

Application No: 11/3414C

Location: LAND OFF HASSALL ROAD, SANDBACH, CHESHIRE

Proposal: OUTLINE PLANNING APPLICATION FOR 39 RESIDENTIAL DWELLINGS OVER 1.29HA. ACCESS FROM HASSALL ROAD WITH LANDSCAPING RESERVED.

Applicant: Mr C Davey, Muller Property Group

Expiry Date: 16-Dec-2011

#### **SUMMARY RECOMMENDATION**

**APPROVE** subject to conditions and signing of a S106 legal agreement

#### **MAIN ISSUES**

**Principle of Development**  
**Design Considerations**  
**Highway Safety and Traffic Generation**  
**Landscape and Tree Matters**  
**Provision of Open Space**  
**Impact on Protected Species**  
**Impact on Residential Amenity**  
**Contaminated Land**  
**Flooding and Drainage**  
**Impact on Education Capacity**  
**Impact on Setting of Adjacent Listed Building**  
**Listing Status of Fisons Building (also referred to as 'Benger House')**

#### **REFERRAL**

The application has been referred to Strategic Planning Board because the proposal represents a departure from the development plan as it is situated outside of the settlement zone line for Sandbach.

#### **1. SITE DESCRIPTION**

This application relates to a site positioned on the south east of Sandbach and comprises an irregular parcel of land situated to the east of Hassall Road.

The site is adjoined to the north and the west by residential properties fronting Hassall Road and open countryside designated fields to the east and south. The access to the site falls within the Settlement Zone Line of Sandbach with the remaining part of the site situated within Open Countryside as designated in the adopted Congleton Borough Local Plan First Review (2005).

The site is irregular in shape and occupies an area of approximately 1.3 ha in size. The topography is generally flat. The majority of the site is undeveloped and has been used as a paddock for grazing. There are some single storey stable buildings positioned in the far north-western corner of the site.

## **2. DETAILS OF PROPOSAL**

Outline planning permission is sought for the erection of 39 residential units on land to the east of Hassall Road, Sandbach. Details of access, appearance, layout and scale are to be considered as part of this application with details of landscaping reserved for consideration at a later stage.

## **3. RELEVANT PLANNING HISTORY**

There is no planning history relevant to the site.

## **4. PLANNING POLICIES**

### **National Policy**

PPS 1 Delivering Sustainable Development

PPS: Planning and Climate Change – Supplement to Planning Policy Statement 1

PPS 3 Housing

PPS 7 Sustainable Development in Rural Areas

PPS 9 Biodiversity and Geological Conservation

PPG 13 Transport

PPS 23 Planning and Pollution Control

PPS 25 Development and Flood risk.

### **Local Plan Policy**

PS8 Open Countryside

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR6 Amenity and Health

GR9 Accessibility, servicing and provision of parking  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR17 Car parking  
GR18 Traffic Generation  
GR21 Flood Prevention  
GR 22 Open Space Provision  
NR1 Trees and Woodland  
NR2 Statutory Sites (Wildlife and Nature Conservation)  
NR3 Habitats  
NR5 Habitats  
H2 Provision of New Housing Development  
H6 Residential Development in the Open countryside  
H13 Affordable Housing and Low Cost Housing

### **Regional Spatial Strategy**

DP4 Make best use of resources and infrastructure  
DP5 Managing travel demand  
DP7 Promote environmental quality  
DP9 Reduce emissions and adapt to climate change  
RDF1 Spatial Priorities  
L4 Regional Housing Provision  
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets  
EM3 Green Infrastructure  
EM18 Decentralised Energy Supply  
MCR3 Southern Part of the Manchester City Region

### **Other Material Policy Considerations**

Interim Planning Policy: Release of Housing Land (Feb 2011)  
Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)  
Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.  
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994  
Draft National Planning Policy Framework

## **5. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)**

### **Environmental Health**

No objection subject to conditions restriction hours of construction / piling and contaminated land conditions.

## **Highways**

No Objection - Dealing with the traffic impact of the development the applicant has estimated that 6 vehicles will pass north through the junction of Old Mill Lane /The Hill in the peak hour, whilst in my view this is a conservative estimate even if this number was doubled to 12 vehicles, this only represents one vehicle every five minutes. Therefore, although the junction is congested and suffers from extensive queuing, the actual impact from this development will be very small and certainly not material enough to warrant refusal.

With regards visibility at the main site access, the revised information has shown that in the leading direction the visibility achievable is as per standards and in the non leading direction a reduced visibility is available 2.0m x 22m at a point 1.4m from the nearside kerb. I think that given the speed survey has shown that vehicle speeds are just above 20mph the requirement to provide the full visibility splay in this direction is not absolutely necessary and especially as there are no PIA accidents recorded on this section of road.

The private drive location to No. 75 that was directly located on the entry radii to the main access has now been relocated away from the junction with a short separation. This is a better location for the access and the design has been supported by our road safety engineer.

In summary, the information provided and the changes made to the design has dealt with the reasons I had raised in my previous comments and whilst the development does add extra pressure on the local highway network it is not sufficient in my view to warrant refusal of the application.

The developer will be providing funding to improve public transport stops locally, and to facilitate this, a S106 Agreement is required.

## **Environment Agency:**

No objection, subject to conditions requiring the submission of a scheme to limit the surface water run-off generated by the proposed development. The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS).

## **Greenspaces**

No objection subject to financial contributions towards the future maintenance of Amenity Greenspace (£14,544.75 (25 years) and the enhancement and future maintenance of a Hassall Rd/Mortimer Drive local play area (£11,263.11 and £36,715.50 (25 years) respectively).

## **6. VIEWS OF THE SANDBACH TOWN COUNCIL**

Object to the proposed development on this Green Field site which will adversely impact on the landscape character of the area, thus contravening policy GR5 of the Local Plan. Proposals additionally contravene Policies GR6 and GR18 of the Local Plan; the scale of traffic generation will worsen existing traffic problems on Hassall Road to unacceptable levels and therefore have detrimental effect on the amenity of local residents.

## **VIEWS OF THE BETCHTON PARISH COUNCIL**

Betchton Parish Council objects to this proposal as it will cause added congestion to Malkins Bank residents travelling along Hassall road, this road is already in many places single file traffic as residents have nowhere else to park. As is normal in this semi-rural type of area tractors, often with trailers, Lorries and plant hire equipment vehicles use this road adding to vehicle numbers. It is not a quiet road. Brownfield sites that already exist in Sandbach area should be built on first before any arable land is used for housing

## **7. OTHER REPRESENTATIONS**

Over 1400 letters of objection have been received objecting to this application on the following grounds:

- Detrimental to local landscape character
- Unnecessary destruction of wildlife habitat
- Building on a Greenfield site when there are numerous Brownfield sites available
- The local highway network cannot cope – Hassall Road is already overburdened and will result in increased traffic congestion and accidents on nearby roads and junctions at peak times (Hassall Road, Newcastle Road, Heath Road and Junction with the M6)
- Proposed access arrangements will result in strange manoeuvres
- Neighbours have not been consulted
- Loss of High quality Agricultural land
- The developer has already felled trees and hedges. These should be replaced
- The Council has already approved 900 dwellings on brownfield sites in Sandbach
- There is no need for new houses in Sandbach
- The settlement boundaries of Sandbach should not be moved
- Loss of views over open countryside
- The development will have a negative effect on peoples enjoyment of the area
- The proximity of the development to neighbouring properties
- Proposal will result in loss of visibility and light to neighbouring properties

## **8. OFFICER APPRAISAL**

## Principle of Development

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H.6 and PS.8 state that only development which is essential for the purposes of:

- agriculture,
- forestry,
- outdoor recreation,
- essential works undertaken by public service authorities or statutory undertakers
- for other uses appropriate to a rural area.

will be permitted.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined:

*“in accordance with the plan unless material considerations indicate otherwise”.*

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

National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. Paragraph 71 of PPS3 states that:

*“where Local Planning Authorities cannot demonstrate an up to date five year supply of deliverable sites, for example where local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including considerations in Paragraph 69.”*

Members should also note that on the 23 March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On the 15 June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which will be published in the forthcoming National Planning Policy Framework.

Collectively these two statements mark a clear effort by Government to shift the emphasis of the planning system away from what might be viewed as a protective stance and towards a more positive approach to development. As the minister says:

*“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.*

The draft National Planning Policy Framework, will replace PPS3, which has also reiterated the requirement to maintain a 5 year rolling supply and states that Local Planning Authorities should:

*“identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. The supply should include an additional allowance of at least 20 per cent to ensure choice and competition in the market for land”.*

In respect of the housing land supply position when the previous appeals were considered, the Council took the view that they should rely upon the figures contained within the Regional Spatial Strategy until such time as the LDF Core Strategy has been adopted. The RSS proposed a dwelling requirement of 20,700 dwellings for Cheshire East, as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. The Council's Cabinet has decided that the Council will continue to use the RSS housing requirement figure for a minimum of 1,150 net additional dwellings to be delivered annually, pending the adoption of the LDF Core Strategy. Correspondence from Government Office for the North West confirms that in order to establish the appropriate housing requirement for Cheshire East, the district figures included in the published Regional Spatial Strategy (RSS) should to be added together to give the new unitary authority requirement.

The supply of deliverable sites was likely to be approximately 3.65 years supply. This equates to a shortfall of approximately 2600 units.

To be considered 'deliverable', PPS 3 advises that housing sites must be:

- 'available',
- 'suitable'
- achievable'

In other words, there must be a reasonable prospect that housing will be delivered on the site within 5 years.

The Council is already taking steps to improve housing supply ready for the recovery, but in line with the Community's aspirations. An Interim Planning Policy for the

Release of Housing Land was adopted by full Council in February 2011 with the intention that it be used in the determination of planning applications. This policy allows for the release of appropriate Greenfield sites for new housing development on the edge of the principal town of Crewe and encourages the redevelopment for mixed uses, including housing, of previously developed land within settlements. This focus on Crewe follows the approach to growth and development within the Council's Community Strategy which was adopted following widespread consultation. The Community Strategy and Interim Planning Policy are material considerations in the consideration of this application.

The policy is now bearing fruit, with applications now considered on the north side of Crewe at Coppenhall East and Barrows Green – and at Crewe Road Shavington in the south. Further applications are also known to be in the pipeline. Collectively these applications provide capacity for some 1200 additional homes which significantly reduces the shortfall from the previous figures.

Consequently, whilst the SHLAA identifies a shortfall against a housing land supply, there are factors to show that supply is improving across the Borough and that it is not land supply that is the primary factor in constraining housing completions. As such, this suggests that other considerations should properly be taken account of in the assessment of this application.

### Spatial Vision

Members may recall that at the meeting of the Strategic Planning Board on 6<sup>th</sup> October 2010, a report was considered relating to Issues and Options for the Local Development Framework Core Strategy, which outlined 3 options for apportioning growth across Cheshire East. Although each of the options is different, the common theme between them is an emphasis on growth in Crewe. Therefore, whilst the options are under consideration, and there is uncertainty as to which option will be taken forward, it is appropriate that any Greenfield development required to make up a shortfall in housing land supply should be directed to Crewe. PPS1 2005 in *The Planning System: General Principles* at para. 14, states that:

*“Emerging policies in the form of draft policy statements and guidance can be regarded as material considerations, depending on the context. Their existence may indicate that a relevant policy is under review, and the circumstances which led to that review may need to be taken into account.”*

Paragraph 69 of PPS 3 states that in determining planning applications, local planning authorities should have regard to a number of criteria, including, inter alia:

*“ensuring the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.”*



Paragraph 72 of PPS.3, states that LPA's should not refuse applications solely on the grounds of prematurity. However, PPS1 also deals with the question of prematurity to an emergent plan and advises that, in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a Development Plan Document (DPD) is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect is so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD.

Members will be aware of the decision by Strategic Planning Board to refuse an outline planning application for the development of up to 269 dwellings at Hind Heath Road, Sandbach. Following a Public Inquiry, an Inspector recommended that the appeal be allowed. However, the appeal was recovered for the Secretary of State's determination who subsequently dismissed the appeal.

What is clear, however, is that the Secretary of State's decision to overturn his Inspectors recommendation of approval, and dismiss the Appeal at Hindheath Road was based on the particular circumstances of that site and of the town of Sandbach with particular reference to sustainability. It cannot automatically be applied to planning applications in other towns, or used to support refusals of such applications.

With regard to the recently adopted Interim Planning Policy, little weight was given to this by both the Planning Inspectorate and the Secretary of State, although there was no debate about applications that would be submitted in its wake. Whilst the spatial objectives of prioritizing Crewe as a focal point for development is noted, it was concluded that there would be scope for development in the other towns of the Borough.

At paragraph 161 of his report, the Inspector states:

*"whilst the spatial objectives of the development plan and other economic plans seek to prioritize Crewe, there is still scope for new development in a town such as Sandbach."*

He goes on to state at paragraph 163 that:

*"Furthermore, and notwithstanding the Councils desire to see Crewe as the focus for housing development, there is no dispute that Sandbach and Crewe are two separation housing markets. As such, new open market houses built in Sandbach are not likely to be in direct competition with those built in Crewe."*

With regard to the weight to be attached to the Interim Planning Policy he concludes at paragraph 165 that:

*“As the Core Strategy for Cheshire East is still at a very early stage of its preparation, having not been subject to any refinement through the consultation process and with no preferred option having been identified, the Core Strategy Issues and Options can only be given very limited weight at this stage. As for the IPP, Council officers recognized in reporting this document to their Strategic Planning Board that it can only carry limited weight and I see no reason to conclude otherwise. “*

In his Decision Letter, the Secretary of State:

*“Accepts the Inspectors conclusions that whilst the spatial objectives of the development plan and other economic plans seek to prioritise Crewe there is scope for new development in a town such as Sandbach and accepts that the appeal scheme in terms of size, is consistent with the spatial objectives of the development plan.”*

The issue of regeneration was also considered. The Regional Spatial Strategy places an emphasis on development using existing buildings and previously developed land within settlements with an indicative target set of 80%. The Council considered that if the appeal proposals were developed then only 59% of housing building in the 5-year period would be on PDL. The Inspector considered that this would not cause material harm to the regeneration proposals. However, the SoS did not agree with that conclusion and stated that if that proposal was to go ahead, then it would make it extremely difficult for committed brownfield sites to be developed.

The Secretary of State also considered that the shortage of local employment, the distance between the site and the town centre and the limited options available for sustainable public transport weighed against the proposed development.

A further Appeal Decision has been received following a public inquiry into a decision to refuse a housing development at Elworth Hall Farm, on identical grounds. In this case the inspector concludes:

*“The various LDF options for the spatial distribution of growth do not exclude housing away from Crewe – indeed in each case Crewe would take only about 37% of all growth. I appreciate that various other policy documents issued by the Council support the promotion of Crewe. However, to my mind the way in which the IPP exclusively focuses development in the town (with the exception of town centre scheme and regeneration areas) does not reflect the spatial vision in either the RSS or the emerging LDF. This means I can afford it only limited weight.”*

The inspector also attached considerable weight to the fact that the site had been identified in the SHLAA as deliverable (i.e. ‘available’, ‘suitable’ and ‘achievable’). He considered that:

*“The SHLAA had been prepared under a robust methodology and should be afforded significant weight. Based on the evidence before me, it appears to have been compiled in accordance with nationally recognised good practice and has been accepted by the Council presumably after proper consideration and with due regard to the direction of its policy. Consequently I have no basis to put aside its overall finding that this is a suitable site for housing.”*

More recently, a further Appeal Decision has been received following a public inquiry into a decision to refuse a housing development at Abbeyfields. This was also recovered by the Secretary of State and the Inspector's decision to refuse planning permission was supported. It is important to note that this is now the subject of legal challenge.

Whilst the SOS agreed with the Inspector that “the LDF is at an early stage” and that approving the appeal scheme “could send the wrong message to other developers”, the scheme was for a proposal amounting to 285 dwellings, much greater and more strategic than the scheme subject of this application which only proposes 39 dwellings. As stated earlier, para. 72 of PPS3 states that “Local Planning Authorities should not refuse applications solely on the grounds of prematurity” but regard must be had to the requirements of para. 69 of PPS3.

The application site is identified in the SHLAA as available, achievable deliverable and, subject to an appropriate policy change in respect of its designation as open countryside, it is considered to be suitable in all other respects. The proposal only represents a small scale development and would not represent an incursion into the open countryside or a major urban extension due to the characteristics of the site. The site is in a sustainable location where it is easily accessible and within walking distance of local amenities, public transport links and the town centre generally.

### Conclusion

The implication of these appeal decisions is that:

- Whilst weight can be afforded to the IPP in directing development towards Crewe, it has limited weight in preventing development elsewhere
- Little weight should be attached to the emerging Core Strategy, due to its early stage in preparation and - whilst there is an emphasis on development within Crewe and that in all the proposed options Crewe takes the largest share - there is scope for new development in other towns in the Borough.
- Significant weight should be attached to the SHLAA where it has identified sites as being deliverable for housing.

- The argument used by the Secretary of State to ultimately refuse the Hind Heath Road appeal, only applies in the particular circumstances of Sandbach and the sustainability of the site.
- There appears to be a distinction between the way in which Inspectors and the Secretary of State have viewed small scale additions to the urban area which have limited impact and major urban extensions. Elworth Hall Farm, like the site currently under consideration as part of this application is a small site almost surrounded by other houses and a logical 'rounding off' of the existing settlement. Hind Heath Road, by contrast was a much larger incursion of built development into the surrounding open countryside.
- The Abbeyfields decision is currently subject of legal challenge. Whilst the Inspector and the SOS concluded that it would be premature to approve Abbeyfields prior to the emerging LDF, the requirements of PPS3 are a material consideration. Para 72 states that "prematurity" should not be used to refuse planning permission. Further, the Abbeyfields was a much larger scheme and amounted to an urban extension where as this proposal would amount to a 'rounding off' of the settlement.

In the light of these decisions, it is now considered that a refusal of planning permission for this site on the housing land supply grounds would not be sustainable.

### **Design Considerations**

Whilst this is an outline application, details of appearance, scale and layout have been submitted to support the proposals. Given that the site is situated to the rear of existing properties with a single point of access and because the site is self contained, there is little opportunity or need for frontage on Hassall Road. However, within the site, the proposed layout would introduce a linear pattern running parallel with the rear boundary of the site with the adjacent fields. This would then terminate towards the northern end of the site where the development would be arranged around 2 limbs forming a cul-de-sac. The dwellings fronting the road within the site would overlook an area of public open space that would border the rear of the site of the property no. 63 Hassall Road. The pattern of the development follows the shape of the site and is deemed to be acceptable.

With respect to the design and external appearance of the development, the units would be modest in terms of their size and would not deviate significantly from the scale of the residential development on Hassall Road and the area generally. Given the mix in character, and having regard to the fact that the site would be self contained, the design of the dwellings would not appear out of keeping with the area. The design is considered to be acceptable and in accordance with relevant design policies.

## **Highway Safety and Traffic Generation**

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The application proposes a single point of access off Hassall Road positioned directly in-between numbers 61 and 75 Hassall Road. The applicants have employed a Highway Consultant to produce a Transport Report. T (TR). The TR assesses traffic generation numbers and from this considers the traffic impact on the existing highway network.

There is local concern that the vehicle movements generated by the proposed development would exacerbate existing traffic conditions particularly at the nearby junction with Old Mill Road and The Hill. The applicant has estimated that 6 vehicles will pass north through the junction of Old Mill Road / The Hill in peak hours. Whilst this is a conservative estimate, the Strategic Highways Manager considers that even if the number was doubled to 12 vehicles, this would only represent one vehicle every five minutes. Therefore, although it is accepted that the junction is congested and suffers from extensive queuing, the actual impact from this development will be very small and certainly not material enough to warrant refusal.

With regards visibility at the main site access, revised information has been received that shows that visibility in the leading direction is achievable as per standards and in the non leading direction a reduced visibility is available 2.0m x 22m at a point 1.4m from the nearside kerb. The Strategic Highways Manager considers that given the speed survey has shown that vehicle speeds are just above 20mph, the requirement to provide the full visibility splay in this direction is not necessary. Consequently, the design of the proposed access is considered suitable and acceptable for the proposed development.

To conclude highways matters, whilst the development does add extra pressure on the local highway network it is not sufficient to warrant refusal of the application. The developer will be providing funding to improve public transport stops locally, and to facilitate this, a S106 Agreement is required. Subject to this, the scheme is found to be compliant with local plan policy GR9.

## **Landscape and Tree Matters**

Although landscaping is reserved for future consideration, the scheme is respectful to the boundary hedgers running around the perimeter of the site and it is proposed that these will be retained and supplemented where necessary. This will be secured at the reserved matters stage.

In terms of the overall impact on the landscape, it is accepted that the proposed development would alter the landscape character of the site and that views of the development would be achievable from the east and Colley Lane. Nonetheless, the development would amount to a squaring off of their settlement owing to it being surrounded on the northern, western and southern boundaries. The development would not therefore jut out and would not therefore appear intrusive or harmful within the landscape setting.

With respect to trees, the proposal would involve the removal of some tree specimens within the site but would not require removal of specimens outside of the site which includes a TPO protected Sycamore tree on the northern boundary of 64 Hassall Road. The development would achieve sufficient separation with the TPO specimen. Although concerns have been raised in relation to trees and their potential shading on the plots of some of the proposed dwellings, on balance, it is considered that the impact upon these trees would not warrant the refusal of this application.

### **Provision of Open Space**

The scheme proposes an area of Public Open Space (POS) centrally positioned along western boundary of the site. This area would be well overlooked by the dwellings on the eastern side of the site and appears to offer a good quality usable space. The amount of POS that would be expected in respect of the development is 1230 sq m. The layout provides 1380 sq m of POS, an over provision of 150 sq m which accords with the Council's Supplementary Planning Guidance. The applicant has also confirmed that it is their intention to set up a management company to maintain the onsite open space and in this context they would not be required to make a contribution to the Council for the on-going maintenance of the on-site amenity green space.

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted, there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

To meet the needs of the development, an opportunity has been identified for the upgrading of an existing facility at Hassall Rd/Mortimer Drive, to increase its capacity. This facility is a local facility located less than 100m away from the development site. The existing facilities at the identified site are substandard in quality and the applicant has agreed to provide a financial contribution for capital works for the upgrade of its play area in accordance with Council standards.

Therefore, subject to the applicant entering into a Section 106 Agreement to secure the financial contributions and the establishment of the management company, the scheme is found to be in accordance with SPD6.

## **Impact on Protected Species**

The application is accompanied by a Phase I habitat survey including a bat survey of the trees on the site. This concludes that bats, amphibians (great crested newts) and barn owls are not likely to be present or affected by the proposed development. However, the site does exhibit features that are considered as Biodiversity Action Plan Priority habitats and hence a material consideration. These include hedgerows and breeding birds.

The Council's Nature Conservation has considered the submitted surveys and agrees with their findings and conclusions subject to conditions requiring a breeding bird survey to be carried out and submission of a scheme for the incorporation of features into suitable for use by breeding birds. Subject to these being implemented, the requirements of PPS9 and the EC Habitats Directive are satisfied.

## **Impact on Residential Amenity**

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to, inter alia, loss of privacy, loss of sunlight and daylight and visual intrusion, and noise. Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

With respect to the existing properties on Hassall Road, and those to the north backing onto the site at Cross Lane, the minimum separation distances would be achieved. With respect to the nearest property, no 63, Plot 03 would be offset from this property and the proposed buildings to the side would be single storey garaging. Plot 39 would be situated directly to the rear of no. 75 Hassall Road but would be positioned at 90-degrees achieving a distance of 12 metres between the main 2 storey elements. Having regard to the positioning and proximity, the scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to these neighbouring properties.

With regard to the amenities of the occupiers of the proposed units, the dwellings have been configured and arranged so as to ensure that there is no direct overlooking of principal windows. Equally, there would be no significant overshadowing or visual intrusion. Each dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

## **Flooding and Drainage**

A Flood Risk Assessment has been carried out to determine the impact of the proposed development on flooding and the risk of the proposed development from flooding. In accordance with PPS 25 and local policy, the FRA has considered the impact on the surface water regime in the area should development occur. The Environment Agency has confirmed that the redevelopment of the site is considered to be acceptable with the use of appropriate conditions for a drainage scheme for surface water run-off, a scheme to manage the risk of flooding from overland flow of surface water.

## **Provision of Affordable Housing**

Following negotiations with the applicant, the proposed development will provide 12 affordable units (8 social rent and 4 for intermediate tenure) within the proposed 39. This provision accords with the Interim Affordable Housing Statement requirements that developments of this scale should provide a minimum of 30% affordable housing within the scheme and of which 65% should be social rented and 35% should be intermediate tenure.

## **10. REASONS FOR APPROVAL**

It is acknowledged that the Council does not currently have a five-year housing land supply and that; accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. However the housing land supply situation is worse than previously thought and the implication of recent Appeal decisions is that little weight should be afforded to the IPP which directs development towards Crewe and there is scope for new development in other towns in the Borough subject to other material planning considerations

Significant weight should be attached to the SHLAA where it has identified sites as being deliverable for housing. The argument used by the Secretary of State to ultimately refuse the Hind Heath Road appeal, only applies in the particular circumstances of Sandbach including the sustainability of the site and cannot be used to refuse other applications.

Whilst the Inspector and the SOS concluded that it would be premature to approve Abbeyfields prior to the emerging LDF, the requirements of PPS3 are a material consideration. Para 72 states that "prematurity" should not be used to refuse planning permission. Further, the Abbeyfields was a much larger scheme and amounted to an urban extension where as this proposal would amount to a 'rounding off' of the settlement. It should also be noted that as both these decisions have been challenged and are under review then they can only be afforded limited weight.

In the light of these decisions, it is considered that a refusal of planning permission for this site on the housing land supply grounds would not be sustainable.



To conclude highways matters, whilst the development does add extra pressure on the local highway network it is not sufficient to warrant refusal of the application as the additional movements generated will not be significant.

The proposal will not have a significant impact on the landscape character of the area and will represent a rounding off of the settlement without resulting in an intrusion into the open countryside.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space and the necessary affordable housing requirements.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology, drainage/flooding and it therefore complies with the relevant local plan policy requirements and accordingly is recommended for approval.

## **11. RECOMMENDATION**

**APPROVE** subject to completion of Section 106 legal agreement to secure the following:-

- **30% affordable housing (12no. units), split on the basis of 65% social rent and 35% intermediate tenure as per the requirements of the interim planning statement.**
- **£11,263.11 and £36,715.50 (25 years) for the upgrading and maintenance of an existing children's play facility at Moss Drive (not be 'time limited')**
- **Provision for a management company to maintain the on-site amenity space**
- **Upgrade of Bus Stop on Hassall Road**

**And the following conditions**

- 1. Standard outline**
- 2. Submission of reserved matters (landscaping)**
- 3. Approved plans including amended access detail**
- 4. Contaminated land investigation**
- 5. Hours of construction**
- 6. Details of pile driving operations**
- 7. Submission of details of bin storage**
- 8. Scheme to manage the risk of flooding**
- 9. Scheme to limit surface water runoff**
- 10. Discharge of surface water to mimic that of the existing site**
- 11. Sustainable Urban Drainage System,**
- 12. Only foul drainage to be connected to sewer**
- 13. Retention of important trees**

- 14. Submission of Comprehensive tree protection measures**
- 15. Implementation of Tree protection**
- 16. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.**
- 17. Hedgerows to be enhanced by 'gapping up' as part of the landscaping scheme for the site**
- 18. Removal of Permitted Development Rights for windows/openings for plots 03, 08, 11, 15, 16, 22, 24, 39**
- 19. Obscured glazing for first floor windows in flanking elevations of plots 08, 11, 15, 16**
- 20. Submission for details of boundary treatment**

