

Application No: 12/4874C

Location: LAND OFF HAWTHORNE DRIVE, SANDBACH, CHESHIRE

Proposal: Outline application for residential development, comprising 50 homes, including 15 affordable homes to include an area of public open space and a children's play area.

Applicant: Adele Snook, Persimmon Homes North West

Expiry Date: 21-Mar-2013

**Date Report Prepared:** 10 April 2013

#### **SUMMARY RECOMMENDATION**

Approve subject to s106 agreement and conditions

#### **MAIN ISSUES**

- Planning Policy And Housing Land Supply
- Affordable Housing
- Highway Safety and Traffic Generation.
- Air Quality
- Noise Impact
- Landscape Impact
- Hedge and Tree Matters
- Ecology
- Amenity
- Sustainability
- Impact on Public Right of Way

#### **REASON FOR REPORT**

The application has been referred to Strategic Planning Committee because it is a major development and a departure from the Development Plan.

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises grazed paddocks with barns, stables, orchards and poultry pens and is located to the north of residential properties on Hawthorne Drive and to the rear of residential properties to the east along Heath Road. A public right of way (Footpath 14) crosses the site from Hawthorne Drive in a north easterly alignment and is fenced on both

sides. The site is located within the Open Countryside as identified in the Congleton Borough Local Plan.

## **DETAILS OF PROPOSAL**

The application seeks outline planning permission, with all matters reserved, for a residential development comprising 50 dwellings including 15 affordable dwellings and an area of public open space and a children's play area.

## **RELEVANT HISTORY**

30591 – Change of use from agricultural to equestrian – Approved 01.02.99

20715/1 – Access road, residential, open space – Appeal dismissed 12.09.89

19528/1 – Residential development and sports facilities – Refused 03.05.88, Appeal withdrawn 16.05.89

18511/1 – Residential development – Withdrawn 30.04.87

16845/3 – Disposal of surplus material from inner relief road – Approved 31.07.85

## **POLICIES**

### **Regional Spatial Strategy**

DP1 (Spatial Principles)

DP2 (Promote Sustainable Communities)

DP4 (Make best use of resources and infrastructure)

DP5 (Managing travel demand)

DP7 (Promote environmental quality)

DP9 (Reduce emissions and adapt to climate change)

RDF1 (Spatial Priorities)

L4 (Regional Housing Provision)

EM1 (Integrated Enhancement and Protection of the Region's Environmental Assets)

EM3 (Green Infrastructure)

EM18 (Decentralised Energy Supply)

MCR3 (Southern Part of the Manchester City Region)

The Secretary of State for Communities and Local Government has announced that North West Regional Strategy will be revoked. An Order will be laid in Parliament to formally revoke the strategy, until that happens the policies should still be given weight as part of the Development Plan according to their degree of consistency with the NPPF.

### **Congleton Borough Local Plan Policy**

PS8 (Open countryside)

GR1 (New Development)

GR2 (Design)

GR3 (Residential Development)

GR4 (Landscaping)

GR5 (Landscaping)  
GR6 (Amenity and Health)  
GR7 (Amenity and Health)  
GR8 (Amenity and Health - pollution impact)  
GR9 (Accessibility, servicing and provision of parking)  
GR10 (Accessibility for proposals with significant travel needs)  
GR14 (Cycling Measures)  
GR15 (Pedestrian Measures)  
GR16 (Footpath, Bridleway and Cycleway networks)  
GR17 (Car parking)  
GR18 (Traffic Generation)  
GR19 (Infrastructure provision)  
GR20 (Utilities infrastructure provision)  
GR21 (Flood Prevention)  
GR 22 (Open Space Provision)  
NR1 (Trees and Woodland)  
NR2 (Statutory Sites)  
NR3 (Habitats)  
NR4 (Non-statutory sites)  
NR5 (Creation of habitats)  
H1 (Provision of new housing development)  
H6 (Residential development in the open countryside)  
H13 (Affordable Housing and Low Cost Housing)

### **National Planning Policy**

National Planning Policy Framework

### **Other Material Considerations**

Interim Planning Statement: Affordable Housing (Feb 2011)  
Draft Development Strategy  
North West Sustainability Checklist  
Strategic Housing Land Availability Assessment (Update January 2013)  
Congleton SPD Sustainability (2005)

### **CONSULTATIONS (External to Planning)**

Environment Agency – No objections subject to conditions relating to discharge of surface water

Natural England – No objections, but enhancements could be sought

Environmental Health – No objections subject to conditions relating to hours of construction, environmental impact during construction, noise mitigation, incentivising low carbon travel options and contaminated land.

Public Rights of Way – Object as public footpath no.14 is not shown on the plans and there is no proposal for the path to be diverted.

Archaeology - The limited archaeological potential of the site is not sufficient to justify an objection to the development on archaeological grounds or to generate a requirement for any further predetermination work

United Utilities – No objection subject to condition requiring submission of drainage details

Strategic Highways Manager – Formal comments are awaited, verbal comments have confirmed that whilst concerns are raised regarding the impact upon the local highway network, no objections are raised.

Education – Local primary schools are forecast to be oversubscribed, and local secondary schools are also anticipated to be at capacity. In light of this S106 contributions are sought on a per pupil basis

Housing Strategy & Needs Manager – No objections

### **VIEWS OF THE PARISH / TOWN COUNCIL**

Sandbach Town Council - Members unanimously objected to the proposed development based on the following:

- The application anticipates the local plan and does not address the Heath Road access issues.
- Proposals overburden existing infrastructure
- The development is not sustainable

### **OTHER REPRESENTATIONS**

Approximately 170 letters of representation have been received from local residents and local cycling and rambling groups, objecting to the proposal on the following grounds:

- Pre-determining local plan for area
- Intended expansion to 250 houses
- Layout unimaginative
- Urban sprawl
- Impact of single access on adjoining neighbours and congestion
- Impact on over subscribed schools and doctor's surgery
- Highway safety concerns
- Impact on local highway network
- Development strategy identifies a need for a masterplan for the area
- Application is premature
- Impact on Public Right of Way
- Land is allocated as open countryside
- Unsustainable for of development
- Natural environment of Sandbach Heath should be retained
- S106 contributions inadequate
- Out of scale / character
- Does not comply with strategy of "brownfield first"
- Sandbach needs employment not houses

- Impact on wildlife
- Flooding impact
- Impact upon amenity of neighbouring properties
- Agricultural land should be retained
- Green spaces should be retained
- Other previously developed sites do exist in the area
- Code level 3 is the minimum required
- Village character of Sandbach Heath will be lost
- Increased noise from extra traffic
- Impact on local house values
- Footways identified in Transport statement should be upgraded to shared pedestrian / cycle tracks

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted an ecology assessment, a noise assessment, a contaminated land report, a transport statement and travel plan, a sustainability strategy, an arboricultural survey / report, an agricultural land classification report, a site waste management plan, a design and access statement, an air quality assessment, a planning statement, a construction phase management plan, a landscape and visual impact assessment, a flood risk assessment and drainage strategy, an archaeology assessment, a consultation statement, an affordable housing statement, and draft heads of terms.

The planning statement outlines:

- The key consideration is whether there are other material considerations to outweigh the policy presumption against development in the open countryside
- The Council does not have a five year supply of housing land as required by the Framework.
- The presumption in favour of sustainable development therefore applies, unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted.
- The accompanying reports demonstrate that there are no adverse impacts in terms of access and highways, drainage and flooding, ecology, landscape impact or ground conditions.
- The development delivers significant economic, environmental and social benefits.
- The scheme will add value in terms of place making and contribute to the attractiveness of Sandbach as a place to live.
- Emerging planning policy strengthens the case for the development. The site (and land up to J17) is allocated in the Sandbach Town Strategy and the Draft Development Strategy for up to 700 houses.
- Local consultation has taken place in the form of the creation of a website, a community event, and pre-application meetings with the Council, St Johns Primary School and Sandbach Town Council.
- Whilst many residents continue to object to the proposal, many others recognised the need for growth and new housing.

- Housing supply is a very important consideration in the determination of the application, and in accordance with recent appeal decisions should be given significant weight.

## **OFFICER APPRAISAL**

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, and sustainability.

## **PLANNING POLICY AND HOUSING LAND SUPPLY**

The site lies in the Open Countryside as identified in the Congleton Borough Local Plan 2005 where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. The proposal would therefore be contrary to policies H6 and PS8 of the Congleton Borough Local Plan.

Therefore, the key issue is whether there are other material considerations associated with this proposal, which are sufficient to outweigh the local plan policy objection.

### **Housing Land Supply**

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012 the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. The application should therefore be considered in the context of the 2013 SHLAA.

The SHLAA 2013 identifies the current application site, as suitable, available, achievable, and deliverable. It is anticipated that it will bring forward 240 units within the first 5 years (together with the land up to junction 17 of the M6). It therefore forms an important part of the identified 5 year housing land supply.

## **Emerging Policy**

The application site forms part of one of the Strategic Sites (Sandbach 1) identified within the Development Strategy, which finished its period of consultation on 26 February. The strategy envisages:

- Development of the site would be dependent on the prior delivery of improvements to Junction 17 of the M6 and demonstration to the Highways Agency and the Council that the impact of development traffic continues to allow the efficient and safe operation of the junction.
- Provision of about 700 new homes (at approximately 30 dwellings per hectare);
- 20 hectares of employment land, including: a hotel; and other uses complementary to a business / science park;
- A new local centre, including:
- Small scale local retail development in the region of 200-300sqm;
- 1 new primary school;
- Community facility / place of worship;
- Public house / take away / restaurant;
- Sports and leisure facilities
- Incorporation of Green Infrastructure including: retention and enhancement of the wildlife corridor; and allotments;
- Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and
- On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities.

## **Sustainability**

Policy DP9 of the RSS relates to reducing emissions and adapting to climate change. It requires:

- proposals to contribute to reductions in the region's carbon dioxide emissions from all sources;
- take into account future changes to national targets for carbon dioxide and other greenhouse gas emissions
- to identify, assess and apply measure to ensure effective adaptation to likely environmental social and economic impacts of climate change.

RSS (Policy EM18) policy also necessitates that, in advance of local targets being set, large new developments should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable.

The site is a greenfield site and therefore not the first priority for development. However, it is acknowledged that the Council's Strategic Housing Land Availability Assessment (SHLAA) recognises that the land is capable of development for housing, and is also a preferred site for housing development within the Draft Sandbach Town Strategy. The site is within walking distance of Sandbach Town Centre, which lies approximately 800 metres to the west of the site. This centre offers a wide range of essential facilities, and means that occupiers of the development will not be reliant on the private car.

The supporting documentation submitted with the application lists a number of proposed sustainability credentials for the development, but does not appear to provide details on how it will provide some of its energy through decentralised or renewable sources. This could be adequately dealt with by condition.

The environmental role of sustainable development is further satisfied within the proposed development as the applicant is willing to compensate the inevitable loss of biodiversity on this greenfield site, which is explained further in the ecology section of this report.

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

The final dimension to sustainable development is its social role. In this regard, the proposal will provide 50 new family homes, including 15 affordable homes, a children's play area, on site public open space, and financial contributions towards education provision

### **Conclusions on policy and housing land supply**

Overall, the proposal is considered to be a sustainable form of development, for which there is a presumption in favour within the Framework. Whilst policies H6 and PS8 of the Local Plan restrict new residential development within the Open Countryside, the site is identified as deliverable within the next 5 years in the SHLAA and forms part of the Council's identified 5 year supply of housing land. It is also a preferred option in the emerging Development Strategy. The development of the site is therefore considered to be acceptable in principle.

### **AFFORDABLE HOUSING**

The Strategic Housing Market Assessment 2010 identified that for the Sandbach sub-area there is a need for 75 new affordable units per year between 2009/10 – 2013/14, this totals a requirement for 375 new affordable homes for the period and is made up of an annual requirement for 21 x 1 bed, 33 x 2 bed, 7 x 3 bed, 4 x 4/5 beds and 10 x 1/2 bed older persons accommodation.

There are also currently 628 applicants on the housing register on Cheshire Homechoice who have selected one of the Sandbach letting areas as their first choice. Sandbach Heath, Sandbach or Sandbach Town Centre were chosen as the first choice of 453 applicants. These applicants require 157 x 1 bed, 161 x 2 bed, 71 x 3 bed & 5 x 4 bed (59 applicants haven't specified how many bedrooms they require).

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more than 0.4 hectare in size.

The applicant is offering 15 dwellings as affordable housing, with 10 provided as social/affordable rented and 5 provided as intermediate tenure, this meets the requirements of



the IPS. They also suggest that the majority of the affordable homes will be provided as 2 & 3 bed properties but 4 bed properties could also be made available if there is demand for them and this is acceptable for the type of affordable housing to be provided.

The IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. The applicant's affordable housing statement states that the affordable housing will be indistinguishable from the private sale properties and located throughout the development. Pepper-potting the affordable housing in clusters is acceptable.

The IPS also states that in order to ensure the proper integration of affordable housing with open market housing, the delivery of affordable units should be phased to ensure that they are delivered periodically throughout the construction period. Persimmon set out in their affordable housing statement that they will not occupy any more than 18 open market dwellings until 50% of the affordable housing is provided and not occupy any more than 30 open market dwellings until they have provided 100% of the affordable housing, this works out that half of the affordable housing will be provided no later than 36% of the market housing is occupied and the remainder of the affordable housing will be provided no later than 60% of the market housing is occupied, which is acceptable.

In addition to the proposed affordable housing provision, the applicants state they will also make their own shared equity product available at Hawthorne Drive. This involves selling properties as shared equity at 80 -85% of market value, which will offer help to people who cannot buy at the full open market value but are not counted towards the planning obligation requirement for 30% affordable housing.

## **HIGHWAY SAFETY AND TRAFFIC GENERATION**

Policy GR18 of the Local Plan states that proposals will only be permitted where, in the opinion of the Local Planning Authority, the scale of traffic generated by the development is not likely to worsen existing traffic problems to an unacceptable level.

Whilst formal comments from the Strategic Highways Manager are awaited, it has been verbally confirmed that some concern is raised regarding the impact of the proposal upon the junction of Old Mill Road / The Hill. There are existing congestion issues at this junction.

The applicants transport statement identifies that the proposed 50 dwellings would add 1% to existing traffic flows at this junction. This equates to 24 vehicles in the morning peak hour and 26 in the evening peak hour.

The Strategic Highways Manager does not dispute the submitted information, and accepts that the numbers of vehicle movements will not result in a significant adverse impact. Therefore whilst concerns are raised regarding this junction, the requirements of the Framework, and policy GR18 of the Local Plan, are such that planning permission cannot be withheld on this basis.

No capacity issues have been identified at other nearby junctions (Heath Road / Hawthorn Drive, Heath Road / The Hill / Hassall Road, and The Hill / Smithfield Lane), and no highway safety concerns are raised regarding the proposed access point.

## **PUBLIC RIGHTS OF WAY**

The Public Rights of Way Unit has objected to the proposal on the grounds that from inspection of the definitive map it appears that Public Footpath Sandbach No. 14 may be obstructed by the proposed development. The right of way is not shown on plans submitted with the application but it appears to cross a number of gardens in the development. There is currently no proposal for the path to be suitably diverted under the Town and Country Planning Act 1990 (TCPA) by the applicant.

However, Rights of Way Circular 1/09 states that most outline planning applications do not contain sufficient information to enable the effect on any right of way to be assessed (and are not required to do so) and consequently such matters are usually dealt with during consideration of the matters reserved for subsequent approval.

Section 2.3 of the Transport Statement refers to “the provision of a number of pedestrian and cycle link paths permeating the site” and the Planning Statement refers to “provision of cycle infrastructure and pathways”. These are to be welcomed, designed to best practice with destination signage and maintained under the public open space management arrangements. In the current application documents it is noted that the Masterplan indicates only one such route: a ‘Footpath link to Daisybank Drive’ and the Figure 04.01, The Wide Site Masterplan, within the Design and Access Statement refers only to ‘strategic footpaths’. These routes may be more beneficial to residents if they were designed and constructed for use by pedestrians and cyclists, as suggested by the Transport Statement. Further details as to the permeability of the site for pedestrians and cyclists, and future adjoining sites, is therefore also required at the reserved matters stage.

## **CONTAMINATED LAND**

The application area has a history of landfill use and therefore the land may be contaminated, and the application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

The applicant has submitted Phase I Preliminary Risk Assessment and Phase II Site Investigation reports for contaminated land. Although the Site investigation report shows no putrescible waste present in the on site landfill, further work including confirmatory gas monitoring is required. Conditions requiring further Phase II investigations are therefore necessary.

## **AIR QUALITY**

An Air Quality Impact Assessment has been submitted with the application. Environmental Health initially required further clarification relating to the methodology used in preparing the report and whether the cumulative impact of developments has been considered. This has now been received, and it has been confirmed that the air quality impact assessment undertaken did include a form of sensitivity analysis which was required for the methodology

and did consider cumulative impacts of other developments, which satisfies the concerns of Environmental Health. The proposal will therefore have an acceptable impact upon air quality.

In order to mitigate any negative air quality impacts, the proposed Travel Plan should outline measures aimed at encouraging and incentivising Low Carbon Travel Options, which will help to offset any impact. Environmental Health recommends an appropriate condition relating to this in the event the application is approved.

## **NOISE IMPACT**

A scheme of acoustic insulation has been submitted with the application. The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from the M6 and Old Mill Road.

The proposed mitigation includes:

- A two metre high close boarded acoustic fence with no holes shall be installed along the northern boundary between the proposed development and Old Mill Road.
- Properties on the northern boundary (property facades facing Old Mill Road) and the eastern boundary (property facades facing the M6) shall be designed so non habitable rooms provide additional attenuation from the potential noise sources.
- Bedrooms on facades closest to and facing Old Mill Road and the M6 shall be fitted with acoustically-attenuated trickle ventilation.
- The first row of houses facing the M6 shall be designed so the gardens are at the rear of the premises in order to provide appropriate attenuation.

Further details on these features will be needed prior to the commencement of development of all properties that will and may be affected by traffic noise and more detailed mitigation requirements in order to ensure that no property is adversely affected. This can be dealt with by condition.

## **LANDSCAPE AND TREES**

The application site comprises grazed paddocks with barns, stables and poultry pens and is located to the north of residential properties on Hawthorne Drive and to the rear of residential properties to the east along Heath Road. The public right of way which crosses the site from Hawthorne Drive in a north easterly alignment is fenced on both sides

There are established hedgerows to the north and south east and a small number of trees on / adjacent to the site. These include a mature Oak tree TPO protected in the garden of a property on Wrights Lane and off site trees to the south, (one of which is subject to TPO protection) to the rear of properties on Hawthorn Drive.

Overall the arboricultural officer is satisfied that the submitted arboricultural survey and constraints report together with constraints plan provide information which largely meets the recommendations in the BS5837 (2012): *Trees in relation to design, demolition and construction – Recommendations*. However, the tree constraints data provided with the submission is not cross referenced with Root Protection Areas and respective tree protection

details onto the proposed illustrative Masterplan. As a consequence it is not possible to determine the direct or indirect impact of the proposed layout on retained trees at this stage. Given the number of retained trees within the site, this is not considered to be a significant impediment on the development, but this information will be required at the reserved matters stage to ensure a satisfactory relationship with trees.

In terms of the landscape impact, to the north of the application site is Offley Wood, forming a strong visual feature, which screens the application site from the A534, there are a number of sections of hedgerow around the site, including a 1.6m high hawthorn hedgerow along the eastern boundary, the hedgerow along the southern boundary is less complete and has been replaced with fencing in places.

As part of the application a landscape and visual assessment has been submitted, this includes a visual assessment for 7 viewpoints. There will clearly be a dramatic visual change within the immediate area. However given that the site is set against existing housing development, whilst the application is in outline and it is difficult to comment on the illustrative layout in any detail, it is not considered that the proposals as shown will have a significantly adverse landscape or visual impact. Notwithstanding this view, in the development of a site Masterplan, a number of objectives should be addressed, namely:

- Respect existing landscape and townscape characteristics of the site (principally the trees and hedgerows);
- Conserve and enhance the vast majority of the existing trees and any notable hedgerows as an integral and structuring part of the Landscape Framework;
- Create a high quality and robust new Landscape Framework, including public open space, new trees, structure planting, hedgerows and other mixed habitats and open spaces;
- Adopt an appropriate landscape management and maintenance regime to ensure the successful establishment of the existing and new planting and landscape areas.

In addition, due to the undulations of the land within the site it is considered that details of proposed land levels should be submitted with the reserved matters application to allow full consideration of the landscape impact, and the impact on neighbouring properties.

## **ECOLOGY**

The Nature Conservation Officer has stated that the application is supported by an acceptable ecological assessment. No significant protected species issues associated with the proposed development are anticipated.

However, if outline planning permission is granted it on-site hedgerows should be retained and enhanced as part of any detailed layout scheme. The public space provision on site also provides opportunities for habitat creation which should be maximised to secure an enhancement for nature conservation in accordance with the Framework. These matters may be dealt with by means of an appropriate condition.

None of the habitats on site, except the hedgerows, are significant enough to amount to a material consideration in their own right. However, as with any green field development there is always some loss of biodiversity. For a development to be sustainable it is considered that there should not be a net loss of biodiversity. It was recommended by the nature

conservation officer that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology to quantify the net loss of biodiversity in an objective way. However, in other cases where applicants have not undertaken an assessment the alternative is to provide a financial contribution that the nature conservation officer has calculated.

The area of the site is approximately 1.67ha, and therefore the following calculation applies:

- Cost of land purchase for habitat creation - including admin, management planning and transactional costs (1.67ha x £17,298 cost per ha) = £28,887.66 (Source RICS rural land market survey H1 2010)
- Cost of creation of Lowland Grassland 1.67ha x £4,946 (cost per ha) = £8259.82 (Source UK BAP habitat creation/restoration costing + admin costs)

Cost of land acquisition and habitat creation would therefore be £37,147.44.

The above calculation would be for the creation of species rich UK BAP grassland, however the habitat lost on site is species poor and so the impacts of this loss of obviously less. The nature conservation officer suggests that a third of this figure would be appropriate. Therefore we would seek a commuted sum of £12,000. This would be used to fund habitat creation/enhancement works locally. The end result of this process is a development proposal that can be confidently assessed as being truly 'sustainable' in terms of ecology. The applicant has confirmed that they would be willing to make this contribution.

Conditions to safeguard breeding birds and to ensure additional provision is made for roosting bats and breeding birds as part of the proposed development are also recommended.

## **LAYOUT & DESIGN**

With all matters reserved for subsequent approval, only an illustrative layout has been submitted. The submitted layout seeks to provide a strong green frontage to Hawthorne Drive with the main access road leading into the site to an area of public open space and shared surface squares providing focal points and public realm areas. Tree planting is used to soften boundaries, and the density is considered to be appropriate to its setting. These principles are considered to represent an acceptable outline for the submission of reserved matters at a later date.

The application indicates that the dwellings will be 2 to 2.5 storeys in scale. The majority of properties within the immediate area are either single or two storey. Whilst, they cannot be ruled out at this stage, given the varied character of surrounding residential areas, the introduction of 2.5 storey dwellings will have to be carefully considered and much will depend on the specific form and design put forward in the reserved matters.

## **AMENITY**

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site are reserved matters and it is considered that the dwellings could be accommodated on the site, whilst maintaining these distances between existing and proposed dwellings. It is also considered that the same standards can be achieved between proposed dwellings within the new estate and adequate amenity space could be provided for each new dwelling. No further significant amenity issues are raised at this stage.

The proposed access is considered to be sufficiently wide to provide the access road and some landscaping to help to minimise the impact on the living conditions of properties either side of the access.

It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of policy GR6 of the Local Plan.

## **FLOODING**

The Environment Agency has no objection in principle to the proposed development but they note that the discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. As such they recommend conditions relating to a scheme to limit surface water runoff to be submitted and a scheme to manage the risk of flooding from overland flow of surface water to be submitted.

## **OPEN SPACE**

The Greenspaces Officer has commented on the application and have based their comments on the erection of 50 dwellings and 2.4 persons per dwelling, in the absence of a housing schedule. This is in accordance with Interim Policy Note on Public Open Space. The submitted masterplan drawing shows an excess of amenity green space provision, but a deficiency in the quantity of children and young persons provision, having regard to the adopted local standards set out in the Council's Open Space Study.

It is also noted that it has never been the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore any areas of this type should be outside the suggested adoptable area for the Council and if necessary consideration should be made to be transferred to a management company.

### **Amenity Greenspace**

Whilst there is no requirement for new amenity greenspace to meet the future needs arising from the development. It is understood that an amount of amenity greenspace is to be provided at two areas. One area is at the entrance to the site, the other located around the LEAP facility. As this is an outline application, no details are available of size of areas or landscaping therefore figures are not able to be calculated at this stage and will be offered at the reserved matters application. The Greenspace Officer advises that the Council will consider adopting these areas subject to detailed plans. A commuted sum for maintenance is required and as a guide a rate of £11.85 per square metre should be used.

### **Children and Young Persons Provision**

Following an assessment of the existing provision of children and young persons provision accessible to the proposed development, there would be a deficiency in the quantity of provision, having regard to the local

standards set out in the Council's Open Space Study for Children and Young Persons Provision. This has also been identified in the Design and Access Statement and Planning Statement.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development and the developer is offering on site provision which is most welcomed. This will be a LEAP facility provided by the developer containing at least 8 items of equipment and would take into account play area infrastructure, items including elements of DDA inclusive equipment and safer surfacing. The specification and full plans must be submitted and approved, in writing prior to the commencement of any works. It is also requested that landscaping is kept to a minimum to ensure the best natural surveillance possible. Consideration should also be given to the design in respect of minimising future maintenance costs.

The Council will consider adopting these areas subject to detailed plans, but is unable to calculate a commuted sum for maintenance at this outline application stage.

## **EDUCATION**

A development of 50 dwellings will generate  $(50 \times 0.17)$  9 primary age pupils and  $(50 \times 0.13)$  7 secondary age pupils.

### **Primary Schools**

The local primary schools are already forecast to be oversubscribed and where necessary S106 contributions have been sought on a per pupil basis. Therefore the sum of  $9 \times 11919 \times 0.91 = £97,617$  towards primary accommodation will be required.

### **Secondary Schools**

The secondary schools are forecast to have 54 places available by 2046, however this does not include any developments which have resolutions to approve subject to completion of a S106 agreement such as Albion Inorganic Chemicals (49 secondary age pupils), Fodens Test Track (15 Secondary Pupils) or the potential development off Hind Heath Road (35 secondary pupils.) In light of this a contribution of  $7 \times 17959 \times 0.91 = £114,399$  towards secondary provision will be required.

## **ARCHAEOLOGY**

The application is supported by an archaeological desk-based assessment which has been produced by the York Archaeological Trust on behalf of the applicants. This study has examined data held in the Cheshire Historic Environment Record, aerial photographs, historic mapping, and various secondary sources and presents a thorough summary of the site's history and archaeological potential. It concludes that this potential is limited and restricted to the site of a former farmstead, which is depicted on the Tithe Map at SJ7666 6079, and a number of boundaries depicted on the historic mapping.

The Council's Archaeologist advises that this limited archaeological potential is not sufficient to justify an objection to the development on archaeological grounds or to generate a requirement for any further predetermination work. It would, however, be reasonable to secure some further mitigation on the features described above, with the work secured by condition. This is accepted in Section 7.3 of the desk-based assessment and should take the

form of a strip and record exercise on the site of the farmstead and extending to an area measuring c 30m by 30m. In addition, the historic boundaries should be investigated by means four 10m long machine-cut trenches, in order to gather information on the date and form of the boundaries. A report on the work will need to be produced and the mitigation may be secured by condition.

## **AGRICULTURAL LAND**

The Framework states that:

*“Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.”*

The applicant has submitted an agricultural land classification study which concludes that the application site comprises grade 3a (good quality) agricultural land. However, other sites within the Sandbach Heath area have a higher proportion of the best and most versatile agricultural land compared to the application site.

Previous Inspectors have considered the need for housing land supply outweighs the loss of agricultural land. Whilst the Council does now have a five year housing supply, this site forms part of that identified supply, and as such the need for the development is considered to outweigh the loss of agricultural land in this case.

## **HEADS OF TERMS**

If the application is approved a Section 106 Agreement will be required, and should include:

- Education contributions of £97,617 (9 places) towards primary accommodation and £114,399 (7 places) towards secondary.
- The provision of a LEAP facility (comprising a minimum of 8 items of equipment) and management details for the maintenance of all amenity greenspace / public open space, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming private gardens or part of the adopted highway in perpetuity.
- Provision of 30% (15 units) affordable housing with 65% (10 units) to be provided as social/affordable rent and 35% (5 units) provided as intermediate tenure
- Phasing of affordable housing – Not to occupy any more than 18 open market dwellings until 50% of the affordable housing is provided and not occupy any more than 30 open market dwellings until they have provided 100% of the affordable housing.
- The payment of £12,000 for habitat creation/enhancement works in the locality, to offset loss of biodiversity

## **Community Infrastructure Levy (CIL) Regulations**

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.

The provision of affordable housing, public open space provision and financial contribution to offset the loss of biodiversity is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for school places at the primary schools within the catchment area which have very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary and secondary school education is required based upon the maximum units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The site is within the Open Countryside where, under policies H6 and PS8 there is a presumption against new residential development. However, the site is identified as deliverable within the next 5 years in the SHLAA and forms part of the Council's identified 5 year supply of housing land. It is also a preferred option in the emerging Development Strategy. The development of the site is therefore considered to be acceptable in principle and is considered to be a sustainable form of development.

The Government has made it clear in the Framework that there is a presumption in favour of new development, except where this would compromise key sustainability principles.

The proposed development would make an important contribution in terms of affordable housing provision and this would be a significant benefit. Matters relating to the detailed design, amenity, the public right of way, trees, air quality and noise impact can be adequately addressed through the use of conditions or at the reserved matters stage. Although there would be some visual impact resulting from the loss of open countryside, it is considered that due to the relationship with existing urban form, this would not be so significantly adverse to justify a refusal of planning permission. With regard to ecological impacts, provision of a commuted sum to offset any loss in biodiversity is considered to be acceptable. It is also acknowledged that there will be some additional impact upon existing congestion at The Hill / Old Mill Road junction, however this is minimal and cannot be identified as a significant adverse impact that would justify a refusal of planning permission in this case.

The proposal is a sustainable form of development, and in the absence of any identified significant adverse impacts a recommendation of approval is made.

## RECOMMENDATION:

1. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A03OP - Time limit for submission of reserved matters
4. A06OP - Commencement of development
5. A01AP - Development in accord with approved plans
6. A22GR - Protection from noise during construction (hours of construction)
7. A23GR - Details of any required pile driving to be submitted
8. A19MC - Refuse storage facilities to be approved
9. A08OP - Ground levels to be submitted with reserved matters application
10. Reserved matters application to incorporate public right of way route
11. Scheme to limit surface water runoff to be submitted
12. Scheme to manage the risk of flooding to be submitted
13. Hedgerow retention and enhancement
14. Habitat creation and enhancement
15. Safeguarding breeding birds
16. Provision for breeding birds and roosting bats
17. Provision for pedestrians and cyclists
18. Written scheme of archaeological investigation to be submitted
19. Submission of environmental management plan
20. Noise mitigation scheme to be submitted
21. Submission of a travel plan
22. Additional Phase II investigation including gas monitoring and assessment to be submitted
23. Drainage details
24. Energy from decentralised and renewable or low-carbon energy sources
25. Submission of arboricultural details



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