

Application No: 22/1485C

Location: Land to the North of 24 Church Lane, SANDBACH CW11 2LQ

Proposal: Erection of 4 dwellings with associated access and landscaping

Applicant: Chelmere Homes Ltd

Expiry Date: 06-Jun-2022

SUMMARY:

The principle of development is considered to be unacceptable as the site is part of a larger site and no affordable housing is proposed, contrary to Policy SC5 and the Housing Supplementary Planning Document.

The design of the proposed development is acceptable and complies with Policies SE1, SD1 and SD2 of the CELPS, the CEC Design Guide and GEN1 of the SADPD.

The development would have a neutral impact upon living conditions, trees, landscape, highways, ecology, air quality and contaminated land.

RECOMMENDATION:

REFUSE

REASON FOR REFERRAL

The application has been referred to Southern Planning Committee at the request of Cllr Corcoran for the following reasons;

- 1) There is no affordable housing. There was affordable housing in the previous permission for the wider site. The loss of affordable housing is not in accordance with the Sandbach Neighbourhood Plan.*
- 2) Drainage on Church Lane not fixed. There needs to be a condition to provide new grids (as shown on the diagrams on the previous application). At present water pools on the road and will not flow off the road, as the verge too high.*
- 3) I remain concerned about the noise levels suffered by the residents of the dwellings, particularly the upper storeys of these dwellings. This was discussed at the appeal on the previous application.*

DESCRIPTION OF SITE AND CONTEXT

The application site is to the rear of four new dwellings located on the eastern side of Church Lane and to the west of the M6 motorway.

The site was previously designated as being within the open countryside but is now designated as being within the settlement boundary for Sandbach as part of the SADPD.

A previous application for 12 dwellings was allowed at appeal on 21st November 2016. This included the provision of 4 affordable housing units on the site.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 4 dwellings with associated access and landscaping.

RELEVANT HISTORY

15/5259C Erection of 12 dwellings – Refused 5th May 2016 – Appeal allowed 21st November 2016

14/3624C Erection of 13 dwellings – Refused 24th October 2014 – Appeal dismissed 23rd June 2015

13/5221C Erection of 13 dwellings – Withdrawn 18th March 2014

POLICIES

Cheshire East Local Plan Strategy (CELPS)

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 9 – Energy Efficient Development

SE 13 - Flood Risk and Water Management

IN1 – Infrastructure

IN2 – Developer Contributions

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
ENV7 – Climate Change
ENV12 – Air Quality
ENV14 – Light Pollution
ENV16 – Surface water Management and Flood Risk
HER1 – Heritage Assets
HER3 – Conservation Areas
HER8 - Archaeology
RUR5 – Best and Most Versatile Agricultural Land
HOU1 – Housing Mix
HOU8 – Space, Accessibility and Wheelchair Housing Standards
HOU12 – Amenity
HOU13 – Residential Standards
HOU14 – Housing Density
HOU15 – Housing Density
INF3 – Highways Safety and Access
INF9 – Utilities
INF10 – Canals and Mooring Facilities
REC2 – Indoor Sport and Recreation Implementation
REC3 – Open Space Implementation
MID1 – East and West of Croxton Lane

Sandbach Neighbourhood Development Plan (SNDP)

PC2 – Landscape Character
PC3 – Settlement Boundary
PC4 – Biodiversity and Geodiversity
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
CC1 – Adapting to Climate Change

Other Considerations

Housing Supplementary Planning Document
National Planning Policy Framework
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

Head of Strategic Transport: No objection.

Environmental Health: No objection subject to conditions/informatives relating to noise and disturbance, dust, air quality and land contamination.

Strategic Housing Manager: No objection.

Sandbach Town Council: Members are seriously concerned about the amenity of future residents of this site, given the proximity to underground pipelines and also the M6.

Members also ask if the applicant can please address the graffiti on their acoustic fence, as it does not portray a nice image for Sandbach.

OTHER REPRESENTATIONS

Four representations have been received at the time of report writing, expressing the following views:

- Lack of affordable housing provision
- Already enough housing in Sandbach
- Endless urban expansion
- Schools and doctor's surgeries are unable to cope
- 'Salami slicing' of sites

All the representations can be viewed in full on the Council website.

OFFICER APPRAISAL

Principle of Development

When the original appeal was determined, the site was designated as being within open countryside. At the time the appeal was allowed, the Council was unable to demonstrate a 5-year supply of deliverable housing sites.

The SADPD is the most up-to date development plan document, and the site is now designated as being within the settlement boundary for Sandbach (a key service centre). The site has an extant planning permission for the erection of 12 dwellings and as such the principle of residential development is therefore considered to be acceptable.

Affordable Housing

Policy SC5 of the CELPS and the Housing Supplementary Planning Document set out the requirements for affordable housing provision. As the site is within the settlement boundary and a key service centre, affordable housing provision is only required for developments of 15 or more dwellings or for sites 0.4 hectares in size.

The application site is part of a larger site measuring 0.58 hectares which is in excess of the 0.4 hectares, referred to within policy SC5. As a result, the proposed development requires the provision of affordable housing.

An appeal decision in 2020 for a site in Bedfordshire (APP/P0240/W/20/3247284) was dismissed for a similar split site due to the lack of affordable housing provision. Part of the rationale behind this was the similarity of the proposed development on the split site, the lack of physical features subdividing the two areas and the fact that it is reliant on the access to the adjacent development.

This proposal is therefore considered to be an attempt to avoid the provision of affordable housing and is therefore contrary to Policy SC5 of the CELPS, Policy H3 of the SNP and the Housing Supplementary Planning Document.

Design

The proposed dwellings would be laid out in a linear form, with the five-bedroom unit sited in the northern corner and the 3 four-bedroom units set at an angle to the access road.

The proposal would create 4, two-storey dwellings. The materials would be traditional brick and tile, the details of which should be secured by condition.

The four-bedroom units would be of a fairly traditional design, with a central porch and a dormer above the attached garage, which would have a lower ridge than the main dwelling.

The five-bedroom unit would be double-fronted, with gable features and a balcony to the front, right hand side.

The detached double-garage serving the five-bedroom unit would be of a simple design and sited to the north of this dwelling.

The design is considered to be in keeping with the character and appearance of the neighbouring development and the surrounding area.

The design of the proposal is therefore considered to be in compliance with Policies SD1, SD2 and SE1 of the CELPS, Policy GEN1 of the SADPD and H2 of the SNP.

Highways

Within the application site the proposal differs little from what was previously approved at appeal, including the access, parking, and vehicle turning areas. The proposal has been assessed by CEC Highways, who are satisfied that the proposal is acceptable.

The development complies with Policies HOU12 and INF3 of the SADPD, Policies SD1 and CO2 of the CELPS and IFT1 and IFT2 of the SNP.

Amenity

Policy HOU12 of the SADPD requires that development proposals must not cause unacceptable harm to nearby occupiers of residential properties and future occupiers due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

The properties in closest proximity to the site are those facing onto Church Lane and it is considered that there would be no significant adverse impact on the amenities of these properties. In terms of future occupiers of the proposed dwellings, there would be adequate private amenity space available. The balcony on the five-bedroom unit would not directly overlook the gardens of neighbouring properties.

In terms of air quality, it is considered to be necessary and reasonable to impose conditions relating to electric vehicle charging infrastructure and low emission boilers.

The site is in close proximity to the M6 motorway, and an acoustic report has been submitted with the application. The report recommends noise mitigation measures designed to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties are not adversely affected by noise from vehicle traffic on the M6. Environmental Protection Officers are satisfied that the methodology, conclusion and recommendations in the report are acceptable. A condition should be imposed requiring the recommended mitigation to be implemented and retained.

The proposal is therefore considered to be in compliance with Policy SE12 of the CELPS, Policy HOU12 of the SADPD.

Nature Conservation

It is considered that the proposal would have no adverse impact on wildlife subject to conditions relating to breeding birds and the incorporation of features to enhance biodiversity.

The proposal is therefore considered to be in compliance with Policy SE3 of the CELPS, Policy ENV2 of the SADPD and PC4 of the SNP.

CONCLUSIONS

The principle of development is considered to be unacceptable as the site is part of a larger site and no affordable housing is proposed, contrary to Policy SC5 of the CELPS and H3 of the SNP and the Housing Supplementary Planning Document.

The design of the proposed development is acceptable and complies with Policies SE1, SD1 and SD2 of the CELPS, the CEC Design Guide, GEN1 of the SADPD and H2 of the SNP.

The development would have a neutral impact upon living conditions, trees, landscape, highways, ecology, air quality and contaminated land.

The proposal is therefore recommended for refusal.

RECOMMENDATION

Refuse the following Reason:

- 1. The proposed development is part of a larger site where there is a requirement for the provision of 30% affordable housing. No affordable housing is proposed within the site and therefore the development is contrary to Policy SC5 of the Cheshire East Local Plan Strategy, H3 of the Sandbach Neighbourhood Plan and the Housing Supplementary Planning 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 Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

