 800m of the development site. This size of development should offer a NEAP catering for all ages to Fields in Trust standards taking into account the 30m buffer to the nearest dwelling.

For this development the POS Officer expects to see a combined 40m2 children's play and amenity green space for the family dwellings.

In line with Policy SE6 Outdoor Sport contributions are required. For a family dwelling a contribution of £1,000 or £500 per 2 bed apartment space.

Indoor sport contribution of £29,531 required.

Cheshire Wildlife Trust: No comments received

NHS England: A contribution of £72,972 is required to mitigate the impact of the development.

CEC Flood Risk Manager: Conditions and an informative are suggested.

Environment Agency: No objection subject to the imposition of planning conditions.

VIEWS OF THE TOWN COUNCIL:

Sandbach Town Council: The Town Council object to this application for the following reasons;

- Cheshire East has adequate housing for next 5 years.
- The Development is in Open Countryside.
- If this development were to go ahead it would worsen an already bad traffic situation.
- Enlarging the roundabout won't improve traffic flow as the main holdup is at the lights going towards junction 17. As referenced by Highways England in their representation, this application does not consider the impact of traffic there, or the combined impact of this site with Capricorn. The Transport Assessment is greatly flawed in several aspects and the infrastructure in Sandbach is already stressed.
- Acceptable pollution limits in this area have almost been reached, with this site potentially worsening further the ongoing issue of Air Quality in Sandbach.
- There are enough of the types shops in Sandbach that have been included in the planning application. Furthermore an out of Town Retail centre would cause shops in town to close due to dilution of trade and will contribute to a loss of identity in Sandbach. There appears to have been no consideration given to linked trips between this development and the Town Centre.
- The lack of consideration of pedestrianised, or public transport infrastructure between this development and the Town Centre could lead to elderly residents with mobility issues in the care home being effectively stranded in an out of town development.
- Safety impact the proposed roundabout may have upon pedestrians accessing the site.
- Footpaths 17, 18 and 19 would be adversely affected if this application went ahead.
- All footpaths should also be made cycle accessible. Members are in full support of comments made by Cycling UK.
- There will be an increase in litter from new food outlets.
- The setting of the Sandbach Community will be significantly affected. The area, which is situated on a gateway to Sandbach.
- There will be a detrimental impact on local school places.
- There will be a detrimental impact on the Doctors surgery, as noted by the NHS in their representation.

- The retail impact assessment fails to mention or take into account the new B&M store next door the site.

As a result of the above, this application is in contravention of the following Planning Policies: HC2, PC5, H1, H3 and IFT1 of the Sandbach Neighbourhood Development Plan and PG2, SD2, EG5, SC5, SC6, CO1 of the Cheshire East Local Plan Strategy.

REPRESENTATIONS:

Letters of objection have been received from 66 local households and the Stop Old Mill Campaign and 1 local business which raise the following points;

Principle of Development

- The application is almost identical to the previous refused application
- Inaccurate/out-of-date information contained within the application
- Employment opportunities generated by this development will be limited to low value, part time and zero hours
- The application should be put on hold until all other developments around the town are completed
- There are brownfield sites available for certain aspects of this development (the petrol station and the care home)
- The development will open up land for further development on the opposite side of Houndings Lane towards Malkin Bank
- There are enough housing/development being built in Sandbach
- Loss of countryside
- The facilities proposed are already available in Sandbach
- This development is not identified within the CELPS
- Cheshire East has an adequate housing supply
- There is no need for further housing in Sandbach
- This application is not sustainable
- This application is contrary to the Sandbach Neighbourhood Plan
- Cheshire East has a 5-year housing land supply
- Loss of Green Belt
- Degradation of the countryside
- The applicant relies heavily on the approved fall back position for the approved application for 200 dwellings
- Landscape impact of the proposed development
- The applicant has failed to fully assess and justify the principle of the scheme
- The applicant is heavily reliant on the fall-back position of 200 dwellings

Retail Impact

- This development will replicate the problems at the Grand Junction Retail Park in Crewe
- Detrimental impact upon the viability of the town centre
- The Aldi store has recently been extended
- The development will cause harm to those trading on the high street. Sandbach is a small town and small companies work hard to make a living
- The development would divert footfall from the town centre
- The proposed development is speculative
- The development will detract from the businesses operating in the town centre

- There is no need for a coffee shop, discount food retailer or fast food outlet
- The petrol station at J17 has recently been extended and has plenty of capacity
- This retail development does nothing to reduce car journeys or capture trade which goes out of the area
- All the development will do is to take sales from existing stores within Sandbach Town Centre
- The retail report does not mention the new B&M Store
- The development will create a ghost town
- No need for a further supermarket
- There is a new petrol filling station at J17
- The development will result in Sandbach Town Centre being deserted like Crewe
- There are significant failings in the way the Sequential and Impact Assessment have been undertaken
- It cannot be concluded that the Sequential Test has been passed
- Significant adverse impact upon Sandbach Town Centre

Design/Heritage Issues

- Urban sprawl
- The proposed development is not in keeping with the historical market town of Sandbach

Highways

- Impact upon M6 J17
- Gridlock and long delays on the local road network
- Problems in Sandbach when there is an accident on the M6
- This is not sustainable location
- The development would be dependent on the use of private motor vehicles
- Poor pedestrian/cycle access
- The application does not propose electric vehicle charging points
- The proposed development is only accessible by car
- Lack of cyclist provision within the development
- Lack of pedestrian provision
- The site is committed as a result of the floored VISSIM model
- The additional arm on the roundabout will harm traffic flows and would not be an improvement
- The existing road acts as a barrier to pedestrian/cycle movements between the site and the Town Centre
- Increased HGV delivery movements in a congested area
- Poor road layout at the junction of Old Mill Road/The Hill
- Sandbach needs a bypass before this development is approved
- Existing difficulties accessing the Palmer Road estate (including emergency vehicles)
- The proposed development is very car orientated
- The roadworks on the M6 have had a major impact upon traffic in Sandbach
- Old Mill Road is at capacity at peak times
- Access to this site would suffer from the existing heavy congestion
- Increase in traffic congestion
- Providing a pedestrian crossing near the Waitrose roundabout will worsen existing congestion
- There would be severe disruption when the access is constructed to serve the site
- The impact upon the highway network needs to be addressed in full

Amenity

- Noise pollution from increased stop start traffic
- Light pollution
- Amenity implications from the proposed loading bay to serve the supermarket
- The development will result in an increase in Nitrogen Dioxide air pollution
- The development will impact upon local air quality
- Noise and disturbance from the proposed supermarket/drive-thought and car park

Green Issues

- Impact upon protected species
- Impact upon wildlife
- Impact upon the wildlife corridor
- Loss of wooded and green areas

Infrastructure

- Impact upon local infrastructure (A&E, doctors, dentists and schools)
- There needs to be greater investment in local infrastructure
- The care home will impact upon medical provision in Sandbach
- Lack of electric vehicle charging provision within the development

Flood Risk/Drainage

- Drainage – water run-off could impact upon water quality at the brook on site
- Increase in risk of flooding
- The applicant has failed to justify the impact upon Arclid Brook

Other issues

- Impact upon health of residents from fast food restaurant
- Litter from the fast food restaurant
- Impact upon the PROW on the site
- There would be limited economic benefits
- Lack of consultation
- Documents have been removed from application 12/3329C
- Loss of agricultural land
- Lack of pedestrian infrastructure

An objection has been received from Cllr Benson which raises the following points;

- In addition to contravening policies of the Cheshire East Local Plan, the proposed development is also contrary to policies in the Sandbach Neighbourhood Plan, specifically, HC2, H5, JLE1, IFT1 and PC5.
- In general terms the development would have a serious, permanent and negative impact on businesses in Sandbach Town Centre.
- It will also have an adverse impact on the Wildlife Corridor and Footpaths (FP) 17, 18, 190 and 50.
- The volume of traffic likely to be generated will exacerbate current traffic levels

An objection has been received from the Sandbach Woodland and Wildlife Group (SWWG) raising the following points;

- The position has not changed since the refusal of application 18/4892C

- There appears to be no protection from contaminated drainage water entering Arclid Brook. The provision of a petrol filling station plus all of the associated car parking raises the risk of potential contamination
- The application states that there are no designated sites affected by this development. This is incorrect. The site is adjacent to the Sandbach Wildlife Corridor which is designated as a Local Wildlife Site in the SNP.
- The area has a colony of Banded Demoiselle Dragonflies and there is some evidence of Water Vole in this location
- The provision of controlled interceptors for car parks is inadequate
- The objection letter from the Environment Agency is fully supported
- The proposals for the existing PROW are unacceptable. The PROW would be swallowed up by pavements and ginnels.

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

- It has previously been stated that if the application is resubmitted that provision is made for a footway/cycle link access to Houndings Lane. It is not clear if this will be achieved as there are discrepancies within the Planning Statement and Transport Statement
- The upgrade of the link to Laurel Close as a cycle link should be considered
- Signing should be provided to mark Houndings Lane to Mill Hill Lane as a through route for cyclists. There should be modifications to bypass the cattle grid
- Cycle parking should be provided – including 1 space for each apartment
- The new 5-arm roundabout will mean that vehicle speeds increase at the roundabout which would be a hazard for cyclists. The existing shared cycle/pedestrian footways are hardly used as they are too narrow
- The Toucan crossing should be amended to provide a straight crossing as opposed to a staggered crossing

APPRAISAL

Principle of Development

Open Countryside/Settlement Zone Line

The majority of the application site is located outside of the Sandbach Settlement Zone Line, and within the open countryside, as defined by Policy PS8 (Open Countryside) of the Congleton Local Plan (CLP). However it should be noted that the site is within the Settlement Zone Line identified on Figure 2 of the Sandbach Neighbourhood Plan. Where there is a conflict between policies within the Development Plan the PPG advises that the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (in this case the SNP).

Housing

As stated above the site is within the Settlement Zone Line as defined by the SNP. Policy PC3 (Policy Boundary for Sandbach) of the SNP states that;

‘New development involving housing, commercial and community development will be supported in principle within the policy boundary defined around Sandbach and shown on the Proposals Map for Sandbach (Fig.2)’

Furthermore there is an extant permission for up to 200 dwellings on this site as approved by application 14/1193C. Therefore the principle of residential development on this site is considered to be acceptable.

Retail

The NPPF requires a retail impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no such threshold the default threshold of 2,500m² of gross floor space is applied). The NPPF also requires the application of a sequential test for main town centre uses that are not in an existing centre nor in accordance with an up-to-date development plan. The application site is an out-of-centre location.

Policy EG5 of the CELPS states that Town Centre will be promoted as the primary location for main town centre uses. Point 7 of this Policy then states that;

Proposals for main town centre uses should be located within the designated town centres or on other sites allocated for that particular type of development. Where there are no suitable sites available, edge-of-centre locations must be considered prior to out-of centre locations. Edge-of-centre and out-of-centre proposals will be considered where:

- i. there is no significant adverse impact on the vitality and viability of the surrounding town centres; and*
- ii. it is demonstrated that the tests outlined in current government guidance can be satisfied.*
- iii. The sequential approach will not be applied to applications for small scale rural offices or other small scale rural development in line with the government guidance.*

Policy HC2 of the SNP states that out of centre retail outlets will only be supported following application of a sequential test if they do not have an adverse effect on the town and town centre. Applications will only be supported if they meet the following criteria;

- Complement and enhance the town and town centre without reducing its commercial viability.
- Are compatible with the size and scale of the existing town centre.
- Do not have an unacceptable impact on the existing road network.

Policy JLE1 (Future Employment and Retail Provision) of the SNP states amongst other things that development proposals must;

- Not adversely impact on locally identified natural environmental assets. Proposals will positively enhance watercourses and wildlife corridors and development which harms or does not demonstrate compatibility with the wildlife corridor will not be permitted.
- Demonstrate their impact upon the highway network and identify measures to mitigate any harmful impact
- Demonstrate sustainable access (public transport, pedestrian and cycle provision) and green corridors

Within the town centre the Cheshire Retail Study 2016 identifies that Sandbach Town Centre has a low vacancy rate with no long term vacancies. The majority of the units are occupied by independent retailers but there are several multiple retailers present in the centre which act to provide a good mix. Overall Sandbach is considered to be a healthy Key Service Centre.

It should be noted that the council has employed a Retail Planning Consultant White Young Green (WYG) to assess the retail planning implications of this development.

Sequential Test

The NPPF advises that where an application fails to satisfy the sequential test then the application should be refused. This is supported by Policy EG5 of the CELPS and HC2 of the SNP.

The sequential test is a key element of the NPPF. In support of this the Planning Practice Guidance states that the sequential test should be proportionate and appropriate for the given proposal and should;

- Have due regard to the requirement to demonstrate flexibility. Has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location preference should be given to sites that are well connected to the town centre.
- Is there scope or flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can be accommodate precisely the scale and form of the development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- If there are no suitable sequentially preferable locations, the sequential test is passed.

It is agreed between the parties that the site is situated in an 'out-of-centre' location in retail policy terms. As a result the sequential test needs to consider sites within and on the edge of defined centres. If suitable sites are not available, then the assessment should consider the potential alternative out-of-centre sites that are more accessible and better connected to the town centre than the application site.

It is agreed between both parties that there is no requirement to disaggregate elements of the proposed development and that the search for alternative sites should be able to accommodate the broad type of the development proposed. This view is supported by appeal decisions at Rushden Lakes and Braintree.

In this case 32 alternative sites have been considered within and outside Sandbach town centre. These are identified on the extract of the plan below;



The applicant has not adopted any minimum site size threshold in searching for potential sites within and on the edge of Sandbach Town Centre. As a result almost all of the sites are well below the size of the application site. The applicant discounts 29 of the 32 sites assessed as being 'insufficient site area'. The largest of these 29 sites extends to 1.4 hectares which represents just 20% of the size of the application site (7 hectares) and 45.6% of the commercial area (3.07 hectares). It is accepted that 29 out of the alternative sites are of an unsuitable size to accommodate the proposed development.

The remaining sites are as follows;

Site 11 – Westfields, Middlewich Road

This site measures 1.6 hectares and is in use as Council offices and associated car parking. It is also acknowledged that there is a small underdeveloped area to the eastern part of the site, but this has no frontage to the main road.

Given the limited size of the site (1.6 hectares) and that it is in active use. It is accepted that the site is not available for development whilst the parcel of land to the east is not suitable for the proposed development.

Site 14 – Sandbach Park, Congleton Road/The Common

Sandbach Park extends to 3.1 hectares and is designated as a protected area of open space. The site includes a children's play area, skatepark, tennis courts, open space and other community facilities.

It is agreed that the site serves an important recreational function in Sandbach and is not available for the proposed development.

Site 26 – Leonard Cheshire Home, The Hill

The site measures 1.1 hectares and is in an out-of-centre location and is in active use as a care home. It is accepted that the site is neither suitable or available for the proposed development.

In addition to the above sites the Homebase store on Old Mill Road measures 0.7 hectares and will become vacant in April 2019. The site is approximately 25% of the size of the site associated with the 'full element' of the hybrid application. This site has recently been occupied by B&M and as such is not available for the proposed development.

It is accepted that there are no sites within or on the edge of Sandbach Town Centre that can be assembled into a larger site of a sufficient scale to accommodate the proposed development. Furthermore there are no alternative out of centre sites that could accommodate the proposed development and are more accessible and better connected to Sandbach Town Centre.

Retail Impact Assessment

Paragraph 89 of the NPPF indicates that applications for retail development may be refused where a 'significant adverse' impact is likely to arise from the development.

Further guidance is provided within the NPPG which states that;

'A judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example, in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact.'

The applicant has identified a catchment area for the development which is focussed on Sandbach and its surrounding hinterland. This is a reasonable approach and the defined centres identified comprise Sandbach, Alsager and Middlewich (Key Service Centres) and Haslington (Local Service Centre). WYG have advised that they would expect to see an assessment of impacts for each of the defined centres within the catchment area. The applicant has focussed its assessment on Sandbach Town Centre and WYG do not consider that sufficient explanation is provided as to the impact upon other defined centres within the catchment area.

In order to assess the potential impact a proposal may have on a town centre, the applicant should firstly assess the existing performance and overall health of the relevant defined centres. The Retail Impact Statement submitted concludes that the findings of the WYG 2016 health check remain valid and that the centre continues to be vital and viable.

The key conclusions of the WYG assessment highlighted by the applicants are as follows;

- The centre performs an important role in catering for the retail and service needs of the surrounding residential catchment. Waitrose and Aldi function as key anchor stores. Convenience goods provision (Broadly defined as food, drinks, tobacco, newspapers, magazines, cleaning materials, toilet articles) is above national average in terms of both the proportion of units and floorspace. The proportion of comparison goods (Other goods not classified as convenience goods) is below the national average, and has decreased since the previous health check in 2009. Nevertheless the overall range of comparison retail in the town centre is considered to be good for a centre of its size.
- The proportion of vacant units and floorspace is below the national average. The majority of the vacant units are small and there is no evidence of long term vacancy.
- Overall Sandbach town centre is considered to be healthy with a strong representation from convenience and independent operators.

The Aldi store has recently been extended and refurbished (completed in November 2018). However there are no planned or committed investment schemes in Sandbach town centre that could be affected by the proposed development.

The RIA focusses on the assessment of impacts upon Sandbach Town Centre in terms of convenience goods only. The impact upon comparison goods is not provided as the proposed comparison goods floorspace is limited and significantly below the NPPF. This is considered to be appropriate and reflects the ancillary and limited nature of the comparison goods floorspace proposed.

The applicant's assessment of convenience goods turnover of the proposed scheme is summarised in table 3.1 below taken from the WYG assessment.

Table 3.1: Estimated Convenience Turnover of the Proposal

Proposal	Gross Floorspace (sq.m)	Net Floorspace (sq.m)	Net Convenience Floorspace (sq.m)	2019 Sales Density (£/sq.m)	Turnover at 2023 (£m)
Discount Foodstore	1,959	1,256	1,005	10,205	10.36
M&S Convenience Store	481	278	278	10,549	2.96
Total				-	13.32

WYG have confirmed that they are satisfied with the sales density and the overall approach to estimating the turnover of the discount foodstore and the M&S kiosk.

The pods are expected to be occupied by a bakery and sandwich shop and are not assessed as part of the impact assessment. This is an acceptable approach as they will act as ancillary functions to the wider development.

The applicant's trade draw assessment of the proposed scheme is summarised in table 3.2 below taken from the WYG assessment.

Table 3.2: Assumed Convenience Trade Draw of the Proposal

Proposal	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Inflow
Discount Foodstore	80.0%	-	-	2.5%	10.0%	2.5%	5.0%
M&S Convenience Store	60.0%	2.5%	2.5%	2.5%	10.0%	2.5%	20.0%
Total	75.6%	0.6%	0.6%	2.5%	10.0%	2.5%	8.3%

Table 3.3 below provides a summary of the trade diversion and impact assessment of the proposed development taken from the WYG assessment.

Table 3.3: Assumed Convenience Trade Diversion to the Proposal

Destination	Trade Diversion to Proposal		
	M&S Simply Food	Discount Foodstore	Proposal Total
	Diversion	Diversion	Diversion
Sandbach Town Centre			
<u>Sandbach Principal Shopping Area</u>			
Iceland, High Street	£0.07m (2.4%)	£0.26m (2.5%)	£0.33 (2.5%)
Waitrose, Flat Lane	£1.18m (39.9%)	£0.26m (2.5%)	£1.44 (10.8%)
Local Shops	£0.15m (5.1%)	-	£0.15 (1.1%)
Sub Total Sandbach Principal Shopping Area	£1.40 (47.3%)	£0.52m (5.0%)	£1.92m (14.4%)
<u>Elsewhere in Sandbach Town Centre</u>			
Aldi, Middlewich Road	£0.30m (10.1%)	£7.77m (75%)	£8.07 (60.6%)
Total Sandbach Town Centre	£1.70m (57.4%)	£8.29m (80%)	£9.99 (75.0%)
Sandbach Outside Town Centre		-	
Co-op, Middlewich Road	£0.07m (2.4%)	-	£0.07 (0.5%)
Co-op, Lawton Way	£0.07m (2.4%)	-	£0.07 (0.5%)
Co-op, Saxon Cross PFS	£0.07m (2.4%)	-	£0.07 (0.5%)
Total Sandbach Outside Town Centre	£0.21m (7.1%)	-	£0.21 (1.6%)
Total Destinations Outside Sandbach	£1.04m (35.1%)	£2.07m (20%)	£3.11 (23.3%)
Total	£2.96 (100%)	£10.36m (100%)	£13.32 (100%)

Source: Tables 6C, 7C and 8C at Appendix 1 of the May 2019 Retail Impact Statement.

Based on existing shopping patterns and the location of the proposal WYG is broadly satisfied with the trade diversion assumptions in relation to the proposed M&S kiosk.

The applicant assumes that 20% of the expected turnover from the proposed discount foodstore will be diverted from outside Sandbach. WYG state that given the extended/refurbished Aldi in Sandbach that it is unlikely that the proposed discount foodstore will divert such a substantial proportion of its turnover from destinations outside Sandbach. The household survey undertaken identifies that the most popular convenience shopping destinations outside Sandbach are Tesco on Vernon Way in Crewe and Morrisons at Dunwoody Way in Crewe. WYG state that the proposed discount foodstore will not offer a significantly different retail offer to that already available in Sandbach to enable it to attract shoppers from the 'Big 4' supermarket operators such as those in Crewe. Instead a greater proportion of the proposed discount foodstore's trade will be diverted from destinations in Sandbach town centre.

However it should be noted that the applicant states that its assessment is based on the worst-case scenario for reasons including that the M&S kiosk is likely to offer an element of comparison goods. WYG agree that this would result in a lower convenience turnover and trade diversion to

the proposed development. On balance WYG are satisfied that the impact assessment provides an assessment of the likely trade diversion from Sandbach Town Centre.

WYG have provided a summary of the assessment of trade impact on Sandbach town centre and they have stated that it is important that the impact on individual stores located within the centre to consider whether the proposal could result in the closure of an anchor retailer within the town centre. WYG have also identified the percentage trade diversion impact on individual stores as shown in table 3.4.

Table 3.4: Convenience Trade Impact of the Proposal Estimated by CBRE

Destination	No Development Turnover at 2023	Proposal Total	
		Diversion	Impact
	(A)	(B)	(C)=-(B)/(A)
Sandbach Town Centre			
<u>Sandbach Principal Shopping Area</u>			
Iceland, High Street	£1.00	£0.33	-33.0%
Waitrose, Flat Lane	£20.34	£1.44	-7.1%
Local Shops	£0.81	£0.15	-18.5%
Sub Total Sandbach Principal Shopping Area	£22.15	£1.92	-8.7%
<u>Elsewhere in Sandbach Town Centre</u>			
Aldi, Middlewich Road	£23.38	£8.07	-34.5%
Total Sandbach Town Centre	£45.53	£9.99	-21.9%
Sandbach Outside Town Centre			
Co-op, Middlewich Road	£1.83	£0.07	-3.8%
Co-op, Lawton Way	£3.51	£0.07	-2.0%
Co-op, Saxon Cross PFS	£0.21	£0.07	-33.3%
Total Sandbach Outside Town Centre	£5.55	£0.21	-3.8%
Total Destination Outside Sandbach	-	£3.11	-
Total	-	£13.32	-

Notes: No development turnover and trade diversion at 2023 sourced from Table 9C at Appendix 1 of the May 2019 Retail Impact Statement. Percentage trade impacts calculated by WYG from CBRE's assessment.

The applicant has not assessed the cumulative impact of the proposed development and the extension/refurbishment of the existing Aldi store is not taken into account in its assessment of trade impacts.

WYG consider that the Aldi store is trading exceptionally well and that this store is most likely to better serve existing customers rather than divert significant levels of trade from other destinations. It is the view of WYG that the cumulative impact assessment of the application proposal in conjunction with this implemented scheme is not necessary.

There is one further change in Sandbach's retail offer following the preperation of the household shopper survey which informs the applicants retail impact assessment. This is the closure of the Homebase unit and its re-occupation by B&M. The B&M store is located within the town centre boundary and 80m from the Principal Shopping Area. This store should technically be afforded some policy protection. However the potential to foster linked trips with the wider centre is not as strong as the more centrally located and accessible Aldi store.

As the opening of the B&M store post-dates the applicants impact assessment the cumulative effects of this store on other facilities in the town centre has not been considered. WYG has stated that it is important to consider the cumulative effects of B&Ms introduction.

The policy test is whether the proposal will have a significant adverse impact on the vitality and viability of the town centre as a whole. This is not simply just assessed looking at the quantitative level of trade impact alone but should include an assessment of what the potential implications are 'on the ground' resulting from the level of monetary diversion, consumer choice and general commercial confidence in the market.

Both the Waitrose and Aldi offer a wide range of convenience products which could realistically meet shopper's main food requirements. The recently completed extension to the Aldi store will have added to this comprehensive offer. Given the level of convenience goods floorspace which would be delivered at Old Mill Road should the application be permitted, WYG consider it likely that of the convenience provision within the town centre, these two stores will be most affected by the proposal.

The trade diversions applied by the applicant result in an impact of -34.5% on the Aldi, -7.1% on the Waitrose, -33% on Iceland and -18.5% on the 'local shops'. The impacts identified on the existing foodstores within the town centre boundary are high, particularly in the case of the Aldi store, Iceland and the local shops, and above what may be considered acceptable from an impact point of view. Furthermore the recent opening of B&M which provides a discount led grocery offer is likely to appeal most to those already using the Aldi and Iceland stores, inevitably diverting some trade from these facilities and reducing turnover.

In table 3.5 below WYG have recalculated the applicant's assessment of the performance of the Aldi store to take into account its recent extension.

Table 3.5: Performance of Aldi Store with No Development at 2023 taking into account Store Extension

Store	Net Convenience Floorspace (sq.m)	Benchmark Sales Density at 2023 (£ per sq.m)	Benchmark Turnover at 2023 (£m)	Survey Derived Turnover (£m)	Trading Performance Against benchmark (£m)
Aldi, Middlewich Road	1,198	11,012	13.19	23.38	10.19

This shows that the over-trading at the store reduces from £14.32m to £10.19m once the extension is taken into account. WYG have recalculated the combined trade impact assessment of the proposal on Aldi and the trading performance against its company average reduces from £6.21m of over-trading to £2.08m.

Although the trade impact is high the Aldi store would still be performing above benchmark average post development. This indicates that the quantitative impact of the application scheme is unlikely to be at a level which could result in the closure of the store. However it should be noted that the survey-derived turnover of the Aldi store may be an over-estimate of the true turnover of the store and no account has been taken in quantitative terms of the future effects of the recently opened B&M store.

The healthy trading position of the town centre Aldi should be supported and not be considered to represent available 'capacity' from which an out-of-centre store can acceptably divert trade to support its turnover. The Aldi fulfils a role as an important anchor that attracts shoppers to the centre and generates linked trips with other town centre destinations.

The impact on the Iceland and the local shops in Sandbach town centre are also considered to be exceptionally high. WYG consider that the turnover of the Iceland and local stores may have been under-estimated to some extent. Nevertheless they are of the view that the exceptionally high impacts suggest that the application site could potentially result in the closure of some of these stores.

The trading impact upon the Waitrose store (-7.1%) is not on its own considered to be significantly adverse. However as an important anchor store any impacts upon the Waitrose store will have associated impacts upon linked trips to Sandbach Town Centre.

The applicants trade impact assessment indicates that the application scheme will overall result in a direct -21.9% convenience goods impact on Sandbach Town Centre, inclusive of the Aldi store immediately adjacent to the Principal Shopping Area. This is considered to be a high level of trade impact and the application scheme could result in the long-term viability of some stores being undermined, eventually leading to closures.

Table 3.7 summarises the overall trading performance of the town centre stores taking into account the Aldi extension. The table shows that without the proposed development the convenience stores would be collectively trading at £9.9m company average benchmark levels (£45.53m turnover compared to a benchmark of £35.83m).

Table 3.7: Performance of Sandbach Town Centre (inc. Aldi) with Development at 2023 taking into account Aldi Extension

Store	Benchmark Turnover at 2023 (£m)	Survey Derived Turnover (£m)	Proposal Total Trade Diversion (£m)	Survey Derived Turnover with Proposal (£m)	Trading Performance Against benchmark with Proposal (£m)
Sandbach Town Centre					
<u>Sandbach Principal Shopping Area</u>					
Iceland, High Street	2.70	1.00	0.33	0.67	-2.03
Waitrose, Flat Lane	19.13	20.34	1.44	18.90	-0.23
Local Shops	0.81 ¹	0.81	0.15	0.66	-0.15
<i>Sub Total Sandbach Principal Shopping Area</i>	<i>22.64</i>	<i>22.15</i>	<i>1.92</i>	<i>20.23</i>	<i>-0.11</i>
<u>Elsewhere in Sandbach Town Centre</u>					
Aldi, Middlewich Road	13.19 ²	23.38	8.07	15.31	2.12 ³
Total Sandbach Town Centre	35.83	45.53	9.9	34.54	-0.29

Notes: Figures sourced from Table 9C at Appendix 1 of the May 2019 Retail Impact Statement excepting where detailed below. ¹ For the purposes of this performance assessment WYG assumed that the benchmark turnover for 'Local Shops' equals the survey-derived turnover with no development at 2023. ² Benchmark turnover of Aldi store taking account of extension sourced from Table 3.6 above. ⁴ Trading performance taking account of store extension as calculated by WYG in Table 3.6.

The healthy trading position and performance of the centre is estimated to be completely absorbed by the application scheme, which the applicant estimates will divert £9.9m of trade from the town centre. Overall, convenience trading performance is estimated to be reduced to slightly

below company average benchmarks and this ignores the effect of the recently opened B&M store.

The impact assessment suggests that the trading performance of the Town Centre as a whole could potentially decline substantially from its currently healthy level to an 'average' level, which would represent a substantial and significant reduction in the performance of Sandbach town centre. WYG therefore consider that the overall impact of the application scheme on the vitality and viability of the town centre as a whole is likely to be significantly adverse.

It is recognised that the application scheme will improve consumer choice, providing local residents with access to an additional discount convenience operator in the town. Nevertheless, WYG note that Sandbach residents already benefit from the presence of a discount foodstore operator in the town centre, the recently opened B&M store as well representation from two other main foodstore operators (Waitrose and Iceland). WYG therefore consider that the significant adverse trade impact on Sandbach town centre significantly outweighs the small improvement in consumer choice that the application scheme would deliver.

Policy HC2 of the Sandbach Neighbourhood Plan includes that applications for out of centre retail development will only be supported if they are compatible with the size and scale of the existing town centre. The application proposal is large relative to the existing convenience retail facilities in Sandbach. However, the applicant has not provided an assessment of the scheme's compatibility with the size and scale of the Sandbach town centre.

Employment Generation

Policy SD1 of the CELPS states that development should wherever possible create a '*strong, responsive and competitive economy for Cheshire East*' and '*prioritise investment and growth within Principal Towns and Key Service Centres*'.

The applicant has stated that the likely number of jobs sustained by the operational phase of the commercial part of the development proposal is likely to be between 183-242 FTE jobs calculated as follows;

- Food store 98-131 jobs
- Petrol Filling Station Kiosk 24-32 jobs
- Drive through restaurant 15-20 jobs
- Drive through coffee shop 8-11 jobs
- Offices 53-84 jobs
- Retail pod unit 14-18 jobs

In terms of the residential part of the scheme the applicant quotes a report by Nathaniel Lichfield on behalf of the Home Builders Federation (HBF) which found an industry average of 1.5 jobs created per dwelling. The applicant has also referred to benefits to the supply chain from residential development (2.25 jobs created elsewhere per dwelling) and the additional expenditure by the future occupants (Per annum - £4,875 per household on food, £7,575 per household on non-food and £4,040 per household on leisure goods and services).

It is not disputed that both the commercial and residential parts of the development would create employment in this area. However the employment figures for the commercial development seem

very high when compared to other recent applications in Cheshire East and this needs to be weighed against the retail impact of the development as discussed above.

Highways Implications

A previous planning consent 13/2389C (now expired) for 200 residential dwellings has been approved on this site. The permission was in outline form with access being determined, the existing roundabout at the A533/A534 was to be significantly enlarged and a fifth arm providing access to this site.

The extant planning consent on this site under application 14/1193C is with all matters including access reserved.

Access Proposal

This application proposes a single point of access using the access strategy for the previous applications 13/2389C and 18/4892C to the roundabout on the A533/A534. The main access would be 6.75m wide together with shared pedestrian/cycle paths. An emergency access is indicated on the southern boundary of the site that links to Houndings lane.

A new toucan crossing is to be provided across the A533 located just north of the roundabout that will link the site for both pedestrians and cyclists.

The enlarged roundabout access would be delivered via a S278 agreement.

Internal Layout

The main spine road is 6.75m wide and is suitable to provide access to the proposed level of development, swept paths have been submitted for articulated vehicles delivering to site and being able to turn. An emergency access is proposed to Houndings Lane located on the southern boundary of the site.

Car Parking

As the application is a hybrid application, there car parking requirements for the outline residential development can be determined at reserved matters. In regard to the commercial parking provision on site, there are total of 231 car parking spaces provided overall for the uses proposed. Using current CEC standards for each use class the requirement would be 263 car parking spaces. It is considered that the level of parking provision is sufficient for the proposed commercial uses on the site.

Development Impact

An assessment of the likely traffic impact of the development has been undertaken by the applicant, the assessments have been undertaken in 2019 and 2014. The assessments have included a number of committed developments in Sandbach. The modelling has been based on traffic count data undertaken in 2018 at a number of junctions that would be directly affected by the proposed development; traffic growth has also been added to the committed developments flows to form the basis of the assessments.

The following junctions have been assessed as part of this proposed development;

- A533 Old Mill Road/A534 Brookhouse Road Roundabout/ Site Access
- A533 / A533 The Hill / High Street junction
- A533 Middlewich Road / A533 Old Mill Road / Crewe Road roundabout
- A534 /Crewe Road roundabout
- A533 Middlewich Road/Chapel Street / Ashfield Way junction

In relation to the assessment of the A533/A534 roundabout junction which will also serve as access to the development, the applicant has compared the capacity of the existing junction with the proposed new enlarged roundabout with site access included. The results indicate the existing roundabout layout operates well in excess on capacity in 2024 with extensive queues on most arms of the junction. The improved roundabout operates much better and is forecast to operate just in excess of capacity in 2024 with the proposed development being included; queue lengths are much reduced to moderate levels.

There is a significant interaction between The Hill signal junction and the A533/A534 roundabout. Congestion affects the operation of each junction and congestion occurs between both junctions. CEC has commissioned the design of an improvement scheme that seeks to improve the traffic throughput between the Hill junction and the A533 roundabout. This CEC improvement scheme would increase the number of lanes available between the junctions and make changes to the signal layout and timings.

The applicant has assessed The Hill junction with this improvement in place, the capacity results show that the junction operates within capacity in 2024. As a result the proposed development is reliant upon the CEC improvement scheme being implemented in order for the junctions to operate within capacity. The enlarged roundabout would be delivered via a S278 agreement and an additional S106 contribution of £200,000 will be required for the improvements between The Hill junction and the site access roundabout.

The Crewe Road/A533 Middlewich Road roundabout is shown to operate over capacity in 2024; this roundabout has existing congestion problems during peak hours but particularly in the PM peak due to queues extending back from the A533/A534 roundabout. The CEC improvement scheme will help alleviate some of PM problems as capacity is increased at the junctions. However, in relation to the impact of this application, the with and without capacity results are very similar indicating that the development does not materially increase congestion at the roundabout.

The applicant has not modelled the capacity of the A533/Chapel Street junction but has assessed the percentage impact that the development would have at the junction. The maximum increase is forecast at 2.6% that is stated as not representing a material increase.

Accessibility

It is important that the site is linked to the north side of the A533 for both pedestrians and cyclists, the access details submitted indicate that the site access will have a shared pedestrian/cycle path on both sides. The roundabout will also have a pedestrian/cycle path on each arm although the only controlled crossing point will be via a toucan crossing on the eastern arm of Old Mill Road.

As noted above the site is out-of-centre and it is important that connections are provided between the site and Sandbach Town Centre to encourage linked trips. The developer would provide a Toucan crossing over Old Mill Road and Appendix D of the submitted Transport Assessment identifies that Brookhouse Road linking the application site with the town centre would be upgraded through an upgrade of the existing footway and lighting with speed tables introduced.

Despite the concerns to Old Mill Road there are still serious concerns that Old Mill Road would act as a barrier and would deter people from making linked trips and walking between the site and Sandbach Town Centre.

There are a number bus services operating in Sandbach on various routes, the nearest existing bus stops are approximately 200m from the site.

Cycle Provision

The proposed development would have cycle storage provision for both the commercial and residential parts of the scheme. This could be controlled via the imposition of a planning condition.

The provision of pedestrian/cycle links from the application site onto Houndings Lane/Laurel Close could be secured via a planning condition should the application be approved.

The comments made in relation to the safety of the crossing point and roundabout access for cyclists is noted. In this case the highways officer has raised no objection to the proposed development on highway safety grounds.

Amenity

The main properties affected by this development are those to the east of the site fronting onto Condliffe Close, Palmer Road and Laurel Close.

The proposed drive through coffee shop would be a distance of 16.5m from the dwelling at 15 Condliffe Close and 16m from the dwelling at 11 Condliffe Close. The application site is set at a lower level to these adjacent dwellings and a section through the coffee shop shows that it would be set at a lower level to the terrace which includes No 11. It is considered that this relationship would be acceptable given the separation distances involved, the orientation of the adjacent dwellings and single storey nature of the proposed coffee shop.

The proposed foodstore would be located 26.6m from 1 Condliffe Close, 26.4m from 70 Palmer Road, 22.1m from 72 Palmer Road and 20.2m from 74 Plamer Road. The submitted sections show that the foodstore would be set at a much lower level than the nearest dwellings, as a result the impact upon residential amenity through overbearing impact, loss of light and loss of privacy is considered to be acceptable.

Further south the impact upon the dwellings fronting Laurel Close would be from the residential part of the development. As this in outline form the implications could only be considered at the Reserved Matters stage, but based on the submitted plan the impact it is not envisaged that the development would impact upon residential amenity.

Noise

The applicant has submitted a Noise Impact Assessment (NIA) which recommends mitigation designed to ensure that occupants of the properties and the occupants of nearby properties are not adversely affected by road traffic noise from the A534 and also potential noise from the proposed commercial premises.

The submitted NIA has not been updated since the previous refusal and based upon a different layout. The proposed mitigation is as follows;

- Noise mitigation for plots 64 to 67 and the communal gardens to the apartment block. In the form of a 2.3m high barrier. The indicative Master Plan shows that the proposed dwellings would be orientated so that the rear gardens no longer face towards the A534
- Internal habitable rooms would be mitigated through the provision of double glazing and trickle ventilation.
- The main impact from the commercial part of the development would be from the food store service area which would be set 4m lower than the adjacent dwellings. This change in levels would mean that noise levels would not exceed internal noise level criteria.
- The noise report also makes a number of recommendations in terms of effective site management.

The commercial premises have all got their own independent car parking areas. Being mindful of the close proximity of some to residential premises, consideration should be given to secure these areas when the commercial premises are closed in order to ensure vehicles do not congregate resulting in anti social behaviour and potential noise nuisance. This could be controlled via the imposition of a planning condition.

The mitigation measures recommended are considered to be sufficient to mitigate the development and the Environmental Health Officer has raised no objection to this application. A revised NIA would be required to support an future Reserved Matters application.

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 181 of the NPPF and the Government's Air Quality Strategy.

Air quality impacts have been considered within the air quality assessment submitted in support of the application.

The report considers 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 ADMS Roads to model NO₂ and PM₁₀ 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:

- 2017 - Verification;
- Opening year Do-Minimum (DM) (predicted traffic flows in 2019 should the proposals not proceed); and,
- Opening year Do-Something (DS) (predicted traffic flows in 2019 should the proposals be completed).

The assessment concludes that the impact of the future development on the chosen receptors will be *not significant* with regards to both NO₂ and PM₁₀ concentrations. However, two of the receptors (R9 and R12) are located within the nearby AQMAs and it is the Environmental Health Officer's opinion that any increase in concentrations within an AQMA is considered significant as it is directly converse to the local air quality management objectives, the NPPF and the Council's Air Quality Action Plan.

The proposed development is considered significant in that it is highly likely to change traffic patterns in the area. 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. The developer has submitted a travel plan for the development which the Environmental Health Officer deems acceptable for use.

However, the Environmental Health Officer also believes that further robust mitigation measures are required to reduce the impact on sensitive receptors in the area. Therefore, the developer should submit information in relation the Electric Vehicle Infrastructure which could be controlled via a planning condition.

Contaminated Land

Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site. Part of the application area has a history of former mill, former pond use, and agricultural use therefore there may be localised contamination and ground gas issues associated with these features. Part of the proposed application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

Conditions could be imposed to mitigate the impact of the proposed development.

Lighting

Light spill from the development has the potential to impact upon the existing and proposed dwellings. The matter of lighting within the site could be controlled via the imposition of a planning condition.

Impact from Houndings Lane Farm

As part of the previous appeal decision on the site the Inspector expressed concern over the impact from the working farm on the proposed housing development. In this case the proposed development does not share the same relationship and an acceptable relationship could be secured at Reserved Matters stage.

Design/Built Heritage

The full part of the application relates to the commercial elements of the scheme which would be located at the north of the site with the residential elements (the outline part of the application) to the south of the site.

Efforts have been made since the previous refusal to address some of the issues highlighted as part of the previous refusal. However there remains certain fundamental issues about the character of the site, the detail of the proposed development and the adverse impact of the proposed development.

General Design Issues

The full part of the application would have buildings with larger footprints than the consented residential development. The large footprint of the buildings and the associated hard standing would not lead to betterment to ecological interests or the landscape. The siting of the commercial buildings to the northern part of the site means that standardised building forms with large footprints set behind extensive car parking which would be situated in the most visible parts of the site. The proposal results in a weak townscape.

The proposed layout of the commercial element turns its back on the residential elements and there is no sense of transition between the two parts of the site. The development does not appear well integrated and the housing will be defined by an approach into a retail park.

This is a complex site because of the land level changes which vary across the site. The submitted levels information does highlight the potential for highly engineered features within the developed which would be highly urbanising and poor in townscape terms. The topography of the site is clearly not conducive to a large floorplate/car park format and the revised design response illustrates that given the amount and scale of retention/engineering required. The cross sections illustrate the extent and impact of this. There has been no substantive or meaningful change in this regard from the previous refused scheme.

This site adjoins a key gateway and approach into the town and therefore the quality of development on the site will fundamentally affect perceptions of the town to its residents and visitors. Large footprint uses, retaining structures and extensive areas of car parking will characterise the more visible, front portion of the site, exacerbated by loss of some of the frontage landscaping associated with the new access, further opening up views of the site from Old Mill Road/Brookhouse Road. There is little opportunity for meaningful compensatory landscaping within the site.

The prospective connectivity of the site to the town centre is a concern. Old Mill Road and the existing roundabout are significant obstacles and this will be made even more problematic by the changes to the roundabout and new access. It is imperative in sustainability terms that high levels of pedestrian connectivity can be achieved, to promote linked trips with the town centre and encourage walking and cycling to the site. Getting this wrong could lead to this becoming a car borne destination that competes with rather than compliments the town centre and which adds to some of its traffic problems.

Concept details have been submitted for public realm improvements to Brookhouse Lane. However, these are very much sketch details and need to be firmed up to ensure that they can be technically implemented and to form the basis for a scheme, should planning permission be

forthcoming. Certain of the principles may also be subject to the agreement with landowners other than the Council. The quality of the crossing associated with the highway alterations needs to focus on the needs of pedestrians; otherwise it will still act as a barrier and deter usage.

Detailed Part of the Application

The buildings are generic, standard designs with no indication that a strong design rationale has underpinned their design. This is amplified by them sitting in the midst of extensive areas of surface parking. The non-residential elements are a mishmash of conventional standard designs by certain potential occupiers, with their own specific corporate requirements. The applicant has attempted a more locally relevant design on certain buildings, but this seems rather randomly applied. Despite the assertions in the Design and Access Statement (DAS) there is no cohesion between the designs that would help to create a sense of them being a family of buildings or a distinct place, the principles of which could also then flow into the residential development behind.

The scale of the 3 storey office building at the centre of the site is a concern in broader setting terms but also in relation to the retained Fields Farm and barn. The setting of these buildings also feels a hemmed in by the proximity of new development and they could lose their sense of meaning, appearing as a modest island in the sea of surrounding new development.

The new space termed 'New Cross Square' is essentially a bus turning space rather than a genuine square that is the hub of activity and people focused. It is therefore a bit misleading as a concept.

The footpath FP18 would be enclosed between the boundary of the food store and the rear boundary of existing housing. This would create a poor environment in comparison to the open field setting at the moment. In addition, cross sections indicate the building would be set several metres below the level of the footpath.

The nature of the uses creates extensive areas of surface parking to the front and around buildings, exacerbated by servicing and drive thru accesses. This leads to weak urban form and the parking areas contain little tree planting to help break them down into smaller parking 'cells', instead relying on areas of peripheral landscaping.

Outline Part of the Application

It is accepted that this part of the application is indicative and this element of the scheme has improved since the previous refusal.

The development would no longer turn its back on Hounding's Lane and the A534. Fields Farmhouse and an associated barn would be retained, which is positive, but their open setting would be heavily compromised by buildings and parking areas surrounding the heritage asset.

Without levels information it is difficult to determine the impact of the inclusion of apartments and the extra care home. These could potentially be highly visible and uncharacteristic in terms of scale and massing. The footprint of the extra care implies a significant building. In the absence of levels and building heights parameters it is extremely difficult to determine whether this type of residential accommodation could be satisfactorily incorporated in a detailed proposal.

Built Heritage

Part of the site is occupied by Fields Farm and associated outbuildings. The farm is considered a non-designated heritage asset. The scheme seeks to retain the farmhouse and a barn to be converted to housing. A heritage assessment has not been submitted with this proposal in relation to the building and its setting.

Whilst Fields Farmhouse and barn is being retained within the illustrative layout, its setting would be significantly affected by the development as illustrated. Greater space would need to be retained around the buildings to enable open space and landscape to be incorporated to help reduce the impact upon its setting.

Design Conclusion

This is an important site to Sandbach and the quality of the proposal is not good enough having regard to the gateway location and prominence of the site.

The commercial buildings are all standard designs that pay little regard to Sandbach as a place and consequently the development will not suitably integrate and add to the overall quality of the area in architectural terms. The submitted levels information demonstrated that the topography is not conducive to the proposed uses. The layout of the commercial element of the scheme is poor as it is dominated by car-parking, engineering structures and fails to respect the PROW on the site.

The proposed development is contrary to Policy SE1 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.

Archaeology

The application site is accompanied by an Archaeological Assessment. There are no statutorily-designated Heritage Assets within the application area but the report does conclude that the site does contain several areas of archaeological potential which are likely to need further archaeological mitigation, in the event that planning permission is granted. These include historic field boundaries, that part of the Brook Mill site within the application area, the Fields Farm complex, and the field known as 'Scot's Meadow'.

As part of the previous application the Councils Archaeologist has stated that the above features are not significant enough to generate an objection. The programme of archaeological mitigation can be controlled through the imposition of a planning condition.

Public Rights of Way

The proposed development would affect PROW Nos 17, 18, 19 & 50. The PROW Officer has stated that the proposed development would have a direct and significant effect on the PROW. This view is accepted.

The application documents depict some of the Public Rights of Way running along the estate roads. It should be noted that *"any alternative alignment [of a Public Right of Way] should avoid the use of estate roads for the purpose wherever possible and preference should be given to the*

use of made up estate paths through landscaped or open space areas away from vehicular traffic" (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.8).

The diversion or accommodation of a public right of way along estate roads or pavements is effectively an extinguishment of the public right of way and therefore not a suitable provision. This applies to most of Footpath no. 19 and most of Footpath no.17. Footpath no. 18 is depicted as being accommodated along a narrow corridor between retail development and particularly the rear of a large food store. This would create an unattractive ginnel giving rise to the potential for anti social behaviour. It would also run to the rear of the existing residential properties affording no natural surveillance. This situation also applies to the continuation of FP 18 into the proposed residential development where the path would run at the rear of the houses. Crime prevention through environmental design principles should be employed to overcome these issues.

A section of FP 19 is proposed to be diverted around the perimeter of the site but outside the redline boundary. It is not clear what this area of land is or is proposed to be however the alignment of the path follows an unnatural trajectory hugging the site boundary with several right angled bends. This would not be an acceptable alternative provision.

Footpath no. 17 is also mostly depicted on the footways of roads. The connection to Laurel Grove would run along the side of houses where natural surveillance may also be an issue.

Footpath no. 50 which is off site in the north eastern corner is not shown on its correct alignment. This path wouldn't be able to be diverted under s.257 of the TCPA as it is not affected by development.

The proposed development is considered to be unacceptable in terms of its PROW impacts.

Landscape

The full part of the application seeks permission for a food store, a petrol filling station, a drive through restaurant and an office, with associated parking areas, access and landscape works.

A number of changes have been made to the proposals on this part of the site since the previous refusal. However the proposals still fail to address the topography of the application site in an acceptable form.

The submitted Landscape statement states *'Ultimately, it is a development which works with the existing landscape form, responding fully to the site's existing features and surrounding context'* and *'There are many opportunities to not only complement but enhance the existing natural features, mitigate any potential visual impacts of the development and improve the gateway into Sandbach'*. This doesn't appear to have been achieved. The proposals as shown on the Proposed Masterplan indicate that the development can only be accommodated on a site that has challenging topography by introducing a number of concrete and gabion basket retaining walls. In some cases along the western boundary these are up to 6.9m in height (concrete retaining wall) and 7.10m in height (gabion retaining baskets). As a result any mitigation in this part of the application site is very limited, with minimal mitigation proposed along the eastern boundary, adjacent to the existing residential properties along Condliffe Close and Palmer Road. The proposed retaining structures along the western boundary prevent all but minimal enhancement

along the western boundary of the site. The proposals have been amended in the northern part of the site, providing a more positive solution than previously.

With reference to the outline element of the proposals, there is already an extant permission for residential development on the application site and so any detailed layout would need to adhere to policies SE1 – Design, Policy SE4 – Landscape and the Cheshire East Design Guide.

It is not considered that development would result in a design that either conserves, enhances or contributes to local distinctiveness. The proposed development would be contrary to policies SE 1 and SE4 of the CELPS.

Trees

The application is supported by an Arboricultural Impact Assessment.

Full application

Access arrangements have been established from a junction to the A534/A533 Brookhouse roundabout under a previous outline planning approval which would require the removal of a 30 metre section of shelterbelt/mixed woodland to the north of the site, five low category C trees and two sections of hedgerow. This loss can be mitigated through landscape planting on the site.

Reference is made to a large mature high category Lime tree (T1) located off site to the north east of the site. The Assessment states that this will not be impacted by the development and can be adequately protected. However there are some concerns over the potential level changes to form the access and the impact upon this tree.

A prominent and high value mature Oak tree shown for retention on the previous outline permission and referred to in the Inspectors comments (para 13) was uprooted in high winds in March 2018 and has been subsequently removed from site.

As noted within the landscape and design sections the site has a challenging topography and changes in land levels. There are no significant trees within the northern part of the site which would be affected. However there is potential for changes in levels to impact upon the tree belt along the western boundary and this would result in landscape/design implications.

Outline application

The indicative layout proposes the removal of two Low (C) category trees, (a Cherry and over mature Ash) and a low (C) category Cypress hedge. One further tree, an Alder (T18) to the east of the site has been identified as unsuitable for retention (U category) and is to be removed irrespective of the development proposals.

The indicative layout shows an access along the southern boundary of the site encroaching within the root protection area (RPA) of a moderate (B) category Oak (T26). The Arboricultural Assessment suggests this is a minor encroachment and that to minimise damage it is proposed that a 'no-dig' cellular confinement system method is used. The plan suggests that the encroachment within the RPA of this tree is at least 25% of the RPA. Para 7.4.2.3 of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations advises that new

permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA. In addition the requirement for a 'no-dig' solution is dependent upon whether the Highways Authority requires the road to be to an adoptable standard and the position of services. Neither of these matters have been considered in the Assessment.

Due to the topography of the site and likely changes in levels to accommodate plots there will be a need to provide a detailed levels survey and cross sections as part of any reserved matters application which shall be read in conjunction with the Arboricultural Impact Assessment. This is critical to ensure that the RPA's of any retained trees are respected and in accordance with the design requirements of BS5837:2012.

Hedgerows

The application includes a Hedgerow Regulations Report. The report confirms that for the purposes of the Hedgerow Regulations 1997 none of the hedgerows are deemed to be important under the various criteria under the Regulations, although as stated a number have significant local nature conservation value/wildlife benefits.

Ecology

Environmental Statement

The submitted Environmental Statement (ES) was prepared in respect of an earlier application at this site and refers to a previous layout masterplan. The ES concludes that no ecological receptors present on site are of above local value. The Councils Ecologist advises that this is an under evaluation of a number of ecological receptors as Otter, Hedgerows and Roosting bats are in his opinion of local value.

Statutory Designated Sites

The application site falls into Natural England's SSSI impact risk zones for residential developments of over 50 units. In this case Natural England have been consulted and have raised no objection to the proposed development.

Sandbach Wildlife Corridor/Arclid Brook

The proposed development is located partly within the Sandbach Wildlife Corridor. Designated Wildlife Corridors are protected under Congleton Local Plan Policy NR4, CELPS Policy SE3 and SNP Policy PC4. The proposed development will result in a loss of a substantial area of habitat from within the wildlife corridor. The habitat lost is however of relatively limited nature conservation value. The proposed development would result in the culverting of a small section of Arclid Brook and the loss of hedgerows (a UK BAP priority habitat and a material consideration).

Policy PC4 states that proposals which are likely to have a significant adverse impact on a Wildlife Corridors will not be permitted except in exceptional circumstances where the reasons for the proposed development clearly outweigh the value of the wildlife corridor and there are no alternatives.

A strategy to deliver compensatory habitats to address the impacts of the proposed development upon the Wildlife Corridor was submitted and accepted in respect of earlier applications at this site.

The applicant has submitted a revised Ecological Mitigation strategy, which includes an assessment of the residual impacts of the proposed development using the Defra Biodiversity Metric. This assessment concludes that the proposed development would result in an overall gain for biodiversity as required by Policy SE3. The assessment has in the opinion of the Councils Ecologist both over and underestimated the biodiversity value of some of the habitats on site. It also fails to enter any values for the loss of a section of Arclid Brook, which is acknowledged by the applicant's consultant.

The Councils Ecologist has undertaken a Defra Biodiversity metric calculation and this shows a small gain in the extent of hedgerows on site, but an overall loss of biodiversity in respect of other habitats.

The proposed development will result in an overall loss of biodiversity from the designated Wildlife Corridor and also fail to deliver an overall gain for biodiversity in accordance with Local Plan policy SE3 (5). Further habitat creation measures are required to address the impacts of the proposed development upon the wildlife corridor and deliver an overall gain for biodiversity. These proposals should be informed by those submitted in respect of earlier applications at this site. If additional habitat cannot be provided on site then off-site habitat creation should be considered.

Without this information the proposed development would be contrary to Congleton Local Plan Policy NR4, CELPS Policy SE3 and SNP Policy PC4.

Water Voles

Water voles are known to occur on water courses in the locality of the proposed development. An updated survey has now been provided which did not record any evidence of water voles. The Councils ecologist advises that water voles are no likely to be present or affected by the proposed development.

Otter

Evidence of otter was recorded during the submitted water vole survey. The Councils Ecologist advises that the proposed development is not likely to result in an offence under the habitat regulations in respect of otter due to the lack of suitable features for use for shelter and protection.

The proposed access road crossing Arclid Brook is however likely to have an impact on otter as a result of loss of connectivity and increased risk of road traffic collisions. I therefore advise that in order to mitigate this effect the applicant must submit proposals for the incorporation of a mammal ledge under the culvert and suitable protective fencing to limit the risk of otters crossing the proposed road. This could be controlled via the imposition of a planning condition.

Roosting Bats (Buildings)

Evidence of bat activity in the form of a minor roost of a relatively common bat species was recorded within the existing barn building on site in 2018.

An updated survey (Harris Lamb 2019) has now been submitted. This latest survey consisted of an internal and external survey of the building and a single bat activity survey. No evidence of roosting bats was recorded during this latest survey.

In 2018 a bat survey undertaken by SESS Ltd described the buildings supporting the bat roost (building 3) as having Moderate potential to support roosting bats. This level of bat roost potential would trigger a need for two bat activity survey visits to establish presence/likely absence of bats under current best practice guidance.

The updated survey prepared by Harris Lamb, states that the buildings offers HIGH potential to support roosting bats and recommends that a further bat survey be undertaken to determine whether bats use the building for roosting. This level of bat roosting potential would trigger the need for three separate survey visits to establish likely presence. The Councils Ecologist advises that the single survey visit undertaken in 2019 is insufficient to establish the likely absence of a roost.

In section 5 of the 2018 SESS bat survey the buildings is said to support a longstanding but infrequently used roosting site for bats.

In the absence of further survey information to establish the likely absence of roosting bats, building 3 must still be considered to still support an longstanding infrequently used roost of small number of a widespread bat species. In the absence of mitigation, the proposed development, would result in a breach of the habitat regulations and is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NR2 of the Congleton Local Plan states that would result in the loss or damage of any site or habitat supporting species that are protected by law will not be permitted. Policy SE 3 of the CELPS states that development which is likely to have a significant impact on a site with legally protected species will not be permitted except where the reasons for or the benefits of the development outweigh the impact of the development.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to protect and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In terms of the Habitat Directive tests;

- The proposed development is not in the interests of public health or public safety. The site has significant issues which are outlined elsewhere in this report (such as retail impact, design, landscape, car dependency etc)
- There is satisfactory alternative and that would involve the redevelopment of the site under the consented residential scheme together.
- In order for the Council to be able to determine whether the favourable conservation status of the species satisfied that the favourable conservation status of the species concerned would be maintained the applicant should submit an outline bat mitigation and compensation method statement.

As the tests have not been met it is considered that the proposed development would be contrary to Policies NR2 of the CLP, Policy SE 3 of the CELPS, and Policy PC4 of the SNP.

Bats (Trees)

Four trees of low bat roost potential were identified during the phase one habitat survey. These have been subject to detailed surveys and no evidence of roosting bats was recorded. The removal of trees on this site is therefore unlikely to have a direct impact upon roosting bats.

Foraging Bats

No extensive bat activity surveys have been undertaken. Bat activity recorded during the surveys of the trees on site was however relatively low and so the proposed development would not have a significant impact on foraging and commuting bats. The Council's Ecologist is of the view that the application site is unlikely to support high levels of bat activity. The retention of the existing hedgerows on site would further reduce the impacts of the proposed development upon commuting and foraging bats.

Lighting

To avoid any adverse impacts on bats and other wildlife resulting from any lighting associated with the development if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Other Protected Species

Potential evidence of other protected species activity on site was recorded during the initial Phase One habitat survey. A follow survey has been undertaken and no conclusive evidence of other protected species activity was recorded.

The proposed development is unlikely to have a significant effect upon other protected species.

Hedgerows

Hedgerows are a priority habitat and hence a material condition. The ecological mitigation strategy submitted in support of this application states that 402m of native species hedgerow would be provided to compensate for the loss of 172m of hedgerow lost as a result of the proposed development. The proposed native species planting is adequate to compensate for that lost.

Flood Risk/Drainage

The application site is located largely within Flood Zone 1 (low probability of flooding) although the far north of the site around the existing watercourse is identified as Flood Zone 2 (medium probability of flooding) and 3 (high probability of flooding). The proposed buildings would all be located within Flood Zone 1, but part of the car park to serve the M&S Kiosk is located within Flood Zones 2 & 3.

In this case the Councils Flood Risk Manager, the Environment Agency and United utilities have all been consulted as part of this application and have raised no objection to the proposed development in relation to flood risk/drainage subject to the imposition on planning conditions.

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

Energy Efficient Development

Policy SE 9 (Energy Efficient Development) of the CELPS sets out that;

“non-residential development over 1,000 square metres will be expected to secure at least 10 per cent of its predicted energy requirements from decentralised and renewable or low carbon sources, unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable.”

It is considered reasonable to impose a condition on any planning approval for the submission of energy saving requirements in line with the above.

Affordable Housing

The Cheshire Homechoice waiting list shows a need with Sandbach as their first choice of 594 homes. This can be broken down to 269 x one bedroom, 194 x two bedroom, 90 x three bedroom, 22 x four bedroom and 19 x four+ bedroom dwellings.

The SHMA 2013 showed the majority of the house type demand annually in Sandbach is for 18 x one bedroom, 33 x two bedroom, 18 x three bedroom and 9 x four bedroom dwellings for general needs. The SHMA 2013 also showed an annual requirement for 11 x one bedroom and 5 x two bedroom dwellings for older persons. These can be via flats, cottage style flats, bungalows and lifetime standard homes.

The proposed development consists of 85 new dwellings for C3 use. The 30% affordable housing requirement in this instance will be 26 units.

The tenure split for these properties should be in line with policy (65% affordable rent/35% intermediate). In this case the development would provide 17 affordable rent and 9 intermediate tenure.

The exact tenure split, locations and housing types can be finalised at Reserved Matters for the outline part of the application.

Public Open Space

On Site Provision

Policy SE6 of the Cheshire East Local Plan Strategy provide a clear policy basis to require new developments to provide or contribute to Children's Play Space, Amenity Green Space, Green Infrastructure Connectivity and Allotments. The proposed development is considered to represent an improvement following the previous refused scheme.

As noted above the proposed development affects a number of PROW which have been squeezed in behind both residential and retail units with a potential to create anti social behaviour as there is little or no passive surveillance.

There is a deficiency of children's play within 800m of the development site. A development of this size should offer a NEAP (Neighbourhood Equipped Area for Play) catering for all ages to Fields in Trust standards taking into account the 30m buffer to the nearest dwelling. Although this sites topography poses a challenge the Councils POS Officer has suggested that the NEAP should be predominantly flat and centrally located giving the development a focal point with surrounding open space for informal socialising and recreation.

Further LAPs (Local Area of Play) throughout the site should be considered with careful thought regarding the location in relation to properties and planting to reduce the potential for nuisance.

Policy SE6, Table 13.1 denotes the level of green infrastructure required for major developments. This shows that the development should provide 40m² children's play and amenity green space per family dwelling. In addition to this 20m² should be allocated to G.I. Connectivity (Green Infrastructure Connectivity). In line with CELPS Policy CO1, Design Guide and BFL12 "Connections" this should be an integral part of the development connecting and integrating the site into the existing landscape in a sustainable way for both walking and cycling.

Using these figures the development would be required to provide 3,400m² of children's play and amenity green space for the family dwellings, and 1,700m² of G.I. Connectivity.

The submitted masterplan shows that the development would provide a sufficient level of open space to serve the proposed development in accordance with Policy SE6. The final details in terms of the layout and design of the open space could be secured at the Reserved Matters stage.

Outdoor Sport

In line with Policy SC1 and SC2 Outdoor Sport contributions are required. In this case the development would require a contribution of £1,000 for a family dwelling or £500 per 2 bed apartment space.

These contributions would be secured as part of a S106 Agreement.

Indoor Sport

Policies SC1 and SC2 of the Cheshire East Council Local Plan Strategy provide a clear policy basis to require new developments to provide or contribute towards both outdoor and indoor recreation.

In this contributions would be required to improve the quality and number of health and fitness stations at Sandbach Leisure Centre. In this case there has been a request for a contribution of £29,531. This would be secured as part of a S106 Agreement.

Education

A development of 85 dwellings is expected to generate 15 primary aged children, 13 secondary aged children and 1 SEN child.

There will be a shortfall within the local primary schools and on this basis a contribution of £162,694.00 will be required to mitigate the impact of this development upon local primary provision.

There will be a shortfall within the local secondary schools and on this basis a contribution of £212,455.00 will be required to mitigate the impact of this development upon local secondary provision.

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.

Health Infrastructure

The patient list at Ashfields Medical Centre has been increasing at a significant level. Whilst the building is considered adequate, the increasing population will create significant pressure points within the practice and these are already starting to appear. Short term solutions are being looked at to review the increases in patient population. Expansion of the existing building is also being considered. On this basis a contribution of £72,972 will be required to mitigate the impact of this development if the care home is developed.

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.

The development would result in increased demand for NHS provision in Sandbach where there is limited spare capacity. In order to increase capacity of the medical centre which would support the proposed development, a contribution towards health care provision is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in increased demand for education provision in Sandbach and the wider Borough in terms of SEN where there is limited spare capacity. In order to increase capacity of the local schools which would support the proposed development, a contribution towards education provision is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development site is in an area of Sandbach where there is a shortfall in provision and would require POS, children's play, outdoor sport mitigation and indoor leisure mitigation in accordance with Policies within the CELPS. This is considered to be necessary and fair and reasonable in relation to the development.

The development of the site is reliant on the highway improvements between the site access roundabout and the junction with The Hill. As a result mitigation is required in accordance with Policies within the CELPS. This is considered to be necessary and fair and reasonable in relation to the development.

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

CONCLUSION

The application site is within the Settlement Zone Line as identified by the SNP and has an extant planning permission for residential development.

The proposal includes an out-of-centre retail development. It is accepted that there are no sequentially preferable sites. However the development would have a high trade impact and would have a significantly adverse impact upon Sandbach Town Centre. As a result the proposed development is contrary to the NPPF and policies EG5 of the CELPS and HC2 of the SNP.

The highways implications of the development are considered to be acceptable. However the site would be dependent on private motor vehicle and Old Mill Road would act as a barrier to linkages to Sandbach Town Centre to encourage linked trips. The proposed development would be contrary to Policies SD1, SD2, CO1 and CO2 of the CELPS, Policies GR9, GR10 and GR13 of the CLP and Policies H5 and JLE1 of the SNP.

The amenity implications of the proposed development, including noise, air quality and contaminated land are considered to be acceptable and would comply with GR6 and GR7 of the CLP and SE 12 of the CELPS.

The site is an important gateway to Sandbach and the proposed commercial development fails to take the opportunities available for improving the character and quality of the area and is contrary to Policy SE1 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.

The site has a challenging topography and the development would require large retaining structures and little landscape mitigation. The proposed development is therefore contrary to Policies SD2, SE1 and SE4 of the CELPS and PC2 of the SNP.

The impact in relation to the trees on and adjoining the site is considered to be acceptable and would comply with Policy SE 5 of the CELPS (however the tree losses would have landscape implications).

As the principle of retail development on the site is not considered to be acceptable, the impact upon Bats fails the tests within the Habitat directive. Part of the site is within the Sandbach Wildlife Corridor and the development would result in an overall loss of biodiversity. The development is contrary to Policies NR2 of the Congleton Local Plan, SE 3 of the CELPS, PC4 and JLE1 of the SNP.

The drainage and flood risk implications of the proposed development are considered to be acceptable and the development complies with Policy CE 13 of the CELPS.

The proposed development would affect PROW Nos 17, 18 and 19. The PROW would be accommodated along narrow corridors at the rear of the retail development or residential properties affording no natural surveillance and the potential for anti-social behaviour. The proposed development would be contrary to Policy CO1 of the CELPS, Policy GR16 of the CLP, Policies PC5 and JLE1 of the SNP.

The application demonstrates that the development can accommodate the required level of POS to serve the proposed quantum of development. As such the proposed development complies with Policy SE6 of the CELPS, Policy GR22 of the CLP.

The impact of the development upon archaeology, infrastructure (education and health) and the affordable housing provision is acceptable and would be controlled via a S106 Agreement.

Finally the development of the site would have some employment benefits as identified above and this does attract some weight. However this would be outweighed by the harm identified.

RECOMMENDATION:

REFUSE for the following reasons;

- 1. The proposed development would have a high trade impact. There are also concerns regarding the potential loss of linked trips associated with the trade impacts on the Waitrose and Aldi anchor stores in Sandbach Town Centre. The impact on Sandbach Town Centre as a whole would be significantly adverse and would outweigh the small**

improvement in consumer choice that the application scheme would deliver. The proposed development would be contrary to policy EG5 of the CELPS, HC2 of the Sandbach Neighbourhood Plan and the NPPF.

2. This is an important gateway location and prominent site in Sandbach. The commercial buildings are standard generic designs that pay little regard to Sandbach as a place and consequently the development will not suitably integrate and add to the overall quality to the area in architectural terms. Furthermore the topography of the site is not conducive to a large floorplate/car park format and would result substantial engineered retaining structures. The proposed development fails to take the opportunities available for improving the character and quality of the area and is contrary to Policy SE1 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.
3. The commercial part of the development would be car dependent and Old Mill Road would act as a barrier between the application site and Sandbach Town Centre. Furthermore the development would not encourage linked trips and is not considered to be sustainable. The proposed development is contrary to Policies SD1, SD2, CO1 and CO2 of the CELPS, Policies GR9, GR10 and GR13 of the Congleton Local Plan and Policies H5 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.
4. The proposed development would affect PROW Nos 17, 18 and 19. The PROW would be diverted along estate roads or pavements (which is an extinguishment of the public right of way) or accommodated along narrow corridors at the rear of the retail development or residential properties affording no natural surveillance and the potential for anti-social behaviour. The proposed development would be contrary to Policy CO1 of the CELPS, Policy GR16 of the Congleton Local Plan, Policies PC5 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.
5. The application site is of a very challenging topography including an escarpment that runs along the central part of the site. The submitted information demonstrates that the development will require engineered retaining walls with minimal landscape mitigation along the western boundary, whilst there would also be minimal landscape mitigation along the eastern boundary with Condliffe Close and Palmer Road. On this basis the development would not achieve a sense of place and would be harmful to the character of the area. The proposed development is therefore contrary to Policies SD2, SE1 and SE4 of the CELPS, PC2 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.
6. The proposed development is located partly within the Sandbach Wildlife Corridor. The proposed development would result in a loss of a substantial area of habitat within the wildlife corridor. The proposed development would result in an overall loss of biodiversity from the designated wildlife corridor. As a result the proposed development would be contrary to Congleton Local Plan Policy NR4, CELPS Policy SE3, SNP Policies PC4 and JLE1 and the NPPF.
7. There is a small bat roost present within an existing building on the site and this proposed development would result in a low impact upon this species as a result of the loss of this roost. The proposed development fails the tests contained within the Habitats

Directive and as a result would also be contrary to Policies NR2 of the Congleton Local Plan, SE 3 of the Cheshire East Local Plan Strategy, PC4 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.

In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Development Management 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.

If the application is subject to an appeal approval is given to enter into a S106 Agreement with the following Heads of Terms;

S106	Amount	Triggers
Affordable Housing	30% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan to be submitted at the reserved matters stage. No more than 80% open market occupied prior to affordable provision in each phase.
Education	For a development of 85 dwellings; 15 x £11,919 x 0.91 = £162,694.00 (primary) 13 x £17,959 x 0.91 = £212,455.00 (secondary) 1 x £50,000 x 0.91 = £45,500.00 (SEN) Total education contribution: £420,649.00	SEN – Full amount prior to first occupation of the housing development Secondary – Full amount prior to first occupation of 30 dwellings Primary – Full amount prior to first occupation of 50 dwellings
Health	Contribution of £72,972	Full amount to be paid prior to the commencement of the housing/care home
Indoor recreation	Contribution of £29,531	Full amount to be paid prior to the commencement of the housing/care home
Outdoor recreation	Contribution of £1,000 for a family dwelling or £500 per 2 bed apartment	Full amount prior to first occupation of 50 dwellings

	space	
Public Open Space	<p>Private Management Company</p> <p>Provision of a NEAP and the open space (amount based on calculation within Policy SE 6) – to include 30m buffer from NEAP to the nearest housing.</p>	<p>On first occupation</p> <p>On occupation of 50% of the dwellings</p>
Highways Contribution for works between the The Hill junction and the site access roundabout	Contribution of £200,000	<p>50% prior to the commencement</p> <p>50% prior to the first occupation/use of any part of the development</p>

