



Over **30 years** of success and still planning

WALSINGHAM PLANNING

SPECIALIST PLANNING & DEVELOPMENT CONSULTANTS

Hearing Statement

Examination of Cheshire East Local Plan Site
Allocations and Development Policies
Document.

Hearing Position Statement on behalf of
Bluefield Sandbach Ltd

SEPTEMBER 2021

Walsingham Planning

Brandon House
King Street
Knutsford
WA16 6DX

Telephone
01565 757500

knutsford@walsingplan.co.uk
www.walsinghamplanning.co.uk

CONTENTS

1	INTRODUCTION.....	1
2	MATTER 2 – SETTLEMENT BOUNDARIES (POLICY PG9)....	2

I INTRODUCTION

- I.1 This Hearing Statement has been produced on behalf of Bluefield Sandbach Limited who own previously developed land known as the Albion Works Site, located to the northwest of Sandbach, and falling within the existing development plan settlement zone.
- I.2 Walsingham Planning submitted representations on behalf of Bluefield on both the First Draft SADPD Consultation and Initial Publication draft SADPD Consultation under the **Representation ID:543149**.
- I.3 The basis of our representations is that the SADPD is unsound and not justified, particularly in relation to the approach being taken in respect of the Albion Works site and adjoining Albion Locks development, which we refer to as the combined 'Albion Site'. In summary, the combined Albion Site comprises of 22 hectares of land which is either developed, or in the process of being developed, for 475 houses, a 66-bed care home, and office building, up to 2,600sq.m of commercial uses including hotel, restaurant and retail uses, together with existing general industrial and warehousing uses. Up until recently the site also had a gas-fired power station, but this has now been demolished and further development proposals will come forward for this piece of the site in due course.
- I.4 In the legacy Congleton Borough Local Plan (CBLP) the site falls within the Sandbach settlement zone and it is our client's position that to meet the test of soundness and for the SADPD to be justified, the Albion Site should be identified as falling within the Sandbach settlement boundary, as an 'island site', similar to the existing legacy plan.

2 MATTER 2 – SETTLEMENT BOUNDARIES (POLICY PG9)

Question 26

Is the Principle of defining Settlement Boundaries consistent with Strategic Polies in the LPS and with National Policy in enabling the delivery of Sustainable Development?

- 2.1 This issue is not so much about the principle of defining settlement boundaries which we support, but whether by doing so logical and sustainable future development is prevented from coming forward by a development plan approach which resists development that falls outside of the settlement boundary, because it falls within Open Countryside.
- 2.2 The approach adopted by the draft SADPD is too limited; either land falls within a settlement boundary where there is a presumption in favour of sustainable development; or it falls outside of a settlement boundary where it is subject to Open Countryside restraint Policy PG6 or Green Belt policy. There is no middle ground, which takes into account sustainably located previously developed land that is not within a settlement boundary.
- 2.3 This approach is not consistent with National Policy in enabling the delivery of sustainable development. Either the SADPD must be modified to recognise the existence of sites such as the Albion Site and provide a more positive policy approach towards future development, or settlement boundaries must be drawn to include such sites.

Question 27

With particular reference to the settlement and infill boundaries review and individual settlement reports:

- (a) **Is the methodology for the review and definition of detailed settlement boundaries robust?**
- 2.4 It is our view that it is not robust. The approach adopted starts from a position whereby there is a presumption against including land within a settlement boundary, retaining it as Open Countryside. At no point is the basic question asked as to whether a particular parcel of land serves a purpose as Open Countryside and meets the underline objectives of countryside protection as set out in LPS Policy PG6. Consequently, land such as the Albion Site, which

serves no Open Countryside function and does not meet any of the objectives of open countryside protection, would nevertheless fall to be designated as open countryside by default by the methodology that has been applied.

- 2.5 In considering whether a site is allocated (Stage 1), only sites that are currently outside but contiguous with the settlement boundary are included. The criteria take no account of the functional relationship of a site to the settlement, or the current development plan position. For example, there is no reason why a settlement boundary has to be a single continuous boundary. It is possible, for example, to include within the same settlement boundary ‘outliers’ or ‘islands’ – this is the present situation with the Albion Site in the CBLP.
- 2.6 Stage 2 considers the relationship of the boundary of a site to the built-up area and considers extant planning permissions, the functional relationship of physical form to the built-up area, and the functional relationship of the use to the built-up area. However, the selection process used is subjective and has not been consistently applied, certainly in the case of the Albion Site. Indeed, in the Sandbach Settlement Report (ED41) the Council recognise that while physically separate from Sandbach, the Albion Site is considered to have a functional relationship with the town for planning purposes but nevertheless the site is ruled out for inclusion.
- 2.7 So far as Stage 3 is concerned, the relationship to permanent physical features is sensible and logical as a criterion, but again there is no reason why there has to be a single settlement boundary for a particular settlement. Assuming enduring and physical features are followed, then you could have more than one area demarcated by the same settlement boundary. This is the approach taken in the CBLP in relation to Sandbach and the Albion Site.

(b) Have the criteria and judgements used to inform the choice of settlement boundaries been consistently applied?

- 2.8 The answer to this is clearly not in the case of the Albion Site and this is demonstrated in our representations on the initial publication draft SADPD (Ref: 543149). The criteria have not been applied correctly or have missed important detail, and the judgements used appear to adopt the approach of seeking to justify a decision which has already been made.
- 2.9 In particular, with reference to the Sandbach Settlement Boundary Review Assessment Table (Table Sandbach 8) set out in ED41, the following points are clear:

- Stage 1: Criterion C - has been wrongly assessed as the Albion site is allocated for employment in the Moston Neighbourhood Development Plan.
- Stage 2: Criterion D - has been wrongly applied as there are various planning consents in place affecting the Albion Site.
- Stage 2: Criterion E – this criterion is about the functional relationship to physical form of a built-up area, and not whether a site is within the same neighbourhood plan area as the settlement itself. In the case of the Albion Site it cannot fall within the Sandbach NDP because it is within a different Parish and is in a separate NDP.
- Stage 2: Criterion F – this is a subjective judgement that has not been applied correctly. Residents of the Albion Locks development use shops and services within Sandbach because of its close proximity and pedestrian connectivity.
- Stage 3: Criterion G – this criterion wrongly assumes that any land to be included within the settlement boundary has to be contiguous with it. Criterion G is actually about considering physical features to define a defensible boundary and not whether land to be included is contiguous with the settlement boundary.

(c) Are the proposed settlement boundaries justified on the basis of proportionate evidence?

- 2.10 It is our view that the settlement boundaries have not been justified on the basis of clear evidence, rather it appears they have been drawn up and then an assessment has been carried out to retrospectively justify them.
- 2.11 A number of stages within the methodology involve subjective assessment. As such it is easy for the Council to apply its own judgement broadly under the criteria to justify the boundary it wants.
- 2.12 The methodology applied also ignores site specific circumstances resulting in clear anomalies, as is the case with the Albion Site. It seems unjust that a 22-hectare area of land which when fully built out will provide housing for over 1,100 people together with major employment uses and other associated development, is not within a settlement boundary.
- 2.13 One of the direct implications of this is that any planning applications, no matter what scale, would have to be assessed against the Open Countryside restraint policy. This would include, for example, applications for householder extensions or extensions to existing buildings within the Albion Site.

- 2.14 The Albion Site was placed within the settlement zone for Sandbach in the 2005 CBLP when it was in use as a chemical works and long before planning permission was granted for mixed use development.

Question 28

Will the Settlement Boundaries defined on the draft Policies Map be effective in enabling further windfall sites to come forward, to meet the remaining unallocated element of the indicative level of housing development at the LSCs, and elsewhere in the borough?

- 2.15 The settlement boundaries in the draft SADPD have been drawn too tightly to enable logical windfall sites to come forward to provide further housing. The failure to include sustainable opportunities such as the Albion site, will certainly have an impact on the delivery of windfall housing.
- 2.16 The blanket approach of designating all non-Green Belt land outside of defined settlement boundaries as 'Open Countryside', where LPS Policy PG6 must then be applied, is the wrong approach.
- 2.17 The SADPD needs to be more positive in its approach and take into account sustainable development opportunities, either through a more flexible approach to defining settlement boundaries, or with specific policies to be applied to previously developed sustainable sites falling outside of settlement boundaries.

Question 29

Is there any substantive evidence to demonstrate that any of the proposed settlement boundaries are not justified in defining the boundary between the built-up area of settlements and open countryside?

- 2.18 There is clear evidence, as set out in our main representation (Ref: 543149), that the settlement boundary for Sandbach fails to take into account the existence of a major area of previously developed land and land under construction for housing, which while not immediately contiguous with the built-up area of Sandbach, is physically well defined and functionally forms part of Sandbach.
- 2.19 The most substantive evidence is the fact that the former Albion Works is included within the settlement zone for Sandbach in the CBLP as an island site. With the inclusion of the

Albion Locks housing development the site is now larger and physically closer to Sandbach and it is illogical for it to be excluded from the Sandbach Settlement boundary and treated as Open Countryside.