

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: 02-Jun-2023

SUMMARY:

The principle of development is considered to be acceptable in principle, as the proposal is for 4 dwellings within the settlement boundary and the council cannot require the provision of affordable housing in such schemes.

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:

Approve subject to conditions

REASON FOR REFERRAL

This application is 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 recently constructed dwellings located to 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 as part of the Site Allocations and Development Policies Document.

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.

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13/5221C Erection of 13 dwellings – Withdrawn 18th March 2014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

Highways: No objection.

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

Strategic Housing: 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 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 0.4 hectares).

The application site is part of a larger site that measures 0.58 hectares. It was until recently in single ownership and it appears that the site has now been split. As the wider site measured more than 0.4 hectares it was considered that affordable housing could be secured. However, following further discussions with the agent and colleagues in Spatial Planning this is not considered to be the case for the following reasons;

- The 0.4 hectares referred to within Policy SC5 is in brackets and this is because of the usual convention where the site area is used in scenarios where the number of dwellings is not specified.
- Policy SC5 was adopted in 2017 and pre-dates the 2021 NPPF. It differs from paragraph 64 of the NPPF which states that affordable housing cannot be required on sites which are not a major development. The legal definition of major development can be found at Paragraph 2 of Part 1 of the Town and Country Planning (Development Management Procedure) Order (England) 2015 which in terms of housing states;
 - (c) the provision of dwellinghouses where-*
 - (i) the number of dwellinghouses to be provided is 10 or more; or*
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);*
- The number of dwellings is known and the 0.5-hectare size threshold is not engaged.

Whilst this is disappointing, unfortunately, Policy SC5 is not deemed to be in accordance with the NPPF. As such, paragraph 64 of the NPPF is the most relevant guidance. This makes it clear that that in schemes that are not major developments, within settlement boundaries, affordable housing should not be sought. The site is now designated in the SADPD as being within the settlement boundary. Therefore, as the scheme is for 4 dwellings, the Council cannot require the provision of affordable housing and a reason for refusal on these grounds could not be sustained.

The proposal is therefore considered to be in accordance with the advice given in the NPPF.

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 and Appendix C of the CELPS.

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 (acoustic fencing, glazing specification and ventilation details) 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 and 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 and Policy ENV2 of the SADPD.

Flood Risk/Drainage

An update will report will be provided on this issue, following discussions with the Councils Flood Risk Officer.

CONCLUSIONS

The principle of development is considered to be acceptable in principle, as the proposal is for 4 dwellings within the settlement boundary and the council cannot require the provision of affordable housing in such schemes.

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.

The proposal is therefore recommended for approval.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Time limit**
- 2. Approved plans**
- 3. Approval of details of facing and roofing materials**
- 4. Implementation of the mitigation measures set out in the Noise Impact Assessment**
- 5. Submission of details of low emission boilers**
- 6. Provision of electric vehicle infrastructure**
- 7. Soil and soil forming materials to be tested for contamination**
- 8. Prior to occupation, evidence and verification information (for example: quantity/source of material, laboratory certificates, depth measurements, photographs) shall be submitted to, and approved in writing by, the Local Planning Authority.**
- 9. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.**
- 10. No development (other than demolition and site clearance works) shall commence until:**
 - a) A proportionate risk assessment and (if appropriate) site sampling exercise is undertaken to address the risks posed by land contamination. This should be submitted to and approved in writing by the LPA.**
 - b) Should the above indicate that remediation is necessary, a Remediation Strategy shall be submitted to and approved in writing by the LPA.**

The remedial scheme shall be carried out in accordance with the approved Remediation Strategy unless otherwise agreed in writing by the LPA.

- 11. No part of the development hereby approved shall be occupied or in use prior to submission and approval in writing of a Verification Report prepared in accordance with the approved Remediation Strategy that covers that part of the development to be occupied or used.**
- 12. Protection for breeding birds**
- 13. Provision of features to enhance biodiversity**
- 14. Submission of landscaping plan**
- 15. Implementation of landscaping scheme**

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, 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.



OFFICIAL