

Application No: 22/1163C

Location: COPPERSFIELD, CHURCH LANE, SANDBACH, CHESHIRE,  
CW11 2LQ

Proposal: The proposed development comprises five detached five-bedroom houses arranged on a short private driveway which links to the access road of the development to the north.

Applicant: Mr Steve Binch

Expiry Date: 04-Nov-2022

**SUMMARY:**

The principle of development is considered to be acceptable as the site is designated as being within the settlement boundary and a key service centre.

The design of the proposed development is acceptable and complies with relevant Development Plan Policies

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

There is no requirement for the provision of affordable housing for a development of 5 dwellings within the settlement boundary.

**RECOMMENDATION:**

**Approve subject to conditions and completion of a Section 106 Agreement.**

**REASON FOR REFERRAL**

The application is referred to Southern Planning Committee at the request of Cllr Corcoran for the following reason;

*I support the objections of Sandbach Town Council, particularly the noise the houses will suffer (despite the acoustic fencing) and the 3-storey houses being not in keeping with surrounding properties and not needed in Sandbach.*

**DESCRIPTION OF SITE AND CONTEXT**

The application site is to the rear of 24 Church Lane and to the west of the M6 motorway. To the south is a children's play area, to the north is a consented residential development.

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 and the Sandbach Neighbourhood Plan.

## **DETAILS OF PROPOSAL**

Full planning permission is sought for 5 detached five-bedroom houses arranged on a short private driveway which links to the access road of the development to the north.

## **RELEVANT HISTORY**

No relevant planning history relating to this site.

## **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  
HOU10 – Backland Development  
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.

**United Utilities:** No objection subject to drainage conditions.

**Sandbach Town Council:** Members object to this application. The Committee is of the opinion that this is an extremely unsuitable site for this development. Future residents' amenity will be impacted

by nearby road noise, despite the acoustic fencing. Furthermore, neighbouring acoustic fencing is covered in graffiti which paints Sandbach in a bad light on an entry into the town.

## **OTHER REPRESENTATIONS**

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

- Over development
- Loss of green space
- Design out of keeping
- Sandbach has already provided enough housing
- Inadequate parking provision
- Misleading information within the application

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

## **OFFICER APPRAISAL**

### **Principle of Development**

The site was previously designated as being within open countryside. However, both the SADPD and SNP now show that the site is designated as being within the settlement boundary. Sandbach is designated as a key service centre. The principle of residential development within the settlement boundary is acceptable as confirmed by SADPD policy PG9 and SNP policy PC3.

### **Affordable Housing**

Policy SC5 of the CELPS and the Housing Supplementary Planning Document sets 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 in size. As this application proposes only five dwellings, affordable housing provision is not required.

### **Design**

The proposed dwellings would be served by a small cul-de-sac accessed from the road serving the new development to the north. Two would face towards the motorway, two would face the cul-de-sac and access and one would face the rear elevation of 24 Church Lane. The Urban Design Officer has put forward changes to the layout, however these are not possible due to electricity infrastructure within the site.

There would be two house types, very similar in design. The proposed houses would be two-storey, with rooms in the roof served by dormers to the front and rooflights to the rear.

Concern has been expressed about the scale of the buildings, but it should be noted that they would be very similar in scale and height to some of the newly constructed dwellings facing onto Church Lane and those recently approved to the west.

Policy HOU10 of the SADPD requires that tandem or backland development are equal or subordinate to surrounding buildings, particularly those fronting the highway. In terms of this site, to the north there are dwellings of a similar scale and height, and approval has been granted for 4 more also of a similar scale. Also to the west is 24 Church Lane, which, while having a lower ridge height has been significantly extended and is a substantial property.

Dormer windows are a common design mechanism to create additional living space without significantly increasing the overall height of the dwelling, and it is not uncommon to see dormer windows on rural properties. Furthermore, dormer windows can often be inserted into existing roofs under permitted development in both urban and rural dwellings. As such a refusal on these grounds could not be sustained.

The proposal is therefore considered to be in compliance with Policies SD2 and SE1 of the CELPS, Policies GEN1 and HOU10 of the SADPD and H2 of the SNP.

## **Highways**

The proposal is for a small number of units with off-road parking and a new access off a recently approved residential development.

The new access will be a shared private drive and is sufficient to serve the small-scale proposal. The bin collection area is in an acceptable location and the parking provision for each property meets CEC requirements.

The proposal is acceptable, and no objection is raised by the Head of Strategic Transport.

As such the development complies with Policies HOU12 and INF3 of the SADPD, Policies SD1 and CO2 and Appendix C of the CELPS and Policies 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 due to there being adequate separation distances. The front elevation of the dwelling on plot 1 would have a separation distance of 27.5m to the rear elevation of 24 Church Lane (exceeding the requirement of 24m set out in Policy HOU13). The side elevation of plot 2 would have a separation distance of 24m to the rear elevation of Coppersfield (exceeding the requirement of 16.5m set out in HOU13).

Within the development to the north, the consented dwelling would have a blank side elevation facing plot 1 and this relationship is also acceptable.

Policy HOU8 of the SADPD requires that new residential development should meet the Nationally Described Space Standard and the dwellings proposed in this application do comply with this requirement.

In terms of future occupiers of the proposed dwellings, there would be adequate private amenity space available.

The proposal is therefore in compliance with Policy SE12 of the CELPS and Policies HOU8 and HOU12 of the SADPD.

## **Pollution**

In terms of noise from the motorway, an acoustic report was submitted and assessed by Environmental Protection officers. They are satisfied that future occupiers will not suffer unacceptable levels of noise, subject to a condition requiring the recommended the following mitigation measures to be implemented and retained;

- Acoustic fencing to rear gardens
- Glazing specification
- Ventilation specification
- Roof and wall insulation specification

These measures are similar to those within the development to the north and as such, a refusal on these grounds could not be sustained at appeal.

In terms of air quality, an Air Quality Assessment has been submitted with the application. Testing took place at the site and the results showed that there would be no exceedances of the relevant air quality objectives. However conditions should be imposed relating to low emission boilers and electric vehicle charging points to safeguard air quality in the future.

The proposal is therefore considered to be in compliance with Policy SE12 of the CELPS and Policy ENV12 of the SADPD.

## **Nature Conservation**

### *Biodiversity Net Gain (BNG)*

Any development proposals must seek to lead to an overall enhancement for biodiversity in accordance with Local Plan Policy SE3(5). The applicant has not submitted an ecology report or habitat assessment of the site.

Historical ecological assessments of adjacent sites indicate the site is likely to offer a limited value for biodiversity, but due to the size of the site that value is likely to equate to the equivalent of approximately 1.2 biodiversity habitat units, which will be lost under the proposed plans.

It is considered 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.

Alternatively, the applicant could submit a Biodiversity Offsetting Report outlining the results of their own assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 3.1.

### *Breeding Birds*

If planning consent is granted, a condition is required to ensure the protection of breeding birds.

### *Other Protected Species*

An updated Survey was carried out in June 2023 and no signs of occupation by other protected species was identified within 30m of the site. No further survey effort is required in support of this application.

### *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. It is therefore recommended that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

The proposal is therefore in accordance with Policy SE3 of the CELPS and Policy ENV1 of the SADPD.

### **CIL Compliance**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements 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.

In this case, a contribution for biodiversity net gain is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

### **CONCLUSIONS**

The principle of development is considered to be acceptable as the site is designated as being within the settlement boundary and a key service centre.

The design of the proposed development is acceptable and complies the relevant Development Plan policies.

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

There is no requirement for the provision of affordable housing for a development of 5 dwellings within the settlement boundary.

## **RECOMMENDATION**

**Approve subject to the completion of a Section 106 Agreement to secure funding for off-site BNG (amount to be confirmed in an update) and the following conditions:**

- 1. Time limit**
- 2. Approved plans**
- 3. Materials as detailed in the application**
- 4. Details of any external lighting to be provided prior to installation**
- 5. Submission of levels prior to commencement of development**
- 6. Provision of electric vehicle infrastructure**
- 7. Provision of ultra low emission boilers**
- 8. Compliance with the mitigation measures in the submitted Noise Impact Assessment**
- 9. A (a) Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use in line with the current version of 'Developing Land within Cheshire East Council – A Guide to Submitting Planning Applications, Land Contamination' (in the absence of any other agreement for the development), which can be found on the Development and Contaminated Land page of Cheshire East Council's website.  
(b) 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 (LPA).**
- 11. 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.**
- 12. Submission of a foul and surface water drainage scheme prior to commencement of development**
- 13. Protection of breeding birds**
- 14. Provision of features to enhance biodiversity**
- 15. Obscure glazing – west facing window to the side of plot 2**

**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.**

**Should this application be the subject of an appeal, authority be delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.**



