

Application No: 15/4416C

Location: Land To The South Of, HIND HEATH ROAD, SANDBACH

Proposal: Reserved matters application following approval of outline application (14/0977C) for the erection of up to 120 dwellings, public open space, green infrastructure and associated works

Applicant: Mr Simon Miller, Miller Homes

Expiry Date: 28-Dec-2015

SUMMARY

The principle of development has already been accepted as part of the outline approval on this site.

It is considered that the development is acceptable in terms of affordable housing provision and this complies with the S106 attached to the outline application.

The provision of the access point was accepted as part of the outline application and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works. The internal design of the highway layout is subject to further comments from the highways officer.

The majority of the separation distances to the adjoining existing and proposed dwellings mean that there would not be a detrimental impact upon residential amenity through loss of outlook, loss of light, overbearing impact or loss of privacy. Minor amendments have been requested from some of the plots.

The impact upon local education is considered to be acceptable and a contribution has been secured as part of the S106 for the outline consent.

In terms of the POS provision on the site this is considered to be acceptable.

An update will be provided in relation to ecological issues as well as the impact on trees.

Details of the proposed landscaping would be secured through the use of planning conditions.

There are no drainage/flood risk implications for this proposed development subject to the imposition of a planning condition.

Subject to the expected updates / amendments, the development is considered to be of an acceptable design and layout and complies with emerging Neighbourhood Plan polices, Local Plan Policies and guidance contained within the NPPF.

RECOMMENDATION
APPROVE subject to conditions.

PROPOSAL

This is a reserved matters application for the erection of 120 dwellings (17.4 dwellings per hectare). The matters for determination as part of this application are appearance, landscaping, layout and scale.

Access was approved as part of the outline application and the site would be accessed via a single vehicular access point which would be located off Hind Heath Road adjacent to the residential development which is currently under construction.

The proposed housing mix is as follows:

One bedroom – 6 units

Two bedroom – 18 units

Three bedroom – 39 units

Four bedroom – 51 units

Five bedroom – 6 units

The majority of the proposed dwellings would be two-storeys in height but the development includes 34 units which are two and a half storeys in height.

SITE DESCRIPTION

The site of the proposed development extends to 6.9 ha and is roughly rectangular in shape and is located to the southern side of Hind Heath Road. The site is within open countryside as defined by the Congleton Borough Local Plan. To the north of the site is agricultural land and Big Hind Heath Farm, to the east is a residential development which is under construction following the approval of applications 10/2609C, 13/2762C and 14/2913C to the south are a Canal and a sewage plant beyond, to the west of the site is agricultural land.

The site includes a tree lined watercourse which is located to the west of the site, the land levels gradually slope down to this watercourse. A native hedgerow forms the front boundary to the site. The site includes an existing access track which serves a property known as Bridge House and a sewage plant on the opposite side of the Canal.

RELEVANT HISTORY

Application site

14/0977C - Outline Application for the Erection of Up To 120 Dwellings, Public Open Space, Green Infrastructure and Associated Works – Approved 22nd September 2015

13/3887C - Outline Application for the Erection of Up To 100 Dwellings, Public Open Space, Green Infrastructure and Associated Works – Refused – Appeal Lodged – Appeal Allowed with costs awarded against the Council 1st August 2014

Adjacent site

14/2913C - Application for Reserved Matters the appearance, landscaping, layout & scale for Phase 2 to include 177 dwellings on planning application no: 10/2608C – Approved 18th November 2014

13/2672C - Reserved matters application to Outline 10/2609C (approved under appeal) to provide a 3m wide shared footpath/cycleway adjacent to a section of Hind Heath Road – Approved 24th March 2014

13/1215C - Reserved Matters Application for 10/2608C for the Appearance, Landscaping, Layout & Scale for Phase 1 to Include 67 Dwellings – Approved 19th June 2013

13/0915C - Reserved matters following Outline Approval 10/2508C – Approved 17th May 2013

10/2609C - Shared Footpath and Cycleway and Associated Works - Refused 21st December 2010. Appeal Lodged. Appeal Allowed

10/2608C - Erection of up to 269 Dwellings, Provision of Public Open Space, Highway Works and Associated Works – Refused 28th October 2010. Appeal Lodged. Appeal Allowed

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

Sandbach Neighbourhood Development Plan

PC2 – Landscape Character

PC3 – Policy Boundary for Sandbach

PC4 – Biodiversity and Geodiversity

PC5 – Footpaths and Cycleways

HC1 – Historic Environment

H1 – Housing Growth

H2 – Housing Layout

H3 – Housing Mix and Type

H4 – Housing and an Ageing Population

H5 – Preferred Locations

IFT1 – Sustainable Transport, Safety and Accessibility

IFT2 – Parking

CW1 – Amenity, Play, Recreation and Outdoor Sports

CW3 – Health

CC1 – Adapting to Climate Change

Local Plan

The Development Plan for this area is the Congleton Borough Local Plan First Review 2005, which allocates the site, under policy PS8, as open countryside.

The relevant Saved Policies are:

PS3 – Settlement Hierarchy
PS8 - Open Countryside
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
NR1 - Trees and Woodland
NR3 – Habitats
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
PG5 - Open Countryside
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 further comments to add to the previous consultation response submitted as part of the outline application.

CE Flood Risk Manager: No further comments to make.

United Utilities: No comments received.

Strategic Highways Manager: No objection. *(However an amended plan has been received and at the time of writing the report no final comments had been received from the highways officer).*

Environmental Health: Conditions suggested in relation to construction management plan, hours of operation, buffer to the sewage treatment works and contaminated land. An informative is suggested in relation to contaminated land.

CEC Strategic Housing Manager: No objection.

Ansa (Public Open Space): There is no requirement for additional amenity greenspace. The green infrastructure and public open space appear to be sufficient with diverse habitats through the site. The development will generate the need for a NEAP facility.

Natural England: No comment

Countryside Access Team: It is important that the facilities for walking and cycling, including routes, destination signage and information materials, are completed and available for use prior to the first occupation of any property within any phase of the development, and remain available for use during the completion of other phases.

The 'cycling contribution' contained within the s106 agreement signed in relation to the outline consent is noted.

The legal status, maintenance and specification of the 'proposed recreational walk through linear park' in the public open space of the site would need the agreement of the Council as the Highway Authority.

Should the development be granted consent, the developer should be conditioned to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

Cheshire Brine Subsidence Board: No comments received.

Canal and Rivers Trust: No objection.

VIEWS OF THE PARISH COUNCIL

Sandbach Town Council: Object due to the degree of planting proposed being insufficiently wide to compensate for loss of naturally occurring green space and woodland being displaced by this development.

The comments from CTC were recently presented to Sandbach Town Council's Planning Committee. Following review of the suggestions made, the Committee confirm that the Town Council fully supports CTC's recommendations for improvements and trusts that they will be taken into account within the report on this application.

REPRESENTATIONS

Letters of objection have been received from 4 local households raising the following points:

Principal of development

- The development does not take into account the emerging Sandbach Neighbourhood Plan
- Loss of greenspace between Elworth and Ettiley Heath
- The housing mix and type is inappropriate
- The size of the development is excessive
- The site is not sustainably located
- The site is not enclosed
- No evidence to demonstrate that the housing numbers meet any local need
- Loss of open countryside

Highways

- Inadequate car parking provision
- Hind Heath Road suffers from traffic congestion
- Traffic impact

Green Issues

- Landscape impact
- Loss of the green gap along Hind Heath Road
- Impact upon biodiversity
- Impact upon protected species

Infrastructure

- Increased pressure on local schools (both primary and secondary)
- Impact upon local health provision

Other issues

A representation has been received by CTC – The National cycling Charity raising the following points:

- There needs to be greater connection between this site and the Bovis Homes development – with connections for pedestrians and cyclists
- A cycle priority crossing of the shared footway/cycleway on Hind Heath Road could be investigated

APPRAISAL

Principle of Development

The principle of development and point of access have already been approved as part of application 14/0977C. This application relates to the approval of the reserved matters; appearance, landscaping, layout and scale.

Sandbach Neighbourhood Development Plan

The Sandbach Neighbourhood Plan was subject to referendum in March 2016 and it is expected to be made on 19th April 2016.

In this case the principle of development has already been accepted on this site following the recent appeal decision on the outline application. The Sandbach Neighbourhood Plan acknowledges this decision and includes the site within the settlement boundary (as defined by policy PC3).

The details of the application are considered below but the development is not broadly considered to be in conflict with any of the detailed policies contained within the Sandbach Neighbourhood Plan (SNP). Albeit there are still some amended plans/reports required to ensure full compatibility which are detailed below.

Housing Mix

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (this is echoed within Policies H3 and H4 of the SNP). In this case the development would provide the following mix:

- One bedroom – 4 units
- Two bedroom – 20 units
- Three bedroom – 36 units
- Four bedroom – 50 units
- Five bedroom – 10 units

This mix is acceptable as the majority of the development will be smaller family homes and would not be dominated by larger executive dwellings.

Affordable Housing

This site is located in the Sandbach sub-area for the purposes of the Strategic Housing Market Assessment Update 2013 (SHMA). In the SHMA the Sandbach sub-area shows a need for 94 new affordable homes per year between 2013/14 and 2017/18 (18 x 1 beds, 33 x 2 beds, 18 x 3 beds, 9 x 4+ beds and 11 x 1 bed & 5 x 2+ beds older persons accommodation).

In addition to this, information taken from Cheshire Homechoice shows that there are currently 280 applicants who have selected one of the Sandbach lettings areas as their first choice. These applicants require 114 x 1 bed, 103 x 2 bed, 43 x 3 bed and 12 x 4+ bed units. Eight applicants did not state their bedroom requirement.

Therefore there should be provision of 30% of the total dwellings on this site as affordable, with 65% provided as social or affordable rent and 35% intermediate. This equates to a requirement for up to 36 affordable dwellings on this site, with up to 23 provided as social or affordable rented dwellings and up to 13 provided as intermediate tenure.

The affordable housing mix would be as follows;

- 1 bed units x 6
- 2 bed units x 18
- 3 bed units x 12

The affordable housing provision would be sufficiently pepper-potted across the site in seven small pockets across the site. On this basis there is no objection to the development from the Councils Affordable Housing Officer.

Public Open Space

The layout shows that a linear park and ecological buffers would be provided to the southern and western boundaries of the site. The Open Space Officer has stated that if the development is approved there would be a surplus in the quantity of provision. Therefore the amount of open space to be provided is acceptable and in accordance with the thrust of SNP policies.

In terms of children's play space, the Public Open Space Officer has requested the provision of a NEAP. This is not shown on the indicative plan which shows a LEAP. However the S106 Agreement secures the provision of a NEAP and this will be controlled through the use of a planning condition.

Education

The S106 Agreement as part of the outline planning permission includes a primary school education contribution of £173,541 and a secondary school education contribution of £261,483.

Residential Amenity

In terms of the surrounding residential properties, these are mainly off-set to the north-east and north-west, with Bridge House to the south and the dwellings which are currently under construction as part of the Bovis scheme to the east.

From the layout plan the separation distances that would be achieved exceed those contained within the SPG. In this case there would be a distance of 42 metres from the nearest point of Bridge House and the nearest proposed dwelling on plot 83. To the east of the site there would be separation distances varying from 25 metres to 36 metres to the proposed dwellings on the Bovis development. The dwellings to the north-east and north-west are off-set from the proposed development and there would be no detrimental impact to these properties.

Therefore, it is not considered that the development would have a detrimental impact upon neighbouring residential amenity.

In terms of the proposed layout the relationship of the affordable housing units on plots 115-120 is not considered to be acceptable. The ground floor flats would have principal openings just 1 metre from a boundary fence and the first floor flats would have principal windows 1 metre from the boundary with the proposed dwellings on plots 107-111. This has been raised with the applicants and a revised plan is expected to resolve these concerns. Subject to these amended plans the overall design and layout would accord with Policy H4 of the SNP.

The Environmental Health Officer has raised no objection to this development and the following conditions were attached to the outline approval; Environment Management Plan, Travel Plan and submission of bin storage details.

Air Quality

The impact upon air quality was considered as part of the outline application and conditions were attached to secure mitigation to air quality.

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. A condition is requested by the Councils Contaminated Land Officer and this is included on the outline planning permission.

Impact upon the adjacent canal

The Conservation Area runs along the line of the adjacent canal located to the south of the site. Given that open space would be located to the south of the site on the indicative plan it is considered that it would be possible to negotiate an acceptable design solution that would not harm the setting of the Conservation Area.

Highways

The wider traffic congestion issues in Sandbach and the point of access were considered as part of the outline application.

To mitigate the traffic impact of this development a contribution of £240,000 has been secured towards the upgrade of the junctions of old mill Road/The Hill, Crewe Green Roundabout and Junction 17 of the M6. There is also an off-site cycling contribution of £120,000 for cycling provision improvements in the Wheelock, Sandbach and Elworth/Ettiley Heath area. A travel plan also forms part of the conditions attached to the outline consent.

In terms of the proposed layout/internal highways design and parking provision an amended plan has been submitted following negotiations with the Strategic Highways Manager. An update will be provided in relation to this issue.

Trees and Hedgerows

Trees

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

At the time of writing this report updated arboricultural information was awaited from the applicant and an update will be provided in relation to this issue.

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 the density of the site is consistent with that of the surrounding area of Sandbach and the development approved on the adjacent site (which is under construction).

The layout has been subject to a number of revised plans following negotiations with the Councils Urban Design Officer. The majority properties located at corner plots would have dual-frontages to create an active frontage. A strong and prominent scheme of tree-planting within the site would create an avenue effect which would add quality to the appearance of the development.

The layout of the internal highways and siting of the dwellings has seen a number of revisions as it originally appeared very over-engineered and lacked imagination. This has been subject to a number of revisions and the internal design is now compliant with the emerging Cheshire East design guide in terms of the layout and detailed design (such as a mix of surfacing materials). The internal layout is now considered to be acceptable.

To all sides of the site, a boundary hedgerow would be provided/retained to act as a green buffer to the open countryside and surrounding residential properties. The development would also be set well back from the existing watercourse and valley which is set to the north-west of the site. The proposed dwellings would provide natural surveillance and would overlook this retained area of open space.

The detailed design of the units is considered to be acceptable as is the provision of two and a half storey units is considered to be acceptable. These units would be pepper potted across the site and would help to create visual interest in terms of a varied roof-scape. Furthermore it should be noted that this would not appear out of character with the adjacent site where the approved development includes two and a half and three storey development.

It is considered that the scheme is of an acceptable design and the proposal would comply with Policy GR2 (Design) and the NPPF. The development would also comply with Policy H2 of the SNP.

Landscape

Following the submission of this application extensive negotiations have taken place with the applicant and from a landscape perspective the scheme is now much improved. Most proposed houses are now located behind the existing fence line which marks the break of slope at the top of the valley. Roads and shared access drives still encroach into the valley but not as far as the previous layout.

The revised cross sections have also improved and show that the changes to the valley profile can generally be achieved by banking at varying gradients with a relatively short section of retaining wall up to about 2 metres in height in the vicinity of plot 83. This is an improvement from the initial scheme which included retaining walls along most of the retained open space which was shown to extend to a height of up to 5 metres.

It is now considered that the development is of an acceptable design and would not have such an impact upon the landscape character as to warrant the refusal of this application. Full details of existing and proposed levels, contours and cross sections plus full details for the height, type and design of any retaining structures will be secured as part of the planning conditions.

A landscape scheme/masterplan for the entire site will be secured through the imposition of a planning condition and this shall include; the provision of footpaths along both sides of the valley; a cycleway link to the existing cycleway that runs along the northern site boundary; a new safely railing along the canal bank; soft and hard landscape design. Subject to the above conditions it is considered that the proposal accords with Policy PC2 of the SNP and respects landscape character.

Ecology

Protected Species

Other Protected Species

An updated survey has been undertaken. A sett was previously recorded within the area of proposed open space adjacent to the proposed development. The latest survey has also recorded two additional setts, one adjacent to the proposed dwellings and one within the footprint of the proposed development. At least one of these setts would require closure under the terms of a natural England license to allow the development to proceed lawfully.

An updated mitigation strategy must be submitted and agreed by the LPA prior to the determination of the application. At the time of writing this report was still awaited.

Any proposals brought forward for additional paths within the open space areas of the development must also take account of the presence of the setts.

Reptiles

Grass snakes are known to occur in this locality and may occur on site. The majority of suitable habitat for this species is however within the grassland habitats in the open space areas. The applicant has submitted a reptile and amphibian mitigation method statement to reduce the risk of any animals being disturbed during the site clearance and construction process. The Councils Ecologist advises that, provided the grassland habitats in the open space area are retained, the proposed development is unlikely to have a significant adverse impact upon reptiles.

Habitats

Hedgerows

Hedgerows are a habitat of principal Importance and hence a material consideration. Based upon the submitted layout it appears feasible that the existing hedgerows can be retained as part of the development.

Semi-improved grassland

The grassland habitats adjacent to the stream within the open space areas to the west of the proposed dwellings have some nature conservation value and some potential to support protected species (particularly reptiles as discussed above). The submitted landscape plan refers to amenity grassland and meadow/wildflower in this area.

Clarification should be sought from the applicant as to whether it is intended to retain and enhance the habitats in this area or whether to grassland habitats would be lost and reinstated as part of the proposed development. This will be clarified as part of the update report.

Ecological Mitigation and Enhancement Strategy

The outline application was supported by an ecological mitigation strategy which in addition to mitigation recommendations also includes a number of proposals for the ecological enhancement of the site. The proposed ecological enhancements included a new pond and the incorporation of features for roosting bats and nesting birds.

To ensure the enhancement proposals put forward at the outline stage are taken forward into the reserved matters scheme it is recommended that a revised ecological enhancement and mitigation strategy is submitted and that the recommendations of this be incorporated into the submitted layout plan. This was awaited at the time of writing this report.

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.

Within the Flood Risk Assessment (FRA) submitted as part of the previous application for the site it was proposed to limit the surface water discharge rate from the development to greenfield Qbar (5.15l/s/ha). This approach should also be implemented as part of the latest reserved matters application. For any surface water discharges in excess of this rate, on-site attenuation will be required to cater for all return periods up to and including the 1 in 100 annual probability with a 30% allowance for climate change and it must be demonstrated that there will be no increase in flood risk either on or off site.

The FRA indicates that surface water from storms in excess of the 1 in 30 annual probability will be contained and conveyed on carriageways and directed to a pond in the south of the site. The depths of flooding expected on the carriageway during this event have not been calculated as part of the FRA. However the Councils Flood Risk Manager has expressed concern at utilising the highway for flood storage and has suggested the imposition of a planning condition to secure details of the disposal of surface water drainage.

As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Ground Conditions

In relation to this issue an informative was attached to the outline planning permission advising the applicant about the Brine Board's comments.

PLANNING BALANCE

The principle of development has already been accepted as part of the outline approval on this site.

It is considered that the development is acceptable in terms of affordable housing provision and this complies with the S106 attached to the outline application.

The provision of the access point was accepted as part of the outline application and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works. The internal design of the highway layout is subject to further comments from the highways officer and an update will be provided.

The majority of the separation distances to the adjoining existing and proposed dwellings mean that there would not be a detrimental impact upon residential amenity through loss of outlook, loss of light, overbearing impact or loss of privacy. However, the relationship between plots 115-120 and 107-111 is not considered to be acceptable and amendments have been requested.

The impact upon local education is considered to be acceptable and a contribution has been secured as part of the S106 for the outline consent.

In terms of the POS provision on the site this is considered to be acceptable.

An update will be provided in relation to ecological issues as well as the impact on trees.

Details of the proposed landscaping would be secured through the use of planning conditions.

There are no drainage/flood risk implications for this proposed development subject to the imposition of a planning condition.

Subject to the expected amendments, the development is considered to be of an acceptable design and layout and complies with emerging Neighbourhood Plan policies, Local Plan Policies and guidance contained within the NPPF.

RECOMMENDATION:

APPROVE the application subject to the following conditions

- 1. Approved Plans**
- 2. Details of existing and proposed ground levels in accordance with the approved plans**
- 3. Phasing of the development to be submitted and agreed**
- 4. Submission and approval of materials for the development**
- 5. Details of the play equipment which from the NEAP to be submitted and approved**
- 6. Details of scheme for the disposal of foul water**
- 7. Submission of Landscape Details including surfacing materials**
- 8. Implementation of the approved landscaping scheme**
- 9. Submission of Boundary Treatment Details**
- 10. Full details of existing and proposed levels, contours and cross sections plus full details for the height, type and design of any retaining structures.**
- 11. A landscape scheme/masterplan for the entire site and this shall include; the provision of footpaths along both sides of the valley; a cycleway link to the existing cycleway that runs along the northern site boundary; a new safely railing along the canal bank; soft and hard landscape design.**
- 12. Implementation of the approved landscaping scheme**
- 13. A Landscape & Habitat Management Plan for the management in perpetuity of all areas that are not within domestic curtilages.**

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 Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

