

Southern Planning Committee

Agenda

Date:	Wednesday 11th January 2023
Time:	10.00 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

It should be noted that Part 1 items of Cheshire East Council decision meetings are audio recorded and the recordings are uploaded to the Council's website.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest/Pre Determination

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. Minutes of Previous Meeting (Pages 3 - 10)

To approve the minutes of the meeting held on 30 November 2022.

Please contact Rachel Graves

E-Mail: rachel.graves@cheshireeast.gov.uk

To arrange to speak on an application at the meeting please email:
Speakingatplanning@cheshireeast.gov.uk

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A total period of 3 minutes is allocated for each of the planning applications for the following:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **22/0882C - LAND AT, WRIGHTS LANE, SANDBACH: Erection of 25no. dwellings with associated access, car parking, open space and landscaping (Pages 11 - 36)**

To consider the above application.

6. **22/0304C - LAND WEST OF PADGBURY LANE, CONGLETON: Proposed erection of 3no dwellings off Thistle Way / Padgbury Lane. Land previously identified for 180sq.m health related development (class D1 use) (Pages 37 - 50)**

To consider the above application.

THERE ARE NO PART 2 ITEMS

Membership: Councillors M Benson, J Bratherton, P Butterill (Vice-Chair), A Critchley, S Davies, A Gage, A Kolker (Chair), D Marren, C Naismith, S Pochin, L Smith and J Wray

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 30th November, 2022 in the Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor A Kolker (Chair)
Councillor P Butterill (Vice-Chair)

Councillors M Benson, J Bratherton, A Critchley, S Davies, A Gage, D Marren,
C Naismith, S Pochin, L Smith and J Wray

OFFICERS IN ATTENDANCE

Dan Evans, Principal Planning Officer
Gareth Taylerson, Principal Planning Officer
Andrew Goligher, Development Officer
Andrew Poynton, Planning Lawyer
Rachel Graves, Democratic Services Officer

46 APOLOGIES FOR ABSENCE

There were no apologies for absence.

47 DECLARATIONS OF INTEREST/PRE-DETERMINATION

In the interests of openness, in relation to application 22/2820N –
Springfield School, Councillor A Critchley declared that he had been a
member of the Children and Families Committee which had approved the
expansion of the school.

48 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 2 November 2022 be approved as
a correct record.

49 PUBLIC SPEAKING

The public speaking procedures were noted.

- 50 **22/2820N - SPRINGFIELD SCHOOL, OLD CREWE GREEN ROAD, CREWE, CW1 5HS: EXTENSION TO THE EXISTING SPRINGFIELD SCHOOL SPORTS PAVILION, TO ACCOMMODATE 60 EXTRA PUPILS. TO INCLUDE NEW CLASSROOMS AND ALL PROVISIONS ASSOCIATED . EXTENSION AND RODELLING OF EXISTING KITCHEN ALTERATION TO CAR PARK FACILITIES NEW SECURE FENCING AND AUTOMATED GATES, HIGH LEVEL FENCING TO SURROUND THE SOUTHERN PART OF THE SITE AND ENCLOSE THE CAR PARK.**

Consideration was given to the above planning application.

The following attended the meeting and spoke in relation to the application:

Ms Lisa Hodgkison (supporter).

RESOLVED:

That for the reasons set out in the report and update report, the application be APPROVED, subject to the following conditions:

- 1 3 year time limit
- 2 Development in accordance with the approved plans
- 3 Details of proposed materials
- 4 Dust suppression methods
- 5 Details of electric vehicle charging points
- 6 Details of low emission boilers
- 7 Contaminated land soil testing
- 8 Contaminated land unexpected contamination
- 9 Details of a sustainable surface water drainage scheme and a foul water drainage scheme
- 10 Detailed drainage strategy
- 11 Details of external lighting
- 12 No removal of any vegetation or the demolition or conversion of buildings shall take place between 1 March and 31 August in any year, unless a detailed survey has been carried out to check for nesting birds
- 13 Submission of an ecological enhancement strategy
- 14 Retention and enhancement of existing hedgerow where possible, and compensatory native species planting to compensate for any sections of hedgerow unavoidable loss
- 15 Details of levels
- 16 Protective fencing to be provided for the duration of any construction period
- 17 Landscaping scheme to be provided and include height of the access barrier
- 18 Landscaping scheme to be implemented
- 19 The first-floor windows below 1.7m high serving classroom R1.16 shall be fitted with obscure glazing
- 20 By the 31st May 2023, a scheme detailing the provision of x4 habitat units shall be submitted in writing to the Local Planning

Authority for approval. This shall also include a timetable for the implementation of the units. The units shall then be delivered in full in accordance with the agreed timetable.

In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution before issue of the decision notice.

- 51 **WITHDRAWN - 22/2692N - LAND OFF, CREWE ROAD, WINTERLEY: RESERVED MATTERS PLANNING APPLICATION (LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) FOLLOWING OUTLINE APPROVAL REFERENCE 19/3889N - OUTLINE APPLICATION FOR THE ERECTION OF UP TO 55 DWELLINGS WITH ASSOCIATED WORKS (ACCESS TO BE CONSIDERED WITH ALL OTHER MATTERS RESERVED) (RESUBMISSION OF 18/2726N)**

The application had been withdrawn from the agenda prior to the meeting taking place.

- 52 **21/0482N - LITTLE ISLAND LIVERY, HAYMOOR GREEN ROAD, WYBUNBURY, CW5 7HG: RETENTION OF BUILDING FOR USE AS OFFICES, RECEPTION, STAFF FACILITIES AND STORAGE IN CONNECTION WITH THE EXISTING EQUINE BUSINESS ACTIVITIES.**

Consideration was given to the above planning application.

The following attended the meeting and spoke in relation to the application:

Councillor J Clowes (ward councillor), Wybunbury Parish Councillor Stuart Howcroft and Mr Richard Lee (agent).

RESOLVED:

That for the reasons set out in the report, the application be APPROVED subject to the following conditions:

- 1 Approved Plans
- 2 Uses as proposed to support equestrian activities of equine business.

In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Planning and Enforcement Manager in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution before issue of the decision notice.

53 **22/2785C - 474, CREWE ROAD, SANDBACH: PLANNING APPLICATION FOR CREATION OF AN ADDITIONAL ASSISTED LIVING ACCOMMODATION C3(B)**

Consideration was given to the above application.

The following attended the meeting and spoke in relation to the application:

Councillor L Crane (ward councillor), Mr Andrew Baxter and Mr Graeme Radmall (applicants)

RESOLVED:

That for the reasons set out in the report the application be APPROVED, subject to the following conditions:

- 1 Time limit
- 2 Approved Plans
- 3 Materials as set out in the application
- 4 Provision of 4 parking spaces accessed from the rear of the property prior to the first occupation of the building. To refer to permeable surfacing for the parking areas
- 5 Covered and secure cycle parking to be submitted and approved.

Informatives

NPPF

The hours of noise generative demolition/construction works taking place during the development (and associated deliveries to the site) are restricted to:

Monday – Friday 08:00 to 18:00 hrs

Saturday 09:00 to 14:00 hrs

Sundays and Public Holidays Nil

Deviation from the above hours may be possible in exceptional circumstances with the written agreement of the Local Authority.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Development Management, in consultation with the Chair (or in their absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

(Councillors J Bratherton and C Naismith left the meeting before consideration of the next application and did not return to the meeting.)

**54 21/6432N - THE ROYALS, WHITCHURCH ROAD, ASTON, CW5 8DJ:
PROPOSED CONVERSION OF TRADITIONAL FARM RANGE
BUILDINGS AND SUB-DIVISION OF EXISTING FARMHOUSE TO
FORM 8 NO. NEW RESIDENTIAL DWELLING UNITS, WITH
ASSOCIATED PARKING, MEANS OF ACCESS, GARAGING, BIN
STORAGE AND LANDSCAPING INCLUDED**

Consideration was given to the above application.

RESOLVED:

That for the reasons set out in the report the application be APPROVED,
subject to the following conditions:

- 1 Standard Time
- 2 Approved Plans
- 3 Works relate to barns only shown in approved plans/structural survey
- 4 Materials to be approved
- 5 Surfacing materials to be approved
- 6 Windows to be timber and set behind minimum of 75mm reveals
- 7 Fenestration details of barns to be approved, with detailed drawings of at least 1:20
- 8 Roof lights to be set flush/conservation style
- 9 All rain water goods and flues to be black metal
- 10 Removal of PD for extensions, alterations and outbuilding and boundary treatments
- 11 Landscaping plan to be submitted and approved - external area of units 6 and 8 to be re-considered
- 12 Landscape implementation
- 13 Landscaping plan to indicate boundary treatment
- 14 Archaeology – Written Scheme of investigation
- 15 Safeguarding of Breeding Birds
- 16 Biodiversity enhancement strategy to be approved
- 17 Protected Species report and recommendation to be implemented as approved
- 18 External light scheme to be approved
- 19 Drainage scheme to be approved
- 20 EVI to be approved
- 21 Contaminated Land report – scope of works and remediation if needed
- 22 Contaminated Land – Verification report
- 23 Contaminated land - soil importation
- 24 Contaminated Land – watching brief and unexpected contamination
- 25 All buildings shown for removal on plans shall be removed prior to first occupation of the barn conversions
- 26 Car parking, passing bays, bike stores, bin stores and garages shall be available for use prior to the first occupation of the barns

- 27 Public Rights of Way Management scheme/plan to be implemented as approved
- 28 Levels of details to be approved
- 29 No trees or hedges to be removed where stated as retained
- 30 Tree protection scheme to be submitted and approved
- 31 Arboricultural Method Statement to be submitted and approved

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in their absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

55 **22/2219C - LAND NORTH OF DRAGON'S LANE, SANDBACH, MOSTON, CHESHIRE EAST, CW11 3QH: ERECTION OF A 12 MW BATTERY STORAGE FACILITY WITH BOUNDARY FENCING, ACCESS TRACK**

Consideration was given to the above application.

The following attend the meeting and spoke in relation to the application:
Mr Evan Williams (agent).

RESOLVED:

That for the reasons set out in the report the application be APPROVED, subject to the following conditions:

- 1 Time limit
- 2 Approved plans
- 3 Materials as set out in the application
- 4 Provision of site access visibility splays
- 5 Phasing to ensure that site access and visibility splays are provided prior to site clearance commencing
- 6 Provision of a Construction Traffic Management Plan
- 7 Submission and implementation of a Construction Environmental Management
- 8 Submission and implementation of a detailed design of a wetland scheme
- 9 Safeguarding of nesting birds
- 10 Implementation of the Great Crested Newt Method Statement
- 11 Submission of an updated Badger Survey prior to commencement of development
- 12 Submission and implementation of a scheme to safeguard a 5m undeveloped buffer adjacent to the water course on the eastern boundary
- 13 Submission and implementation of details habitat creation plan, 30-year habitat management plan and monitoring plan

- 14 Implementation of bat mitigation measures in respect of the loss of tree 12
- 15 Provision and implementation of a detailed drainage strategy/design
- 16 Implementation of the details shown in the revised Landscape Masterplan
- 17 Submission and implementation of details of boundary treatments

Informatives

NPPF

Prior to first development the developer will enter into and sign a Section 184 Agreement under the Highways Act 1980 to provide a new vehicular crossing over the adopted footway/verge in accordance with Cheshire East Council specification.

Please be aware the CEC byelaw 10 “No Obstruction with 8 metres of the Edge of the Watercourse”. No person without the previous consent of the Council shall erect any building or structure, whether temporary or permanent, or plant any tree, scrub, willow or similar growth with 8 metres of the landward toe of the bank where there is an embankment or wall or within 8 metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within 8 metres of the enclosing structure.

The hours of noise generative* demolition/construction works taking place during the development (and associated deliveries to the site) are restricted to:

Monday – Friday 08:00 to 18:00 hrs

Saturday 09:00 to 14:00 hrs

Sunday and Bank Holidays Nil

Deviation from the above hours may be possible in exceptional circumstances with the written agreement of the Local Authority.

In order to give proper effect to the Committee’s intentions and without changing the substance of the decision, authority is delegated to the Head of Development Management, in consultation with the Chair (or in their absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

The meeting commenced at 10.00 am and concluded at 12.36 pm

Councillor A Kolker (Chair)

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Application No: 22/0882C

Location: Land at, WRIGHTS LANE, SANDBACH

Proposal: Erection of 25no. dwellings with associated access, car parking, open space and landscaping

Applicant: Ken Whitaker, Edgefold Homes

Expiry Date: 13-Jan-2023

SUMMARY

The site is located within the Sandbach Settlement Boundary and CELPS allocation LPS53. The proposed development does not comply with criterion 1 and 2 of LPS53 and the site would result in a piecemeal loss of part of the employment allocation. The principle of development is considered to be unacceptable as it does not comply with LPS53 or EG3 of the CELPS.

The development would provide the required level of affordable housing and comply with Policy SC5.

The design of the proposed development does not represent an acceptable design solution and the proposal would be dominated by larger 4 bed dwellings. The proposal is contrary to Policies SE1, SC4 and SD2 of the CELPS, GEN1 and SC4 of the SADPD, H2 and H3 of the SNP and the CEC Design Guide.

In terms of the POS, the development is deficient in quantum and quality. The proposal does not comply with Policies SD2 and SE6 of the CELPS and REC3 of the SADPD.

The proposed development would not provide an acceptable level of amenity for the occupants of 2-10 Wrights Lane or the future occupants of plots 16 and 17. The proposal is contrary to policies HOU12 and HOU13 of the SADPD.

The proposed access points and the traffic impact are considered to be acceptable. The development complies with Policies SD1, SD2 and SE1 of the CELPS, INF1 of the SADPD and IFT2 of the SNP.

The development is considered to be acceptable in terms of the impact upon ecology, trees and flood risk. There is no conflict with the development Plan relating to these issues.

The proposal conflicts with the Development Plan as a whole and is recommended for refusal.

RECOMMENDATION
REFUSE

SITE DESCRIPTION

The site of the proposed development extends to 1.12 ha and forms a triangular plot of land to the north-east of Wrights Lane. The site forms part of LPS53 within the CELPS.

To the south is residential development fronting Wrights Lane, Heath Road and Heath Close. There is also recently constructed residential development to the west of the site fronting Teasel Close.

The site includes a group TPO to the western boundary and three individual trees which are the subject of TPO protection.

The site is relatively flat and is bound by trees and hedgerows.

PROPOSAL

This is a full application for the erection of 25 dwellings. The site would be accessed via Wrights Lane.

The proposed development would have the following housing mix;

2 x one bedroom dwellings

2 x two bedroom dwellings

8 x three bedroom dwellings

13 x four bedroom dwellings

All dwellings would be two-stories in height, apart from 2 units which would be bungalows.

The development includes 30% affordable housing provision (8 units).

RELEVANT HISTORY

17/4838C - Outline application for development of commercial park including office use, industrial units, storage and distribution, a sports facility and a local centre. (Resubmission of 16/4631C) – Application Undetermined

16/4631C - Outline application for development of commercial park including office use, light industrial units, storage and distribution, residential care home, sports facilities a local centre and up to 245 residential dwellings – Withdrawn 10th March 2017

15/3605S - EIA Screening & Scoping Opinion for proposed development Phase 2A - Mixed-use development including employment and residential development, a new local centre, major open space and landscaping, Vehicle Bridge and associated highway access works and infrastructure. – EIA Required 22nd October 2015

20715/1 - Access Road, residential, recreational & open space – Withdrawn 18th April 1989

19528/1 - Residential development to include sports facilities, landscaping & amenity area and a site for licensed premises – Refused 3rd May 1988

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy (CELPS)

LPS53 - Land adjacent to J17 of M6, south east of Congleton Road, Sandbach

MP1 – Presumption in Favour of Sustainable Development

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG7 - Spatial Distribution of Development

SC4 – Residential Mix

CO1 - Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE 3 - Biodiversity and Geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure

SE 7 – The Historic Environment

SE 9 – Energy Efficient Development

SE 13 - Flood Risk and Water Management

IN1 – Infrastructure

IN2 – Developer Contributions

Site Allocations and Development Policies Document

PG9 – Settlement Boundaries

GEN1 – Design Principles

ENV2 – Ecological Implementation

ENV3 – Landscape Character

ENV5 – Landscaping

ENV6 – Trees, Hedgerows and Woodland Implementation

ENV7 – Climate Change

ENV12 – Air Quality

ENV14 – Light Pollution

ENV16 – Surface water Management and Flood Risk

HOU1 – Housing Mix

HOU8 – Space, Accessibility and Wheelchair Housing Standards

HOU12 – Amenity

HOU13 – Residential Standards

HOU14 – Housing Density

HOU15 – Housing Density

HOU16 – Small and Medium Sized Sites

INF1 – Cycleways, Bridleways and Footpaths

INF3 – Highways Safety and Access

INF9 – Utilities

REC2 – Indoor Sport and Recreation Implementation
REC3 – Open Space Implementation

Sandbach Neighbourhood Plan

The Sandbach Neighbourhood Plan was made on 21st March 2022

PC2 – Landscape Character
PC3 – Settlement Boundary
PC4 – Biodiversity and Geodiversity
PC5 – Footpaths and Cycleways
H1 – New Housing
H2 – Design and Layout
H3 – Housing Mix and Type
H4 – Housing and an Ageing Population
IFT1 – Sustainable Transport, Safety and Accessibility
IFT2 - Parking
IFC1 – Contributions to Local Infrastructure
CW3 – Health
CC1 – Adapting to Climate Change

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.

60-80. Wide choice of quality homes

126-136. Requiring good design

CONSULTATIONS

CE Flood Risk Manager: No objection. Drainage conditions are suggested.

United Utilities: Drainage condition and general advice provided.

CEC Education: The following contributions are required to mitigate the impact of the development;

- £43,385.16 (primary education)
- £49,028.07 (secondary education)

Strategic Housing Manager: Following the receipt of an Affordable Housing Scheme – no objection to this proposed development.

NHS: Request a contribution to mitigate the impact of the proposed development.

Cadent Gas: No comments received.

PROW: The site is affected by a claimed footpath which runs along and within the north-western boundary of the site.

The PROW Team have not been contacted by the landowner since the planning application was submitted. The most logical way to deal with this would be for the route to be dedicated as a PROW under the Highways Act in order to add the route to the Definitive Map.

The PROW Team would like to see details regarding the footpath specification. Could this be conditioned within a footpath management scheme?

Strategic Highways Manager: No objection subject to the imposition of planning conditions relating to improved parking for plot 24 and improved visibility for plot 21, and the submission of a scheme to relocate an existing telegraph pole and street bin.

Environmental Health: The following conditions are suggested;

- EV Charging
- Low emission boilers
- Travel Plan
- Submission and approval of a Contaminated Land Report
- Submission of a Verification Report before occupation
- Importation of soils
- Unexpected contamination

Public Open Space: The revised scheme does not address the previous concerns, there is a lack of both quantity and quality amenity green space and children's play space. In addition community food growth has not been addressed.

VIEWS OF THE PARISH COUNCIL

Sandbach Town Council: Object to this application due to the following reasons:

- Members would like to see that the Capricorn site provides employment opportunities and believe that this application is premature in that respect. Job opportunities should provide financial security within the community and employment should be delivered before any further houses. It is noted that independent reports referenced in the revised Sandbach Neighbourhood Plan confirm that there is no requirement to provide additional housing in the plan period.
- Members are disappointed that there is no access to this site through Capricorn. This places further additional stress on Heath Road, where the access is too narrow for bin wagons etc. It would be a concern in the morning when parents drop off school children and the bin wagon operations.
- Members are disappointed to see that there is no vehicle access to rear gardens on Heath Road and consider this a missed opportunity. Furthermore, Members note that they are yet to see any sort of legal agreement regarding the transfer of parking from Wrights Lane onto the spaces within the site, though understand that long leases and peppercorn rents are proposed.
- Members would not like to see construction traffic coming down Heath Road, construction should be delayed until traffic can be served from the larger Capricorn site for safety reasons.
- There is no allocated visitor parking within the development. Members would welcome visitor parking in the space next to the Pumping Station.
- Members would like to see conditions to ensure the retention of trees once the development is completed.

- Members would like reassurance that the proposed driveways are long enough that 2 cars parked in front of each other may park on them without overhanging the footpaths.
- It isn't clear in the application how overlooked the green spaces are. They shouldn't be hidden from view so as not to encourage antisocial behaviour. The Green spaces may be overlooked by Capricorn, although this isn't clear from the application.
- The revised Sandbach Neighbourhood Plan Policy PC5 Footpaths & Cycleways will require the existing footpath to the northern edge of the site to be retained as a rural pathway. i.e. not a narrow tarmac path.
- Members welcome the provision of 8 affordable homes and two plots will be bungalows while the number of houses is down from 26 to 25. Members also noted trees are retained near the footpath

REPRESENTATIONS

Letters of objection/general observation have been received from 14 households which raise the following points;

- Traffic cannot cope with an additional 26 dwellings
- The junction of Wrights Lane onto Heath Road is dangerous with parked cars to either side
- Heath Road cannot cope with further vehicles
- The number of accidents on Heath Road will get worse
- The access is ill thought out and Wrights Lane is well used by walkers
- The house types do not match those which are in the highest demand in the area
- Damage to trees
- Impact upon wildlife
- Drainage infrastructure in the area is inadequate
- Odour problems from existing drainage infrastructure
- Works to the TPO trees are unacceptable
- Difficulty for construction vehicles to access the site via Wrights Lane
- Too many 4 bed units and not enough smaller homes
- The D&A Statement is misleading
- Heath Road is often at single track and at gridlock
- Moving the on-street parking along Wrights Lane will not make it wide enough
- Pedestrian safety
- Access should be taken from within the Capricorn development
- As a benefit to the community further parking should be provided to the rear of the properties on Heath Road (reducing on-street parking along Heath Road)
- The proposal offers no benefit to the local community
- Previous applications for housing on the site have been rejected
- Sandbach cannot support any further increase in population
- Site is valued by dog walkers
- Wrights Lane is too narrow to serve this development
- Proximity of the access to shop, garage, hair dressers and dentist causes congestion issues
- Construction vehicles will damage the highway and the damage will not be repaired
- There are two unfinished housing developments along Heath Road
- School Lane has never been connected to main sewers
- Schools, Doctors and dentists are at capacity

- The re-located parking for residents on Wrights Lane would be inconvenient and for tasks like transporting shopping, washing the car it would be difficult
- Re-located parking does not cater for residents who have mobility issues
- Access should be maintained for properties on Heath Road and Wrights Lane at all times for maintenance purposes
- Would the re-located parking spaces be the subject of a charge? Will EV charging points be installed? Would the parking spaces be for Wrights Lane residents only? The details are too vague
- Bin lorries cannot fit down Wrights Lane
- Wrights Lane measures 4.8m and not 5m as suggested. The footpath is too narrow (0.6m) and is unusable in points
- Lack of information in terms of tree removal
- Loss of green space
- Sinkhole appeared on the line of an existing sewer
- Sandbach has already exceeded its housing allocation and does not comply with the CELPS
- The revised SNP identifies that there is no need for further housing in Sandbach
- LPS53 identifies a need for 450 new homes. The site is already delivering 425 homes. The proposal does not enable the commercial part of the development to be delivered.
- The Transport Study underplays the highways impact of the development
- The site is not in a suitable location for sustainable access
- 17/4838C is yet to be determined
- Happy that the footpath to the northern boundary of the site is being retained
- Replacing the existing hedgerow with fencing is not acceptable
- The site has no detailed Traffic Management Plan
- How will the open space be managed? If by a management company – will service charges be used to maintain the parking spaces? Who will pay the service charge?
- The footpath should be maintained through the development
- Support the comments made by the Sandbach footpaths group

An objection has been received from Sandbach Heath Neighbourhood Forum which raises the following points;

- Road width on Wrights Lane is below standard. The point raised in the Planning Statement that the proposal will have 'no material intensification' is not accepted.
- In its current form traffic movements are exacerbated by parked cars and traffic movements associated with existing homes and businesses.
- Traffic movements associated with 26 dwellings will cause harm to the quality of life of existing residents
- There is no information of the structure of responsibility and maintenance of the resident parking spaces.
- The cul-de-sac through the development is flawed and lacks a turning head
- The design introduces box windows not seen on residential properties in the area. Neither are repetitive gable features. The proposal is incongruous to existing housing on the Heath
- Removal of a healthy Oak (T15)
- Although allocated through LPS53 the local plan is not yet adopted. The Council has sufficient land for housing and employment. No justification for further housing in Sandbach Heath
- The application should be refused.

An objection has been received from Sandbach Footpath Group which raises the following points;

- The site has an established footpath along the north-western edge. The path needs protecting from the development. It provides an important and well-used link from Wrights Lane to Footpath FP14.
- The submitted plans do not show the whole length of Wrights Lane as an adopted highway from Heath Road to the old footpath. This makes it difficult to understand how much of the old path would be lost if the development goes ahead.
- The proposed access to sweep into the adopted part of Wrights Lane but it is not clear how much would be affected
- It is important that the old path is not obstructed either temporarily or permanently during the building works

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

- The PROW comments refer to the *'claimed footpath, the route of which runs along and within the north western boundary of the site'*. Support this claim and suggest that the route is upgraded for use by cyclists. It would join the northern end with Larch Drive and the proposed footpaths within the Capricorn site. This can be justified via the CEC Design Guide.
- The hard landscaping plans show *'access to the PROW from the adjacent development subject to adjustment of S38 agreement'*. This is supported to improve walking and cycling.

APPRAISAL

Principle of Development

The application site comprises of 1.2 ha of land located to the north of residential properties on Wrights Lane in Sandbach. To the west lies a recently constructed housing scheme built by Persimmon Homes.

The site is located within the Sandbach Settlement Boundary, the confines of allocated site LPS 53: 'Land adjacent to J17 of M6, south east of Congleton Road, Sandbach' and within the Sandbach Neighbourhood Plan designated area.

Whilst this development is of a relatively small scale (25 dwellings) it gives rise to some complex planning considerations given that a significant portion of the land edged red straddles a planting buffer and encroaches on land allocated for employment uses (CELPS Figure 15.64) conflicting with the adopted policy. Ultimately, if approved, there are concerns that the proposal would set a precedence for further residential development on employment land within this allocated site.

Cheshire East Local Plan Strategy ("LPS")

The LPS was adopted in July 2017 and is the strategic plan for the Borough. It sets out the adopted requirements for housing and employment development of 380 hectares of employment land and 36,000 new homes over the plan period 2010-2030 (as set out in Policy PG1). It is important to recognise that the level of housing planned for in the LPS was uplifted

during its examination (from 27,000 new dwellings & 300 ha of employment land on submission) in order to align it with the economic and jobs growth anticipated to take place in the Borough over the plan period. In summary, there is a symbiotic relationship between the level of employment land planned for by the LPS and the number of new homes needed.

The adopted housing and employment requirements for the Borough are disaggregated in the LPS to the various settlements/tiers of the settlement hierarchy. LPS Policy PG 7: Spatial Distribution of Development provides indicative figures of development for Sandbach of 'in the order of' 20 ha of employment land and 2,750 new homes. The LPS takes account of completions, commitments and allocations to facilitate the levels of development indicated.

As set out in paragraph 272 of the LPS Inspector's Report (paragraph 272), the development strategy for Sandbach seeks to provide a new high-quality mixed-use employment led development on land adjoining the M6, with good access to the strategic road network, to offset the recent loss of industry and high levels of out-commuting, diversify the town's economy and attract new jobs.

The plan allocates a single greenfield site in Sandbach – LPS 53, for mixed uses including up to 450 new homes plus the entirety of the town's employment land - 20 ha.

The number of new homes allocated at LPS 53, was uplifted from 200 to 450 during the examination of the LPS. It is highlighted that the landowner sought to reduce the amount of employment land to 8ha and increase the number of homes to 600 due to viability concerns. However, the Inspector found the proposed mix, viability and deliverability of land-uses of the proposed development to be effective, justified and soundly based (paragraphs 272-280).

Policy LPS 53

The rationale for allocating this site for mixed use development is set out at paragraph 15.620-15.625 of the supporting text. This highlights that the intention of this allocation is to ensure that the primary use is for employment purposes.

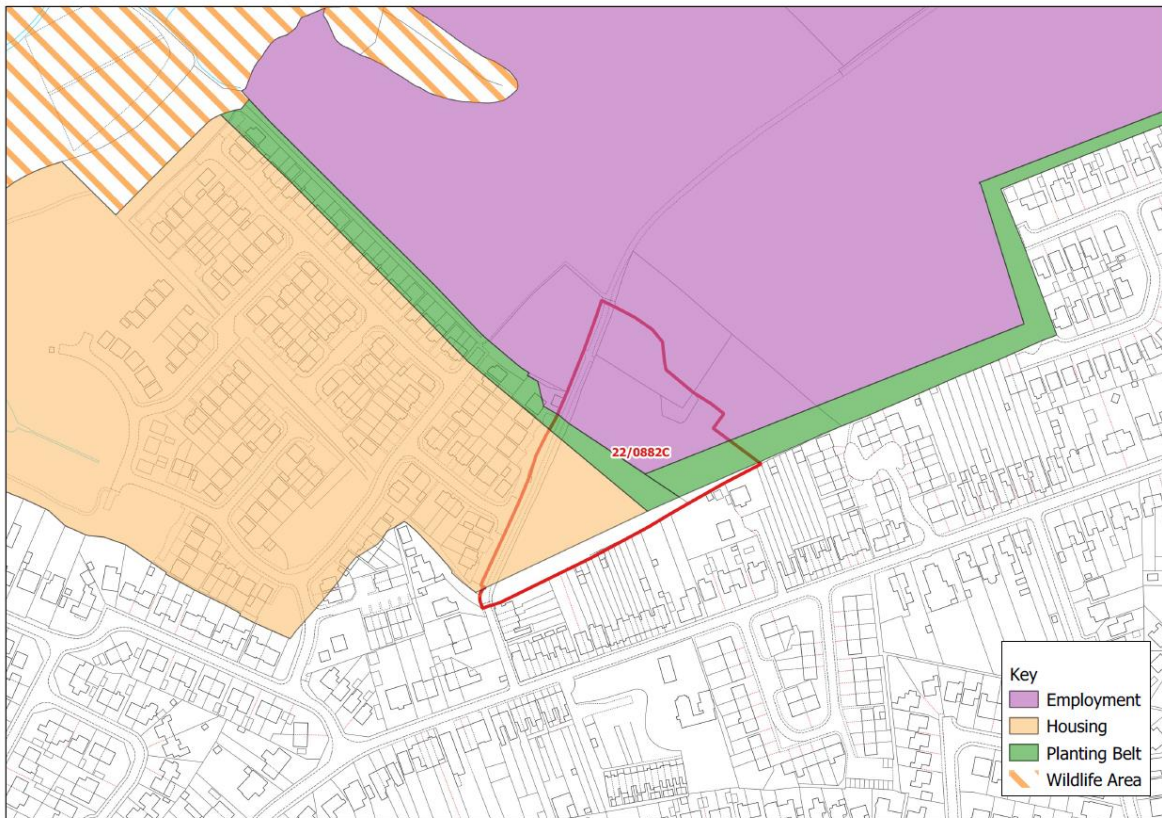
The supporting text recognises that Sandbach has experienced substantial housing growth over the plan period and that the site is allocated to ensure that a balance of housing and employment is provided in the town. The employment component is seen as central to the achievement of sustainable development with residential uses sub-ordinate uses to cover the infrastructure costs needed to deliver the whole site, including a new access road and bridge within the employment site, works to the motorway junction and along Old Mill Road. Paragraph 15.623 states that the development should be developed in accordance with the allocations set out in Figure 15.64.

Turning to the policy itself, this states that the development of the site will be achieved through a mixed-use employment led development. This includes the delivery of 20 hectares of employment land as set out in Figure 15.64 and up to 450 new homes to support the delivery of the 20ha of employment land. It is important to note that the allocation of 450 homes is expressed as 'up to' – thus it is not a target or requirement.

Site specific principles of development include the provision of contributions towards junction 17 of the M6 and the Old Mill Road corridor, provision for a new bridge across the Brook to

access the employment land, provision of a landscaped buffer between employment and housing areas and various other criteria.

It is considered that the proposal does not comply with Criteria 1 & 2 as the development site straddles the buffer planting area and encroaches into the employment area as defined on Figure 15.64. The extent of the application site and its relationship to those uses defined on Figure 15.64 is shown below.



As can be seen on the diagram above approximately half (0.52ha) of the application site is on land shown as employment and planting buffer (purple and green land).

The submitted planning statement does not explain how the delivery of this site for residential uses supports the delivery of the employment land or how it will contribute to the infrastructure costs needed.

It is also highlighted that there appears to be an area of land to the north-east of the application site which sits outside the site edged red and the site area for application 17/4838C. This area of land would effectively become land-locked if both schemes were to be approved and plans for this sandwiched area of land appear unclear. The extent of any landscaped area to separate the housing proposed from the land beyond appears particularly limited adjacent to Plot 15. These are matters that should be clarified with the applicant.

Housing & employment delivery at LPS 53

As set out above, delivery of LPS 53 is to be achieved through a mixed-use employment led development with the housing a subordinate element to facilitate employment delivery. At the 31 March 2022, a total of 355 dwellings had been completed on this strategic site with 66 dwellings net remaining (total of 421 dwellings) (source Cheshire Housing Completions and Supply). Take up of employment land is currently 0ha (Annual Monitoring Report 2020-21).

To date there is no outline or detailed consent in place covering the Phase 2 land (south of the Brook) with the undetermined outline application 17/4838C having been submitted five years ago. Whilst it is accepted that the site area for application 17/5838C exceeds 20ha, in the absence of any firm progress with this application or an approved scheme for the employment land, it is difficult to assess whether the piecemeal loss of parcels from the employment area to alternative uses has the potential to prejudice delivery of the employment site as a whole. It is clear from the LPS Inspectors Report and a previous application at the site (16/4631C) that there has been interest in the past for residential uses on the employment land and there is concern that approval of this development could set a precedence for further employment land loss.

Other relevant factors

National Planning Policy Framework (“NPPF”)

Paragraph 122 of the NPPF states that planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- (a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
- (b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

It is considered that the relevant mechanism for considering whether employment sites are still needed is through local plan update and not through individual applications which could result in the piecemeal loss of employment land.

Plan updates

As the LPS is now more than 5 years old, at its meeting on the 1 July 2022, the Council's Environment & Communities Committee considered the review of the Local Plan Strategy and decided that an update to it was necessary. This update will involve the setting of development requirements including employment and housing beyond 2030. It is through the process of plan update that needs will be reviewed in light of the latest available evidence.

Unmet needs

As set out above, paragraph 122 of the NPPF states that local planning authorities should support proposals for alternative uses on allocated sites if the proposed use would contribute to meeting an unmet need within the area.

The Council's latest published assessment of five-year housing land supply can be found in the Housing Monitoring Update (HMU) which has a base date of 31 March 2021. The report identifies a deliverable five-year housing land supply of 6.3 years. It should be noted that since this report was published and given that the Council have decided to carry out an update to the LPS, the five-year housing supply requirement is now calculated using the standard method which is significantly lower (1,039 dwellings per annum at April 2021) than the LPS adopted housing requirement of 1,800 dwellings per annum. This has the effect of increasing five-year housing land supply to 13.1 years.

Borough-wide housing land supply of 41,888 dwellings also significantly exceeds the number of homes needed over the plan period (36,000 dwellings). This allows a level of plan flexibility in the event that certain sites do not come forward. For Sandbach, housing completions (2,685 dwellings) alone are some 98% of the 'in the order of' figure of 2,750 dwellings for Sandbach established by LPS Policy PG 8. Completions plus sites with planning permission (543) currently totals 3,228 dwellings. In these circumstances, it is considered that loss of the employment land is not justified based on unmet housing need.

It is noted that no evidence has been put forward by the applicant to clearly demonstrate that this land is no longer needed for employment uses. Nor is there any evidence to show that the provision of housing on this site would support the delivery of the employment land. As a result the principle of the proposed development is unacceptable

Housing Mix

Policy SC4 of the CELPS requires that developments provide an appropriate mix of housing (however this does not specify a mix).

In addition to the above, policy H3 of the SNP states that new developments should primarily seek to deliver the following open market housing; 1-3 bedrooms, single-storey housing or apartments, or nursing/care homes. Policy H4 also states that developments will be supported that provide suitable and accessible houses for older people.

In this case the development would provide the following mix:

- 2 x one bedroom dwellings
- 2 x two bedroom dwellings
- 8 x three bedroom dwellings
- 13 x four bedroom dwellings

All dwellings would be two-stories in height apart from two bungalows.

Policy HOU1 of the SADPD states that housing development should deliver a range and mix of house types, sizes and tenures. All major developments should respond to housing need, and this includes the indicative house types and tenures and sizes identified at Table 8.1. This is assessed below;

	Market Housing		Intermediate Housing		Affordable Housing for Rent	
	Table 8.1	Proposal	Table 8.1	Proposal	Table 8.1	Proposal
1 bedroom	5%	0%	14%	0%	26%	40%
2 bedroom	23%	0%	53%	33%	42%	20%
3 bedroom	53%	24%	28%	66%	20%	40%
4 bedroom	15%	76%	4%	0%	10%	0%
5+ bedroom	3%	0%	1%	0%	3%	0%

Whilst Table 8.1, is indicative it is clear that the proposed market housing is dominated by larger 4 bed homes. The proposed development would not contribute to a mix of housing sizes to help support the creation of mixed, balanced and inclusive communities. There is conflict with Policy SC4 of the CELPS, Policy HOU1 of the SADPD and Policy H3 of the SNP.

Policy HOU8 of the SADPD states that for major developments:

- a. at least 30% of dwellings in housing developments should comply with requirement M4 (2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings; and
- b. at least 6% of dwellings in housing developments should comply with requirement M4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.

The applicant has confirmed that the requirements of Policy HOU8 can be met and this would be controlled via the imposition of a planning condition in the event of an approval.

In terms of dwelling sizes, it is noted that HOU8 of the SADPD requires that new housing developments comply with the Nationally Described Space Standards (NDSS).

The agent has confirmed that 56% of the proposed house types are NDSS compliant, with the remainder falling short by less than 10sqm. Given the 6-month transitional period referred to within Policy HOU8 the application is considered to be acceptable in terms of dwelling sizes.

Affordable Housing

This is a proposed development of 26 dwellings on the edge of a Key Service Centre therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 8 (7.4) dwellings to be provided as affordable homes. The application proposes 8 affordable units and they would be split as follows 5 units as affordable rent and 3 units as intermediate tenure. This meets the required split of 65:35.

The current number of those on the Cheshire Homechoice waiting list with Sandbach as their first choice is 583. This can be broken down as below;

	How many bedrooms do you require?						
First Choice	1	2	3	4	5	5+	Grand Total
Sandbach	302	152	84	26	19		583

The Affordable Housing Statement identifies that the development will provide the following mix;

Rented

3 x two bedrooms

2 x three bedrooms

Intermediate Tenure

1 x two bedroom

2 x three bedrooms

The affordable housing provision on site is acceptable, as is the proposed location of the affordable units is acceptable.

Public Open Space

POS in new developments should provide accessible, flexible, usable areas for play informal recreation, social interaction, community use and be capable of changing to accommodate the communities needs as it settles and matures.

The proposed development should provide children's play space, amenity green space, allotments and green infrastructure totalling 65sqm per family home. The open space provision for this development is largely located to the eastern boundary of the site, with smaller pockets adjacent to plots 1 and 25. The footpath would also be retained along its current route.

The open space to the east would be dominated by the SUDS basin and although this would satisfy the requirement for green infrastructure, it would not provide useable public open space in quantum or quality. The proposed development would conflict with Policies SD2 and SE6 of the CELPS and REC3 of the SADPD.

POS in new developments should provide accessible, flexible, usable areas for play, informal recreation, social interaction, community use and be capable of changing to accommodate the communities needs as it settles and matures.

Outdoor Sport

The proposed development will increase demand on existing facilities and to mitigate this impact a contribution will be required of £1,000 per family dwelling and £500 per two bed apartment. This will be secured via a S106 Agreement.

Education

The proposed development of 25 dwellings is expected to generate:

- 4 - Primary children
- 3 - Secondary children

The development is expected to impact on both primary and secondary school places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary and secondary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of primary and secondary school places still remains.

The 4 primary age children and 3 secondary age children expected from this development will exacerbate the shortfall.

To alleviate forecast pressures, contribution of £43,385.16 (Primary) and £49,028.07 (Secondary) will be required to mitigate the impact of this development and these contributions will be secured as part of a S106 Agreement.

NHS

The potential impact upon healthcare provision in Sandbach is noted and comments from the NHS states that the patient lists are increasing at a number of GP Practices within the vicinity of the site.

In order to mitigate the impact of this development a contribution of £34,122 has been requested. However, this contribution is calculated using an incorrect housing mix, using the formula provided by the NHS a contribution of £32,677 will be required to mitigate the impact of this development.

PROW

The site is affected by a claimed footpath which runs along and within the north-western boundary of the site. The proposed development would not impact upon this footpath which would be retained along its current line. It is agreed that a condition could be imposed in the event of an approval to secure a Footpath Management Plan.

Residential Amenity

Policy HOU13 of the SADPD identifies the following separation distances;

- 21 metres for typical rear separation distance (24m plus 2.5m per additional storey)
- 18 metres for typical frontage separation distance (20m for three-storey buildings)
- 14 metres for a habitable room facing a non-habitable room (the addition of 2.5m per additional storey)

To the north of the site are residential properties which front Teasel Close, the proposed dwellings would have a separation distance of over 28m to the dwellings on Teasel Close (apart from plot 8 which is offset and has a separation distance of 21m). This relationship complies with the separation distances set out in HOU13.

To the south of the site are dwellings which front Heath Road. The properties fronting Heath Road have long rear gardens (37m in length). The separation distances and orientation of the dwellings means that there would be no harm to the residential amenities of the properties fronting Heath Road.

To the south-east corner of the site is a dwelling at No 2 Heath Close which appears to be sited at a slightly higher level than the application site. This property is a detached two-storey dwelling in close proximity to the shared boundary (5m). No 2 Heath Close has ground floor and first floor windows facing the application site and a separation distance of 22m to the rear elevations of plots 16 and 17. Due to the proximity of this dwelling to the boundary, its elevated position and windows facing the site, there would not be a sufficient level of privacy for the future occupants of plots 16 and 17. This is a substandard relationship.

Wrights Lane is a small cul-de-sac and to the eastern side is a terrace of 5 dwellings and to the western side there are three dwellings which are set back from the highway and benefit from front gardens. The 5 terraced dwellings positioned behind a narrow pavement and the vehicle movements for the proposed development would cause some harm in the form of noise and disturbance for the occupants of these dwellings. This would be contrary to Policy HOU12 of the SADPD which states that development proposals must not cause unacceptable harm to the amenities of nearby residential properties due to environmental disturbance or traffic generation/access.

The impact upon surrounding residential amenity is considered to be unacceptable due to the impact upon the occupants of 2-10 Wrights Lane by reason of environmental disturbance or traffic generation/access, whilst the dwelling at No 2 Heath Close would overlook the gardens at plots 16 and 17. The proposal is contrary to Policy HOU12 of the SADPD.

Air Quality

The Councils Environmental Health Officer has raised no objection to this application and considers that a condition relating to EV Charging provision, a Travel Plan and low emission boilers is necessary to ensure that local air quality is not adversely impacted for existing and future residents.

Contaminated Land

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site. This site is within 250m of two known landfill sites or area of ground that has the potential to create gas.

The issue of contaminated land has been considered by the Councils Environmental Health Officer subject to the imposition of planning conditions relating to contaminated land.

Levels

In the interests of residential amenity, the appearance of the site and drainage, the details of the existing and proposed levels will be controlled via a planning condition.

Highways

The site currently consists of green fields with little to no traffic movements associated with it and it is accessed from Wrights Lane, which is an adopted section of the highway, which itself is accessed via Heath Road.

The proposed plans show that there will be a footway at the site access which will connect to the existing footway on Wrights Lane. This would provide pedestrian connections to the surrounding area including to bus stops, nearby shops, and school. There will also be a pedestrian connection to the adjacent site via the existing footpath.

Vehicular access will be via Wrights Lane which is a small cul-de-sac serving a small number of properties with a carriageway width of between 4.7m and 5m in width. The carriageway has a footway on one side of it and is flush against garden boundaries on the western side. As a result, the usable carriageway width is slightly less than 5m. Nevertheless, there is sufficient width to allow 2 cars to comfortably pass each other. Currently there is no turning head at the end of Wrights Lane for cars or other vehicles and some of the properties off Wrights Lane do not have off-road parking.

This proposal will include 10 off-road parking spaces for the 5 properties off Wrights Lane which do not have parking, providing 2 spaces per property. The parking spaces will be offered to the residents on Wrights Lane on a long leasehold basis, at a peppercorn rent. This will free up existing carriageway space improving the access to the application site. In addition, within the application site, a turning area for vehicles will be provided, providing an additional benefit to the Wrights Lane access. Despite the re-location of the parking for dwellings on Wrights Lane it is accepted that this would be less convenient and would cause some harm to the occupants of these properties.

Heath Road is a 20mph road and speed surveys reflect this. Subject to the relocation of the telegraph pole and council bin, sufficient visibility is achievable. The access onto Heath Road from Wrights Lane is considered acceptable to serve the level of development proposed.

A development of this size will typically generate 10 to 15 two-way vehicle trips during the peak hour, and the impact upon the highway is considered to be minimal.

The carriageway width within the site is 4.8m wide which is sufficient for a development of this size, and a turning area will be provided at the end of the access road. The property at plot 24 will need set back slightly to provide adequate parking space, and the boundary of plot 21 will need amended slightly to allow for sufficient visibility when exiting the parking space. These are minor amendments that were discussed and agreed with the applicant's agent but amended plans have not been received and there should be conditioned.

The development complies with policies SD1 and CO2 of the CELPS, INF3 of the SADPD and IFT1 and IFT2 of the SNP.

Trees and Hedgerows

The site benefits from established boundary trees and hedgerows. Trees on the site are afforded protection by the Cheshire East Borough Council (Sandbach – Offley Woods, Filterbed Woods and Sandbach Heath) Tree Preservation Order 2017.

The application has been supported by a Tree Survey Report which has identified a total of 31 individual and 13 groups of trees on the site comprising of 4 individual high quality A Category trees, 15 individual and 5 groups of moderate quality B Category trees, 1 individual and 7 groups of low-quality C category trees and 3 individual and 1 group of poor-quality U Category trees which are unsuitable for retention irrespective of the development proposal.

The layout which has been amended to accommodate a reduced number of dwellings. The scheme now proposes the retention of tree 10T with no dig hard standing located within the Root Protection Area (RPA) although existing and proposed levels information has yet to be submitted to confirm technical feasibility. Unprotected tree 15T is shown for removal to accommodate the access. Tree 33T is now shown to be retained, all be it in a reduced form (pruning specification to be determined) due to issues with its structural integrity and this is welcomed, as is increased tree planting around the SUDS basin.

The planting plan could incorporate mixed species high canopy trees as opposed to 6 Oak to increase species diversity on the site. The separation between Oak (20T) and Plot 25 remains broadly the same as that proposed in plans considered in August and a greater separation would be beneficial to remove a proposed reduction of 2-3 metres to maintain clearance of the new dwelling.

The AIA has been supported by a shadow plan drawing with shading patterns indicated in relation to dwellings located along the northwestern boundary and whose rear elevation and garden space will be to the southeast of the trees. The assessment suggests that all properties will receive sunlight through at least a portion of the day and that this complies with the 1.5 hours recommended in BRE209 2022 Daylight and Sunlight Assessment.

The hedgerow assessment accords with both the ecological and historical criterion of the Hedgerow Regulations. Two hedgerows, H2 of the appraisal (26G and 35G of the Arb Survey) and H3 of the appraisal (23 and 28G of the Arb Survey) meet the historical criterion of the Regulations only. Hedge H3 is exempt from the Regulations due to it forming the boundaries of existing residential properties to the southeast. Hedge H2 is shown to be partially retained and comprises of gaps and has not been found to be species rich. Whilst the removal of a 37-metre section is proposed (35G) the landscape plan shows the same boundary will be re-planted and enhanced with a native species hedgerow mix. While the loss of a section of important hedgerow requires consideration in the planning balance, the proposed replanting is deemed to have the potential to provide increase biodiversity in the longer term.

It is noted that the public footpath to the northwest of the development features on proposed site plans and this is presently an unsurfaced path located within the RPA of trees within the site edged red. As the intention appears to be to surface this pathway, special engineering requirements will be necessary to minimise the effects of construction activity on the rooting environment of retained trees.

Details of existing and proposed levels will be required to confirm feasibility of any proposed construction within the Root Protection Areas of trees and a revised Arboricultural Method Statement, Tree Protection Plan and details of proposed drainage. These matters could be controlled via the imposition of planning conditions.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 126 states that:

'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'

As noted above the proposed development has been amending during the course of this application with a slight reduction in the number of units proposed.

Despite these changes the scheme is still inward looking on two edges (northern and eastern). The proposal fails to address the right of way and the associated mature landscaping or the intended open space/SuDS Pond. Best practice would advocate outward facing development addressing both, as per the CEC Design Guide and the development fails in its approach.

In addition to the above there remains the issue of rear gardens addressing the right of way along much of its length adjoining the site, with a lack of surveillance and exposure of the rear of properties to a publicly accessible route, contained by 1.8 metre fencing. It is unclear from the information whether existing hedging along this boundary is to be retained or removed. The fencing to the right of way would create a stark boundary adjacent to the right of way and any replacement hedging would take time to re-establish.

Some filtering landscaping has been incorporated into the gardens adjoining the existing housing off Heath Road. This is an improvement in helping to integrate the scheme in relation to some of those properties (although concerns remain in terms of No 2 Heath Close as noted above).

The parking to serve the existing terraced properties on Wrights Lane is retained and this does adversely impact sense of arrival into the scheme from a design point of view. Whilst there is a highway benefit, in design terms it does weaken the entrance into the development.

As noted in the open space officer's comments, the open space provision is inadequate in terms of quality and quantity. This departs from the requirements of the Design Guide where inclusion of high-quality open space is a requirement for new development. There is also a concern about a lack of play provision, especially for younger age groups.

The street surfacing does not comply with the CEC Design Guide, as the scheme is essentially shared surface, where the carriageway should not be in bitmac but in block paving to show that it is an area shared by vehicles and pedestrians. Also, the development fails to take the opportunity in terms of street greening, particularly tree planting to satisfy the NPPF requirement for tree lined streets.

Despite the incorporation of some planting along the eastern boundary the SuDS design is very engineered and a more creative approach could be devised rather than just a pipe and basin scheme. The pumping station could benefit from additional landscaping for screening.

The house types are supposedly derived from local vernacular but they appear relatively standard. They would benefit from being more imaginative whilst still reflecting local character. In addition, the bungalow house type is not considered to be appropriate with entrances on the side elevation and a shallow central gable to the front elevation.

Corner turning house types with feature gable windows are generally included within the development but plot 14 retains an inactive side elevation and this plot would need to be altered.

Design Conclusion

On the basis of the above assessment it is considered that the proposed development does not represent an acceptable design solution. The development would not comply with Policies SE1 and SD2 of the CELPS, GEN1 of the SADPD, H2 of the SNP and the CEC Design Guide.

Ecology

Reptiles, Great Crested Newts and Common Toad

These protected and priority species are not reasonably likely to be affected by the proposed development.

Bats

A number of trees would be removed as a result of the proposed development. Tree T8 has been identified by the submitted ecological assessment as having low potential to support roosting bats. In accordance with best practice the submitted ecological assessment recommends that this tree be inspected for bats prior to felling.

The Council's Ecologist advises that the proposed development is not reasonably likely to result in a direct impact upon roosting bats as a result of the loss of trees as part of the proposed development.

Lighting

Bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development a standard planning condition could be imposed in the event of an approval.

Other Protected Species

Only limited evidence of potential other protected species activity was recorded during the submitted survey. The Council's Ecologist advises that based on the current status of other protected species on site the proposed development is not reasonably likely to result in an adverse impact upon this species. However, as the status of other protected species on a site

can change, and if planning consent is granted a condition should be attached which required the submission of an updated survey prior to commencement.

Hedgerows

Native hedgerows are a priority habitat and hence a material consideration. Native hedgerows are present along the site's boundaries and within the site's interior. The submitted ecological assessment refers to the removal of hedgerows to facilitate the development and the submitted biodiversity metric has been calculated on the basis of just over 100m of existing hedgerow being lost.

The biodiversity metric shows a net gain for hedgerows on the basis of 380m of new hedgerow being provided on site. Losses and gains of hedgerows are shown on the revised Landscape Plan.

The Councils Ecologist does not agree with how the proposed hedgerows creation has been entered into the biodiversity metric calculation. However, he does advise that if the loss of existing hedgerow is considered unavoidable the proposed planting would still be sufficient to address its loss.

Hedgehog

No evidence of hedgehogs was recorded during the submitted survey but there remains the possibility that this priority species may occur on site on at least a transitory basis. If this species did occur on site the proposed development would be likely to result in a low impact upon it. The incorporation of features for hedgehogs can be secured through the ecological enhancement condition discussed below.

Nesting Birds

If planning consent is granted the standard condition could be imposed to safeguard breeding birds.

Biodiversity Net Gain

Local Plan Policy SE 3(5) requires all development proposals to seek to contribute positively to the conservation of biodiversity. In order, to assess the biodiversity losses and gains resulting from the proposed development the applicant has undertaken a calculation using the Biodiversity Metric methodology. This calculation, as currently submitted, shows that the proposed development would result in a net gain for biodiversity.

In order to ensure that the proposed development delivers the biodiversity benefit as detailed in the Metric is secured a planning condition will be required in the event of an approval.

Ecological enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3. Proposals for the incorporation of nest boxes, bat boxes etc. are included on the submitted Proposed

Biodiversity Plan. In order to secure the delivery of these measures if the planning application is approved then a planning condition can be imposed.

Flood Risk

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. A Flood Risk Assessment (FRA) was submitted as part of the application.

The Council's Flood Risk Team and United Utilities have been consulted as part of this application and have raised no objection. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications subject to the imposition of planning conditions.

Climate Change

Policy ENV7 of the SADPD states that;

'all 'major' residential development schemes should provide for at least 10% of their energy needs from renewable or low carbon energy generation on site unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable'

This could be controlled via the imposition of a planning condition.

CIL Compliance

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

The development site is in an area of the Borough where there is a shortfall in provision and would require outdoor sport mitigation in accordance with Policies within the CELPS. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in increased population which would require medical care provision. The contribution towards the NHS is in accordance with Policies within the CELPS. This is considered to be necessary and fair and reasonable in relation to the development.

The site would provide open space and this will not be adopted by the Council. In order to secure maintenance of this open space a management scheme will be required.

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

PLANNING BALANCE

The site is located within the Sandbach Settlement Boundary and CELPS allocation LPS53. The proposed development does not comply with criterion 1 and 2 of LPS53 and the site would result in a piecemeal loss of part of the employment allocation. The principle of development is considered to be unacceptable as it does not comply with LPS53 or EG3 of the CELPS.

The development would provide the required level of affordable housing and comply with Policy SC5.

The design of the proposed development does not represent an acceptable design solution and the proposal would be dominated by larger 4 bed dwellings. The proposal is contrary to Policies SE1, SC4 and SD2 of the CELPS, GEN1 and SC4 of the SADPD, H2 and H3 of the SNP and the CEC Design Guide.

In terms of the POS, the development is deficient in quantum and quality. The proposal does not comply with Policies SD2 and SE6 of the CELPS and REC3 of the SADPD.

The proposed development would not provide an acceptable level of amenity for the occupants of 2-10 Wrights Lane or the future occupants of plots 16 and 17. The proposal is contrary to policies HOU12 and HOU13 of the SADPD.

The proposed access points and the traffic impact are considered to be acceptable. The development complies with Policies SD1, SD2 and SE1 of the CELPS, INF1 of the SADPD and IFT2 of the SNP.

The development is considered to be acceptable in terms of the impact upon ecology, trees and flood risk. There is no conflict with the development Plan relating to these issues.

The proposal conflicts with the Development Plan as a whole and is recommended for refusal.

RECOMMENDATION:

REFUSE for the following reasons;

- 1. The application site lies within allocation LPS53 of the Cheshire East Local Plan Strategy. The proposal does not comply with Criteria 1 & 2 of LPS53 as the development site straddles the buffer planting area and encroaches into the employment area as defined on Figure 15.64 of that policy. The piecemeal loss of parcels from the employment area to alternative uses has the potential to prejudice delivery of the employment site as a whole. The proposed development is contrary to Policies LPS53 and EG3 of the Cheshire East Local Plan Strategy.**

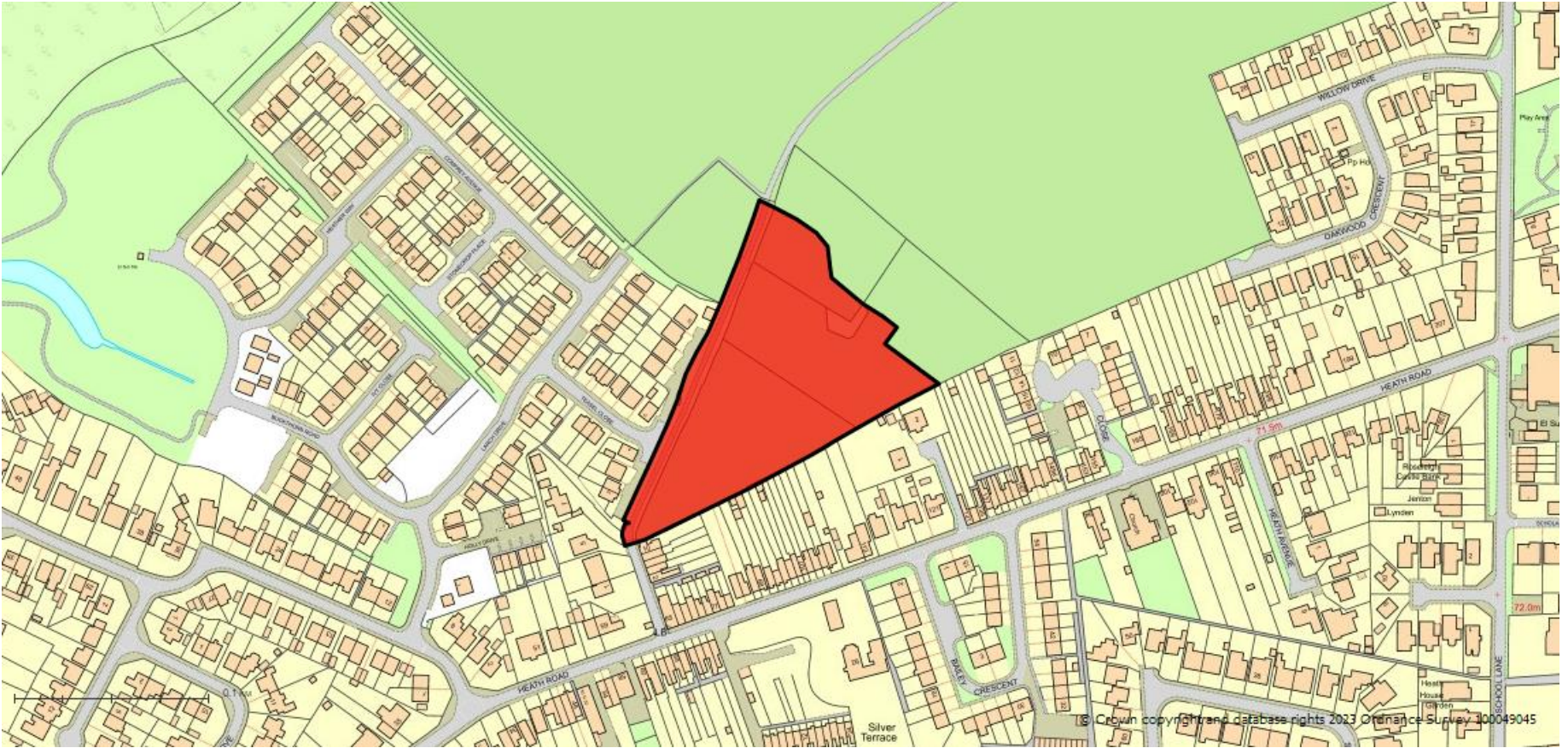
2. The proposed development would not make a positive contribution to its surroundings. It would result in an inward facing development which turns its back on the footpath to the north and SuDS area to the east, it fails to provide an appropriate mix of open market house sizes, fails to comply with the CEC Design Guide in terms of surfacing and utilises standard house types which do not reflect local character. It is considered that the proposed development would not represent an acceptable design solution and conflicts with Polies SE1, SC4 and SD2 of the Cheshire East Local Plan Strategy, GEN1 and SC4 of the Site Allocation and Development Policies Document, H2 and H3 of the Sandbach Neighbourhood Plan and the CEC Design Guide.
3. The proposed development would create additional vehicle movements past the properties at 2-10 Wrights Lane and cause harm due to increased environmental disturbance and traffic generation. Furthermore, the existing dwelling at No 2 Heath Close would overlook the gardens at plots 16 and 17 causing a substandard level of privacy for the future occupants of these plots. The proposed development would fail to provide an acceptable level of amenity for future and existing occupants contrary to Policies HOU12 and HOU13 of the Site Allocation and Development Policies Document.
4. The proposed development would not provide sufficient public open space/children play space in quantum or quality. The open space which would be provided lacks natural surveillance, would be dominated by the SuDS feature and would not provide a useable level of open space. The proposed development would conflict with Policies SD2 and SE6 of the Cheshire East Local Plan Strategy and REC3 of the Site Allocation and Development Policies Document.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chair of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

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

S106	Amount	Triggers
Education	£43,385.16 (primary education) £49,028.07 (secondary education)	Primary – full amount prior to first occupation Secondary – full amount prior to first occupation of the 15 th dwelling
Outdoor recreation	Contribution of £23,000	Full amount prior to first occupation of the 15 th dwelling
Open Space	Scheme of Management	Scheme of Management to be secured and agreed with the LPA

Health Care Contribution	£32,677	Full amount prior to first occupation
Affordable Housing	Affordable housing	In accordance with details to be submitted and approved.
Car parking Provision	Scheme for the provision of car-parking for the occupants of 2-10 Wrights Lane for Long Term Lease at Peppercorn Rent	<p>Prior to the commencement of development.</p> <p>Parking to be made available prior to first occupation of the development.</p>



Application No: 22/0304C

Location: Land West of PADGBURY LANE, CONGLETON

Proposal: Proposed erection of 3no dwellings off Thistle Way / Padgbury Lane. Land previously identified for 180sq.m health related development (class D1 use)

Applicant: Mr Sutton, Stewart Milne Homes

Expiry Date: 13-Jan-2023

SUMMARY

The site lies within the settlement boundary for Congleton and the principle of residential development on the site is acceptable. The developments accords with Policies PG2 of the CELPS and PG9 of the SADPD.

The site is sustainably located and is in easy walking distance of Congleton Town Centre, public transport and services and facilities within the town. The development complies with Policies SD1 and SD2 of the CELPS.

The site layout secures an acceptable relationship with the neighbouring dwellings. There is no conflict with Policies HOU12 and HOU13 of the SADPD.

The development is considered to be acceptable in terms of its impact upon the highway network. The development complies with CO2 of the CELPS and INF3 of the SADPD.

There would be no significant impacts in terms of flood risk drainage or ecology. As such the development complies with SE3 and SE13 of the CELPS and ENV2 and ENV16 of the SADPD.

The impact upon trees is acceptable subject to the imposition of planning conditions. The development complies with Policy SE5 of the CELPS and ENV6 of the SADPD.

An acceptable design has been provided and the proposal would comply with Policy SE1, SD1 and SD2 of the CELPS, the CEC Design Guide, GEN1 of the SADPD and the NPPF.

Affordable Housing would be provided in the form of one unit and the development complies with Policy SC5 of the CELPS.

The application would comply with the relevant policies of the Development Plan as a whole and is recommended for approval.

RECOMMENDATION

APPROVE subject to the imposition of planning conditions and the completion of a S106 Agreement

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Akers-Smith for the following reasons;

'These 4 houses are to replace a promised medical centre which was outlined in the initial plan for 120 houses, having read the comments, none of which are in support of this plan, encouraged new residents to choose to buy a house there because there was going to be a medical centre . The pandemic has delayed the building of the medical centre which means the date it was to be built by has expired which was only 3 years. The development has been approved since 2014 therefore that expiry date has long since passed. If the developers were not going to build the medical centre they should have made prospective residents aware of this, and that there was an expiry date of 3 years on the plan. This was never made clear to residents. That said, the development has been delayed due to the pandemic and I feel this application should be discussed by committee to look at extending the term by which a medical centre is to be built. If it isn't to be built, the area to be left as public open space.

It they did build an additional 4 houses on the site, they would have to remove established trees and hedgerows and this green open space adds to the aesthetics of the development. The location where the proposal is for would create an over development of the site and take away this green open space.

The S106 agreement for the development, states in the application for 120 houses ref 14/3649C there is to be no more than 120 houses to be built. These additional 4 dwellings instead of a medical centre will take the number of houses over the maximum number of houses as detailed in the initial planning application for the medical centre.

The development was built on open countryside and was approved at appeal because CEC did not have a Local Plan. Now the Local Plan is in place, these 4 houses are not needed to fulfil the housing numbers required.

On the design and access statement it states there is to be a shared footpath/cyclepath built connecting the back of the development along the riverbank, this has not been built. The site is about 300m away from a high school and no pavements have been added to facilitate active travel to school.

The drainage facilities are already oversubscribed and an additional 4 house would add to this.

The internal roads are narrow with cars being parked on pavements, an additional 4 houses at the front of the development would increase pavement parking.

It is disingenuous of the developer to build a site with a promised medical centre, to change their minds and not build it. There have been over 1000 new houses built in this area and there has not been a single new service added to any of the developments. No bus service, no pavements, no doctor or dentist facilities. The nearest shops are about 500m away and the nearest doctors surgery is almost 2 miles away'

PROPOSAL

This is a full planning application for the erection of 3 dwellings (reduced from 4 dwellings during the course of the application). The proposed dwellings would be sited at the junction of Padgbury Lane and Thistle Way.

SITE DESCRIPTION

The application site lies to the south-western side of the junction of Padgbury Lane and Thistle Way.

The application site is a roughly rectangular plot of land which forms part of a larger development which is currently under construction.

The site includes a number of trees and soft landscaping.

The site is surrounded by residential properties to all sides.

The site lies largely within the Congleton Settlement Boundary.

RELEVANT HISTORY

17/4558C - Reserved Matters for appearance, layout landscaping and scale further to outline permission 17/3808c (variation of conditions attached to appeal APP/R0660/A/14/2221324) for up to 120 dwellings, up to 180 sq. m of health-related development, community facilities and associated infrastructure – Approved 6th March 2018

17/3808C - Variation of conditions 5 & 19 on application 13/4219C (Appeal ref: APP/R0660/A/14/2221324) for outline planning for up to 120 dwellings, up to 180 sq. m of health-related development, community facilities and associated infrastructure – Approved 6th November 2017

16/5301C - Application to vary conditions 5 and 19 on approval APP/R0660/A/14/2221324 (13/4219C) accompanied by an Environmental Impact Assessment – Withdrawn 22nd January 2018

14/3649C - Outline application for development of land to the west of Padgbury Lane, Congleton for up to 120 dwellings, up to 180 sq. m of health-related development (Use Class D1), community facilities and associated infrastructure - (Resubmission of application reference 13/4219C) – Refused 23rd February 2015

13/4219C - Outline planning for the development of land for up to 120 dwellings, up to 180 sq. m of health-related development (Use Class D1), community facilities and associated infrastructure – Refused 30th April 2014 – Appeal Lodged – Appeal Allowed 7th August 2015

17002/1 - Three detached houses with garages – Refused 10th September 1985

3797/1 - Detached house – Refused 4th August 1976

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy (CELPS)

PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
PG6 – Open Countryside
PG7 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 – Developer Contributions
SC1 – Leisure and Recreation
SC3 – Health and Well-Being
SC4 – Residential Mix
SC5 – Affordable Homes
CO1 - Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SE 1 - Design
SE 2 - Efficient Use of Land
SE 3 - Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 7 – The Historic Environment
SE 8 – Renewable and Low Carbon Energy
SE12 – Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management

Cheshire East Draft Site Allocations and Development Policies Document (SADPD)

PG9 – Settlement Boundaries
GEN1 – Design Principles
ENV2 – Ecological Implementation
ENV3 – Landscape Character
ENV5 – Landscaping
ENV6 – Trees, Hedgerows and Woodland Implementation
ENV16 – Surface water Management and Flood Risk
HOU1 – Housing Mix
HOU12 – Amenity
HOU13 – Residential Standards
HOU14 – Housing Density
HOU15 – Housing Density
HOU16 – Small and Medium Sized Sites
INF1 – Cycleways, Bridleways and Footpaths
INF3 – Highways Safety and Access
INF9 – Utilities

Neighbourhood Plan

The Congleton Neighbourhood Plan has been withdrawn and can be given no weight.

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.

60-80. Delivering a Sufficient Supply of Homes

126-136. Achieving Well Design Places

CONSULTATIONS (External to Planning)

CEC Strategic Housing Manager: No objection. The applicant has now provided both an acceptable Affordable Housing Statement and Layout Plan.

United Utilities: General comments provided.

Environment Agency: No comments received.

Jodrell Bank: No comments received.

Head of Strategic Infrastructure: No objection subject to the imposition of an informative.

CEC Environmental Health: The following conditions are suggested; electric vehicle infrastructure, low emission boilers and contaminated land.

VIEWS OF THE TOWN COUNCIL

Congleton Town Council: Object to the application due to the following;

- Over development of the area.
- Out of keeping with the area.
- Highways issue in terms of the junction becoming even more dangerous than it already is due to lack of visibility.
- Loss of green space.
- Exacerbate existing issues with United Utilities in the area (sewers collapsing)

OTHER REPRESENTATIONS

Letters of objection have been received from 31 local households raising the following points;

- The entrance to the estate is very narrow and is only wide enough for single lane traffic
- The construction of dwellings at the corner will affect visibility and result in parked cars affecting pedestrian safety.
- Construction vehicles will restrict access to the site and will cause health and safety issues (emergency access)
- Increased congestion
- Highway safety

- The grassed area at the entrance to the estate was a major selling point. Its loss would be detrimental to the estate
- The original plans showed a health centre on the site. Why have the plans changed?
- Loss of trees
- Lack of parking provision
- A management company has already taken over green and communal spaces
- Where will construction vehicles/materials/machinery be stored
- Block entrance to the estate
- The space should be left as greenspace as it creates an aesthetically pleasing entrance to the estate
- Loss of privacy
- Loss of light
- Increased noise from the proposed dwellings
- The proposal would not be in keeping with the area
- Hundreds of homes are planned for Congleton and a further 4 are not needed
- Impact upon mental health
- Damage caused by vibration from heavy machinery
- Overdevelopment – houses crammed onto the site
- Proximity of the driveways to the Thistle Way/Padgbury Lane junction
- Reduction in visibility
- Increased traffic
- Disturbance from construction – noise and dust
- Stewart Milne did not keep to the permitted construction hours
- The site is unsustainable
- Impact upon protected species
- A medical centre is needed in Congleton
- Construction on the wider site has been taking place for 3 years, and should not be extended
- Padgbury Lane is being used as a rat run
- Padgbury Lane is not gritted
- Vehicles have to cross the carriageway when exiting Thistle Way – this is not safe
- The development will create difficulty in accessing Spen View
- No need for further houses
- Drains along Padgbury Lane are in a poor state of repair
- Inadequate manoeuvring space at the junction
- Impact upon wildlife
- The space is already being maintained by the residents management company
- No benefit in approving this development
- If approved the development will exceed the total of 120 dwellings approved on the site
- Another development has permission for housing refused on the site of a medical centre
- All objections from the 4 house and 2 house schemes should be carried forward
- Where will the site compound be located?
- The site was designed with a fixed number of dwellings (120). This is contrary to the S106 Agreement.
- Further affordable housing will damage the development
- How many revised plans will be allowed to be submitted for this application

APPRAISAL

Planning History

As noted above and within the representations received as part of this application this wider site was granted outline planning permission as part of application 13/4219C for the erection of up to 120 dwellings, a health-related development of 180m² (use Class D1), community facilities and associated infrastructure. This Outline planning permission was allowed at appeal following an appeal.

As part of application 13/4219C, the S106 Agreement requires the following;

- The owners covenant to reserve the Medical Centre for use as such for a period of three years from the commencement of development

As part of the appeal decision for the outline application the Inspector considered the Unilateral Undertaking and planning conditions and at paragraph 70 states that;

'Appeal proposal A includes provision for up to 180m² of health-related development, the location of which would be adjacent to the site access. This was originally envisaged as a surgery, but the NHS does not support this element of the proposed development, pointing out that health services should be maintained at key locations where patients are able to access a range of services. Nevertheless, the planning obligation for site A would reserve that part of the site for use as a medical centre for three years should circumstances change. In view of the consultation response from the NHS, I do not consider that this provision of the obligation meets the test of necessity'

At paragraph 73 the Inspector then stated that *'I have found that the safeguarding of land within site A for a medical centre does not meet the test of necessity, and that the supplemental highways contributions would not be fairly and reasonably related in scale and kind to the developments, and I am unable to take them into account in determining the appeals'*.

At the conditions section the Inspector stated at paragraph 75 that *'In order to safeguard the living conditions of future residents, the reserved matters should include a scheme of noise mitigation, and the D1 use should be restricted to medical and healthcare purposes'*. Condition 11 imposed by the Inspector then states that *'The D1 use hereby permitted shall be limited to medical and healthcare uses only and for no other use falling within the D1 Use Class'*.

Reserved Matters approval was granted for the site (120 dwellings, highways, public open space, play facility and associated works) as part of application 17/4558C. This Reserved Matters application identifies the medical centre land, and this is what this current application relates.

Although the previous application permitted 120 dwellings on the site, there is nothing to prevent the developer making an application to increase the number of dwellings on the site.

Principle of Development

The site is located within the settlement boundary for Congleton (a Key Service Centre). Policy PG2 states that in the key service centres *'development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability'*.

Policy PG9 of the SADPD identifies that within settlement boundaries, development proposals (including change of use of land) will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with other relevant policies in the local plan.

Although the S106 Agreement completed as part of the outline consent includes a covenant to reserve the Medical Centre for use as such for a period of three years from the commencement of development, this was not considered to be necessary by the Inspector. In any event the S106 Agreement required the Medical Centre for use for a period of three years which has now passed with no reference to marketing.

Despite this a condition was imposed to restrict the D1 use to medical or healthcare uses only, but not to secure its provision. The D1 Use Class would cover medical/health, creche/day nursery, education provision, museum, library, public hall or place of worship.

As a result, there is no requirement to insist that the site is used for a health-related use (D1). Given the location of the site within the settlement boundary the principle of the development is considered to be acceptable.

Location of the site

Policy SD1 states that wherever possible development should be accessible by public transport, walking and cycling (point 6) and that development should prioritise the most accessible and sustainable locations (point 17). The justification to Policy SD2 then provides suggested distances to services and amenities.

In this case the site is within the Settlement Zone Line for Congleton. As such the site is considered to be highly sustainable and services and facilities could easily be accessed by non-motorised forms of transport. The site is considered to be sustainably located and complies with Policies SD1 and SD2.

Housing Mix

Policy SC4 of the CELPS requires that developments provide an appropriate mix of housing (however this does not specify a mix). In this case the development would provide 2 x three bedroom unit and 1 x two bedroom unit.

In terms of dwelling sizes, it is noted that HOU8 of the SADPD requires that new housing developments comply with the Nationally Described Space Standards (NDSS). As part of the SADPD Inspectors post hearing comments he accepts this requirement but states that;

'as advised in the PPG, a transitional period should be allowed following the adoption of the SADPD, to enable developers to factor the additional cost of space standards into future land acquisitions. Given that the intention to include the NDSS in the SADPD has been known since the Revised Publication Draft was published in September 2020, a 6-month transitional period for the introduction of NDSS, following the adoption of the SADPD, should be adequate. This should be included as an MM to criterion 3 of Policy HOU 6'

The applicant has provided the following table to show the current position in terms of the house types and NDSS compliance. This shows that 1 of the units is NDSS compliant and that 2 units are not NDSS compliant. Given the 6-month transitional period referred to by the SADPD Inspector this is considered to represent an acceptable compromise.

Affordable Housing

This is a full application for 3 dwellings. The site forms part of a wider site which provides 36 dwellings as affordable homes (30% of 120). This development will increase the number of dwellings on the wider site to 123 and there is a requirement for additional affordable housing units (30% of 123 = 36.9). As a result, one unit should be provided as affordable rent.

In this case an Affordable Housing Statement has been provided and this identifies that 1 unit would be provided as an affordable unit. The proposed development complies with Policy SC5 of the CELPS.

POS

The Reserved Matters application provides over 21,000sqm of POS, which is a large over provision for the entire site. Given the over provision of open space being provided on the wider site, it is not considered necessary to require further provision as part of this application.

Highways Implications

The site is currently an area of landscaping at the entrance to a new residential estate and the site is located at the junction of Padgbury Lane and Thistle Way. A number of the representations raise concerns over the siting of properties at this junction in terms of the highway safety implications.

Each dwelling would have a driveway taken from Thistle Way with parking for two parked cars. This complies with the standards set out within Appendix C (Parking Standards) of the Cheshire East Local Plan Strategy.

The proposal for access to each dwelling via a standard vehicle dropped footway crossing are acceptable, as the 2.0m wide footway will provide adequate lateral visibility along Thistle Way for drivers of vehicles both emerging from and approaching the access points.

This site was previously identified as a possible Health Centre, and it is now intended that two residential dwellings are constructed on the site. The proposal would be beneficial in highways terms when compared to a possible Health Centre and there is no objection in terms of traffic generation or highway safety from this proposed development.

No highway objections are raised and the proposal is deemed to adhere with Policies SD1 and CO2 of the CELPS and Policy INF3 of the SADPD.

Amenity

Policy HOU13 of the SADPD identifies the following separation distances;

- 21 metres for typical rear separation distance (24m plus 2.5m per additional storey)

- 18 metres for typical frontage separation distance (20m for three-storey buildings)
- 14 metres for a habitable room facing a non-habitable room (the addition of 2.5m per additional storey)

To the east of the site are properties which front onto Padgbury Lane. The proposed dwelling on plot 121 would have a separation distance of over 26m to the dwellings opposite and the relationship is considered to be acceptable.

To the south of plot 121 is the dwelling at Brooklands House. Brooklands House has its rear elevation facing the application site and the rear elevation of plot 121 would have ground floor patio doors (x1), ground floor window and 2-bedroom windows facing Brooklands House. There would be a separation distance of 21m between Brooklands House and the facing elevation of Plot 121 (excluding the garage extension at Brooklands House) and the relationship is considered to be acceptable.

To the south of plot 123 is the dwelling known as Brooklands Cottage. Plot 123 would be off-set and there would be a separation distance of 12m to the nearest corner of Brooklands Cottage. The relationship is considered to be acceptable.

Policy HOU13 of the SADPD states that proposals for housing development should '*include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development*'. In this case plot 123 would have a garden area of 35sqm, plot 122 would have a garden area of 60sqm and plot 121 would have a garden area of 50sqm. Although the garden area for plot 123 is small it is sufficient to serve a two-bedroom dwelling and would provide adequate space to sit out, dry clothes and store bins etc. The level of private amenity space is considered to be acceptable.

The proposed development would comply with Policies HOU12 and HOU13 of the SADPD.

Air Quality

Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

The impact upon air quality could be mitigated with the imposition of a condition to require the provision of electric vehicle charging points and low emission boilers.

Contaminated Land

Residential properties are a sensitive end use and could be affected by any contamination present or brought onto the site. Conditions will be imposed to safeguard against contaminated land.

Trees and Hedgerows

The proposal would result in the loss of two trees on the site: a Sycamore (Grade U – Undesirable) and an Ash (Grade B Moderate Value). The trees were accepted for removal as part of the outline application and as such it is not possible to require the trees to be retained as part of this application.

The trees to the boundary of the site would be retained and subject to the imposition of planning conditions relating to tree protection the impact upon trees is considered to be acceptable and would comply with Policy SE 5 of the CELPS and ENV6 of the SADPD.

Design

The importance of securing high quality design is specified within the NPPF and Policies SE1, SD1 and SD2 of the CELPS, the CEC Design Guide and GEN1 of the SADPD.

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

The layout plan shows that 3 two-storey dwellings would be provided at the junction of Padgbury Lane and Thistle Way. Plot 121 would face onto Padgbury Lane with a dual active frontage facing onto Thistle Way, with plots 122 & 123 behind fronting Thistle Way. Padgbury Lane contains a mix of house types and the proposed two-storey unit on plot 121 would not appear out of character in this locality. To the south is the dwelling known as Brooklands House which is positioned onto the back of the pavement, this proposal would retain some landscaping around Plot 121 and provide some landscaping and softening of the development at the entrance to the estate.

The detailed design of the units is very similar to those which have been provided on the wider estate and represents an acceptable design solution.

It is considered that the application complies with Policies; SE1, SD1 and SD2 of the CELPS, the Cheshire East Design Guide SPD and GEN1 of the SADPD.

Ecology

Breeding Birds

If planning consent is granted conditions could be imposed to safeguard breeding birds as part of this development.

Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. This could be controlled through the imposition of a planning condition.

Flood Risk and Drainage

Policy SE13 of the CELPS states that all development must integrate measures for sustainable water management to reduce flood risk, avoid adverse impact on water quality and quantity within the borough.

The site currently sits within Flood Zone 1. The drainage details can be secured through the imposition of a condition to ensure that the development would comply with Policy SE13 of the CELPS and ENV16 of the SADPD.

Land Levels

A condition will be attached to ensure that details of the proposed levels are approved prior to the commencement of the development.

CONCLUSION

The site lies within the settlement boundary for Congleton and the principle of residential development on the site is acceptable. The developments accords with Policies PG2 of the CELPS and PG9 of the SADPD.

The site is sustainably located and is in easy walking distance of Congleton Town Centre, public transport and services and facilities within the town. The development complies with Policies SD1 and SD2 of the CELPS.

The site layout secures an acceptable relationship with the neighbouring dwellings. There is no conflict with Policies HOU12 and HOU13 of the SADPD.

The development is considered to be acceptable in terms of its impact upon the highway network. The development complies with CO2 of the CELPS and INF3 of the SADPD.

There would be no significant impacts in terms of flood risk drainage or ecology. As such the development complies with SE3 and SE13 of the CELPS and ENV2 and ENV16 of the SADPD.

The impact upon trees is acceptable subject to the imposition of planning conditions. The development complies with Policy SE5 of the CELPS and ENV6 of the SADPD.

An acceptable design has been provided and the proposal would comply with Policy SE1, SD1 and SD2 of the CELPS, the CEC Design Guide, GEN1 of the SADPD and the NPPF.

Affordable Housing would be provided in the form of one unit and the development complies with Policy SC5 of the CELPS.

The application would comply with the relevant policies of the Development Plan as a whole and is recommended for approval.

RECOMMENDATIONS

APPROVE subject to the completion of a S106 Agreement with the following Heads of Terms

S106	Amount	Triggers
Affordable Housing	Affordable housing (1 rented unit)	In accordance with details to be submitted and approved.

And the following conditions;

1. Standard Time
2. Approved Plans
3. Materials to be submitted and approved
4. Boundary Treatment to be submitted and approved
5. Landscaping to be submitted and approved
6. Landscaping Implementation
7. Ecological Enhancements
8. Breeding birds – timing of works
9. Low emission boilers provision
10. Electric Vehicle Charging Details to be submitted and approved
11. Contaminated land report to be submitted and
12. Contaminated land Verification Report to be submitted and approved
13. Importation of Soil
14. Unexpected Contaminated Land
15. Cycle storage to be submitted and approved

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

In the event of an appeal, agreement is given to enter into a S106 Agreement with the following Heads of Terms;

S106	Amount	Triggers
Affordable Housing	Affordable housing (1 rented unit)	In accordance with details to be submitted and approved.

