

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  
Housing Land Supply  
Sustainability  
Design Considerations  
Highway Safety and Traffic Generation  
Landscape and Tree Matters  
Provision of Open Space  
Impact on Protected Species  
Impact on Residential Amenity  
Flooding and Drainage  
Affordable Housing  
Impact on Education Capacity  
Loss of Agricultural Land  
S106 / Contributions**

## **1. 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.

## **2. PREVIOUS MEETINGS**

At the 29<sup>th</sup> November 2011 Strategic Planning Board, Members resolved to defer the planning application pending the receipt of further information to help clarify issues that were raised at the meeting. These issues related to the following:

- Traffic impact
- Harm to the landscape character of the area
- Sustainability
- Housing need and supply
- The effect on brown field sites
- The agricultural land
- Consideration of further contributions in the Legal Agreement
- Education provision

This report is an updated version of the November 2011 report and includes further information on the above.

## **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 but there is a slight fall down towards the rear boundary of the site. 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 Planning Policy Framework

## **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)  
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994  
North West Sustainability Checklist

## 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

#### (Additional Comments)

With regard to the further information submitted by both the applicants and residents on this application, one of the main issues concerned the safety of the main access and its visibility. Both the applicant and residents submitted their own speed data. As the results were somewhat different, the Highway Authority has undertaken its own survey to ascertain the speed of vehicles in Hassall Road.

The results of our own survey show the dry weather speed to be 23mph southbound and 24mph northbound. To determine the wet weather speed, these figures are reduced by 2.5mph bringing the speeds to be 21mph and 22mph (rounded). The resident's survey indicated 26.7mph northbound and 28.2mph southbound. The applicant provided figures of 20mph in each direction. Given that Hassall Road is traffic calmed and that there are no Personal Injury Accidents (PIA) recorded in the vicinity of the access, the Strategic Highways Manager concludes that the visibility provided by the applicant is sufficient.

The internal roads within the site will remain private and will not be adopted by the Council. As such, the applicant does not have to conform to the Council design standards.

The access to number 75 is being relocated as part of the proposal. Whether or not the applicant can impose this change on the applicant is a matter between the two parties.

The new relocated access position is considered acceptable. There are numerous instances of access points in similar positions that work safely on a daily basis.

After consideration of the further information provided, the highways advice given previously remains valid.

(Original Comments) 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 to visibility at the main site access, the revised information has shown that the visibility achievable is as per standard. 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 necessary, especially as there are no PIA accidents recorded on this section of road.

The private drive to No. 75 has now been relocated away from the junction. This is a better location for the access and the design has been supported by our road safety engineer.

In summary, the changes made to the design has dealt with previous concerns 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).

#### **Education**

No objection subject to financial contributions towards the education provision. The education contribution required will be £65, 078.

### **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 (Landscaping) of the Local Plan. Proposals additionally contravene Policies GR6 (Amenity and Health) and GR18 (Traffic Generation) 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 1500 letters of objection have been received objecting to this application on the following grounds:

- Detrimental to 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 vehicle movements
- 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

In addition, since the application was first considered at 29<sup>th</sup> November 2011 Strategic Planning Board, local residents have undertaken their own traffic survey, agricultural land report, sustainability appraisal and housing supply report. Each report concludes that this application should be refused on for each of the issues that they dealt with.

## **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 H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result it constitutes

a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

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

Members should note that on 23<sup>rd</sup> March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15<sup>th</sup> June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF).

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system 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”.*

Whilst PPS3 ‘Housing’ has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

*“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.*

The NPPF states that, local planning authorities should have a clear understanding of housing needs in their area. This should take account of various factors including housing need and demand, latest published household projections, evidence of the availability of suitable housing land, and the Government’s overall ambitions for affordability.

### ***Housing Land Supply***

In terms of housing land supply, this issue has been dealt with at the recent public inquiries at Abbeyfields, Hind Heath Road and Elworth Hall Farm in Sandbach. At these appeals the Councils has conceded that the housing land supply situation is now worse than initially thought and that the current supply stands at 3.65 years. More recently it has been agreed that this figure is now at 3.9 years.

The figures contained within the Regional Spatial Strategy 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.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Draft Strategic Housing Land Availability Assessment (SHLAA). At the time of report writing, this document is still in draft form. However, there is a commitment to adopt in on or soon after the 2<sup>nd</sup> April 2012.

The Draft SHLAA has put forward a figure of 3.9 years housing land supply. Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5%. This buffer increases to 20% where there has been a record of persistent under delivery of housing. In Cheshire East, there has been an under supply of housing for some time. As such, it is considered that there should be a five year supply plus 20% to address this shortfall.

The Cheshire East Strategic Housing Land Availability Assessment (SHLAA) November 2010 identifies that, at 31<sup>st</sup> March 2010, the Borough had 4.48 years supply of identifiable, 'deliverable' sites. However, the level of supply is continually changing and at recent appeals, the level of housing supply has been identified at a lower level. In order to address the lack of a five year housing land supply, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy will allow the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas, to support the provision of employment, town centres and community uses.

The SHLAA 2010, identifies the site, as a "Greenfield site on edge of settlement, considered to be sustainably located". It also states that it is a suitable site, with policy change. In addition the site is also described as achievable and developable. The availability of the site is described as marginal/uncertain.

An appeal was allowed on a site with very similar policy considerations in August 2011, at Elworth Hall Farm, Sandbach. Here the inspector concluded that:

*"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 schemes and regeneration areas) does not reflect the spatial vision in either 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.”*

With respect to the housing need within Sandbach specifically, there is a housing requirement of 375 units for the next five years even having regard to the existing permissions in the town, including the Brownfield sites. This amounts to an annual requirement of 75 units per annum. Thus, this would put the existing supply for Sandbach at 4 years, which is still short of the 5 year target.

Furthermore, it must be borne in mind that the Brownfield sites which already benefit from permission, are much larger strategic sites which will deliver a significantly greater number of dwellings than this site. This has implications for the rate of deliverability. Due to their size and scale, it is likely that these sites will be delivered towards the latter end of the 5 year period. As such, this will not assist the housing land shortfall in Sandbach within the short term (i.e. 1-2 year period). Consequently, it is considered that there is still a need for additional housing within Sandbach (not just borough wide) and this site would help to go towards meeting this need in the short term.

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. With respect to sustainability, this will be considered further.

## Conclusion

The implication of previous 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
- 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.
- 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, 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 Cuddington Appeal in Cheshire West and Chester indicates that significant weight should be applied to housing supply arguments.

In the light of these decisions, and given that there remains a need to supply additional housing units within Sandbach itself, it is considered that a refusal of planning permission for this site on the housing land supply grounds would not be sustainable.

## **Sustainability**

Members have sought clarification on how sustainable the site is in terms of access to local facilities including schools, shops and public transport. To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

In response to this, the Council, the applicant and local residents have calculated distances between the development and local amenities. In line with the toolkit, these comprise of a local shop (500m), post box (500m), playground / amenity area (500m), post office (1000m), bank / cash point (1000m), pharmacy (1000m), primary school (1000m), medical centre (1000m), leisure facilities (1000m), local meeting place / community centre (1000m), public house (1000m), public park / village green (1000m), child care facility (1000m), bus stop (500m) and a railway station (2000m).

The site does not comply with all of the standards advised by the NWDA toolkit. However, as stated previously, these are just guidelines and are not part of the development plan. Owing to its position on the edge of Sandbach, there are some amenities that are not within the ideal standards set within the toolkit. However, all of the services and amenities listed are accommodated within Sandbach and therefore the settlement can be considered as sustainable.

On the whole, the proposal meets the standard. Where the proposal fails to meet it, these facilities / amenities are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities that are not so close to the development are the local secondary school, medical centre, childcare facility and railway station.

Nevertheless, owing to its location on the edge of the settlement, there are some amenities and facilities that will not be as close to the development as existing dwellings which are more centrally positioned. Indeed this is not untypical for suburban dwellings. However, all of the amenities and facilities are accessible to the proposed development on foot and therefore it is considered that this small scale site is 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 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 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. With regards visibility, the applicant has shown that visibility in the leading direction is achievable as per standards. In the non leading direction, a reduced visibility is available (2.0m x 22m at a point 1.4m from the nearside kerb). Originally, the Strategic Highways Manager considered that because the applicant's original speed survey showed that vehicle speeds were just above 20mph, the requirement to provide the full visibility splay in this direction was not necessary.

In response to this, local residents have carried out their own traffic surveys, which contradicted the results and conclusions of the applicant's submission. The resident's state that greater sightlines from the proposed access would be required, which would not be achievable due to the limited width of the access and 3<sup>rd</sup> party land. In light of this conflicting information, the applicant has carried out additional survey work and the Council's highways department has also undertaken its own survey to provide impartial data.

The results of our own survey show that the 85 % percentile dry weather speed to be 23mph southbound and 24mph northbound. To determine the wet weather speed, these figures are reduced by 2.5mph bringing the speeds to be 21mph and 22mph (rounded). The resident's survey indicted 26.7mph northbound and 28.2mph southbound. The applicant provided figures of 20mph in each direction. Given that Hassall Road is traffic calmed (speed bumps) and that there are no personal injury accidents (PIA) recorded in the vicinity of the access, it is concluded that the visibility being provided by the development is sufficient. Consequently, the design of the proposed access is considered suitable and acceptable for the proposed development.

With respect to traffic generation, 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 applicants employed a Highway Consultant to produce a Transport Report (TR). The TR assesses traffic

generation numbers and from this considers the traffic impact on the existing highway network.

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.

Addressing other issues raised by residents, the internal roads within the site will remain private and will not be adopted by the Council. As such, the applicant does not have to conform to the Council design standards. The access to number 75 is being relocated as part of the proposals. Whether or not the applicant can impose this change on the land owner is a civil matter between the two parties and is not a material planning consideration.

To conclude highways matters, whilst the development does add a little 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 hedges running around the perimeter of the site and it is proposed that these will be retained and supplemented where necessary. This would be secured at the reserved matters stage.

The applicant has submitted a Landscape and Visual Impact Appraisal. This concludes that the character of the surrounding residential development is one of being within a wider urban / residential area rather than that associated with ribbon development. Further, owing to the unique shape and site characteristics, the development of the site will lead to a natural progression of development. The location and scale of the proposed development are entirely in scale and in proportion with the existing development and in the wider visual sense will not intrude, dominate or have a significantly adverse impact on the adjacent wider landscape and open countryside.

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 application site is read separately to the wider landscape setting where this comprises of larger open fields making up the open countryside. In comparison, the application site is a small field, surrounded on 3 sides by development with terrain that rises upwards gently, where it transitions with the adjacent residential development. It is enclosed by existing

mature boundary hedgerows and trees. Taking this into account, the development would not jut out and would therefore not 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.

### **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 the newly adopted National Planning Policy Framework 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.

The plans have been amended to reduce impact on no. 75. Plot 39 would be situated directly to the rear of no. 75 Hassall Road but would be positioned at 90-degrees. The dwelling has been shifted further over to satisfy the council's minimum separation distance of 13.8. 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 amenity of the occupiers of the proposed units, the dwellings have been configured and arranged so as to ensure no direct overlooking of principal windows takes place. 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 the National Planning Policy Framework 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.

## **Education**

The Education Department has requested a developer's contribution of £65,078. The development will generate 6 primary aged pupils and 5 secondary aged pupils. There are 6 primary schools within 2 miles of the proposal and 2 secondary schools. Projections show that the local primary schools are due to be oversubscribed by 2014 with no surplus places available and this does not account for the developments at former Foden's sites and Albion Inorganic Chemical Works from which S106 contributions have been secured. There is projected to be sufficient surplus provision available in the local Secondary Schools. Thus, the contributions sought would assist the future primary school provision and the applicant has agreed to these terms.

## **Loss of Agricultural Land**

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

In this instance, the land is classified as Grade 3A, which is considered to be the 'best and most versatile' agricultural land. However, it is important to note that the area of farmable land is not significant, measuring only 1.3 ha. At present, the plot is divided into 2 parcels, with approximately 55% in arable use. The remaining portion is of poor quality and is also within separate ownership. Whilst part of the land has been used to grow crops, due to its limited size and the existing site constraints (i.e. surrounded on 3 sides by residential development and separated from the larger open fields to the east by mature trees and hedgerows), it does not offer a contribution to the high quality agricultural land in the area.

Thus, whilst the proposal would result in the loss of a small quantity of Grade 3A agricultural land, the loss would not be 'significant' and would not outweigh the benefits that would come from delivering this small scale development and assisting with the Council's housing land supply situation helping to relieve pressure on less sustainable and preferential Greenfield sites elsewhere.

## **S106 / Contributions**

Further to the meeting when Members first considered this application, the applicant has agreed to provide sums of £65,078 towards the education provision within nearby primary schools, and also offered £4,000 towards providing travel packs for the occupiers of the new houses to help improve sustainability. This is in addition to the agreed sums of money relating to POS and improving the local bus stop. Such contributions will offset the impacts of the proposed development and will help to minimise any harm.

## **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 the newly adopted National Planning Policy Framework, it should consider favourably suitable planning applications for housing. 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.

In this case, there is still an annual shortfall of units within Sandbach, even when taking into account existing permissions on Brownfield land. The proposal amounts to a small scale development and would assist the land supply situation in the short term.

Whilst the site does not meet the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed sustainable.

To conclude highways matters, whilst the development does add a little 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.

Whilst the proposal will result in the loss of some grade 3a agricultural land, it is considered that the benefits of delivering the site for much needed housing would outweigh this loss, given that the site does not offer a significant quality of land.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements and monies towards the future provision of primary school education.

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
- £65,078 towards future primary school education provision

**And the following conditions**

1. Standard outline
2. Submission of reserved matters (landscaping)
3. Approved plans including amended plans and 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 of details of boundary treatment
21. Submission of details of Travel Pack for each dwelling

