

Application No: 14/5639C

Location: Land bounded by, Moss Lane/Station Road

Proposal: Erection of 44 detached and semi-detached dwellings, car parking and associated

Applicant: Bellway Homes & Revelan Group Plc

Expiry Date: 09-Mar-2015

SUMMARY

The principle of development has previously been accepted on this site and as such is acceptable.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- The development would bring forward a brownfield site which has been vacant for a number of years. Development of such sites is promoted within the NPPF, the Congleton Local Plan, the Cheshire East Local Plan (submission version) and the Draft Neighbourhood Plan for Sandbach
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The development would not raise any significant highways issues
- The impact upon trees is considered to be neutral
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- The impact upon education infrastructure as it would not be possible to secure an education contribution as part of this development

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies.

RECOMMENDATION

Approve subject to conditions and a S106 Agreement

PROPOSAL

This is a full planning application for the erection of 44 dwellings (36 dwellings per hectare). A single vehicular access would be provided to the east of the site off Station Road.

The majority of the proposed dwellings would be two-stories in height. An area of Public Open Space would be provided to the western boundary.

This application site has a resolution to approve an outline development of 41 dwellings following the Southern Planning Committee meeting on 21st November 2012. However the S106 Agreement has not been completed.

SITE DESCRIPTION

The site of the proposed development extends to 1.22 ha and is roughly rectangular in shape. The site is within the Sandbach Settlement Zone as defined by the Congleton Borough Local Plan. The site is bound by Moss Lane to the north, Station Road to the east, Elton Crossings Road to the south and Salt line Way to the west.

The site is flat with a hardstanding finish and is bound by 2 metre fencing. To the western boundary is a landscaping strip along the boundary with Salt Line Way.

RELEVANT HISTORY

12/1455C - Outline Planning Permission (with access from Station Road applied for) for the Erection of up to 41 Dwellings – No decision issued

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

The Development Plan for this area is the Congleton Borough Local Plan First Review 2005, which identifies that the site is within the Sandbach Settlement Zone Line.

The relevant Saved Policies are:

PS3 – Settlement Hierarchy

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking
GR18 - Traffic Generation
NR4 - Non-statutory sites
NR5 – Habitats
H2 - Provision of New Housing Development
H6 - Residential Development in the Open countryside
H13 - Affordable Housing and Low Cost Housing
RC2 – Protected Areas of Open Space

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy
PG6 – 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 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE 13 Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions

Supplementary Planning Documents:

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Sandbach Town Strategy

CONSULTATIONS

Environment Agency: No objection subject to the imposition of the following conditions:

- Scheme for the disposal of surface and foul water
- Surface water drainage scheme

- Contaminated land remediation
- Verification report for remediation on the site
- Further remediation strategy required if further remediation is found on this site

CE Flood Risk Manager: No objection in principle subject to the imposition of planning conditions.

United Utilities: Drainage conditions suggested.

Health and Safety Executive: The HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Strategic Highways Manager: No Objection subject to the imposition of conditions and informatives.

Environmental Health: Conditions suggested in relation to construction management plan, hours of operation, piling, travel plan, dust control, and a contaminated land. An informative is suggested in relation to contaminated land.

Ansa (Public Open Space): The developer is proposing some POS on site. However having calculated the existing amount of accessible Amenity Green Space (AGS) within 800m of the site and the existing number of houses which use it, 44 new homes would generate a need for 1,380sqm of new AGS based on the housing schedule.

If full provision is not being provided then existing amenity site at Elworth Park is within an accessible distance and has had recent improvements. However further improvements can be made to increase the capacity/demand being placed on the site. Improvements include further upgrading of the infrastructure such as a water supply, pathways, seating and bins.

Having calculated the existing amount of accessible Children and Young Persons Provision (CYPP) within 800m of the site and the existing number of houses which use it, 44 new homes will place extra demand on the facilities at other parks in the area such as Elworth, Thornbrook Way and Gibson Crescent. Given the size of site, new provision on site is not practical. A qualitative deficit can be improved at Elworth Park to meet the needs of the new development by enhancing the quantity/quality thus increasing the sites capacity. Similar enhancements can also be made at the aforementioned parks.

Applying the standards and formulae in the 2008 Guidance the Council would need £12,636.66 to upgrade Elworth Park site. This would be spent on upgrading the equipment and infrastructure. The Council would also need a commuted sum of £41,199.00 to maintain the upgraded facilities over 25 years.

CEC PROW: The development does not appear to affect a PROW.

Natural England: No comments to make.

Education: 44 Dwellings would generate 8 (44 x 0.18) primary and 6 (44 x 0.13) secondary.

Forecasts indicate that the development will impact on both primary and secondary education provision.

8 x 11,919 x 0.91 = £86,770.32 primary education

6 x 17,959 x 0.91 = £98,056.14 secondary education

Total = £184,826.46

Cheshire Brine Subsidence Board: The Brine Board note that the site is located outside of the consultation area and therefore the Board would not normally make any recommendations. However the Brine Board have looked at the submitted plans and have identified that the site is situated within a wet rock head area and other new built development in the surrounding area incorporates precautions. Based on this information it would be prudent to strengthen the foundations.

IEWS OF THE PARISH COUNCIL

Sandbach Town Council: No objection however, Members request cyclist/pedestrian footpath improvements in line with suggestions of Mr M Bunte (CTC, The National Cycling Charity, by email to CEC 4 January 2015).

REPRESENTATIONS

Two letters of general observation has been received raising the following points:

- Highway safety will be compromised by the access to the majority of the development being on Station Road
- The proposed access is very close to both the access to Elworth Court and School lane - the latter also generating significant amounts of turning traffic.
- Deans Lane is already used as a rat run
- If the development goes ahead it should be a condition that site construction traffic is not allowed to use Deans Lane or other nearby residential roads, but is confined to the Salt Line Way
- Elton Crossings Road is used as a cut through by motor bikes and the existing bollards are not sufficient
- Elton Crossings Road is not wide enough to accommodate the proposed development in terms of additional vehicular movements and car-parking
- The development may obstruct access to dwellings on Elton Crossings Road
- Loss of privacy

A letter of objection has been received from 1 local household raising the following points:

- A thorough traffic survey will be required in relation to traffic flow and speed
- Increased on-street parking which will impact upon visibility
- Disparities in the design of the dwellings
- Loss of trees at the southern corner of the site
- Concerns regarding access driveways onto Station Road
- The traffic report mentions bin lorries entering the access but makes no reference to the internal layout

A letter of representation has been received from a local business raising the following points:

- Business operations may cause a conflict of interest with any residential properties in such a short distance from the depot.

- Concerned of any restrictions that may be imposed on business operations which could ultimately affect the growth, expansion, or the general carrying out of business.

A letter of representation has been received from Cheshire Police raising the following points:

- Cheshire Police recommend this developer consults with the force Stronger Communities Manager at the earliest opportunity to ensure that designing out crime principles and methodologies are factored in at the both the planning and construction stages. A secured by design application is recommended, guidance and support is available from the force throughout this process. Furthermore, a service to develop a crime impact statement is available and one can be provided relating to this development.

A letter of representation has been received from CTC (The National Cycling Charity) raising the following points:

- It should be investigated how this cul-de-sac could be opened for cyclists, wheelchair and mobility scooter users. Furthermore assessing how a crossing for those users to the opposite (old) Moston Road can be achieved. This would avoid the major junctions Station Road / Moss Lane and Moss Lane / Salt Line Way when travelling to the 'poets estate' the other side of Salt Line Way. Furthermore it would give better direct access to the play area on Thornbrook Way which I believe benefits from developer funding.
- The 'Technical Note, plan 2 shows a short footpath to Moss Lane. Please clarify if this is open and if it can be upgraded for use by cyclists. This would give good access to the Fodens housing developments and also avoid above junctions.

APPRAISAL

Principle of Development

The site is a brownfield site within the Sandbach Settlement Boundary. In this case the principle of residential development was accepted on this site as part of the Southern Planning Committees resolution to approve application 12/1455C (the S106 Agreement has never been completed for this application). As such it is considered that the principle of development is acceptable.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

Sandbach Neighbourhood Development Plan

Sandbach Neighbourhood Development Plan Working Group, in conjunction with the Sandbach Town Council has prepared a draft Neighbourhood Development Plan for the Parish of Sandbach. The consultation period for the plan ran until 1st May 2015.

The NPPG states that an emerging neighbourhood plan may be a material consideration.

The NPPG also states that 'refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process'.

In this case a development of a brownfield site within the settlement zone is supported by the neighbourhood plan.

SOCIAL SUSTAINABILITY

Loss of Employment Land

As a former employment site within the settlement boundary, Policy E10 applies to this site. This policy states that proposals for the change of use or redevelopment of existing employment sites to non-employment uses will not be permitted unless it can be demonstrated that the site is no longer suitable for employment use or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.

In considering whether the site is no longer suitable for employment uses, account will be taken of:

- 1 The location of the site or premises and the physical nature of any building
- 2 The adequacy of supply of suitable employment sites and premises in the area

3 Whether reasonable attempts have been made to let or sell the premises for employment uses

In this case a marketing exercise was undertaken as part of application 12/1455C and Members of the Southern Planning Committee accepted the loss of this employment site as part of that application. Since the committee resolution for application 12/1455C the buildings which stood on this site have been demolished.

As a result the loss of this employment site is considered to be acceptable.

Affordable Housing

The site falls within the Sandbach sub area for the purposes of the Strategic Housing Market Assessment (SHMA) Update 2013. This identified a net requirement for 94 affordable units per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 18 x 1 bed, 33 x 2 bed, 18 x 3 bed, 9 x 4+ bed general needs units and 11 x 1 bed and 5 x 2 bed older persons accommodation.

In addition to this, information taken from Cheshire Homechoice shows that there are currently 301 applicants who have selected one of the Sandbach lettings areas as their first choice. These applicants require 120 x 1 bed, 113 x 2 bed, 53 x 3 bed and 9 x 4+ bed units (6 applicants did not state their bedroom requirement).

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 or than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

In this case the development would provide 4 affordable housing units as discussed within the viability section of the report below.

The affordable housing provision will be secured as part of a S106 Agreement.

Public Open Space

The layout shows that an area of amenity green space would be provided within the centre of the site (this would have an area of 278sqm). The Open Space Officer has stated that if the development is approved the development would generate a need for 1,380sqm of new amenity greenspace. As such there would be a deficiency of provision on this site.

In terms of children's play space, the Public Open Space Officer has requested a contribution towards off-site improvements (this would total £12,636.66 to upgrade Elworth Park and £41,199 for 25 years maintenance). This is not shown on the indicative plan but could be secured as part of a S106 Agreement.

A scheme of management of the amenity green space on site and the landscape buffer along the northern boundary of the site will be secured as part of a S106 Agreement.

Education

In terms of primary school education, as there are capacity issues at the local primary schools, the education department has requested a contribution of £86,770.32.

In terms of secondary school education, as there are capacity issues at the local secondary schools, the education department has requested a contribution of £98,056.14.

Location of the site

This site is located within the Sandbach Settlement Boundary in close proximity to Sandbach Train Station and other services and facilities. As a result this site is considered to be sustainably located .

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21m between principal windows and 13m between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

In this case the layout plan has would provide a separation distance of 31 metres between the proposed dwellings and the front elevations of the dwellings to the opposite side of Elton Crossings Road. To the north-east corner there would be a separation distance of 25 metres to the side elevation of the dwelling at 24 William Foden Close.

To the west the existing landscape buffer would be retained and would screen the development to the dwellings to the west.

As such it is not considered that the development would have a detrimental impact upon the residential amenities of the surrounding dwellings

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The layout shows that the private amenity space on plots 8, 22, 31, 36 and 38 would fall just below this standard. However given the benefits of bringing this site forward it is not considered that a reason for refusal could be sustained on these grounds alone.

Noise

The applicant has submitted a noise assessment with the application which considers the noise impacts from the surrounding land uses. The report recommends mitigation be designed to ensure that occupants of the properties are not adversely affected by noise.

The report has identified the requirement for ventilation and glazing to be addressed on a plot by plot basis. Furthermore due to the design of the site the dwellings will also provide attenuation for other proposed dwellings on the site.

The Councils Environmental Health Officer has requested a condition to be imposed to secure glazing and acoustic ventilation on a plot by plot basis prior to the first occupation.

Air Quality

The scheme itself is of a relatively small scale, and would not require an air quality impact assessment due to the distance of the site from the Air Quality Management Area at Junction 17 of the M6.

Contaminated Land

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

The reports submitted in support of the application recommend further site investigation and remedial works whilst further site investigation works are recommended to delineate soil for potential source removal. It is recommended that the area which was not investigated due to the presence of Japanese Knotweed is also investigated once this has been treated/removed.

A condition will be attached to secure the further survey work and remediation on this site.

Impact upon the Hazardous Installation

Part of the site is located within the hazardous installation consultation zone for the former Albion Chemical Works which has now been demolished. In this case the Health and Safety Executive do not advise against the approval of this application.

Highways

Access

The submitted road layout is a standard format with a 5.5m/4.8m carriageway and 2.0m footways on each side of the carriageway. There is also a formal turning head provided for refuse vehicles at the end of the cul-de-sac. In regards to design, the road widths proposed are suitable to serve the 44 dwellings and there are no objections on the design element of the road layout.

The access point onto Station Road has been designed to an acceptable standard and there would be sufficient visibility in both directions at the point of access.

There is a mix of 2 bed, 3 bed and 4 bed units on the site. The car parking provision of 200% is considered to be acceptable given the sustainable location of this site.

Impact upon the capacity of the highway network

The relevant test contained within the NPPF states that

'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'

The application is accompanied by a Transport Statement. Based on typical traffic generation for industrial and for residential use, it is estimated that future traffic generation for residential use of the site by 44 units would be broadly similar to that if the site was reused for industry, but with of course, none of the significant HGV movements.

The Strategic Manger (Highways) is of the view that there are no particular capacity or safety issues in the vicinity. Furthermore the site has reasonable accessibility to facilities and public transport, and accordingly there is no highways objection to the proposal.

Trees and Hedgerows

There are no trees protected by a Tree Preservation Order on this site.

The tree/landscape belt to the west of the site is located outside of the red-edge of this application site and would be retained as part of this development.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

In this case, although the density of the site is appropriate and is consistent with that of the surrounding area of the residential areas to the north-east of the site and to the west of the site.

The layout shows that the properties on the site would overlook the open space, the internal highway, Moss Lane, Station Road and Elton Crossings Road and the parking areas on the site. The properties located at corner plots would have the dual-frontages which would provide interest within the street-scene. A strong and prominent scheme of tree-planting within the site and along the frontages with Moss lane and Elton Crossings Road would create an avenue effect which would add quality to the appearance of the development.

To the west of the site, a boundary trees would be retained to act as a green buffer to the site from the Salt Line Way.

It is considered that the scheme is acceptable and that the proposal would comply with Policy GR2 (Design) and the NPPF.

Landscape

The application includes a landscape plan which has been assessed by the Councils Landscape Architect and is considered to be acceptable and will be secured through the use of a planning condition. There are no significant landscape issues associated with this development.

Ecology

The Councils Ecologist advises that there are unlikely to be any significant ecological issues associated with the proposed development. However if planning consent is granted he recommends the imposition of a planning condition to secure provision of nesting bird mitigation.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare in size, a Flood Risk Assessment (FRA) has been submitted as part of this application.

The Flood Risk Assessment indicates that surface water from the entire developed site will be disposed of via soakaways. Whilst Cheshire East Council as Lead Local Flood Authority would support this method of surface water disposal, the potential site contamination issues mean that it will be crucial to incorporate appropriate mitigation measures into the design to minimise the risk of groundwater pollution. It is also important that calculations to support the sizing of the soakaways are provided at the appropriate stage.

The Councils Flood Risk Manager, the Environment Agency and United Utilities were consulted as part of the last application and raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Ground Conditions

The comments made by the Brine Board have been noted and this issue will be dealt with at the Building Regulations stage.

Health Infrastructure

The case officer has obtained information from the NHS choices website which confirms that the 6 practices within 4 miles of the site are all accepting new patients.

ECONOMIC SUSTAINABILITY

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 Sandbach including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Viability

The previous application has a resolution to approve subject to the completion of a S106 Agreement. However this agreement has never been completed due to viability issues associated with this brownfield site.

As part of this application a viability report has been submitted by the applicant and this indicates that there are abnormal costs associated with the development of this site which would total £764,469 (a large proportion of this sum relates to the remediation of this contaminated site, piling foundations and drainage works/utilities diversion).

The viability report has been independently assessed by consultants appointed by the Council. It has been agreed that this site can deliver 4 affordable dwellings (all rented) and a S106 contribution of £65,000. As such it is considered that the offer on this site which would bring a brownfield site back into use is acceptable and would comply with the NPPF which states as follows:

'To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable'

In terms of the requests for S106 contributions these have come from education, off-site play provision, and affordable housing for off-site provision.

In this case given the identified affordable housing need within Sandbach and the rest of the Borough that this should be put forward to off-site provision of affordable housing and this will form part of the recommendation.

Alternatively if Members considered that the sum was best spent on off-site play provision at Elworth Park the Heads of Terms could be altered to secure £53,835.66 towards the improvements at Elworth Park and £11,164.34 towards off-site affordable housing provision.

It is not considered that the education contribution can be secured in this case due to the viability issues associated with this site. It should also be noted that there are a number of requests for education contributions in Sandbach which would improve the capacity of local schools.

CIL Regulations

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.

There is a need for affordable housing provision within Sandbach and Cheshire East as a whole. In addition to the on-site provision (which does not meet the requirement of 30%) a contribution towards off-site provision has been made by the applicants. This is considered to be necessary and fair and reasonable in relation to the development.

On this basis the S106, recommendation is compliant with the CIL Regulations 2010.

PLANNING BALANCE

The principle of development has previously been accepted on this site and as such is acceptable.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- The development would bring forward a brownfield site which has been vacant for a number of years. Development of such sites is promoted within the NPPF, the Congleton Local Plan, the Cheshire East Local Plan (submission version) and the Draft Neighbourhood Plan for Sandbach
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The development would not raise any significant highways issues
- The impact upon trees is considered to be neutral
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- The impact upon education infrastructure as it would not be possible to secure an education contribution as part of this development

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies.

RECOMMENDATION:

APPROVE subject to completion of Section 106 Legal Agreement to secure the following:-

1. A scheme for the provision of affordable housing – 4 units to be provided as social rent/affordable rent. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of a contribution of £65,000 towards off-site affordable housing provision
 3. A scheme of management for the on-site amenity green space and the landscape buffer along the northern boundary in perpetuity

And the following conditions:-

1. Standard Time
2. Approved Plans
3. Details of existing and proposed ground levels to be submitted to approved by the local planning authority
4. Submission of materials for the development to be submitted to approved by the local planning authority
5. Details of overland flow to be submitted to approved by the local planning authority
6. Details of scheme for the disposal of surface water to be submitted to approved by the local planning authority
7. SUDS provision to be submitted to approved by the local planning authority
8. Contaminated land to be submitted to approved by the local planning authority
9. Construction Management Plan to be submitted to approved by the local planning authority
10. Piling Method Statement to be submitted to approved by the local planning authority
11. Dust Control to be submitted to approved by the local planning authority
12. Details of glazing and acoustic ventilation on a plot by plot basis to be submitted to approved by the local planning authority prior to the first occupation
13. Implementation of the approved landscape plan
14. Breeding Birds incorporation of nesting measures
15. Boundary Treatment to be submitted to approved by the local planning authority
16. Removal of Permitted Development Rights for extensions and outbuildings on plots 8, 22, 31, 36 and 38

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Principal Planning Manager, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of affordable housing – 4 units to be provided as social rent/affordable rent. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of a contribution of £65,000 towards off-site affordable housing provision
 3. A scheme of management for the on-site amenity green space and the landscape buffer along the northern boundary in perpetuity

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