

SANDBACH TOWN COUNCIL

Planning & Consultation Committee

The Meeting will be clerked by the Operational Support Officer. Please ensure that all apologies are made directly to the Clerk of the meeting no later than 6pm on the day of the meeting.

Agenda for the meeting to be held on Monday, 7th March 2022 at 7.00pm in Sandbach Town Hall.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

The Chairman of the meeting will adjourn the meeting to allow questions from members of the public. After the questions, the Chairman will reconvene the Planning Committee Meeting.

3. MINUTES OF THE PLANNING AND CONSULTATION COMMITTEE MEETING HELD ON 13 DECEMBER 2021 AND 24TH JANUARY 2022.

To approve the minutes of the meeting of 13th December 2021 and 24th January 2022 as a true record of the meetings.

4. PLANNING AND CONSULTATION COMMITTEE TERMS OF REFERENCE

[Attached: Committee Terms of Reference
Lead: Chair of Planning and Consultation Committee
Actions: *To approve that the Committee Terms of Reference be recommended to Council for approval.*

5. OBSERVATIONS ON PLANNING APPLICATIONS

Submitted WE 18.02.22 response to Cheshire East by 04.03.22

22/0490C Slieve Donard, 23, The Hill, Sandbach, CW11 1JJ

Alterations and Extension

22/0193C Hassall Road, Sandbach, CW11 4HN

Proposed two storey oak frame rear extension with slate roof, glazed walls to rear and side and bifold doors into garden.

22/0545C 18 Brookland Drive, Sandbach, CW11 2LX

Second-storey extension to detached bungalow and single-storey front extension to attached garage.

Submitted WE 25.02.22 response to Cheshire East by 23.03.22

22/0429C 31 Teddy Gray Avenue, Sandbach, CW11 3AR

Change of use for an area of unregistered land to residential garden.

22/0584C 27 Teddy Gray Avenue, Sandbach, CW11 3AR

Change of use of former scrub land to residential garden. Removal of dying trees, building developer waste and local fly tip area. Planting of hedging and trees.

22/0794C 5 Dingle Lane, Sandbach, CW11 1FY

Deconstruction of existing side conservatory. Render front and side elevations. Solar panels proposed on the south/west roof elevation. Proposed loft conversion and velux windows to be added to the roof, with internal remodel at ground floor. Window design to the side elevations to match the existing front elevation, front bay removed and large rear glazing unit to be added.

Submitted WE 04.03.22 response to Cheshire East by 25.03.22

At time of posting, further applications were not available.

A supplementary list will be issued on the day of the meeting and an updated agenda posted on to Sandbach Town Council's website.

6. CONSULTATIONS

6.1 Little Bollington Neighbourhood Forum Consultation

Information for the consultation is available from the consultation portal on the CEC website: https://cheshireeast-consult.objective.co.uk/portal/planning/np/little_bollington_neighbourhood_forum_consultation

Closing date for comments is 7pm 21st March 2022

7. CORRESPONDENCE

7.1 Cheshire East Council [Deferred from the last Committee Meeting – GM to provide update]

Email received 14th January regarding a Cheshire East Air Quality Update.

7.2 Cheshire East Council

Email received 25th January regarding Cheshire East Commuted Sums.

7.3 Sandbach Footpath Group

Email received 27th January regarding email from the Committee Clerk offering the help of the Committee in relation to FP14.

7.4 Cheshire East Council

Email received 7th February regarding a appeal against the refusal of 21/2605C.

7.5 Planning Inspectorate

Email received 8th February 2022 regarding FP14.

7.6 WSP

Letter received 8th February inviting Councillors to comment on development Proposals for Wrights Lane, Sandbach. – Consultation runs until 17th February.

7.7 Cheshire East Council

Email received 10th February regarding a appeal against the refusal of 21/4673C

7.8 Cheshire East Council

Email received 18th February regarding a appeal against the refusal of 21/4960C

7.9 Cheshire East Council

Email received 22nd February regarding Neighbourhood Planning Digital Drop in Session.

8. DATE/TIME AND PLACE OF NEXT MEETING

The next Planning Committee meeting will take place on Monday, 28 March 2022 at 7pm in Sandbach Town Hall.

Please note that this meeting will be recorded and the audio recording made available to the public within 5 working days of the meeting.

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SANDBACH TOWN COUNCIL

Notes of the Meeting of the Planning & Consultation Committee held at 7.00pm on Monday 13th December 2021 on Zoom.

PRESENT Councillors G Merry (Chair)
 R Hovey
 M Muldoon
 S Crane

1. APOLOGIES FOR ABSENCE

Cllr S Broad, Cllr G Price Jones

Absent without apologies: Cllr P Eaton and Cllr Jack.

2. DECLARATIONS OF INTEREST

Cllr Merry declared an interest in 21/5944C and 21/5945C due to being a School Governor. Cllr Merry declared that she would not take part in those items and subsequently the Committee becomes inquorate and would not consider the items.

As there were no members of the public in attendance, the Chair did not adjourn the meeting.

3. NOTES OF THE INFORMAL PLANNING AND CONSULTATION COMMITTEE MEETING HELD ON 22 NOVEMBER 2021.

Members noted the notes which have been approved at Full Council on 23rd November.

4. OBSERVATIONS ON PLANNING APPLICATIONS

Submitted WE 23.11.21 response to Cheshire East by 17.12.21

21/4853C Oak Farm, Church Lane, Sandbach, CW11 4ST

Removal of Condition 5 on 17/3928C – Demolition of existing buildings and the erection of 5 new houses with improved primary access, soft and hard landscaping, associated infrastructure and ancillary facilities.

Resolved: Members strongly **OBJECT** to this discharge of conditions. Members fail to understand and question why Planning enforcement allowed houses to be occupied before the path was put in, which is in contravention to the original Decision notice. At the time of public consultation for this development, members of the public made it clear that

this path was appropriate and needed, given the development and its location.

Members question if any of the footpath constructed is on highways land, and whether a 258 agreement was entered into if so.

Submitted WE 03.12.21 response to Cheshire East by 20.12.21

21/5763C 104 Congleton Road, Sandbach, CW11 1HQ

Listed Building consent to remove and replace UPVC conservatory, French doors and five windows.

Resolved: Members fully support the proposal.

21/5912C 59 Fields Drive, Sandbach, CW11 1YB

Re-cladding of existing house, new porch area and new build single storey rear extension.

Resolved: No objection. Members request that it is ensured that there is adequate off road parking for the property with the loss of garage space for parking.

21/5975C 141 Middlewich Road, Sandbach, CW11 1JD

Single storey rear extension and rear balcony

Resolved: No objection. Members question of the tall side panel on the Balcony would be better if opaque to preserve privacy of Neighbours.

21/6021C 106 Bradwall Road, Sandbach, CW11 1AW

First floor extension over existing single storey

Resolved: No objection to the ensuite bathroom. Members are concerned that it is not clear in the plans what the changes to the garage will be, which are evident in the floorplans, as there is no front elevation.

21/5944C Sandbach School, Crewe Road, Sandbach, CW11 3NS

Repairs to the existing roofs; rainwater goods to be replaced with cast iron examples, a small number of new downpipes in new locations; historic dormer windows to be repaired with like for like; historic lead vents/lanterns to be rebuilt to the historic design and exact location; removal of a 20th century fire escape and the making good of all masonry following this, converting a historic dormer back to its original design into a window; taking down and rebuilding of historic chimneys ensuring they are structurally safe whilst not changing the historic design, put back historic chimney pots to supplier's details and installation of roof insulation, in some instances this involves raising the roofline to ensure there is enough space for insulation and ventilation requirements.

The Committee was not quorate for this item and so it was not considered.

21/5945C Sandbach School, Crewe Road, Sandbach, CW11 3NS

Listed building consent for repairs to the existing roofs; rainwater goods to be replaced with cast iron examples, a small number of new downpipes in new locations; historic dormer windows to be repaired with like for like; historic lead vents/ lanterns to be rebuilt to the historic design and exact location; removal of a 20th century fire escape and the making good of all masonry following this, converting a historic dormer back to its original design into a window; taking down and rebuilding of historic chimneys ensuring they are structurally safe whilst not changing the historic design, put back historic chimney pots to supplier's details and installation of roof insulation, in some instances this involves raising the roofline to ensure there is enough space for insulation and ventilation requirements.

The Committee was not quorate for this item and so it was not considered.

Submitted WE 10.12.21 response to Cheshire East by 30.12.21

21/6158C Sunnyside, Moss Lane, Sandbach, CW11 3PL

Two storey rear and side extension to existing dwelling.

Resolved: Members **OBJECT** to this application. Serious concerns about the suitability of this design in open countryside are held as it does not fit in aesthetically with the current building, site it is situated on or surrounding buildings.

This is further compounded by the fact the application is for a prominent site in open countryside that is visible from a number of local vantage points.

21/6194C 17 Victoria Street, Sandbach, CW11 1HB

This proposal is to construct a fairly conventional 2 storey rear extension and ground floor side extension to form a porch.

Resolved: No objection.

5. CONSULTATIONS

5.1 Final Draft Housing Supplementary Planning Document (Final Draft Housing SPD)

Information for the consultation is available from <https://cheshireeast-consult.objective.co.uk/portal/planning/spd/> Closing date for comments is 22 December 2021.

The consultation was noted.

5.2 Cheshire East Council's balanced budget consultation

Information for the consultation is attached and available from www.cheshireeast.gov.uk/BudgetEngagement Closing date for comments is 4 January 2022.

The consultation was noted.

5.3 Draft Speed Management strategy Consultation

Information for the consultation is available from <https://surveys.cheshireeast.gov.uk/s/SpeedManagementStrategyConsultation/> Closing date for comments is 31 January 2022.

Resolved: That the consultation be deferred to the next meeting of the Committee for further consideration.

5.4 Draft Jodrell Bank Observatory Supplementary Planning Document (JBO SPD)

Information for the consultation is available from <https://cheshireeast-consult.objective.co.uk/portal/planning/spd/> Closing date for comments is 12 January 2022.

The consultation was noted.

5.5 Draft Jodrell Bank Observatory Supplementary Planning Document (JBO SPD)

Information for the consultation is available from <https://cheshireeast-consult.objective.co.uk/portal/planning/spd/> Closing date for comments is 12 January 2022.

This item is a duplication of 5.4 and so was not considered.

6. CORRESPONDENCE

6.1 Planning Inspectorate

Email received 30th November concerning an inquiry in Sandbach Town Hall on 24 May 2022 regarding the stopping up of Footpath 14 in the Parish of Sandbach and how comments can be made.

Resolved: That the Correspondence be deferred until the next meeting of the Committee for further consideration.

6.2 Cheshire East Council

Email received 6th December concerning CIL payments. This email is being brought to the Planning Committee as a reminder of CIL monies. The annual report will be actioned by officers and does not require consideration.

Resolved: That it be recommended at Budget setting that £5000 of CIL monies be put towards the Small Common Refurbishment Project with £862.86 being retained.

7. SANDBACH NEIGHBOURHOOD PLAN RESPONSE TO QUESTIONS RAISED BY EXTERNAL EXAMINER

Resolved: That the response be submitted by the Meeting Clerk.

8. DATE/TIME AND PLACE OF NEXT MEETING

The next Planning Committee meeting will take place on Wednesday, 12 January 2022 at 7pm in Sandbach Town Hall.

Meeting closed 8.33pm

Cllr G Merry

MW

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SANDBACH TOWN COUNCIL

Minutes of the Meeting of the Planning & Consultation Committee held at 7.00pm on Monday 24th January 2022 in Sandbach Town Hall.

PRESENT	Councillors	G Merry (Chair) R Hovey M Muldoon S Broad G Price Jones
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1. APOLOGIES FOR ABSENCE

Cllr S Crane

Absent without apologies: Cllr P Eaton

2. DECLARATIONS OF INTEREST

Cllr Muldoon declared an interest in 21/6399 – 128 Congleton Road.

As there were no members of the public in attendance, the Chair did not adjourn the meeting.

3. MINUTES OF THE PLANNING AND CONSULTATION COMMITTEE MEETING HELD ON 13 DECEMBER 2021.

The minutes were not considered and were deferred until the next meeting of the Committee.

4. OBSERVATIONS ON PLANNING APPLICATIONS

Submitted WE 07.01.22 response to Cheshire East by 28.01.22

There are none.

Submitted WE 14.01.22 response to Cheshire East by 31.01.22

21/6478C 9 Ferndale Close, Sandbach, CW11 4HZ

Single storey extension

Resolved: No objection. Members ask that the Planning Officer considers whether the office window looking on tot eh neighbours should be obscure glazing.

21/6446C Police Station, Middlewich Road, Sandbach, CW11 1HU

Advertisement consent for ground mounted flag pole.

Resolved: No objection. Members ask that it is ensured that any ropes on the flagpole are correctly tied down, so not as to whip against the flagpole and cause disturbance for the McCarthy and Stone flat occupants who live opposite.

22/0041C The Firs, 8 Hind Heath Lane, Sandbach, CW11 3LH

Conversion of existing garage and erection of new detached garage with associated alterations.

Resolved: No objection.

21/6399C 128 Congleton Road, Sandbach, CW11 1DN

Proposed replacement dwelling and associated outbuildings and annex.

Resolved: No objection. Members request that the Planning Officer considers the legitimate concerns raised by the resident of 7 Claymore Road. It is not known what the height of the pool building will be and there is also the potential for noise pollution from the pumphouse.

22/0061C 112-114 Brantwood Residential Care Home, Congleton Road, Sandbach, CW11 1HQ

Proposed conversion of Residential Care Home to 4no. individual dwellings, including a two storey extension to existing building.

Resolved: Members support his application which sees the reuse of a disused property.

22/0120C 6 Goldsmith Drive, Sandbach, CW11 3GR

Proposed two storey and single storey front extension.

Resolved: No objection.

Submitted WE 21.01.22 response to Cheshire East by 08.02.22

21/5834C 32 Booth Avenue, Sandbach, CW11 4JN

Proposed single storey side and rear extension.

Resolved: No objection. However, although there is no detail, the studio/office looks to be getting made into a habitable room, please can the Planning Officer ensure that this conforms to the appropriate building regulations.

22/0185C 45 Thornbrook Way, Sandbach, CW11 3ZB

Proposed rear extension to replace existing conservatory. Tradition brick construction with folding patio doors along the rear elevation and 2 skylights. Garage conversion to dining room with 1 single skylight on main elevation. Replacement of garage door with window.

Resolved: No objection.

22/0037C 26 Manor Road, Sandbach, CW11 2ND

Proposed single storey rear extension with internal alterations.

Resolved: No objection.

5. CONSULTATIONS

5.1 Draft Speed Management strategy Consultation [Deferred from the last Committee Meeting]

Information for the consultation is available from

<https://surveys.cheshireeast.gov.uk/s/SpeedManagementStrategyConsultation/> Closing date for comments is 31 January 2022.

Resolved: Members are in support of the following being submitted:

Based on the Strategy, Members remain unconvinced that 20mph on the main arterial roads in Sandbach is appropriate, especially were there is already a 20mph School Sign, unless there is an air quality issue on Middlewich Road.

5.2 Cheshire Police Budget Consultation 2022/23

Information for the consultation is attached and the survey can be found here: www.surveymonkey.co.uk/r/yourpolicebudget2022-23 Closing date for comments is midday 25th January 2022.

Resolved: Members do not support the 83p rise.

5.3 OFCOM Postal Regulation Consultation

Information for the consultation is attached. Closing date for comments is 17.00 on Thursday 17th February.

This item is deferred until the next meeting of the Committee with Cllr Merry to provide notes.

6. CORRESPONDENCE

6.1 Planning Inspectorate [Deferred from the last Committee Meeting]

Email received 30th November concerning an inquiry in Sandbach Town Hall on 24 May 2022 regarding the stopping up of Footpath 14 in the Parish of Sandbach and how comments can be made.

Resolved: That the Meeting Clerk contacts the Footpath group to ask if they are attending the hearing and if they require any support from the Planning Committee.

6.2 Cheshire East Council

Email received 23rd December regarding the withdrawal of the Crewe Hub Area Action Plan.

Members noted the correspondence.

6.3 Cheshire East Council

Email received 14th January regarding a Cheshire East Air Quality Update.
This item is deferred until the next meeting of the Committee with Cllr Merry to provide notes.

7. DATE/TIME AND PLACE OF NEXT MEETING

The next Planning Committee meeting will take place on Monday, 14 February 2022 at 7pm in Sandbach Town Hall.

Meeting closed 8.25pm

Cllr G Merry

MW

SANDBACH TOWN COUNCIL

PLANNING & CONSULTATION COMMITTEE: TERMS OF REFERENCE

Approved by Council: **18th January 2022.**

Latest Review Date: **May 2023**

This document supersedes the Terms of Reference/Delegation dated 7th December 2017.

9 Members of the Authority

Quorum = 4

Considers and provides a formal observation on every planning application in Sandbach, and other aspects of planning control. It also comments on consultations with a limited response time including highway issues, licensing, gaming, tree preservations, signage and environmental matters. It formally responds to consultations from Cheshire East Council and other statutory bodies but it has no executive power beyond this role.

Meetings: Approximately every 3 weeks.

All non-committee members may attend meetings of the Committee except for confidential items and speak on ward issues at the Chairman's discretion, but are unable to vote.

Function of the Council Column 1	Delegation of Function Column 2
<p>Strategic Planning</p>	
1. Making observations on Local Plan, or Waste and Mineral Plans	<ul style="list-style-type: none"> • Council on the advice of Committee for Local Plan. • Committee for Waste & Mineral Plans.
2. Making observations on supplementary planning documents or non-statutory plans.	<ul style="list-style-type: none"> • Committee
3. To oversee the Council's role in preparing, reviewing and monitoring the Neighbourhood Plan.	<ul style="list-style-type: none"> • Committee • Approval of Plan reserved to Council.
4. Planning Guidance and Policy by the Town Council	<ul style="list-style-type: none"> • Committee to oversee and recommend Approval reserved to Council
<p>Planning and Development Control</p>	
5. To make observations on all Cheshire East Borough Council Planning applications; Listed Building applications; Conservation Area consents; Certificates of Existing or Proposed Lawful Use or Development; Display of Advertisement Regulations; and development involving telecommunications, including prior notification determinations	<ul style="list-style-type: none"> • Committee • Town Clerk after consultation with Members, if there is not time for reference to Committee, subject to reporting the matter to the next meeting. • Committee may decide that with a major or particularly controversial application, to make recommendations for determination by Council.
6. Referring any Planning enforcement issue to the principal Council	<ul style="list-style-type: none"> • Town Clerk
7. To make observations on all planning aspects and licensing aspects of waste applications or mineral applications.	<ul style="list-style-type: none"> • Committee • Town Clerk after consultation with Members, if there is not time for reference to Committee, subject to reporting the matter to the next meeting.
8. To comment on Tree Preservation applications or the making of Orders.	<ul style="list-style-type: none"> • Committee • Town Clerk after consultation with Members, if there is not time for reference to Committee, subject to reporting the matter to the next meeting.

<p>9.</p> <p>10.</p> <p>11.</p> <p>12.</p> <p>13.</p> <p>14.</p> <p>15.</p> <p>16.</p> <p>17.</p> <p>18.</p> <p>19.</p> <p>20.</p>	<p>To respond to consultations from adjoining authorities outside of Cheshire East Borough.</p> <p>To make observations on Planning policy consultation documents from Cheshire East Council or other bodies.</p> <p>To make observations at the time of planning appeals and to authorise witnesses (officers, councillors or consultants) on behalf of the Council.</p> <p>To make observations on Hazardous Substance applications.</p> <p>To make observations on applications for amendments to planning and other related consents previously granted by any authority.</p> <p>To make observations on applications for the discharge of conditions in respect of planning permissions and other related consents issued by Cheshire East Council.</p> <p>Making observations on applications and other actions in relation to hedge rows.</p> <p>Making observations and recommendations on Street naming or numbering.</p> <p>To liaise with the district council on any matter relating to building control.</p> <p>To monitor proposals from developers under Section 106 Agreements or Community Infrastructure Levy.</p> <p>To request a Cheshire East councillor to "call in" applications to be determined their Planning Committee.</p> <p>To undertake the Council's role in the making, review or management of conservation areas</p>	<ul style="list-style-type: none"> • Committee • Town Clerk after consultation with Members, if there is not time for reference to Committee, subject to reporting the matter to the next meeting. • Committee, except Local Plan which is reserved for Council. • Committee • Committee • Committee • Committee • Committee • Town Clerk after consultation with Members, if there is not time for reference to Committee, subject to reporting the matter to the next meeting. • Committee • Town Clerk • Committee • Committee • Committee
<p>Licensing</p> <p>21.</p> <p>22.</p>	<p>Making observations on any matter relating to gaming or gambling</p> <p>Making observations on applications and other matters under the Licensing legislation.</p>	<ul style="list-style-type: none"> • Committee • Committee • Town Clerk after consultation with Members, if there is not time for reference to Committee, subject to reporting the matter to the next meeting.

<p>23.</p> <p>24.</p> <p>25.</p> <p>26.</p>	<p>Strategic Highways & Transportation</p> <p>To take policy lead on the Local Transport Plan and general transportation issues.</p> <p>To respond to consultation on any temporary or permanent highways changes.</p> <p>Power to complain to Highway authority as to unlawful stopping up or obstruction of highway or unlawful encroachment on roadside land.</p> <p>Consent for ending maintenance at public expense or stopping up or diversion of highway</p>	<ul style="list-style-type: none"> • Committee for Management overview & to advise Council. • Town Clerk for operational management • Committee • Town Clerk after consultation with Members, if there is not time for reference to Committee, subject to reporting the matter to the next meeting. • Committee • Town Clerk after consultation with Members, if consensus view • Committee • Town Clerk after consultation with Members, if there is not time for reference to Committee, subject to reporting the matter to the next meeting.
<p>27.</p>	<p>Other Incoming Consultation Documents outside the scope of this committee.</p> <p>To undertake an initial review of all incoming consultation documents and to determine:</p> <ol style="list-style-type: none"> 1. If Council should make a response. 2. To form the response if appropriate. 3. To defer to Council or another standing committee, where it is not appropriate for Planning and Consultation Committee to make the response. <p>A report of all incoming consultations and the outcome is to be made to Council by the Committee at the earliest opportunity.</p> <p>To make a response where the consultation deadline does not allow time to refer it to Council or another standing committee.</p>	<ul style="list-style-type: none"> • Committee • Committee

NB. Any actions delegated to the Town Clerk/Proper Officer may in his/her absence be undertaken by the nominated deputy or deputies, if the matter cannot wait until the Town Clerk's return.

Definition of "Management Overview": To recommend policy and new initiatives to Council, decide on service expansions and contractions or options within budget and policy and to ensure service objectives and relevant policies are adhered to.

Definition of "Operational Management" That part of the service which is considered necessary in the delivery of an initiative or service which is within Policy and Budget

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Good Afternoon

The purpose of my email is to update the Town Council in relation to air quality.

Last month we published our [Annual Status Report](#) for 2021, which sets out results of monitoring, discusses trends in air quality data and outlines strategies employed by Cheshire East to improve air quality, including any progress with regards to actions contained in the Council's Air Quality Action Plan. I would just point out that the 2021 Annual Status Report covers the 2020 calendar year. It is an annual requirement to report both our monitoring results and our air quality work to Defra using their prescribed template.

Furthermore following on from the public and statutory consultation last year, we have also published our [Air Quality Action Plan 2020-2025](#), which has been accepted and approved by Defra. Within the Action Plan, you will find details of both the general and specific Air Quality Management Area measures put forward and a timescale for delivery. The measures within the Plan are specifically aimed at NO₂ reduction, as this is the dominant source of pollution within Cheshire East. However, the measures will significantly and positively help in the reduction of particulate matter. Measures particularly focus on vehicular emissions from road transport as this is the dominant source of air pollution within the Borough.

A new updated plan was required, due to the declaration of two new AQMAs in 2019 and the revocation of seven existing AQMAs early in 2021. The Action Plan will be reviewed every five years as a minimum, with progress on identified measures reported annually within the Annual Status Report.

We have also been working on air quality awareness and you may have seen some of our visuals during campaigns on social media. Our updated [awareness page](#) is a good place to start when looking at ways we can all help improve air quality.

Finally if you have any questions or would like to speak to the team, then please do not hesitate to contact us.

Many thanks

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Subject: [OFFICIAL] RE: CHESHIRE EAST COMMUTED SUMS

Dear Miss Banks

Cheshire East Council currently holds several Financial contributions in lieu of affordable housing (Commuted sums) and also has a number of legal agreements (Section 106's) in place which will increase funding from developers in the future.

Following the approval of the new Policy for Allocation of the Financial Contributions (Commuted sums) in lieu of Affordable Housing funding (copy attached), at the Council's new Economy and Growth Committee in September 2021, we are writing to all Town and Parish Councils within the borough, to find out whether you are aware of any local projects or development sites that would meet the priorities within the policy and be suitable to receive Commuted sum funding.

We particularly want to bring forward affordable housing in high priority areas, that have not already been met through the affordable housing provision and will prioritise the housing needs of residents highlighted in the Council's Housing Strategy 2018-2023, including the development of:

- The right mix of affordable housing needed by the community.
- Additional temporary accommodation for people who have become homeless.
- Empty properties to bring them back into use.
- Specialist housing, e.g. for families with disabilities or for older people.
- Rural accommodation to enable people to continue to reside within their local communities.

To ensure the creation of mixed tenure affordable housing meets the needs of the whole community and ensures the appropriate use of the Commuted funds funding .

Please contact me if you have any suitable projects or sites that you think would be appropriate for Commuted sum funding to develop additional affordable housing in your local community.

Your assistance would be much appreciated, as it will help ensure that the Commuted sum contributions are allocated fairly, in-line with the council's priorities for affordable housing to help people in areas of affordable housing need.

Please note: This updated Policy clarifies the process of administering the Commuted sum funding for future affordable housing provision. It is not within the remit of the policy to determine how and when Commuted sums are accepted, as the decision to receive a financial contribution (Commuted sum) is determined through the planning process.

If you have any queries, please do let us know.

Regards.

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POLICY FOR ALLOCATION OF FINANCIAL CONTRIBUTIONS (COMMUTED SUMS) IN LIEU OF AFFORDABLE HOUSING FUNDING

INDEX

	Page number
1. Introduction and definition of Affordable Housing	1
2. Priorities for allocating funds	2-3
3. Application process and promotion of funds	3-4
4. Approval of and process for spending funds	4
5. Consultation, review, contacts and Equal Opportunities	5
6. Financial contributions process map	6

1. Introduction:

The Council, as the Planning Authority makes every effort to ensure that 30% affordable housing is delivered on-site in new housing developments, or off-site if this is not possible. However, in some limited circumstances where neither of these alternatives are possible, a financial contribution in lieu of on-site provision (commuted sums) can be accepted under Section 106 of the Town and Country Planning Act 1990. Such circumstances may include:

- The provision of the affordable housing elsewhere in the locality would provide a better mix of housing types.
- Management of the affordable dwellings on site would not be feasible, due to a lack of registered provider interest.
- It would be more appropriate to bring back existing vacant housing into use as affordable units which may also bring about regeneration benefits.
- There are specific and unusual constraints on the site that prevent the provision of the size and type of affordable housing required in the area.

The Council receives payments from developers, in lieu of the on/off-site provision having entered into legally binding agreements (S106 agreements) which contain obligations on the Council to use the financial contributions in accordance with the provisions of each particular legal agreement, to enhance development opportunities throughout the borough.

This policy relates specifically to the obligations as they relate to affordable housing provision in the S106 agreements, in order to facilitate the delivery of high quality affordable housing that meets the needs of the whole community and stimulates the housing market.

The Council is contractually bound by the terms of the S106 agreements and so can only apply the criteria set out in the policy, in so far as it does not conflict with the specific terms found in each S106 agreement, such as restrictions on the geographical area that a financial contribution can be spent.

1.1 Definition of Affordable Housing:

The National Planning Policy Framework 2021, Annex 2 (NPPF) defines affordable housing as, in summary:

‘housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following: affordable housing for rent, starter homes, discounted market sale housing and other affordable routes to home ownership’, e.g. shared ownership, shared equity and rent to buy.

First Homes are not addressed in the NPPF or referred to in the definition of affordable housing set out in Annex 2. National planning policy for First Homes is contained in a Written Ministerial Statement made on 24th May 2021. The Ministerial Statement states that a home meeting the criteria of a First Home will also be considered to meet the definition of

affordable housing. This is restated in the national planning guidance on First Homes published alongside the Ministerial Statement.

2. Priorities for allocating funds:

In some cases, the S106 agreements are prescriptive, e.g. limited by geographical area or ward and funds can only be distributed in accordance with the specific terms and timescales set out in each individual S106 agreement.

In other S106 agreements the terms are not so rigid, and the funds received (commuted sums) will be pooled and allocated for the delivery of affordable housing across the whole of the borough. This allows the Council discretion in deciding how to allocate the funds available, to ensure the creation of mixed tenure affordable housing that meet the needs of communities.

Where the Council does have discretion in deciding how financial contributions (commuted sums) are allocated for affordable housing, we will use them to:

- Purchase land and create new affordable housing schemes, where a need has been established.
- Provide funding to secure more affordable homes on specific developments in addition to those secured under the S106 agreements.
- Reduce funding gaps to help enhance developments, where a scheme will provide additional affordable housing.
- Invest in existing affordable housing stock within Crewe to raise the quality of accommodation (in accordance with Cheshire East Local Plan policy SC5 'affordable homes' – justification 12.51).

In addition, we will prioritise the housing needs of residents highlighted in the Council's Housing Strategy 2018-2023, including the development of:

- The right mix of affordable housing needed by the community.
- Additional temporary accommodation for people who have become homeless.
- Empty properties to bring them back into use.
- Specialist housing, e.g. for families with disabilities or for older people.
- Rural accommodation to enable people to continue to reside within their local communities.

In order to do this, we will apply the following priorities:

2.1 First Priority:

Consideration will be given to whether the terms of the legal agreement (S106) will allow the funds to be used to bring forward Council owned sites and property for redevelopment,

where appropriate, through the new Housing Development Framework or another appropriate procurement route, to commission the development of mixed tenure affordable housing provision, to meet identified housing needs. This also includes the ability to use funds to purchase land for the development of affordable housing schemes, which will be developed via the Housing Development Framework or another appropriate procurement route. This will need to be achievable in the timescales (if applicable)) outlined in the S106 agreement, in the geographical areas intended under each agreement.

2.2 Second Priority:

All planning applications will be checked to establish whether it would be appropriate to provide funding to purchase more affordable homes, whether this is on developments providing 30% affordable housing or on sites where the level of affordable housing provided is below 30%, because of viability issues. In addition, consideration will also be given to smaller developments, perhaps even those falling below affordable housing thresholds, in key areas where a particular need has been identified, e.g. rural areas to help meet the needs of the local community.

2.3 Third Priority:

If no Council led developments are possible and there are no outstanding planning permissions which would be appropriate for use of the funds then we will liaise with Town and Parish Councils and Registered providers on an **annual basis**, using their local knowledge and community ties to develop specific housing sites that have been highlighted in Neighbourhood Plans or those that maybe coming onto the market in the near future, that we may not otherwise be aware of, to bring forward affordable housing in high priority areas, e.g. empty properties, specialist housing and other identified requirements, that have not already been met through the affordable housing provision in previous S106 agreements.

In addition, in certain circumstances, where the criteria of specific S106 agreements are not met by applying the other priorities and financial contributions remain unspent then advertisements will be placed in suitable media to attract applications which do meet the criteria.

In applying its' discretion and the above criteria the Council will do so in deference to the terms of each individual agreement at each stage of the process.

3. Application Process:

To assess the viability of requests for funding, all applicants will be invited to complete a Financial Contribution (commuted sum) Application form (Appendix 1). Applications will be received and considered in date order and a record of the submission and nature of the applications kept.

On receipt of a completed Application form and all relevant supporting documentation the **Strategic Housing team** will undertake a verification process which will include a credit check on the applicant, inspection of site ownership and planning status documents and project plan.

Once applications have passed these checks and are being actively considered for funding the proposal will be assessed by the **Head of Housing and Finance Management Officer** to determine whether the proposal is financially viable; that it meets not just the criteria set out

in the specific S106 agreement(s), but the key priorities and objectives for affordable housing in the borough, highlighted in section 2 (above) and the Housing Strategy 2018-2023.

If the application is successful, but no financial contribution funding is available for allocation then it will remain on the list of live funding applications and as financial contributions (commuted sums) become available for distribution then it will be considered against the terms of the particular S106 agreement and the Council's criteria (where discretion can be exercised).

In the event of there being more than one successful application for funding which meets the criteria specified in the S106 agreement, the following factors will be considered in order to decide which application should take priority:

- The project offers value for money and meets the identified needs of residents in 'high priority' areas, such as older people, the homeless and people with disabilities.
- It offers family homes to meet the needs of existing families and those moving into the area for work.
- The scheme can start on site within 3 months of being advised that the bid for funding has been successful.
- The applicant can demonstrate that the funding will be spent within the timescales set out in the S106 agreement.

Please note: Where the Council feels that an application doesn't sufficiently meet housing needs or provide value for money, it reserves the right to refuse the application.

The Council must, in order to fulfil its function as the Planning Authority and its obligations under the individual legal S106 agreements, monitor the use of the financial contributions (commuted sums) in lieu of affordable housing and obligations may be imposed on any recipient regarding provision of evidence, as to how the money is used, regardless of when the money is received.

The Council must also account for its use of the money to the developers who paid the financial contribution and remain in control of the use of and dissipation of the financial contributions.

In the event of a dispute the case will be referred to the **Director of Growth and Enterprise** whose decision shall be final.

5. **Approval for allocation of funds**

The original Cabinet decision in July 2014 delegated authority to Portfolio Holder and Director level. To bring this policy up to date following the adoption of the Committee system, an officer decision report will be sent to request approval for the funds to be allocated to the project, as follows:

- Under £1 million – **Chair Committee Member for Economy and Growth and the Director of Growth and Enterprise.**
- Over £1 million – **Chair Committee Member for Finance Sub-Committee.**

If funding is agreed, then an offer letter will be sent to the applicant stating the specific terms of the offer and timescale for use of the funding.

6. Process for spending Funds:

Following approval payment will only be made on production of evidence that the specific works have been carried out in line with the original proposal and offer letter, and an invoice from the Developer or Registered Provider is received.

7. Consultation:

The Planning, Legal and Financial departments have all been involved in the development of this policy.

7.1 Review:

This Policy will be reviewed annually by Cheshire East officers when agreed. An update report will be provided to the Economy and Growth Committee on an annual basis.

7.2 Contacts:

Housing Strategy Team
Cheshire East Council
Westfields
Sandbach
CW11 1HZ

Tel: 01270 685 912

Email: housingpolicycec@cheshireeast.gov.uk

7.3 Equal Opportunities:

An Equality Impact Assessment has been carried out in respect of this procedure to ensure we serve the whole borough, tackle inequality, and allocate affordable housing fairly and objectively.

Financial contribution Agreement

Planning decision results in a financial contribution (commuted sum) in lieu of on-site affordable housing



Priority 1: Council-owned or Council-led developments in the borough through the Housing Development Framework or another appropriate procurement route.

Priority 2: Relevant planning applications checked to determine suitable sites to bring forward for affordable homes.

Priority 3: Liaison with Town and Parish Councils and Registered providers to bring forward affordable housing in high priority areas.

****The only exception to this process is where a financial contribution is prescriptive in where and how it must be spent.**

Distribution of funds

Application form (Appendix 1) and all other supporting documentation received.

Application approved and added to list of live funding applications (in date order of receipt).



If/when financial contribution is available, suitable applications provisionally allocated the funding.

Offer letter sent to applicant stating specific terms and timescales for use of the funds.



Funds paid following provision of evidence (invoice) of completion.

Approval Process

Verification process carried out by Strategic Housing Team, including:

- Credit check on applicant
- Inspection of site ownership
- Proof of planning application status
- Review of Project plan and timescale for development



Key priorities and financial viability assessed by Head of Housing and Financial Management Officer.

Approval sought for funds to be spent:

< £1 million: Chair Committee Member for Economy and Growth and the Director of Growth and Enterprise

> £1 million: Chair Committee Member for Finance Sub-Committee



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Hi Mike

Thanks for asking re FP14 public inquiry.

Yes, we are attending and will be making representations.

I have summarised the timeline below. As you can see, we (SFG) have to produce our statement of case by 21Mar2022 and proof of evidence by 26Apr2022.

I think any help the planning committee can offer would be much appreciated.

We are having a preparatory meeting Wed 2Feb at Military Arms at 7pm.

Thanks,

Schedule of dates leading up to the inquiry:

1. 13Dec2021 is the nominal start date when the numbers of objectors and witnesses attending is known to the Inspectorate.
2. 7Feb2022 CEC (the Order Making Authority) must have sent in their Statement of Case* to the Inspectorate. They have already done something towards this, but it is not known if anything will be added at this stage.
3. 21Mar2022 all other parties that have objected and anyone who intends to give evidence must send in their Statement of Case* to the Inspectorate (this includes the applicant, Persimmon). These documents will be circulated to all.
4. 26April2022 all parties must ensure their Proof of Evidence** is received by the Inspectorate. All these documents will be circulated to all parties.
5. 24May2022 the hearing starts 10am at the Town Hall.

Definitions:

***Statement of case** – *a written statement containing full particulars of the case which a person proposes to put forward at a hearing or inquiry; it includes copies of any supporting documents which that person intends to refer to or put in evidence, and a list of those documents.*

We (PINS) expect statements of case to be paginated, labelled, indexed and submitted in a clear order. Appendix E of our guidance booklet refers. <https://www.gov.uk/government/publications/rights-of-way-guidance-booklet>

****Proof of evidence** - *a document containing the written evidence which a person at a public inquiry will speak about. It should not rehearse all of the available evidence but should focus on the matters in dispute. It should not contain supporting documents.*

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Ref No: 21/2605C

Miss A L Banks,
Clerk to Sandbach Town Council
SANDBACH LITERARY INSTITUTE
HIGHTOWN
SANDBACH
CW11 1AE

Development Management
PO Box 606
Municipal Buildings
Earle Street
Crewe
CW1 9HP

Please ask for: **Chris Grimes**
E-Mail:
chris.grimes@cheshireeast.gov.uk

Dear Sir/Madam

Date: **07-Feb-2022**

Application No: **21/2605C**
Proposal: **New garage**
Location: **181, CREWE ROAD, SANDBACH, CHESHIRE, CW11 4PZ**
Appeal Start Date: **07-Feb-2022**
Appeal Ref: **APP/R0660/D/22/3290027**

I am writing to advise you that an appeal to the Planning Inspectorate has been lodged against the refusal of the above planning application or our failure to discharge one or more of the conditions.

This appeal will be determined on the basis of written representations. We will make copies of all representations made to us in relation to the application, before it was determined available to the Planning Inspectorate and the appellant. The Inspector appointed by the Secretary of State will consider these representations when determining the appeal. You have a right to withdraw any representations you made so that they are not taken into consideration by the Inspector. If you wish to do so you should make this request in writing directly to the Planning Inspectorate within 4 weeks of the appeal's starting date.

The Planning Inspectorate will publish appeal documentation, including copies of representations received, on the Planning Portal website. All information provided in your representation, including your address, will be published. If you object to publication in this way, please contact the Planning Inspectorate directly.

The Planning Inspectorate aims to deal with appeals which follow the procedure described above within 8 weeks of the appeal starting date. The Planning Inspectorate will publish copies of appeal decisions on the Planning Inspectorate website at <https://acp.planninginspectorate.gov.uk>

Yours faithfully

Chris Grimes

**Planning Assistant
Development Management**

Subject: ROW/3268692

Dear Sir/Madam,

Town and Country Planning Act 1990 - Section 257

Order Making Authority: Cheshire East Council

Title of Order: The Cheshire East Borough Council (Footpath No. 14 Parish of Sandbach) Public Path Stopping Up Order 2019

The Council has not submitted its statement of case within 8 weeks of the start date. However, for your information, I enclose a copy of the Council's statement of reasons and comments on the objections/representations which were submitted to us with the Order.

Kind Regards

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TOWN AND COUNTRY PLANNING ACT 1990 s257

THE CHESHIRE EAST BOROUGH COUNCIL **(FOOTPATH NO. 14 (PART) PARISH OF SANDBACH)** **PUBLIC PATH 'STOPPING UP' ORDER 2019**

STATEMENT OF CASE FOR THE COUNCIL

Introduction and Background

1. On 25th January 2019, an application was made to Cheshire East Borough Council under the Town and Country Planning Act 1990 section 257 to stop up Public Footpath No.14 (part) in the Parish of Sandbach. The application was made by Persimmon Homes (North West) Ltd., 30 – 34 Crofts Bank Road, Urmston, Manchester, M41 0UH.
2. The application was investigated via a pre-order consultation. A number of objections were received in response, relating to the way the footpath was considered and dealt with during the planning process, the loss of the footpath due to development, the legality of stopping up the footpath to leave two cul de sac footpaths and compliance with DEFRA guidelines for planning and public rights of way. A copy of the consultation letter with plan, are in Section 10 of the submission file together with consultee representations.
3. A report was subsequently put by officers before Cheshire East Borough Council's Public Rights of Way Committee on 11th March 2019 (see appendices 1 and 2). The Committee unanimously approved the making of an Order to stop up part of Public Footpath No.14 in the Parish of Sandbach on the grounds it was necessary

to do so in order to enable a residential development to be constructed in accordance with consents granted for outline planning application, 12/4874C, and reserved matters application, 13/5239 (see appendix 3). Copies of the decision notices for these applications are in section 21. A plan indicating how the path will be affected by the development is in section 22.

4. On the 11th April 2019, the “Cheshire East Borough Council (Footpath No.14 (part) Parish of Sandbach) Public Path Stopping Up Order 2019” was made. A copy of the Order is in section 2 of the submission file.
5. In accordance with schedule 14 of the Act, the notice of the making of the Order was published in the press, posted on site and served on the requisite organisations on the 25th April 2019. A copy of the notice and newspaper cutting are at section 7 of the submission file.
6. The advertising of the Order attracted fifty-five objections. These are included in the at section 5 of the submission file. Officers responded to the objectors, addressed the points raised and did seek the withdrawal of the objections. Two objections were withdrawn, fifty-three objections were sustained. The objections fall within six areas of concern:
 - Timing of the submission of the stopping up application.
 - Loss/value of Sandbach Footpath No. 14 as an asset to the local community.
 - The foundations of a house built on the alignment of Sandbach FP14.
 - Incorrect use of the legislative procedure, TCPA 90 s257.
 - Compliance with the guidance of the Rights of Way Circular (1/09), section 7.8.
 - Considerations made during the planning process.
7. As the application to stop up part of Sandbach Footpath No 14 progressed, a formal complaint was submitted to the Council that was subsequently escalated to the Local Government Ombudsman (LGO). The complaint centered on the decisions made about the footpath during the planning process, and the decision to continue processing the stopping up Order before the LGO concluded their investigations. The Council was found not to be at fault. The LGO report is available at:

<https://www.lgo.org.uk/decisions/planning/planning-applications/18-019-723>

8. The Order has been referred to the Secretary of State (Planning Inspectorate) for determination and the Order Making Authority is seeking its confirmation.

Legal Test

9. The Authority is satisfied that the stopping up Order complies with the following legal test laid down in Section 257 of the Town and Country Planning Act 1990, as amended by Section 12 of the Growth and Infrastructure Act 2013:

“Subject to section 259, a competent authority may by order authorise the stopping up or diversion of any footpath, bridleway or restricted byway if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III”

Cheshire East Council’s Case

10. The section of Public Footpath No. 14, Parish of Sandbach, to be stopped up is shown on the Order plan (Plan No. TCPA/055A) by a solid bold black line between points A – B and runs in a generally north easterly direction for a distance of approximately 63 metres. This path section has a surface of grass.
11. It is Cheshire East Council’s case that the stopping up of part of Public Footpath No. 14 in the Parish of Sandbach, is necessary to enable the development to go ahead as the current route will otherwise be obstructed by a house and will also run across residential gardens and parking spaces.

Comments on the Objection

12. The surveying authority’s comments on the objections have been set out in section 6 of the PINs submission file.

Submission

13. Cheshire East Borough Council as the Order Making Authority requests that the

7.5

Order be confirmed with modification to include the word 'part' in the Order title such that it will read as follows in the title, and as the title is quoted in section 4:

'Cheshire East Borough Council (Footpath No.14 (part) Parish of Sandbach)
Public Path Stopping Up Order 2019'.

List of Documents

Appendix 1 - Committee Report



Working for a brighter future together

Public Rights of Way Committee

Date of Meeting: 11 March 2019

Report Title: Town and Country Planning Act 1990 s 257 Application for the Extinguishment of Public Footpath No. 14 (part), Parish of Sandbach

Senior Officer: Frank Jordan, Executive Director Place

1. Report Summary

- 1.1. The report outlines the investigation to extinguish part of Public Footpath No. 14 in the Parish of Sandbach. This includes a discussion of consultations carried out in respect of the proposal and the legal tests to be considered for an extinguishment order to be made. The proposal has been put forward by the Public Rights of Way team as an application has been submitted by Persimmon Homes (North West) Ltd., 30 – 34 Crofts Bank Road, Urmston, Manchester. The application has been made following the granting of outline planning consent and subsequent consent for reserved matters relating to the first phase of a residential development:

Outline Planning Application: 12/4874C

Land off Hawthorne Drive, Sandbach, Cheshire, CW11 4JH

'Outline application for residential development, comprising 50 homes, including 15 affordable homes to include an area of public open space and a children's play area.'

Permission granted: 20th November 2013

Reserved Matters Application (first development phase): 13/5239C

Reserved Matters following Outline Approval (12/4874C) for residential development, comprising 50 homes, including 15 affordable homes to include an area of public open space and a children's play area (accompanied by an Environmental Statement).

Permission granted: 10th July 2015.

For information, the second phase of this development is detailed within the following planning application:

Reserved Matters Application (second development phase): 13/5242C

Residential development comprising 138 dwellings, access and associated works (accompanied by an Environmental Statement).

Permission granted: 13th October 2017

The report makes a recommendation based on that information, for quasi-judicial decision by Members as to whether or not an Order should be made to extinguish the section of footpath concerned.

- 1.2. The proposal contributes to the Corporate Plan Outcomes 4 “Cheshire East is a green and sustainable place” and 5 “People live well and for longer”, and the policies and objectives of the Council’s statutory Rights of Way Improvement Plan.

2. Recommendation/s

- 2.1. That an Order be made under Section 257 of the Town and Country Planning Act 1990 to extinguish part of Public Footpath No. 14 Sandbach, between points A and B, as illustrated on Plan No. TCPA/055 on the grounds that the Borough Council is satisfied that it is necessary to do so to allow development to take place.
- 2.2. Public Notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.
- 2.3. In the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

3. Reasons for Recommendation/s

- 3.1. In accordance with Section 257 of the Town and Country Planning Act 1990, as amended by Section 12 of the Growth and Infrastructure Act 2013:

“Subject to section 259, a competent authority may by order authorise the stopping up or diversion of any footpath, bridleway or restricted byway if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part 3 “
- 3.2. It is considered that it is necessary to extinguish part of Public Footpath No. 14 in the Parish of Sandbach between points A and B as illustrated on Plan No. TCPA/055 to allow for the residential development as detailed within planning references: 12/4874C and 13/5239C. It is considered that the legal test for making and confirming of an Extinguishment Order under section 257 of the Town and Country Planning Act 1990 are satisfied.
- 3.3. Where objections to the making of an Order are made and not withdrawn, the

Order will fall to be confirmed by the Secretary of State.

- 3.4 Where there are no outstanding objections, it is for the Council to confirm the Order.
- 3.5 The proposal contributes to the Corporate Plan Outcomes 4 “Cheshire East is a green and sustainable place” and 5 “People live well and for longer”, and the policies and objectives of the Council’s statutory Rights of Way Improvement Plan.

4. Other Options Considered

- 4.1. Not applicable – this is a non-executive matter.

5. Background

- 5.1. An application has been received from Persimmon Homes (North West) Ltd, requesting the Council make an order under section 257 of the Town and Country Planning Act 1990 to extinguish part of Public Footpath no.14 in the Parish of Sandbach as shown between points A and B on Plan No. TCPA/055.
- 5.2. The section of Public Footpath No.14 Sandbach that will be affected by the proposed residential development is shown by a solid black line on Plan No. TCPA/055 running between points A and B. The section commences at O.S. grid reference SJ 7668 6080 (point A on plan No. TCPA/055) and runs in a generally north easterly direction for a distance of approximately 63 metres to O.S. grid reference SJ 7672 6085 (point B on plan No. TCPA/055). The line of the footpath, which ran through pasture fields, will be obstructed by a house and run across gardens and parking spaces.
- 5.3. The Planning permissions for the residential development have been granted. The application for outline permission is cited as Planning Application Ref: 12/4874C, granted on 20th November 2013, and the application for permission of reserved matter relating to this outline application is cited as Planning Application Ref: 13/5239C, granted on 10th July 2015. Permission for both applications has been granted to Persimmon Homes (North West) Ltd, to construct a residential development, comprising of 50 homes and including 15 affordable homes to include an area of public open space and a children’s play area. This forms the first phase of the development. It is considered necessary to extinguish part of Public Footpath No. 14 Sandbach to allow for the residential development that would otherwise obstruct the footpath, to go ahead as detailed within these planning applications.
- 5.4. For information, permission for a second phase has also been granted for development of a further 138 dwellings (Planning Application Ref: 15/5242C) but this will not affect the current alignment of Public Footpath No. 14 Sandbach.

- 5.5. If an Order is made extinguishing the section of footpath affected by the proposed development (between points A and B on Plan No. TCPA/055), it is recognised that this will result in two cul-de-sac paths running between Hawthorn Drive and point A, and between point B to Mill Lane, such that the full length will no longer be legally available for public use. However, the two paths will be legally connected again in due course by a section of the new estate road, Larch Drive, once it is formally adopted by the Council.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. Once an Order is made it may be the subject of objections. If objections are not withdrawn, this removes the power of the local highway authority to confirm the order itself, and may lead to a hearing/inquiry. It follows that the Committee decision may be confirmed or not confirmed. This process may involve additional legal support and resources.

6.2. Finance Implications

- 6.2.1. If objections to the Order lead to a subsequent hearing/inquiry, this legal process would have financial implications for the Council.

6.3. Equality Implications

- 6.3.1. There are no direct policy implications.

6.4. Human Resources Implications

- 6.4.1. There are no direct implications for human resources.

6.5. Risk Management Implications

- 6.5.1. There are no direct implications for risk management.

6.6. Rural Communities Implications

- 6.6.1. There are no direct implications for rural communities.

6.7. Implications for Children & Young People

- 6.7.1. There are no direct implications for children and young people.

6.8. Public Health Implications

- 6.8.1. There are no direct implications for public health.

7. Ward Members Affected

Sandbach Heath and East: Councillor Sam Corcoran was consulted and opposes the application to extinguish the footpath

His objection is on the basis that this course of action is a denigration of the existing provisions and benefits provided by this footpath.

He was under the impression that when the Persimmon development was proposed, he thought that the footpath route would have to be resolved before any plans were approved. However, work has already started on the site and to date; he received several complaints from residents about restricted access on Public Footpath No14 Sandbach.

He is of the opinion that this proposal seems as if it is being treated as a fait accompli by Persimmon.

He stated that if we are to tackle climate change and have truly sustainable development then we need to have cycling and walking at the heart of development – not as an afterthought.

There is a planning condition that the developer offers an alternative route to bypass the closed path. It appears that this condition is being waived without any benefit to the community.

The developers must show some benefit to the community if the planning condition is to be waived and the footpath extinguished.

It is acknowledged that the development would result in a loss to the community of a valuable rural footpath but within the scope of the TCPA legislation for a footpath extinguishment, this aspect cannot be considered. However, eventually, a legal right of way would exist for the public between Hawthorn Drive and Mill Lane on a footway alongside a new estate road.

The impact on the footpath by the development and any mitigation action taken to include the footpath within the development cannot be considered against the current proposal to extinguish a section of this footpath to enable the development to go ahead. Such matters were for consideration at the time the planning application was being determined. The Public Rights of Way team submitted holding objections as consultees of the planning department until a proposal was made to deal with the affected section of Public Footpath No.14 Sandbach.

The requirements of the planning permission cannot be considered within the scope of the extinguishment procedure as both the planning and extinguishment procedures are legally separate and one cannot influence the other.

The Developer has applied to the Council under Section 257 of the Town and Country Planning Act 1990 for the footpath to be extinguished between points A and B.

The test within Section 257 of the Town and Country Planning Act 1990 is whether the Council is satisfied that it is necessary to authorise the stopping up or diversion of any footpath, bridleway or restricted byway to enable development to be carried out in accordance with planning permission granted.

8. Consultation & Engagement

8.1. The consultation period ends on Friday 8th March 2019 and any comments received once this report has been written, will be presented verbally at the Committee meeting. At the time of writing, the following comments had been received.

8.2. Sandbach Town Council has been consulted and registered objection stating:

'Members object to sections of footpath in Sandbach being swallowed up by the development and would prefer to see the footpath diverted. Members would agree to a diversion of the footpath'.

The decision to create a route for the section of Sandbach Footpath 14 affected by this development was a matter for resolution during the planning process. As such, the Public Rights of Way team were consulted during that process but, given the outline plan presented at that time, submitted holding objections until the developer sought to extinguish the footpath section since there was no option to divert it within the development, to a new alignment. This situation did not change and as a result, the planning consent now demands that the developer seeks to extinguish the footpath section as detailed within this report. It is recognised that much of the alignment of this footpath will be lost as it will be absorbed within the higher rights of the new estate road, Larch Drive, once the road is adopted as a legal Highway. As a result, despite the fact that the route from Hawthorn Drive to Mill Lane will change from a rural route to an urban footpath, eventually, a legal right of way between the two highways will be provided for the public.

8.3 The user groups have been consulted. Other than the the Open Spaces Society (OSS), no objections have been received. The OSS have registered objection on the basis that:

a) *the developer failed to use the provisions within the Town and Country Planning Act to address issues relating to Public Footpath No.14 Sandbach that were raised in two separate objections placed by the Public Rights of Way team when this team were consulted on the initial planning application.*

It was explained that the two objections from the Public Rights of Way team were holding objections placed against the development until a proposal was made to resolve the issues relating to the footpath that would enable the development to go ahead. The extinguishment that is proposed, resolves the issues by removing the section of footpath that would otherwise be unlawfully obstructed by the development.

- b) *creating two cul de sac paths must be illegal given that the route will only become legal again once the estate road is adopted.*

It is not illegal to extinguish a section of footpath to leave two cul de sac paths when the reason for doing so is that it is necessary for the development to go ahead. This is not an illegal situation.

- c) *by superimposing the estate road onto the public footpath from point B to the boundary of the development site, fails to comply with the DEFRA guidelines.*

The DEFRA guidelines relating to placing footpaths on roads, states the following:

7.8 In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose where possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.

Whilst the Council endeavours to comply with the best practice as set out within these guidelines they are not relevant in this instance since the footpath section between point B to the boundary of the development site is not being diverted onto a road.

- 8.4 The statutory undertakers have been consulted and have raised no objections to the proposed extinguishment. If an extinguishment order is made, existing rights of access for the statutory undertakers to their apparatus and equipment are protected.
- 8.5 The Council's Nature Conservation Officer has been consulted, no comments have been received.

9. Access to Information

- 9.1. The background papers of file No. 262E/574 relating to this report can be inspected by contacting the report writer.

10. Contact Information

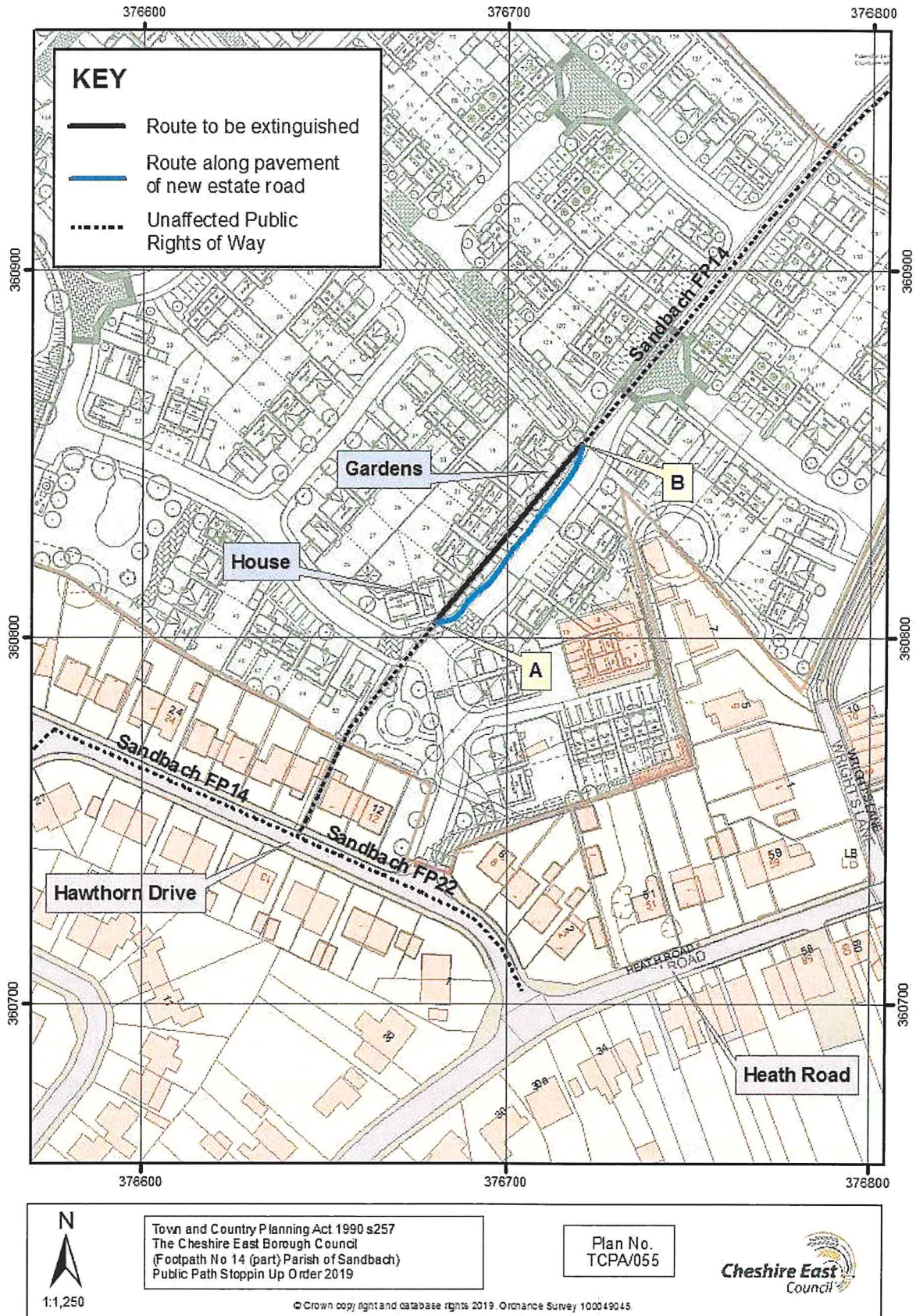
- 10.1. Any questions relating to this report should be directed to the following officer:

Name: Marianne Nixon

Job Title: Public Path Orders Officer

Email: marianne.nixon@cheshireeast.gov.uk

Appendix 2 - Committee Plan



Appendix 2 – Minute from the Committee Meeting

Agenda item

Town and Country Planning Act 1990 s 257: Application for the Extinguishment of Public Footpath No. 14 (part), Parish of Sandbach

- Meeting of Public Rights of Way Committee, Monday, 11th March, 2019 2.00 pm (Item 48.)

To consider the application to extinguish part of Public Footpath No.14 in the parish of Sandbach.

Minutes:

The Committee considered a report which detailed an application from Persimmon Homes (North West) Ltd, requesting the Council to make an Order under section 257 of the Town and Country Planning Act 1990 to extinguish part of Public Footpath No.14 in the parish of Sandbach.

In accordance with Section 257 of the Town and Country Planning Act 1990, as amended by Section 12 of the Growth and Infrastructure Act 2013, a competent authority may by order authorise the stopping up or diversion of any footpath, bridleway or restricted byway if they were satisfied that it was necessary to do so in order to enable development to be carried out in accordance with planning permission granted.

Trevor Boxer, Chairman of Sandbach Footpath Group spoke in objection to the extinguishment application and said that Public Footpath No.14 Sandbach was an important footpath as it was a link to the wider footpath network and open countryside and stated that the line of the footpath should have been incorporated into the development landscape rather than being extinguished. As planning permission had been granted several years ago and work started on the site, the application appeared to be retrospective.

Adele Jacques, Persimmons, spoke to support the application. The section of Public Footpath No.14 to be extinguished was in the centre of the site and extinguishment was required to enable development to be carried out. The two cul-de-sac ends of the footpath would be linked by adopted highway – a section 38 document was with the Council for signing. Areas of open space and new footpaths were being created in the development and it had not been possible for the application to be submitted until negotiations with the landowner had been completed.

It was reported in paragraphs 5.5, 7 and 8.2 of the Report that 'Mill Lane' should read 'Church Lane'.

Planning permission had been granted in November 2013 for outline application for residential development – planning reference 12/4874C. A reserve matters application for the first development phase was granted in July 2015 – planning reference 13/5239C. A full planning application for the second phase was granted in October 2017 – planning reference 13/5242C.

A section of Public Footpath No.14 Sandbach would be obstructed by the proposed residential development – between points A and B as shown on Plan No.TCPA/055. An application had been made to extinguish this section of the Public Footpath. This would result in two cul-de-sac paths running between point A and Hawthorn Drive and between point B and Church Lane. The two paths would be legally connected in due course by a section of new estate road, Larch Drive, once it was formally adopted by the Council.

The objections and comments from the Ward Councillor S Corcoran, Sandbach Town Council and the Open Spaces Society were set out in the report, along with the PROW Officer's response. The objections and comments from Sandbach Footpath Group were circulated at the meeting.

It was reported that the concrete foundations set in place on the line of Public Footpath No.14 had been investigated by the Public Rights of Way team and were found not to be an obstruction - as long as the building was not built upwards it was not considered as an obstruction.

Whilst it was noted that the impact on the footpath by the development, and any mitigation action taken to include the footpath within the development, could not be considered against the current proposal to extinguish the section of footpath to enable the development to go ahead as these matters had been for resolution when the planning application was determined, the Committee was sympathetic to the views of the Sandbach Footpath Group and were disappointed that the developer had not provided a more satisfactory solution to the matter earlier on.

The Committee concluded that it was necessary to extinguish part of Public Footpath No.14 Sandbach to allow for the residential development, as detailed within planning references: 12/4874C and 13/5239C. It was considered that the legal test for the making and confirming of an Extinguishment Order under section 257 of the Town and Country Planning Act 1990 were satisfied.

The Committee unanimously

RESOLVED: That

- 1 That an Order be made under Section 257 of the Town and Country Planning Act 1990 to extinguish part of Public Footpath No.14 in the parish of Sandbach, between points A and B as illustrated on Plan No.TCPA/055, on the grounds that the Borough Council is satisfied that it is necessary to do so to allow development to take place.

- 2 Public Notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.
- 3 In the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

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TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

THE CHESHIRE EAST BOROUGH COUNCIL (FOOTPATH NO. 14 (PART) PARISH OF SANDBACH) PUBLIC PATH STOPPING UP ORDER 2019

CHESHIRE EAST COUNCIL'S COMMENTS ON THE OBJECTIONS

1. Fifty two representations to the proposal were received by the end of the statutory Order advertising period (25.4.19 – 23.5.19). These are detailed in section 5.
2. From the representations, objections were distilled and identified. They are listed throughout this document in *italics*, together with the response to each by the Order Making Authority (OMA) and fall under six areas of concern:
 - Timing of the submission of the stopping up application.
 - Loss/value of Sandbach Footpath No. 14 as an asset to the local community.
 - The foundations of a house built on the alignment of Sandbach FP14.
 - Incorrect use of the legislative procedure, TCPA 90 s257.
 - Compliance with the guidance of the Rights of Way Circular (1/09), section 7.8.
 - Considerations made during the planning process.

Timing of the submission of the stopping up application

3. *The developer did not make an application to extinguish the footpath at an appropriate time and left it too late.*
4. There is no time limit set by the Council or within the legislation of section 257 of the Town and Country Planning Act 1990 (TCPA 90 s257), that stipulates

when a developer should submit an application for a diversion or a stopping up order to enable their development to go ahead. Timing is at the discretion of the developer.

5. In this instance, the stopping up of part of Sandbach Footpath No. 14 was sought by the developer once all Planning permissions had been granted, and once land purchases were completed. Until that point, the developer did not regard it as sensible to seek the stopping up as the developer did not have everything in place to pursue the development that would affect it.

Loss/value of Sandbach Footpath No. 14 as an asset to the local community.

6. *There is dismay and frustration that this footpath is to be lost from the local rural footpath network.*
7. The current landscape through which Sandbach Footpath No. 14 runs, will alter from rural to urban as the residential development is constructed. The resultant loss to part of this much valued and well used footpath is fully acknowledged. However, the legislation within TCPA 90 s257, under which the stopping up must be progressed, does not account for matters of value such as enjoyment and convenience. This legislation strictly provides for an applicant to apply for a footpath to be diverted or extinguished in compliance with the legal test of the legislation which is detailed within section 1A of the TCPA 90 s257, as follows:

A competent authority may by order authorise the stopping up (extinguished) or diversion of any footpath, bridleway or restricted byway if they are satisfied that—

An application for planning permission in respect of development has been made, and

If the application were granted it would be necessary to authorise the stopping up or diversion in order to enable the development to be carried out.

8. The Council's Planning Department granted permission for the residential development to be constructed according to the design which the developer applied for. Within that, part of Sandbach Footpath No. 14 will be obstructed by a house making it necessary for the developer to apply to extinguish that part to enable the house to be built. Stopping up a section of Sandbach Footpath No. 14 to leave two cul de sac footpaths that will be reconnected by default when the public road is installed (Larch Avenue), is the best achievable outcome under the circumstances, and is legally acceptable. This will retain the ability for the public to walk between Hawthorn Drive and Church Lane, as is currently provided by Sandbach Footpath No. 14.
9. It is appreciated that the rural route that is valued and well used will be lost through this process and the consented development. There will be an urban route available to take users through from Hawthorn Drive to Church Lane and on to the countryside beyond. It is the legislative constraints of the options available to the Council's Public Rights of Way (PROW) team which prevent a different outcome being possible to pursue.

The foundations of a house built on the alignment of Sandbach FP14.

- 10. Concerns were raised regarding the placement of house foundations on the alignment of Sandbach Footpath No. 14 and whether this was legal*
11. The Council is aware that foundations of one house have been built but they are not above ground level and the Council is satisfied that they would not obstruct public use were the footpath reinstated. The footpath is formally closed at present under permission of a temporary closure order granted to the developer by the Council.
12. Further, the developer has assured the Council that no further work on the alignment of the footpath section to be extinguished will be undertaken unless and until the outcome of the stopping up order has been concluded.

Incorrect use of the legislative procedure, TCPA 90 s257

13. *It was understood that the Order Making Authority (OMA) had described the proposed stopping up as 'currently illegal'*
14. The stopping up being sought is not illegal. It is not unlawful to extinguish part of Sandbach Footpath No. 14 to enable the development to go ahead such that the house (and car parking spaces and gardens) affecting this part, can be constructed. It is also not unlawful for two cul de sac paths to exist as a result of the stopping up of this part of Sandbach Footpath No. 14.
15. The installation of the road in due course, once adopted by the Council as a public highway, will provide a link between the cul de sac footpaths that will then provide a complete legal right of way for the public through the development.
16. *Doubt was cast regarding the validity of the legal test of the TCPA 90 s257*
17. The legal test is detailed in the section detailing objection 2 and is part of the legislation that must be followed in determining the stopping up application. It is not false.
18. Further detail on the legal test and the legislation may be found via the following web links:
- Legislation of the [TCPA 90 S257](#)
Legislation of the [TCPA 90 S259](#)
19. *Stopping up a footpath cannot be part of the Rights of Way Improvement Plan (ROWIP)*

20. The stopping up can only be considered within legislation of the TCPA 90 s257. Consideration of implications on the ROWIP fall outside the scope of this legislation so cannot be taken into account.
21. *The development should be stopped until a satisfactory arrangement can be agreed by all interested parties.*
22. The Council has granted planning permission and the developer is entitled to lawfully go ahead with the wider development. However, no development can occur on that section of Sandbach Footpath No. 14 proposed for stopping up unless the stopping up process is concluded. The developer is fully aware of this obligation and is complying with it.
23. The process being undertaken to investigate the stopping up allows for proper thorough and open consultation with all interested parties, potentially reaching a Public Inquiry where an inspector will hear directly the representations of the developer, the Council and the objectors in order to evaluate the case before making a final decision under the legislation of the TCPA 90 S257. The decision enabled by this process is not to look for a different arrangement agreeable to all, but to evaluate the stopping up for which a legal Order has been made against the legal test within the legislation under which it has been made.

Compliance with the guidance of Rights of Way Circular (1/09), section 7.8

24. *The proposed stopping up is basically a diversion of the path onto an estate road – contravening DEFRA guidelines.*
25. Section 7.8 of this guidance document states:
26. “7.8 In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment 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.”

27. The section of Sandbach Footpath No. 14 is to be extinguished in accordance with the legal test in section 257 of the Town and Country Planning Act 1990, and not diverted onto an alternative alignment along an estate road so, in this case, this guidance cannot be applied.
28. One of the estate roads will be aligned such that it will, by default, provide a connection between the two cul de sac footpaths that would result from the stopping up.

Considerations made during the Planning Process

29. Before commenting further, it is important to distinguish that the determination of development plans and the determination of proposals to deal with footpaths affected by such plans, are investigated under legislative processes that are completely separate and independent of each other. Consequently, comments on the planning process cannot be considered within the process currently being undertaken to determine whether a section of Sandbach Footpath No. 14 should be extinguished to enable the consented development to go ahead.
30. The permissions for the residential development affecting Sandbach Footpath No. 14 were granted several years ago and the development will go ahead under the design agreed within those consents. It should be noted though that the aim throughout consideration of both the Outline and Reserved Matters applications, was to ensure trajectory of the route currently served by Sandbach Footpath No. 14 for pedestrians, was maintained. This has been achieved and will be secured via public rights of access even though the exact status of the public highway along which those rights exist will change.

31. As the design does not include provision for diverting the part of Sandbach Footpath No. 14 affected by the development, the only option available to the developer to enable the house to be built that will otherwise obstruct the footpath, is to seek to extinguish that part. This is now the remit of the PROW team and the stopping up is being progressed through due process accordingly under the legislation of the TCPA 90 s257. There is no longer scope to alter the development so that a different proposal can be applied for. The option is constrained to seeking stopping up.
32. Despite the above, since certain representations have been made in relation to the input of the PROW team at the planning stages, it is pertinent to respond to those. Please note though that the input of the PROW team to the planning process is as a consultee only and submitted comments do not carry any binding authority over the planning decisions made within the planning process. *The OMA/developer failed to use the TCPA 90 s257 to permit the PROW issues to be dealt with before planning consent was granted.*
33. An applicant may choose to apply for a stopping up or diversion order before planning consent is granted such that upon granting of that consent, the resultant stopping up or diversion can then be quickly confirmed and implemented so as not to delay the development. However, the developer does not do not have to do this. the developer may also await the planning consent and then choose to make an application. Consequently, in this instance, the developer has exercised their right to do the latter, for the reasons explained in section 1.
34. *Objections to the development submitted by the PROW team have been ignored by the Planning Department*
35. The objections submitted to the Planning Department by the PROW team were 'holding' objections (see Appendix 1) until the developer approached the council and agreed a resolution for the footpath such that a route through the development site for the public between Hawthorn Drive and Church Lane

would be in place albeit not a public footpath but partly on a highway. This is the best solution achievable given the design of the development as presented and as consented. The holding objections as placed were not ignored.

36. *Development could take place whilst retaining Sandbach Footpath No. 14*

37. There is no opportunity or provision within the development design to divert Sandbach FP14 such that it can be legally retained as a public footpath. The details of planning permissions as granted and the consultation statement of the developer that was submitted as part of the planning process cannot be considered against the current stopping up Order. The Council considers it necessary for part of Sandbach Footpath No. 14 to be extinguished to enable the house to be built which will otherwise obstruct it. The PROW team must work with the development design that has been consented by the Planning Department and must find a solution to the situation such that the development can go ahead without causing obstruction to the footpath. The only achievable option within the development layout is to extinguish the footpath section for which the developer has applied. Under the consented development, it is too late now to seek to change the development layout such that the footpath can be diverted within it. That said, public rights of access along the same overall trajectory will be maintained following the proposed development.

CONCLUSION

38. The regard for Sandbach Footpath No. 14 by the local community cannot be considered within the process being undertaken to seek to extinguish the part of Sandbach Footpath No. 14 to enable the development to go ahead such that a house may be built that would otherwise obstruct the definitive alignment of this footpath. The developer has applied for this stopping up at a time considered appropriate to them.

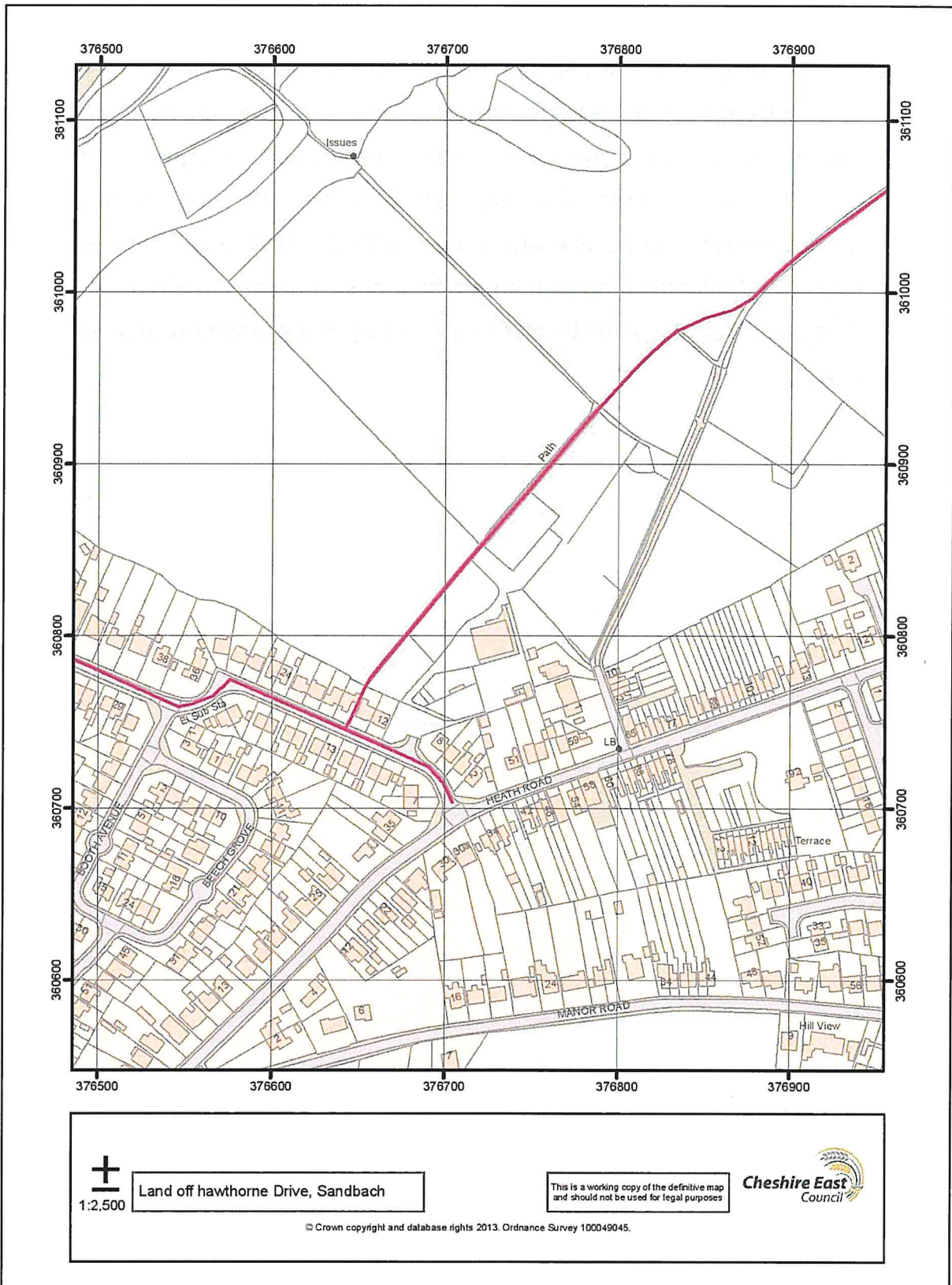
39. The stopping up is being processed correctly against the legislation of the TCPA 90 s257 where the legal test requires that the proposal is necessary to

enable the development to go ahead. Only the area affecting the footpath cannot be developed until such time that the stopping up order is confirmed. The wider development can be constructed as per the consented layout plan.

40. The planning process is separate from the process to determine a stopping up of Sandbach Footpath No. 14. The PROW team placed holding objections as a consultee during the planning process until the developer agreed a resolution concerning the footpath. The objections were then lifted and the stopping up application progressed as it was the only option available to the developer, to deal with the footpath given the permitted design of the development. At this stage, that design cannot be challenged nor altered to accommodate a different solution.

Appendix 1 – Holding objections

Plan showing the alignment of Sandbach Footpath Number 14 as referred to within the holding objections



First holding objection

From: DUNCAN, Hannah
Sent: 08 January 2013 14:55
To: Cheshire East Planning
Subject: App. No. 12/4874C

Dear Sir/Madam

**Planning Application – Land off Hawthorne Drive, Sandbach
App. No. – 12/4874C**

Thank you for your letter dated 7 January regarding the above.

From inspection of the definitive map it appears that Public Footpath Sandbach No. 14 may be obstructed by the proposed development. The right of way is not shown on plans submitted with the application but it appears to cross a number of gardens in the development.

As there is no currently no proposal for the path to be suitably diverted under the Town and Country Planning Act 1990 (TCPA) by the applicant we wish to lodge an **objection** to the planning application.

One of the primary duties of the Cheshire East Borough Council's Public Rights of Way Unit is to keep public rights of way open and available for members of the public. The obstruction of a public right of way is also a criminal offence, so without a suitable proposal to divert this footpath we have no option but to object to the development.

If, however, the applicant is prepared to apply for a diversion of the route under the Town and Country Planning Act 1990 we may consider withdrawing our objection once we have assessed the suitability of the new route.

In the mean time please advise the applicant that s/he should not interfere with the public right of way in any way – such interference may give rise to enforcement action being taken against the developer to prevent obstruction of the public right of way.

Please note the Definitive Map is a minimum record of public rights of way and consequently does not preclude the possibility that public rights of way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as public footpaths and bridleways.

Regards

Hannah
Hannah Duncan
Definitive Map Officer
Public Rights of Way Team

Second holding objection

- making reference to the first holding objection and the plan

From: DUNCAN, Hannah
Sent: 07 January 2014 12:09
To: WAKEFIELD, Paul; Cheshire East Planning
Cc: 'adele.snook@persimmonhomes.com'
Subject: App. Nos. 13/5239C and 13/5242C

Dear Paul

Planning Applications – Land off Hawthorne Drive, Sandbach
App. Nos. 13/5239C and 13/5242C

Thank you for your letters dated 3 and 6 January regarding the above proposed developments.

Our comments remain the same as in our previous response to application no. 12/4874C, a copy of which is attached, along with a working copy extract of the Definitive Map:



Objection
080113.rtf



Sandbach FP14.pdf

It appears that Public Footpath Sandbach No. 14 will be obstructed by the proposed development and we wish to lodge an objection.

Kind Regards

Hannah

Hannah Duncan
Definitive Map Officer
Public Rights of Way Team

Third Holding Objection

From: TENCH, Jennifer
Sent: 19 June 2014 16:39
To: WAKEFIELD, Paul; Cheshire East Planning
Subject: 13/5239C and 13/5242C Land off Hawthorne Drive Sandbach CW11 4JH
Attachments: Objection 080113.rtf; FP14Sandbach.pdf

Planning Application - 13/5239C and 13/5242C Land off Hawthorne Drive Sandbach CW11 4JH

It would appear from inspection of the definitive map that **Public Footpath 14 Sandbach** will be obstructed by the proposed development.

We previously objected to application 12/4874C on 9th January 2013 (see attached) our comments remain the same.

As there is currently no proposal for the path to be suitably diverted under the Town and Country Planning Act 1990 (TCPA) by the applicant we wish to **object** to the planning application. You are reminded that the primary duty of the Cheshire East Borough Council is to keep public rights of way open and available for members of the public. The obstruction of a public right of way is also a criminal offence, so without a suitable proposal to divert this footpath we have no option but to object to the development.

If, however, the applicant is prepared to apply for a diversion of the route under the Town and Country Planning Act 1990 we may consider withdrawing our objection once we have assessed the suitability of the new route.

It does appear that the footpath will be obstructed or included as part of the proposed adopted estate roads, therefore it is more likely that the developer will need to apply to extinguish the footpath.

The developer can contact my colleague Marianne Nixon (01270 686077) to apply and begin the legal process of diverting/extinguishing the footpath. This process can now be done prior to planning approval being given and the Order will then be confirmed if/when planning approval is given.

In the mean time please advise the applicant that s/he should not interfere with the public right of way in any way – such interference may give rise to enforcement action being taken against the developer to prevent obstruction of the public right of way.

Please note the Definitive Map is a minimum record of public rights of way and consequently does not preclude the possibility that public rights of way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as public footpaths and bridleways.

Regards

Jennifer Tench
Definitive Map Officer
Cheshire East Council
Public Rights of Way Team

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Sandbach Town Council
Sandbach Town Hall
High Street
Sandbach
Cheshire
CW11 1AX

Ref.70090466
2 February 2022

Dear Cllr,

INVITATION TO PROVIDE FEEDBACK ON DEVELOPMENT PROPOSALS AT WRIGHTS LANE, SANDBACH

We write on behalf of Edgefold Homes regarding detailed proposals for residential development at land off Wrights Lane, Sandbach. The site concerned is part of the wider Capricorn mixed use development area that was allocated for development in the latest Cheshire East Local Plan. Once a site is allocated for development, it falls to individual developers to come forward with detailed plans, and that is stage we have now reached.

Our client is keen to engage with the community to explain their plans for the site. The proposals involve building much-needed family homes in line with the council's overall development strategy for Sandbach.

Background

Edgefold Homes are a family run developer which prides itself on delivering high quality homes. They have successfully delivered developments in and around Cheshire.

The proposal for the site has been worked up over a number of months with the next step to seek your and the local community's opinions and feedback prior to finalising the scheme and submission of a planning application.

An overview of the proposal

The proposal will deliver 26 high quality family homes with a mix of 2, 3 and 4 beds. They will be detached and semidetached. A site plan and location plan has been appended to this letter to outline the proposal. The homes will include 30% affordable homes to meet local needs.

The site is currently an unoccupied field surrounded by existing residential properties to the south and west, a new residential development to the north, and the Capricorn Park strategic employment allocation to the east.

The layout seeks to make best use of the site to allow good sized family homes with gardens and off-street parking, public open space and landscaping. The layout seeks to respect and retain the majority of trees on and adjoining the site, with low amenity specimens removed but replaced with new trees.

The proposal incorporates additional car parking, towards the entrance of the site, dedicated for the existing properties along Wrights Lane. This will offer a huge improvement to the existing unregulated on street parking along the lane.

The site is highly sustainable, with the town centre just a short walk or bus ride away, and primary schools, community buildings and medical facilities all less than half a mile from the site. As such, the site is highly suitable for residential development.

Working alongside a technical consultant team, the architects have designed a high-quality housing scheme which respects and minimises any potential impact on neighbouring properties.

The benefits of the scheme

The proposal delivers the following benefits for the local and wider community:

- Creation of 26 high quality homes including 2-, 3- and 4-bedroom units;
- Delivery of 8 new affordable homes (30%);
- Creation of dedicated off road parking for existing properties along Wrights Lane;
- Delivery of sustainable development at a highly accessible location benefiting from a number of public transport services and walking and cycling routes, which will reduce the need to travel and encourage active modes;
- Generation of construction jobs and associated supply chain roles throughout the construction phase; and
- Generation of increased local spend and council tax revenue.

Public consultation

Consultation is an important part of planning new communities, and during these times both central government and the Royal Town Planning Institute (RTPI) are keen that planning process continues to enable new homes and development to benefit our communities and contribute to placemaking. Delivering new family homes for local people is a very important function of the planning system.

As part of the public consultation strategy, we will:

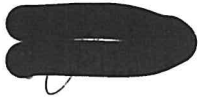
- Distribute letters to neighbouring properties and stakeholder groups;
- Direct letters to councillors;
- Provide details for people to leave comments; and
- Review all comments and response accordingly.

Response

Your views are important to us and we hope you will take a few minutes to look at the proposal appended to this letter. Ahead of commencing public consultation, we have sent you this notice to seek your feedback on the proposals and hopefully gain your support. We would be happy to arrange telephone calls or videoconferencing (e.g., Zoom, Skype, Microsoft Teams etc) to provide the opportunity for us to provide further information or to answer any questions you may have. Should this be of interest, please contact me at Victoria.coleman@wsp.com.

We are keen to work with you and the local community to deliver much needed housing, and therefore look forward to hearing from you.

Yours faithfully



Victoria Coleman

Enc: Proposed Site Layout Plan and Location Plan

FAQ'S

Is the site Green Belt?

No

Does the site already have planning?

No, but it is allocated for development in the adopted Local Plan for both housing and employment.

Will the development affect Local Footpath FP14 which runs alongside the NW boundary from the end of Wrights Lane?

No, the footpath will remain.

What about ecology and wildlife?

The site has already been surveyed for ecology and wildlife and that report will be submitted with the planning application.

Overall, the application will provide various new landscaped elements including new trees, hedging and planting and creation of new wildlife habitat.

What about drainage?

The site will have its own independent drainage system

Rainwater run-off will be limited and attenuated so as not to exceed the capacity of the drains

A full drainage strategy will be provided as part of the full planning application and will be subject to detailed approval of designs before any work can proceed.

What about traffic?

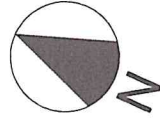
Extending Wrights lane and providing turning space within the site will allow bin wagons and other larger vehicles to enter and leave the site forwards, rather than reversing out onto Heath Lane

What about disruption during construction?

We will be required to agree a Construction Management Plan with the Council before any building work began on site. This would include working hours restrictions, requirements for road cleaning, noise and other matters of concern to existing residents.



Accommodation Schedule - Wrights Lane, Sandbach						
House Type	No. Units	Bedroom	Size m ²	Size sqft	Total sqft	
Greenfield	4	2	63.350	681.893665	253.40	2727.572
Arthur	4	3	78.565	845.656504	314.36	3362.663
Byrom	6	3	80.119	862.392904	480.71	5174.357
Kenyon	5	4	127.906	1376.767539	659.53	6883.837
Lawson	4	4	37.678	405.159622	390.71	4205.385
Lighthaw	3	4	110.593	1190.41109	331.78	3571.236
Total	26					2410.40



All elevations and dimensions must be checked on site by contractor prior to commencement of works. Any variations must be reported to Millson Group Ltd.
 All information hereon is in the copyright of Millson Group Ltd. Copying in full or in part is forbidden without the written permission from Millson Group Ltd.



B Drawing production (check of all drawings) RB 23/01/22
 A Drawing production (check of all drawings) RB 23/01/22
 A Ancillary house type updated with new typical RB 17/01/22
 A Ancillary house type updated with new typical RB 08/02/22
 A Ancillary house type updated with new typical RB 08/02/22
 Comments: /
 Client: /
 By: /
 Date: /



Drawing: Proposed Site Plan
 Drawing Number: 2715-MS-PL-700-03
 Scale: 1:250
 Date: December 21
 Drawn: RB
 Checked: P/JM
 Rec: B
 Status: Information

Millson GROUP
 0161 228 0538
 www.millsongroup.co.uk
 Parkside
 Manchester M3 2JW
 2715 Wrights Lane

Ref No: 20/4673C

Miss A L Banks,
Clerk to Sandbach Town Council
SANDBACH LITERARY INSTITUTE
HIGHTOWN
SANDBACH
CW11 1AE

Development Management
PO Box 606
Municipal Buildings
Earle Street
Crewe
CW1 9HP

10-Feb-2022

Dear Sir/Madam

Notification of Appeal

Application No: **20/4673C**
Location: **Land at BROOKHOUSE ROAD, SANDBACH**
Proposal: **Demolition of an existing dwelling and erection of Class E(a), E(b), E(c), sui generis units and 14 residential units, associated access, car parking and landscaping (resubmission of application 19/5010C)**

I am writing to advise you that, following refusal of planning permission, an appeal has been made to the Secretary of State in respect of the above planning application. The appeal is to be dealt with by means of Written Evidence and a site visit by an Inspector from the Planning Inspectorate.

You are invited to comment on the appeal on the Planning Inspectorate website at <https://acp.planninginspectorate.gov.uk> or, by letter **IN TRIPLICATE** to the: **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN** quoting the Appeal Reference **APP/R0660/W/21/3282602**

Comments must be submitted within 5 weeks of the Appeal Start Date of 09-Feb-2022. Comments received after the deadline on **16-Mar-2022** will not normally be seen by the Inspector and will be returned. However I must point out that copies of all letters will be sent to both the appellant and Cheshire East Council.

Any comments already made on the related application for planning permission (unless expressly confidential) will also be submitted to the Planning Inspectorate, copied to the appellant and will be taken into account in deciding the appeal. Any changes to these comments should be sent direct to the Planning Inspectorate at the above address.

A copy of the booklet 'Guide to Taking Part in Planning Appeals' is available through the 'Publications' page of the Planning Inspectorate website at

<https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>

A copy of the appellant's grounds of appeal is now available to view online at www.cheshireeast.gov.uk/planning or at any office of the Council that has internet viewing facilities for the public. Other documentation will be uploaded to the website when it becomes available during the appeals process..

When made the appeal decision will be published on the Planning Inspectorate website and can be viewed at <https://acp.planninginspectorate.gov.uk>

Yours faithfully

Daniel Evans

**Principal Planning Officer
Development Management**

Ref No: 21/4960C

Miss A L Banks,
Clerk to Sandbach Town Council
SANDBACH LITERARY INSTITUTE
HIGHTOWN
SANDBACH
CW11 1AE

Development Management
PO Box 606
Municipal Buildings
Earle Street
Crewe
CW1 9HP

Please ask for: **Daniel Evans**
E-Mail:
daniel.evans@cheshireeast.gov.uk

Dear Sir/Madam

Date: **18-Feb-2022**

Application No: **21/4960C**
Proposal: **Single storey rear extension**
Location: **11, WOODPECKER CLOSE, SANDBACH, CW11 3JU**
Appeal Start Date: **16-Feb-2022**
Appeal Ref: **APP/R0660/D/22/3292156**

I am writing to advise you that an appeal to the Planning Inspectorate has been lodged against the refusal of the above planning application or our failure to discharge one or more of the conditions.

This appeal will be determined on the basis of written representations. We will make copies of all representations made to us in relation to the application, before it was determined available to the Planning Inspectorate and the appellant. The Inspector appointed by the Secretary of State will consider these representations when determining the appeal. You have a right to withdraw any representations you made so that they are not taken into consideration by the Inspector. If you wish to do so you should make this request in writing directly to the Planning Inspectorate within 4 weeks of the appeal's starting date.

The Planning Inspectorate will publish appeal documentation, including copies of representations received, on the Planning Portal website. All information provided in your representation, including your address, will be published. If you object to publication in this way, please contact the Planning Inspectorate directly.

The Planning Inspectorate aims to deal with appeals which follow the procedure described above within 8 weeks of the appeal starting date. The Planning Inspectorate will publish copies of appeal decisions on the Planning Inspectorate website at <https://acp.planninginspectorate.gov.uk>

Yours faithfully

Daniel Evans

**Principal Planning Officer
Development Management**

Subject: CEC Neighbourhood Planning Digital Drop-in Sessions

Dear Clerk,

This year we would like to invite you and your parish councillors, or members of your neighbourhood plan steering groups, to come and talk to us at our new neighbourhood planning 'digital drop-ins'.

Every fortnight we will be hosting a question and answer discussion on all things neighbourhood planning, no matter where you're up to in the process, whether that be just starting out or modifying a completed plan.

If you have any questions at all on neighbourhood planning then do drop in to say hello, any time between 1pm and 2pm this Thursday, and we'll see how we can help.

Thank you to all those who attended the last few drop-in sessions, which involved discussions around getting started with publicising draft plans for the first round of consultation, as well as how plans can address climate change and even just whether a neighbourhood plan is right for your area.

Our discussion will always be held on Microsoft Teams and we'll send out a regular email reminder on a Monday. This week's meeting can be accessed here ([Click here to join the meeting](#)), and we look forward to seeing you on Thursday.

For more information on neighbourhood planning please see [our pages](#) on the Cheshire East Council website or contact us directly via neighbourhoods@cheshireeast.gov.uk.

Thank you

Kind regards,

Neighbourhood Planning | Cheshire East Council

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