

Application No: 22/4609C

Location: Land Off, MEADOWBANK AVENUE, WHEELLOCK

Proposal: Construction of affordable housing

Applicant: John Stephens & Co. & Jigsaw Homes North

Expiry Date: 05-Apr-2023

## **SUMMARY**

The site lies within the settlement boundary for Sandbach and the principle of residential development on the site is acceptable. The developments complies with Policies PG2 of the CELPS and PG9 of the SADPD & PC3 of the SNP.

The site is sustainably located and is in easy walking distance of Sandbach 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 is acceptable and would not harm residential amenity. There is no conflict with Policy HOU12 of the CELPS & H2 of the SNP.

The development is considered to be acceptable in terms of its impact upon the highway network. The development complies with C01, C04 of the CELPS, INF3 SADPD, IFT1 & IFT2 of the SNP.

There would be no significant impacts in terms of flood risk drainage or ecology. As such the development complies with SE13 of the CELPS, 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, ENV6 of the SADPD.

An acceptable design solution has been provided and this would comply with Policy SE1, SD1 and SD2 of the CELPS, GEN1 of the SADPD, H2 of the SNP, the CEC Design Guide and the NPPF.

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

## **RECOMMENDATION**

**APPROVE**

## REASON FOR REPORT

The application is Southern Planning Committee at the request of Cllr Crane for the following reasons;

*'My concerns are around:*

- *Access for construction vehicles during the build and refuse wagons / emergency vehicles upon completion.*
- *This area floods regularly.*
- *The impact on the protected wildlife area at the bottom of the current development*
- *Traffic increases, an additional 3rd on top of the number of vehicles already accessing the site from the filter lane and into a narrow road off Crewe Road.*
- *Impact on the current dwellings on Zan Drive and Hopol Dr with regard to overlooking and impact on their own infrastructure, the wall of Farm Cottages in particular is over 100 years old and could be undermined by development.*
- *No trees or open spaces are provided for within the plans.*
- *No electric charging points are proposed.*
- *The development is out of character with the neighbouring housing.*
- *I believe the proposed sizes of property are under those recommended.*
- *Impact on local schools and public services also concerns me greatly'*

## PROPOSAL

Full planning is sought for the construction of 15 affordable houses.

## SITE DESCRIPTION

The application site comprises a small industrial site comprising a number of smaller units

Commercial/industrial units are sited to the south, residential to the west and north and open land to the east with a brook further beyond

Land levels drop significantly to the east outside the site and slope down to the south. Existing access taken off via Crewe Road. Boundary treatment consists of 1.8m high fencing/planting/walls

The site is located in the Settlement Boundary as per the Local Plan

## RELEVANT HISTORY

Various applications for commercial/industrial use, most relevant below:

16/5809C – Demolition of existing building and erection of 8 no. dwellings, associated parking and landscaping – Approved 08-Mar-2017

## ADOPTED PLANNING POLICY

## **Development Plan**

The Development Plan for this area comprises of the Cheshire East Local Plan Strategy (CELPS) and the Crewe and Nantwich Local Plan (CNLP).

### Cheshire East Local Plan Strategy (CELPS):

MP1 – Presumption in Favour of Sustainable Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 – Design  
SE2 - Efficient Use of Land  
SE3 - Biodiversity and Geodiversity  
SE4 - The Landscape  
SE5 - Trees, Hedgerows and Woodland  
SE6 – Green Infrastructure  
SE9 - Energy Efficient Development,  
SE12 - Pollution, Land Contamination and Land Instability  
SE13 – Flood Risk and Water Management  
IN1 – Infrastructure  
PG1 - Overall Development Strategy  
PG2 – Settlement Hierarchy  
PG7 – Spatial Distribution  
SC4 - Residential Mix  
CO1 – Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments  
IN1 – Infrastructure

### Sandbach Neighbourhood Plan (SNP) made on 12th April 2016

PC1 Local Green Gaps  
PC2 Landscape Character  
PC3 Settlement Boundary  
PC4 Biodiversity and Geodiversity  
H1 New Housing  
H2 Design and Layout  
H3 Housing Type and Mix  
H4 Housing and Aging Population  
IFT1 Sustainable Transport, Safety and Accessibility  
IFT2 Parking  
IFC1 Contributions to Local Infrastructure  
CC1 Adapting to Climate Change

### Site Allocations and Development Policies Document (SADPD)

PG8 Development at Local Service Centres  
PG9 Settlement Boundaries  
PG11 Greenbelt Boundaries  
GEN 1 Design Principles  
ENV 1 Ecological Network  
ENV 2 Ecological Implementation  
ENV 3 Landscape Character  
ENV5 Landscaping  
ENV6 Trees, Hedgerows and Woodlands  
ENV 7 Climate change  
ENV16 Surface Water Management and Flood Risk  
HOU1 Housing Mix  
HOU3 Self Build and Custom Build Dwellings  
HOU 8 Space, accessibility and wheelchair housing standards  
HOU10 Backland Development  
HOU12 Amenity  
HOU13 Residential Standards  
HOU14 Housing Densities  
HOU16 Small and Medium Sites  
INF3 Highways Safety and Access  
INF 9 Utilities  
REC 2 Indoor sport and recreation implementation  
REC 3 Open space implementation

### **Other Material planning policy considerations**

*National Planning Policy Framework ('The Framework');*

The relevant paragraphs include;

11 Presumption in favour of sustainable development  
59 Delivering a Sufficient Supply of Homes  
124-132 Achieving well-designed places  
170-183 Conserving and enhancing the natural environment

*Supplementary Planning Documents (SPD)*

SPG Provision of Private Open Space in New Residential Developments  
SPD Cheshire East Council Design Guide  
The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land

## **CONSULTATIONS**

**CEC Head of Strategic Infrastructure (Highways)** – No objection subject to a s38 Agreement

**CEC Flood Risk** – No objection

**CEC Environmental Protection** – No objection subject to conditions/informatives regarding working hours for construction sites, piling, travel information pack, boilers, dust, electric vehicle charging and contaminated land

**CEC Housing** – No objection

**CEC Education** – No objection

**ANSA** – No objection subject to POS provision or contribution

**Education** – No contribution required

**NHS** – No comments received at the time of writing the report

**United Utilities** – No objections subject to drainage conditions & SUDS

**Canal and Rivers Trust** – No objection but advises that water flow into the Arclid Brook is siphoned under the canal and prone to siltation from upstream sources. Therefore care should be taken to ensure that siltation of downstream watercourse would not occur as a result of the development.

**Sandbach Town Council** – Objection on the following grounds:

- Narrow and limited access on to Meadowbank Avenue which will be inadequate and restricted by parked cars for emergency vehicles and refuse collection
- Numerous concerns raised by neighbouring properties
- High density development within the proposed area of land and off unadopted road
- Narrow road which will be further congested by on-road parking
- Inadequate space for construction traffic
- No electric charging points within proposals
- No provision of open space/greenery
- Design is not in-keeping with surrounding area/location
- Potential impact on wildlife corridor
- Inadequate accessibility and wheelchair access standards
- Flood risk
- Overlooking and impact on amenity of neighbouring homes
- Structural concern due to impact of removing part of an established boundary wall
- Development will not contribute to character of the area
- Lack of accessible properties within design
- Over intensive design for the area of land

- A Cheshire East Council Ward Councillor Call in has been requested
- Overlooking of neighbouring properties
- Without justification within the application of the need for affordable housing, Members seek the Housing Officer's confirmation that the need has not already been met.

## REPRESENTATIONS

35 letters of objection based on the initial plans have been received which raise the following issues;

- Application should not have been registered as no affordable housing statement was provided
- Red line boundary not accurate and some plans show 16 dwellings not 15
- Loss of internal wall
- Loss of privacy
- Increase in traffic
- Lack of shop/café so other use more appropriate
- No site visit undertaken
- Contaminated site
- Lack of consultation
- Loss of employment
- Upkeep of existing estates
- Existing Mill on the Zen state is a listed building
- Harm to ecology
- No green space proposed
- Overdevelopment
- Room sizes inadequate
- Conflict of interest of Cllr Hovey
- No housing for disabled/elderly
- Schools over prescribed
- Drainage issues
- Rights over the access over Zan Drive
- New security gates required to prevent trespass
- Noise/dust from construction

7 representations received in relation to the revised plans:

- Plot not large enough to accommodate 15 dwellings
- Road leading to the site not suitable for more vehicles
- Ensure any development does not encroach on land not owned by the developer/landowner
- Insufficient internal storage space
- Construction traffic should only access the site through the Zan Industrial Estate
- Overlooking of No.3 Hopol Drive
- Not all properties meet the national space standards
- Insufficient parking
- No access for emergency vehicles

- Damage to neighbouring properties
- No need for the proposal
- Highway safety concerns
- No electric vehicle charging points shown
- The plans haven't shown any mobility / accessibility or any disabled parking bays

## **APPRAISAL**

### **Principle of Development**

Development within the Settlement Zone Line is supported in principle within the CELPS provided that it accords with Policies SD1, SD2 and SE1. These policies seek to ensure, amongst other things, that proposals are not detrimental to neighbouring residential amenity and are appropriate in design and highway terms.

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

Policy PC3 of the SNP advises that new development involving housing, commercial and community development will be supported in principle within the Settlement Boundary.

As such the proposal is considered to be acceptable in land use terms.

### **Housing Land Supply**

The Council has a supply of deliverable housing land in excess of the minimum of 5 years required under national planning policy. As a consequence of the decision by the Environment and Communities Committee on 1 July 2022, to carry out an update of the Local Plan Strategy (LPS), from 27 July (the fifth anniversary of its adoption), the borough's deliverable housing land supply is now calculated using the Council's Local Housing Need figure of 1,070 homes/year, instead of the LPS annual housing requirement of 1,800 homes.

The 2020 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 14 January 2022 and this confirmed a Housing Delivery Test Result of 300% for Cheshire East.

Under-performance against either of these can result in relevant policies concerning the supply of housing being considered out-of-date with the consequence that the 'tilted balance' at paragraph 11 of the NPPF is engaged. However, because of the Council's housing supply and delivery performance, the 'tilted balance' is not engaged by reference to either of these matters.

### **Loss of industrial use**

The proposal seeks to utilise a small parcel of land which previously housed an older commercial building. This was addressed in the previous application and concluded that given the age and condition

of the building and the fact that it has been un-used for some time and that the existing industrial uses would remain it is not considered that the loss of a single unit would pose any significant threat to existing employment levels. As this relates to the same site and use, the same conclusion is again reached here. Therefore, the loss of the building would be weighed in the overall planning balance.

### **Affordable Housing**

This is a full application for 15 dwellings and as per Policy SC5 there is a requirement for 30% of dwellings to be provided as affordable dwellings with a split of 65/35 between social rented and intermediate housing.

In this instance all of the housing are to be affordable.

The exact mix and location of the affordable dwellings can be detailed in the Reserved Matters application, with the provision secured as part of a S106 Agreement.

### **Education**

The development of 11 family (2 bedroom plus) dwellings or more would require a contribution towards education.

However, the Council education team have confirmed that as the proposal has only seven 2+ bedroom dwellings in this development and therefore children's services will not require a S106 contribution.

### **Health**

The site is not large enough to require any contributions towards health

### **Open Space**

Policy SE6 requires major developments (10 or more) to provide open space in line with Table 13.1 of this policy, which requires 65m<sup>2</sup> per dwelling consisting of children's play space, amenity green space, food growth and green infrastructure connectivity to be provided on site in the first instance. However also advises that in some cases, commuted sums generally may be more appropriate for improvement of other open spaces and green infrastructure connectivity.

The Council's Open Space officer advises that 975m<sup>2</sup> of open space would be required with the preference for this to be provided on site, but she would not expect to see equipped play on this occasion.

However, if no onsite provision is possible then a contribution of £45,000 is required to be spent to increase the capacity at Wheelock playing field and/or Lightley Close open space.

In addition to this the developer contribution for Outdoor Sports Facilities would be £1,000 per dwelling to be spent in line with the Council's Playing Pitch Strategy or subsequent document. It should be noted the Council's PPS is currently undergoing a complete review to form Playing Pitch and Outdoor Sports



Strategy to be adopted late Autumn. Until this review is completed it is difficult to ascertain where funds should be directed as new sports will be included.

With regards to allotments/food production a contribution of £562.50 per dwelling is sought.

In this instance the case officer has requested onsite provision, but the applicant has advised that this is not possible. Whilst this is unfortunate the Policy does advise that commuted sums generally may be more appropriate for improvement of other open spaces and green infrastructure connectivity and in this instance, sites have been identified (Wheelock playing field 480m south and/or Lightley Close open space 300m north) where a contribution could be provided to improve existing provision. These sites are location 300m north and 480m south of the site.

Any provision could be secured as part of a S106 Agreement.

### Housing Mix

Policy SC4 advises that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

Policy HOU1 In line with LPS Policy SC 4 'Residential mix', housing developments should deliver a range and mix of house types, sizes and tenures, which are spread throughout the site and that reflect and respond to identified housing needs and demand. In particular it suggests a recommended mix as below as a starting point:

	Market housing	Intermediate housing	Affordable housing for rent
1 bedroom	5%	14%	26%
2 bedroom	23%	53%	42%
3 bedroom	53%	28%	20%
4 bedroom	15%	4%	10%
5+ bedroom	3%	1%	3%

The proposal seeks the following mix:

- 8 x one beds
- 1 x two beds
- 5 x three beds
- 1 x four beds

As can be seen from the table above the mix would not be provided as per the recommendation in Policy HOU1. However, the text makes it clear that this is to be used as a starting point only and is not a ridged standard.

The aim of this policy appears to provide a mix of all housing tenure and bedroom units to suit the needs of all and not to be dominated by larger 4 plus bedroom properties. As noted above the predominantly house types would be 1 bedrooms properties 53%. Or to put it another way the split would be 93% smaller properties (1-3 beds) and 7% larger properties (4 and 5 beds).

As such this mix of housing would provide opportunity for all and thus is deemed to be acceptable.

### **Space standards**

Policy HOU8 of the SADPD states that in order to meet the needs of the Borough's residents and to deliver dwellings that are capable of meeting people's changing circumstances over their lifetime, the following accessibility and wheelchair standard will be applied to major developments;

- a) At least 30% of the dwellings in housing developments should comply with the requirements of M4(2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings; and
- b) At least 6% of the dwellings in housing developments should comply with the requirement m4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.

Plots 2, 4, 6, 10 and 15 demonstrate compliance with 30% assessable dwellings and plot 7 demonstrates compliance with 6% wheelchair adaptable dwelling.

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'*

Plot number	House Type	Occupancy	Internal Floor Area (sqm)	National Space Standards	Difference (sqm)
Plots 1, 3 & 5	First Floor Flats	1 bed 2 Person	52 Sqm	50 Sqm	n/a
Plots 2, 4 & 6	Ground Floor Flats	1 bed 2 Person	48.6 Sqm	50 Sqm	1.4 sqm under
Plot 7	Ground Floor Flats	1 bed 2 Person	58 Sqm	50 Sqm	n/a
Plot 8	First Floor Flats	1 bed 2 Person	50 Sqm	50 Sqm	n/a
Plot 9 & 11	Semi-detached	3 bed 5 Person	93 Sqm	93 Sqm	n/a
Plot 10	Semi-detached	2 bed 4 Person	84 Sqm	79 Sqm	n/a
Plot 12	Detached	4 bed 6 Person	106 Sqm	106 Sqm	n/a
Plots 13 & 14	Mews	3 bed 5 Person	93 Sqm	93 Sqm	n/a
Plot 15	Mews	3 bed 5 Person	93 Sqm	93 Sqm	n/a

Therefore 12 units fully comply with NDSS and 3 units are short of the standards by 1.4sqm. This is considered to be a very limited shortfall however needs to be weighed against the overall planning balance.

### 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 Sandbach. There is a bus stop located within 500m to the west off Crewe Road with regular services to Sandbach, Congleton, Macclesfield and Crewe. There are also some limited amenities within walking distance of the site. As such the site is considered to be 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.

## ENVIRONMENTAL SUSTAINABILITY

### Residential Amenity

With regards to neighbouring amenity, Policy HOU12 advises development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development 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.

Policy HOU13 sets standards for spacing between windows of 18m between front elevations, 21m between rear elevations or 14m between habitable to non habitable rooms. For differences in land levels it suggests an additional 2.5m for levels exceed 2m.

The main residential properties affected by this development are 30 Meadowbank Avenue, 1 and 3 Hopol Drive, The Coach House/Farm Cottage and properties to the west off Crewe Road (460, 458, 456, 454)

### 30 Meadowbank Avenue

The nearest plot 1, will be sited between 2 and 3m to the windowless side elevation of No.30. This plot more or less aligns with the build line to No.30 and thus would not cause any significant harm by reason of overbearing/overshadowing or loss of outlook. In terms of privacy there are no side facing windows to No.30 and plot 1 has no side facing windows at first floor with just a single side facing living/dining room window. However, given the siting at ground floor level it is not expected that this will result in any significant harm by reason of loss of privacy.

### 1 and 3 Hopol Drive

The nearest plot 1, will be sited 12m to the rear elevation or 9.5m to the rear conservatory. This would prevent significant harm by reason of overshadowing/oppressive impact however this does not comply with either the 21m or 14m interface noted in Policy HOU12. However, plot 1 will sit with an oblique orientation to these properties meaning that there is not a direct interface between habitable room windows. Thus, it is not considered that the proposal would result in any significant harm by reason of overlooking between windows. Concerns were raised by the case officer regarding potential overlooking of the garden area of 1&3 Hopol Drive from the proposed first floor windows of plot 1. These have now been revised to include an angled v shaped window which would be part obscured thus preventing any direct overlooking.

### Farm Cottage

The nearest plots 8 and 9, would be sited 16.5m to the side/rear elevation of Farm Cottage. In this instance there are no habitable room windows proposed on the rear elevations of these plots, as the windows at first floor would serve bathroom and utility rooms and thus could be condition to ensure they are fitted with obscure glazing to prevent harm through overlooking. There are rear ground floor windows which would serve living/dining rooms however the siting at ground floor level, land level difference and existing boundary treatment would prevent any harm by reason of overlooking. Given that the application site sits at a lower level than Farm Cottage (as shown on the sections plan), it is not considered that there would be any significant harm by reason of overbearing/overshadowing. There is potential for some overlooking of the garden area of Farm Cottage from the proposed first floor living room window of plot 8, however this would overlook the end section of rear garden area only and some overlooking is to be expected in residential areas.

### The Coach House

The nearest plot 10, would be sited 11m to the rear elevation of The Coach House. This distance would prevent harm through overbearing/overshadowing impact. In this instance there are no first-floor side windows to this plot to prevent overlooking and only 1 ground floor side windows are proposed which would serve a toilet so would likely be fitted with obscure glazing to prevent loss of privacy and the boundary treatment would also prevent overlooking. A first-floor bedroom window is proposed which would potentially overlook part of the rear garden area of Farm Cottage, however this would be an oblique angle and would not result in direct overlooking and thus would not be sufficient to justify a refusal of planning permission. The site is also lower than that of The Coach House which would further limit overlooking.

#### Properties to the west off Crewe Road (460, 458, 456, 454)

Th nearest plots 10-12, will be sited 21m to rear facing windows of the bungalow properties to the west. This distance complies with Policy HOU12 to prevent significant harm through overlooking/overbearing/overshadowing impact. The 16m siting to the shared boundary would also prevent any significant harm through overlooking of garden areas.

Plot 13 would be sited 20.5m to the rear facing windows. Whilst technically shy of the recommended interface by 0.5m this is considered to be a limited breach and there is a minor variation in land levels which would limit harmful impact.

#### Future amenity

Policy HOU13 does not set an expected size of garden area but advises proposals for dwellings houses shall include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development.

Most plots would have at least the 50sqm garden area which could be used by future occupants. Plots 8&9 serve 1 bedrooms flats which would share an area of 50sqm which would provide outdoor space for future occupants and they also have their own private internal living rooms.

As with the initially consented scheme a noise report has been provided to consider regarding possible noise and disturbance from the existing industrial use. This deems noise impact from the adjacent industrial / commercial use is minimal, however, if the proposed mitigation is implemented (line of site, fencing and glazing) then the development will comply with BS 8233 and there will be no significant impact from noise.

Environmental Protection have confirmed that they agree with the findings and have suggested that the development should only proceed in accordance with the mitigation contained within the submitted report. Therefore, it is considered that noise/disturbance can be suitably mitigated against.

Therefore, the proposal could be accommodated without significant harm to living conditions of neighbouring properties and complies with Policy HOU12 of the CELPS & H2 of the SNP.

#### **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**

As the application is for new residential properties which are a sensitive end use and could be affected by any contamination present a contaminated land condition will be attached to the decision notice of any approval.

### **Highways**

The proposal is for 15 residential dwellings with access to be from Meadowbank Avenue which itself provides access to Crewe Road and the wider area. The site has previously had approval for 8 dwellings.

The site will provide pedestrian access to the wider area and the principle of residential development on this site has already been accepted with the previous approval.

Meadowbank Avenue is approximately 5m wide which is sufficient to serve the additional vehicle trips the proposal would generate. The proposal is for 7 units more than that approved, and the additional highways impact will be negligible.

The carriageway width within the site will be 4.8m which is acceptable and there will be adequate parking for each property. Beyond plot 6 the carriageway is unlikely to be adoptable.

No objection is raised from the Councils Highways Engineer with an informative requiring the applicant to enter into a s38 Agreement regarding the construction and future adoption of the internal road layout.

The proposal is therefore considered to comply with Policy SD1 & CO2 of the CELPS, INF3 of the SADPD & IFT1 & IFT2 of the SNP.

### **Landscape**

There are no significant landscape issues. The site is located within the settlement boundary where development is support in land use terms so some landscape impact is inevitable and where it can be viewed from the wider setting would be viewed in the context of the existing commercial development to the south and residential to the north and west.

As such the proposal complies with CELPS Policies SE4, ENV3 & ENV5 of the SADPD and PC2 of the SNP

### **Trees**

Policy SE5 advises that proposals should look to retain existing trees/hedgerows that provide a significant contribution to the area and where lost replacements shall be provided. Policy ENV 6 advises that development proposals should seek to retain and protect trees, woodlands and hedgerows.

The application site was formally considered in terms of trees with approved application 16/5809C. The application site does not benefit from any trees of significance internal to the site boundary but benefits from some established moderate quality and low-quality boundary trees sited outside the site, none of which are afforded any statutory protection. The layout submitted with this application will not arise in any additional tree losses and is not considered to arise in a significantly inferior relationship to that formally considered in terms of the offsite trees.

The application has been supported by an Arboricultural Impact Assessment & Method Statement by Tree Solutions (21/AIA/CHE(E)/237(Rev A). The report appraises the relationship of the layout with trees, makes provision for tree protection throughout any approved construction period and proposes engineer designed solutions to overcome construction of parking spaces within the RPA of one-off site tree. Having viewed the drainage layout this does not appear to arise in any incursion within the RPAs of trees.

As submitted, there are no objections to the proposal subject to adherence with the arboricultural working methodology provided.

Therefore, it is not considered to be significantly harmful to the character/appearance of the area and the proposal complies with Policy SE5 of the CELPS and ENV 6 of the emerging SADPD.

## **Design**

Policy SE1 advises that development proposals should make a positive contribution to their surroundings in terms of the creating a sense of place, managing design quality, sustainable urban, architectural and landscape design, live and workability and designing in safety. The Cheshire East Design Guide Volumes 1 and 2 give more specific design guidance. Emerging Policy GEN 1 of the SADPD also reflects this advice.

The proposal seeks to develop a site that is currently free from development so is clearly going to change the character of the site and locality.

The character of the area consists of a mix of traditional 2 storey and bungalow properties of mixed red brick and render finish in detached and semi-detached form. The proposal seeks to erect 2 storey buildings consisting of red brick finish with a mix of detached and semi-detached properties. Therefore, it is considered that the proposed 15 units could be accommodated without causing harm to the existing pattern of built form.

Representations have been made suggesting that the site is too cramped for the number of units proposed and refer back to the previously consented, yet expired, permission for 8 dwellings.

However, the consented permission has expired and carries limited weight to this application, nor was it considered to set any ceiling point for the number of properties which can be accommodated on the site.

The proposed site plan shows a layout and plot ratio comparable to the consented to the north and the design whilst not spectacular is also similar to the consented development to the north. Final material details can be secured by condition to ensure suitable material is used to match that of the surrounding area.

The site is also enclosed from view from public vantage points by the existing development to the north, west and south and planting buffer to the east and where it can be viewed from the wider setting it would be viewed in the context of the existing development.

The proposal does have some frontage parking to the entry plots 1-5, however this merely mirrors the consented development to the north and parking inside the site is taken to the side of the properties.

Plots 6 & 7 has an active frontage to the road as they are double fronted to help these focal plots turn the corner.

As such, subject to conditions, the proposal is considered to comply with Policies SD1, SD2 and SE1 of the CELPS, GEN1 of the SADPD, H2 of the SNP & the Cheshire East Urban Design Guide.

## **Ecology**

### Biodiversity Net Gain

Any development proposals must seek to lead to an overall enhancement for biodiversity in accordance with Local Plan policy SE3(5). In order to assess the overall loss/gains of biodiversity an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 3.1 must be undertaken and submitted with the application. In order to achieve net gain for biodiversity it should be ensured that any habitats are higher value (such as ponds and woodland, more species rich grassland etc) are retained and enhanced as part of the development proposals.

If additional habitat creation measures are required to ensure the site achieves a net gain for biodiversity consideration should be given to the creation of additional ponds and species rich grassland. Offsite habitat creation may be required if an appropriate level of habitat creation cannot be delivered on site.

The submitted ecology report includes a biodiversity net gain calculation which predicts a 0.8 unit loss in habitat units.

The Council's Ecologist advises that this could be addressed by way of a commuted sum secured by a Section 106 Agreement to fund offsite habitat creation/enhancement within Cheshire East. In order to achieve a net gain for biodiversity, the commuted sum would be for 1 unit.

Under the current habitat unit cost calculations of £12,266 per unit, and the council's £1,200 administration fee, the commuted sum would be for: £13,466.



### Breeding Birds

If planning consent is granted, the Councils Ecologist suggests a condition to protect nesting birds.

### Schedule 9 Species

The applicant should be aware that Himalayan balsam and wall cotoneaster are present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause these species to grow in the wild.

Disturbance of soil on the site may result in increased growth of these species on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with Himalayan balsam or wall cotoneaster must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste. An informative will be added to this effect.

### 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. The Councils Ecologist therefore recommends that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

The above conditions are considered reasonable and necessary and as such can be added to any decision notice.

Therefore, the proposal subject to Section 106 Agreement complies with Policy SE3 of the CELPS, ENV1, ENV2 of the SADPD, PC4 of the SNP.

### **Flood Risk**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps and the site area is not over 1 hectare so does not require a Flood Risk Assessment.

United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions requiring a surface water drainage scheme and a foul water drainage scheme. The Councils Flood Risk Team have also been consulted who initially required further information regarding the drainage hierarchy. This has since been provided and they now raise no objection.

Therefore, it would appear that any flood risk/drainage issues, could be suitably addressed by planning conditions and as such the proposal complies with Policy SE13 of the CELPS & ENV 16 of the SADPD.

### **Land Levels**

Given the nature of the site to existing properties and the variation in levels a condition will be attached to ensure that details of the proposed levels are provided.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to provide new housing with indirect economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

## **OTHER**

The majority of comments received though representations have been dealt with above in the report. However, some remain unaddressed so are dealt with below:

- Application should not have been registered as no affordable housing statement was provided – *this was received after validation and has been visible since on the Councils website*
- Red line boundary not accurate and some plans show 16 dwellings not 15 – *the applicant advises the red edge is correct and reference to 16 homes has been removed from the plans*
- Loss if internal wall/upkeep of existing estates/ Rights over the access over Zan Drive – *these are civil matters not relevant to the determination of a planning application*
- Lack of shop/café so other use more appropriate – *the Council has to consider the application as proposed*
- No site visit undertaken – *site visit was undertaken by the case officer 28th March 2022*
- Lack of consultation – *public consultation was undertaken in accordance with the development management procedures order (all neighbours who share boundary with the site and site notice displayed)*
- Loss of employment – *no loss of employment on the site*
- Existing Mill on the Zen Estate is a listed building – *no listed buildings near to the site*
- Conflict of interest of Cllr Hovey – *This is matter for Sandbach Town Council.*
- Schools over prescribed – *education have been consulted*
- Noise/dust from construction – *this would be secured outside of planning*
- Insufficient internal storage space – *the proposal complies with the national space standards*

- Construction traffic should only access the site through the Zan Industrial Estate – *this has not been deemed necessary by the Councils Highways Officer*
- No electric vehicle charging points shown – *this is to be secured by condition*
- The plans haven't shown any mobility / accessibility or any disabled parking bays – *mobility plots have been secured*

## **PLANNING BALANCE**

The site lies within the settlement boundary for Sandbach and the principle of residential development on the site is acceptable. The developments complies with Policies PG2 of the CELPS and PG9 of the SADPD & PC3 of the SNP.

The site is sustainably located and is in walking distance of local facilities and those within Sandbach 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 is acceptable and would not harm residential amenity. There is no conflict with Policy HOU12 of the CELPS & H2 of the SNP. The majority of plots comply with National Space standards with just a limited 1.4sqm shortfall for x3 plots.

The development is considered to be acceptable in terms of its impact upon the highway network. The development complies with C01, C04 of the CELPS, INF3 SADPD, IFT1 & IFT2 of the SNP.

There would be no significant impacts in terms of flood risk drainage or ecology. As such the development complies with SE13 of the CELPS, 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, ENV6 of the SADPD.

An acceptable design solution has been provided and this would comply with Policy SE1, SD1 and SD2 of the CELPS, GEN1 of the SADPD, H2 of the SNP, the CEC Design Guide and the NPPF.

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

## **RECOMMENDATION:**

**APPROVE subject to S106 and the following conditions:**

- 1) 3 year time limit**
- 2) Development in accordance with the approved plans**
- 3) Details of proposed materials**

- 4) Development in complete accordance with the tree protection and special construction measures identified in the Arboricultural Impact Assessment & Method Statement by Tree Solutions (21/AIA/CHE(E)/237(Rev A) dated February 2023
- 5) Dust suppression methods
- 6) Details of piling
- 7) Details of electric vehicle charging points
- 8) Details of low emission boilers
- 9) Contaminated land risk assessment
- 10) Contaminated land verification report
- 11) Contaminated land soil testing
- 12) Contaminated land unexpected contamination
- 13) Surface water drainage scheme and a foul water drainage scheme including details to ensure that siltation of downstream watercourse would not occur as a result of the development.
- 14) No removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds
- 15) Submission of an ecological enhancement strategy
- 16) Details of levels
- 17) Rear facing first floor windows on plots 7-9 to be fitted with obscure glazing
- 18) Mitigation measures as per the noise report (fencing and glazing)

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	100% on site provision	In accordance with phasing
<b>POS</b>	<p>Combined amenity and play contribution of £45,000 to be spent to increase the capacity at Wheelock playing field and/or Lightley Close open space.</p> <p>Recreation &amp; Outdoor Sport £1,000 per dwelling</p> <p>Allotment/food growth - per dwelling</p>	To be paid prior to the occupation of the 8th dwelling
<b>Ecology</b>	<p>X1 unit of biodiversity net gain</p> <p>£12,266 per unit and the council's £1,200 administration fee so total contribution:</p> <p>£13,466</p>	To be paid prior to the occupation of the 8th dwelling

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.

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

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	100% on site provision	In accordance with phasing
<b>POS</b>	<p>Combined amenity and play contribution of £45,000 to be spent to increase the capacity at Wheelock playing field and/or Lightley Close open space.</p> <p>Recreation &amp; Outdoor Sport £1,000 per dwelling</p> <p>Allotment/food growth - per dwelling</p>	To be paid prior to the occupation of the 8th dwelling
<b>Ecology</b>	<p>X1 unit of biodiversity net gain</p> <p>£12,266 per unit and the council's £1,200 administration fee so total contribution:</p> <p>£13,466</p>	To be paid prior to the occupation of the 8th dwelling

