

Application No: 23/4597C

Location: LAND OFF, WRIGHTS LANE, SANDBACH

Proposal: Erection of 13no. dwellings, associated parking, open space and landscaping

Applicant: Edgefold Homes

Expiry Date: 02-Aug-2024

## **SUMMARY**

The site is located within the Sandbach Settlement Boundary and CELPS allocation LPS53. The proposed development is limited to the housing part of the allocation for LPS53, and the existing hedgerow boundary will be retained and supplemented with additional planting to provide a landscape buffer.

The design of the proposed development represents an acceptable design solution, and the proposed housing mix is also considered to be acceptable. The proposal complies with 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 application secures contributions to mitigate the impact of the proposed development.

The proposed development would provide an acceptable level of amenity for the occupants of the surrounding dwellings and the future occupants of the development. The proposal complies with 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 flood risk/drainage.

In terms of the impact upon trees, there are some weaknesses with the design of the scheme, but the Council's Tree Officer has not formally objected to the application and the scheme is considered to be acceptable.

The impact upon ecology/protected species is considered to be acceptable. Some minor additional information is required in terms of BNG, this has been requested and an update will be provided in relation to this issue.

The proposal complies with the Development Plan as a whole and is recommended for approval.

## **RECOMMENDATION**

**APPROVE subject to the completion of a S106 Agreement and conditions (this is subject to the minor BNG issue being resolved)**

## **REASON FOR REFERRAL**

This application is referred to Southern Planning Committee at the request of Cllr Corcoran for the following reasons:

*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 access through Wrights Lane is inadequate. Enforcement of the existing double yellow lines on the corner of Wrights Lane/Heath Road is already problematic. Additional housing via Wrights Lane would cause access issues both during the construction phase and subsequently.*

*The 13 additional homes would exacerbate the current congestion problems on Heath Road, where parked cars make it effectively single carriageway.*

*The proposed architectural designs are out of keeping with the local character, specifically along Heath Road. This lack of visual coherence threatens the aesthetic harmony of the community and risks undermining the distinctive character of the surrounding area.*

*The proposal conflicts with the Development Plan as a whole and should be refused.*

*I also support the submission from Cycling UK:*

*'Should this application be approved then I suggest converting the newly formed FP53 which runs adjacent to the site to cycle track. Good cycle links meet Policy Sustainable Development SD 1 'ensure that development is accessible by public transport, walking and cycling' and SD 2 'encourage travel by sustainable modes'*

## **SITE DESCRIPTION**

The site of the proposed development extends to 0.38 ha and forms a roughly 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. PROW Sandbach FP53 runs along the northern boundary of the site.

The site lies adjacent to 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 13 dwellings. The site would be accessed via Wrights Lane.

The proposed development would have the following housing mix;

2 x two bedroom dwellings

8 x three bedroom dwellings

3 x four bedroom dwellings

All dwellings would be two-stories in height.

## RELEVANT HISTORY

23/4497C - Full Planning Application for the formation of an access road and 10 parking spaces with a change of use to Sui Generis for car parking on land off Wrights Lane, Sandbach – Application Undetermined.

22/0882C - Erection of 25no. dwellings with associated access, car parking, open space and landscaping – Refused 12<sup>th</sup> January 2023 – Appeal Lodged – Appeal Dismissed 13<sup>th</sup> February 2024

This application was refused 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.*
- 1. 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.*
- 2. 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 proposed development does not demonstrate that an acceptable relationship can be achieved between the existing dwelling at No 2 Heath Close and the proposed dwellings at plots 16 and 17. 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.*

- 3. 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.*
- 4. The Local Planning Authority considers that Wrights Lane by reason of its narrow nature would not provide a safe and suitable access to serve the proposed development and create conflict between highway users. The proposed development would be contrary to policies INF3 of the Site Allocation and Development Policies Document and IFT1 of the Sandbach Neighbourhood Plan.*

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 10<sup>th</sup> 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 22<sup>nd</sup> October 2015

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

19528/1 - Residential development to include sports facilities, landscaping & amenity area and a site for licensed premises – Refused 3<sup>rd</sup> 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 (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  
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 21<sup>st</sup> 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.
- 60-81. Wide choice of quality homes
- 131-141. Achieving Well-Designed and Beautiful Places

### **CONSULTATIONS**

**CEC Flood Risk Manager:** No objection subject to the imposition of a drainage conditions.

**United Utilities:** Drainage condition and general advice provided.

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

- £71,484.02 (primary education)
- £49,159.29 (secondary education)

**Strategic Housing Manager:** No objection.

**NHS:** Below the threshold where the NHS would review the infrastructure impact. No comments to make.

**Cadent Gas:** No comments received.

**PROW:** An informative is requested.

**Strategic Highways Manager:** No objection subject to the imposition of planning conditions relating to 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:** On this occasion due to the reduction in the scale of the development, the connectivity of the site and access to other open spaces offsite, a contribution towards off-site open space can be accepted.

The following contributions will be required:

- £3,000 per family dwelling towards off-site open space.
- £1,000 per family dwelling towards outdoor sports facilities.

## **VIEWS OF THE PARISH COUNCIL**

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

- Added traffic to Wrights Lane and Heath Road during and after construction.
- Loss of biodiversity, and wildlife.

## **REPRESENTATIONS**

Letters of objection/general observation have been received from 18 households which raise the following points:

- Heath Road is in a poor condition and has suffered from construction traffic use for 3 other developments.
- The access along Wrights Lane is limited.
- The site includes a number of trees which are a habitat for birds.
- The land is wet and there are potential drainage implications.
- Removal of hedgerow and trees.
- The road is heavily used by school traffic and the development will be dangerous for pedestrians (including children accessing St. Johns School).
- Wrights Lane is not suitable for construction traffic access.
- The junction of Wrights Lane and Heath Road is dangerous and suffers from parked vehicles and traffic congestion associated with local businesses.
- Reduction in wildlife.
- The proposed housing does not match local needs.
- The local streets are too narrow.
- There should be restrictions relating to construction vehicle access.
- No funding for traffic management along Heath Road.
- No indication of the access to the Capricorn Development.
- It would be better to access the site via the Persimmon development.
- Lack of sustainable energy provision.
- Sandbach Heath cannot cope with the extra traffic.
- Impact upon local infrastructure – schools, doctors, dentists.
- Loss of green land in Sandbach.
- The development displays the characteristics of creep and go with a future phase of development planned.
- The figures within the Transport Statement are not realistic.
- The proposed house types are not in keeping with the CEC Design Guide.
- Some of the design features (box bay windows, pediments and other design features) are not consistent with Sandbach Heath.
- The development would not result in Biodiversity Net Gain.
- The Energy and Sustainability Statement is out of date.
- The development is contrary to the Neighbourhood Pla, the CELPS, and the CEC Design Guide.
- No clarity in terms of whether the parking for the residents on Wrights Land would be free of charge or require a permit.
- There is no clarity in terms of EV Charging for the residential spaces.



- Refuse vehicle find it hard to access Wrights Lane.
- Potential repeat of a sewer subsiding due to construction traffic.
- Current problems with the disposal of foul drainage.
- Salami-slicing of a previously refused application.
- The application is premature.
- Sandbach is exceeding its housing requirement.
- The proposal is contrary to the NP as it does not meet local housing needs.
- The highways impact is underestimated.
- Impact upon the PROW.
- Wrights Lane needs to be widened to accommodate the development.
- Too many 4-bedroom units, more affordable units required.
- Increased water run-off and drainage issues.
- Heath Road is used as a rat run.
- Loss of trees – replacement planting will not be sufficient.
- Net loss in biodiversity.
- No details have been provided in terms of the maintenance of the trees, wildflower meadow or planting on site.
- Lack of sustainable access – footpaths and cycleways.
- How will the car-parking on site be managed.

A letter of support has been received which raises the following point:

- This looks like a good scheme on an under-utilised site.

A representation has been received from Cycling UK which raises the following point:

- Should the application be approved the newly formed FP53 which runs adjacent to the site should be upgraded to a cycle track.

## **APPRAISAL**

### **Principle of Development**

The application site comprises of 0.38 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, southeast of Congleton Road, Sandbach' and within the Sandbach Neighbourhood Plan designated area.

### 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.

The previous proposal as part of application 22/0882C (which has now been dismissed at appeal) did not comply with Criteria 1 & 2 as the development site straddled the buffer planting area and encroached into the employment area as defined on Figure 15.64. As part of the recent appeal the Inspector found that *'the wording of the relevant part of Policy LPS53 to be the delivery of employment land and new homes 'as set out in Figure 15.64' such that weight should be attached to its designations'*. The Inspector then stated that the proposal would fail

to support the delivery of the 20Ha of employment land within Figure 15.64 contrary to the aims of LPS53 and that there would also be conflict with Policy EG3.

This current application differs from that proposed as part of application 22/0882C in that the site has been reduced in size and is now limited to the area identified as 'housing' and 'planting belt' within Figure 15.64 of Policy LPS53.

The proposal for 13 dwellings in addition to the 420 already approved within the boundary of LPS53 would comply with points 1 and 2 of this policy (up to 450 new homes and no encroachment into the 'employment land').

Figure 15.64 also identifies a planting belt between the employment land and the housing land. The application has provided a plan to show that the rear elevations of the dwellings at plots 7-12 follows the line of the planting belt and the proposed dwellings would not encroach into the planting belt. The rear gardens of the dwellings 7-12 would be located within the planting belt, which is consistent with the majority of the Persimmon development to the north (although 2 dwellings within the Persimmon site are located within the planting belt). There is an existing hedgerow along the eastern boundary to the rear of plots 7-12 and this will be supplemented with additional planting to help screen the proposed development from the employment allocation at LPS53 (and is proposed as part of the Biodiversity Net Gain).

Therefore, it is considered that the principle of the 13 dwellings on this site is acceptable.

## **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 two bedroom dwellings

8 x three bedroom dwellings

3 x four bedroom dwellings

All dwellings would be two-stories in height.

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 – Current application	
	Table 8.1	Proposal
1 bedroom	5%	0%
2 bedroom	23%	15.4%
3 bedroom	53%	61.6%
4 bedroom	15%	23%
5+ bedroom	3%	0%

The previous application proposed the following mix for the open market and affordable units: 8% 1 bedroom units; 8% 2 bedroom units; 32% 3 bedroom units and 54% 4 bedroom units. As part of the previous appeal the Inspector found that the mix failed *‘to reflect both the indicative housing mix of Table 8.1 and the findings of the Residential Mix Study, which together demonstrate that provision of 2- and 3-bedroom homes is a priority within the Council area’*.

The Inspector then found that, *‘the aim of Policy HOU1 is to respond to identified needs and demands which evidence suggests in this case is the primary provision of 2- and 3-bedroom dwellings in residential developments. The proposal, in providing a large ratio of 4-bedroom houses and a minimal provision of 2-bedroom houses would be contrary to the policy aims’* and that *‘the proposal would not provide an adequate housing mix. As such, it would fail to comply with Policy SC4 of the Local Plan or Policy H3 of the NP insofar as they seek to ensure development delivers a range of house types sizes and tenures responding to identified needs and demands’*.

The proposed development has increased the percentage of two- and three-bedroom dwellings and reduced the percentage of 4-bedroom units. The proposal would contribute to a mix of housing sizes to help support the creation of mixed, balanced and inclusive communities.

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 all of the proposed house types are NDSS compliant.

## **Affordable Housing**

This is a proposed development of 13 dwellings in a Key Service Centre. The trigger for affordable housing under policy SC5 is 15 or more dwellings, this proposal falls below the requirement for affordable housing provision.

## **Public Open Space (POS)**

The previous application on this site was refused with a reason for refusal due to the lack of on-site POS. The Inspector as part of the previous appeal decision found that the proposal would fail to meet the aims of delivery of good quality green spaces on site and as such the proposal failed to comply with Policies SD2 and SE6 of the CELPS and REC3 of the SADPD.

Despite the Inspectors view above the Inspector also acknowledged that Policy SE6 does allow for off-site provision and that each application should be judged upon its own merits. This is echoed within Policy REC6 which states that *'Off-site provision may be acceptable in limited instances, where this meets the needs of the development and achieves a better outcome in terms of open space delivery. This would involve the payment of a commuted sum to the Council.'*

This current application has reduced the size of the site following the earlier appeal decision with the number of dwellings reduced from 25 to 13. This application now enjoys a more open feel, setting the PROW FP53 amidst green infrastructure satisfying the Green Infrastructure Connectivity criteria under Policy SE6.

On this occasion due to the reduction in size of the site and the number of dwellings, connectivity and access to other open space offsite contributions can be accepted as advised by the POS Officer.

A contribution of £39,000 will be secured via a S106 Agreement to secure improvements to open spaces within 1000m of the development site to mitigate this developments impact.

## **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 13 dwellings is expected to generate:

- 4 - Primary children
- 2 - 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 2 secondary age children expected from this development will exacerbate the shortfall.

To alleviate forecast pressures, contributions of £71,484.02 (Primary) and £49,159.29 (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, in this case the development falls below the threshold where the NHS seek a contribution and as such the application is considered to be acceptable in terms of its impact upon the NHS.

## **PROW**

The site includes PROW Sandbach FP53 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. The proposed dwellings would face towards FP53 which is a significant improvement to the earlier application where the dwellings backed onto FP53.

A standard informative will be attached to any approval and this will ensure that the PROW is protected during the construction phase of the development. The impact upon the PROW is considered to be acceptable.

## **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 at least 29.5m to the dwellings on Teasel Close. 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.

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. As part of the previous application, it was considered that 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 point was not accepted by the Inspector at the recent appeal who found

that the development of 25 dwellings *'would not result in additional noise of a level that would create undue disturbance to the residents of properties on Wrights Lane'*. This proposal has reduced the housing numbers from 25 to 13 and as such the impact would be less than as part of the recent appeal scheme.

The impact upon surrounding residential amenity is considered to be acceptable and would comply with Policies HOU12 and HOU13 of the SADPD.

### **Air Quality**

The Council's 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 Council's 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 previous application included a reason for refusal due to the access via Wrights Lane. Members were concerned over the narrow nature of Wrights Lane and that it would not provide a safe and suitable access to serve the proposed development and create conflict between highway users. This reason was not accepted by the Inspector who determined the previous appeal, in terms of the narrow nature of Wrights Lane the Inspector stated, *'the road to be of sufficient width to accommodate two-way traffic, including the passing of construction vehicles which, in any event, would likely be for a temporary period'*.

The Inspector then went on to state that together with the straight nature of Wrights Lane which provides adequate visibility, low traffic speeds along Heath Road and the level of increased vehicular movements during the peak time that the proposal would, *'not have an unacceptable impact on highway safety or lead to severe residual cumulative impacts on the road network. Indeed I note that the proposal would also provide a turning area for visitors, and delivery and*



*refuse vehicles which is currently unavailable on Wrights Lane, representing a modest benefit of the scheme for these users*'. The Inspector then concluded that the scheme for 25 dwellings would comply with the relevant policies of the Development Plan.

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 PROW.

Vehicular access would 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. The carriageway has a footway on one side of it and is flush against garden boundaries on the other side. As a result, the usable carriageway width is slightly less than 5m. Nevertheless, there is sufficient width to allow vehicles to 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.

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.

The internal 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 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.

An updated Arboricultural Impact Assessment and Method Statement (Rev H) has been provided following concerns raised by the Councils Tree Officer. The applicant has reduced the size of plot 3 and increased separation from the stem centre of protected tree (20T) and closest elevation from 7.5 metres to between 8 and 9 metres. Pruning will be required to facilitate construction of the dwelling and the tree will overhang a large proportion of the available garden space.

It is acknowledged that separation of 10.5m between this tree and a dwelling was accepted with application 22/0882C. However, this had shown the tree extending over an area of amenity space, and the canopy did not overhang the garden of the closest property as it does with this



layout. Irrespective of the findings of the shading study provided, the dominance of the tree and impact it will have on any future occupiers cannot be underestimated and the resulting relationship of a tree of this size with a domestic dwelling is considered to remain poor.

Other than confirm that the access will be of an adoptable standard, no alterations to the layout or the type of hard surfacing to be used have been included in the report, which still suggests that 15% root loss within the RPA of Alder (3T) will arise, this does not accord with the British Standard. The 20% referenced as being the maximum amount of new surfacing that would be acceptable in existing unsurfaced ground in section 7.4.2.3 of the BS, relates to that surfacing being of an above ground engineer designed construction and does not reflect the amount of root loss that can be tolerated.

A mature moderate quality Oak (15T) is located on a shared boundary and while the tree may not be appropriate for formal protection, ownership responsibility, and/or agreement for the tree's removal is accepted.

A footpath/PROW is located to the north west side of the protected group of Alder (2T-6T & 7G) and appears to be within the site edged red, no detail regards surfacing of this path features on any of the plans (Hard Surface layout/Tree Protection) and given that this could arise in further disturbance and hard surfacing in RPAs of the protected linear group of Alder, the applicants intentions must be confirmed prior to the commencement of development.

Although a number of concerns have been raised by the Council Tree Officer, no objection has been raised to this current scheme.

## **Design**

The previous application was refused with a design reason for refusal. This was accepted in part by the Inspector as part of the recent appeal decision.

The previous layout was considered to represent an inward facing development with the housing backing onto the adjacent footpath (this also incorporated the lack of natural surveillance). In relation to this issue the Inspector found that:

*'this inward facing nature of the proposal would fail to reflect the preferences of the Design Guide. While opportunities to interact with the public right of way in this location are limited, and the proposal would provide informal connections in this regard, it remains that the overall inward facing nature of the development as a whole would result in the proposal feeling unduly detached from the surrounding residential schemes, failing to contribute to an overall sense of connected and integrated development in the immediate surrounds, contrary to the form and layout of the area'*

In response, the current application has amended the layout so that the development would have a more outward facing layout with housing facing out towards the footpath to the north-western boundary (this includes the dwelling on plot 7 which would have a dual frontage). The layout of the development is considered to be acceptable.

The Inspector also shared the Councils view in terms of the failure to comply with the street-surfacing specified within the CEC Design Guide. A revised plan provides details of the proposed surfacing materials which are compliant with the CEC Design Guide.

In terms of the proposed house types, the Inspector did not accept the Councils view that the detailed design was unacceptable in design terms. In response the Inspector found that *'while the Council has concerns about the precise design of the dwellings, I do not share this view. The site sits in an area surrounded by a range of housing types and designs, to include the adjacent modern residential development and the more traditional terraces and semi-detached dwellings along Heath Road and further afield. The use of materials, pitched roofs, and fenestration placement and size pick up on traditional details found within the locality, while the more contemporary interpretation of such elements is reflective of the newer estates nearby'*. The house types are very similar to those which were previously refused (with some improvements to the fenestration proportions) and as such a reason for refusal relating to the design of the dwellings cannot be sustained.

Finally, the Council raised concern in relation to the siting of the car-parking at the entrance of the development and this would create a poor sense of arrival for the proposed development. In relation to this issue the Inspector found that:

*'while I note the presence of parking spaces at the west of the site, I do not find that this would harm the sense of arrival to the scheme. These spaces are detached from the remainder of the site by an area of open space on either side of the road, creating a sense of visual separation. Combined with the proposed placement of trees, this would ensure that an avenue style approach to the proposed dwellings would remain'*

The siting and design of the parking area is now considered to be acceptable.

On the basis of the above assessment and following the recent appeal decision it is considered that the proposed development does represent an acceptable design solution. The development would comply with Polies SE1 and SD2 of the CELPS, GEN1 of the SADPD, H2 of the SNP and the CEC Design Guide.

## **Ecology**

### Designated sites

The Councils Ecologist advises that the proposed development is not likely to result in an adverse impact upon statutory designated sites.

### Great Crested Newts

The Councils Ecologist advises that this protected species is not reasonable likely to be affected by the proposed development.

### Hedgerows

Native Hedgerows are a priority habitat and hence a material consideration. The Councils Ecologist advises that there is likely to be a loss of a section of hedgerow to facilitate the site

access. Compensatory planting must be provided as part of the landscaping scheme for the site. Losses and gains of hedgerow habitat can be assessed through the Biodiversity Net Gain BNG metric discussed below.

### Other Protected Species

No setts were recorded on site during the submitted survey, but some evidence of foraging activity was present on site. The Councils Ecologist advises that the proposed development will result in a minor impact upon other protected species as a result of the loss of suitable foraging habitat.

### Nesting Birds

If planning consent is granted a condition will be required to safeguard nesting birds.

### Lighting

Whilst the application site offers limited opportunities for roosting bats, 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 if planning permission is granted a condition should be attached requiring any additional lighting to be agreed in writing.

### Hedgehogs

This priority species is known to present in the broad locality of the application site and may occur on the application site on a transitory basis. The proposed development would be likely to result in a low impact on this species due to loss of habitat and the risk of animals being harmed during site clearance works. The submitted ecological assessment includes measures to minimise the risk to hedgehog and this will be secured via the imposition of a planning condition.

### Toads

A significant population of toads was recorded at the ponds located to the north of the application site. The Councils Ecologist has advised that the proposed development will result in a minor adverse impact on toads as a result of the loss of suitable terrestrial habitat.

### Biodiversity Net Gain

All development proposals must seek to lead to an overall enhancement for biodiversity in accordance with Local Plan policy SE3(5) and deliver a Biodiversity net gain in accordance with SADPD policy ENV 2. In order to assess the overall loss/gains of biodiversity resulting from the proposed development the applicant has undertaken and submitted the report of an assessment undertaken in accordance with the Defra Biodiversity 'Metric'.

The biodiversity metric indicates that the proposed development would result in a loss of biodiversity for area-based habitats and a net gain for hedgerows on site. Additional habitat creation proposals have been included in the metric on adjacent off-site land that are sufficient to achieve a 10.53% net gain for area-based habitats.

The Biodiversity Net Gain metric however indicates that the metric 'trading rules' are not satisfied, this occurs when there is failure to replace lost habitats with new habitats of the required type or quality. Schemes that fail to comply with the trading rules cannot be said to achieve a net gain.

The Councils Ecologist has recommended that the landscaping scheme and Biodiversity Metric calculation be revised to avoid down-trading errors. If this cannot be achieved on site additional offsite habitat creation measures or the purchase of biodiversity units from a Habitat provider will be required.

The Councils Ecologist has also stated raised the following additional comments in terms of the BNG assessment report as submitted:

- The application site is not located within the CEC ecological network. Consequently, all existing and proposed habitats should be entered as not being within a Local Strategy Area.
- It is not clear whether the loss of hedgerow resulting to the site access has been included in the metric calculations.

The BNG metric must be re-run to take account the above points. Once the revisions have been made the BNG assessment report must be updated, and a copy of the report and the spreadsheet used to undertake the assessment submitted to the local planning authority for approval in writing. This issue will be dealt with as part of an update report.

## **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 Councils 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 would not provide on-site POS and the 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 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 is limited to the housing part of the allocation for LPS53, and the existing hedgerow boundary will be retained and supplemented with additional planting to provide a landscape buffer.

The design of the proposed development represents an acceptable design solution, and the proposed housing mix is also considered to be acceptable. The proposal complies with 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 application secures contributions to mitigate the impact of the proposed development.

The proposed development would provide an acceptable level of amenity for the occupants of the surrounding dwellings and the future occupants of the development. The proposal complies with 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 flood risk/drainage.

In terms of the impact upon trees, there are some weaknesses with the design of the scheme, but the Councils Tree Officer has not formally objected to the application and the scheme is considered to be acceptable.

The impact upon ecology/protected species is considered to be acceptable. Some minor additional information is required in terms of BNG, this has been requested and an update will be provided in relation to this issue.

The proposal complies with the Development Plan as a whole and is recommended for approval.

**APPROVE subject to the completion of a S106 Agreement with the following Heads of Terms (this is subject to the minor BNG issue being resolved)**

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Education</b>	£71,484.02 (primary education) £49,159.29 (secondary education)	Primary – full amount prior to first occupation Secondary – full amount prior to first occupation of the 6 <sup>th</sup> dwelling
<b>Outdoor sport</b>	Contribution of £13,000	Full amount prior to first occupation
<b>Offsite Open Space</b>	Contribution of £39,000	Full amount prior to first occupation of the 6 <sup>th</sup> dwelling
<b>Open Space</b>	Scheme of Management	Scheme of Management to be secured and agreed with the LPA

**And the following conditions:**

1. Standard time 3 years
1. Approved plans
2. Low emission boiler provision
3. Electric Vehicle Charging provision
4. Travel Plan provision
5. Contaminated Land Assessment to be submitted and approved
6. Contaminated Land Verification Report
7. Contaminated Land Importation of Soil
8. Unexpected contamination
9. Detailed drainage strategy to be submitted and approved
10. Land levels to be submitted and approved
11. Materials to be submitted and approved
12. Boundary treatment to be submitted and approved
13. Window reveal to be provided
14. Breeding birds – timing of works
15. Hedgehogs – Precautionary Method Statement
16. Lighting details to be submitted and approved

17. Ecological Enhancements to be submitted and approved
18. 10% of energy needs to be from renewable or low carbon energy
19. Prior to the commencement of development, a scheme for the relocation of the telegraph pole and council bin to be submitted and approved
20. Landscaping to be submitted
21. Landscaping to be completed
22. Hard surfacing to be completed in accordance with the submitted details
23. 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.
24. 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.
25. Details of the surfacing of the PROW to be submitted and approved.
26. Compliance with the Tree Protection Plan and Arboricultural Impact Assessment
27. Details of the construction of the highway within the root protection area of T3 to be submitted and approved. Hand dig construction only.

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.

If the application is subject to 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>Education</b>	£71,484.02 (primary education) £49,159.29 (secondary education)	Primary – full amount prior to first occupation Secondary – full amount prior to first occupation of the 6 <sup>th</sup> dwelling
<b>Outdoor sport</b>	Contribution of £13,000	Full amount prior to first occupation
<b>Offsite Open Space</b>	Contribution of £39,000	Full amount prior to first occupation of the 6 <sup>th</sup> dwelling
<b>Open Space</b>	Scheme of Management	Scheme of Management to be secured and agreed with the LPA



