

<b>Planning Reference No:</b>	P09/3535C
<b>Application Address:</b>	Land Southwest Of, Old Mill Road, Sandbach, Cheshire
<b>Proposal:</b>	Proposed housing development consisting of 43no. 1, 2, 3, & 4 bedroom dwellings
<b>Applicant:</b>	Morris Homes Ltd
<b>Application Type:</b>	Full
<b>Grid Reference:</b>	375745 360498
<b>Ward:</b>	Sandbach East and Rode
<b>Earliest Determination Date:</b>	20 January 2010
<b>Expiry Dated:</b>	24 February 2010
<b>Date of Officer's Site Visit:</b>	29 December 2009
<b>Date Report Prepared:</b>	7 January 2010
<b>Constraints:</b>	Wind Turbine Dev. Consultation Area

#### **SUMMARY RECOMMENDATION:**

- **APPROVE** subject to signing and completion of a S106 agreement and imposition of conditions and that authority be delegated to the Head of Planning and Policy to approve subject to the successful conclusion of negotiations requiring affordable housing and public open space.

#### **MAIN ISSUES:**

- **The acceptability of the development in principle**
- **Layout, design and street scene**
- **Impact on neighbour amenity**
- **Provision of affordable housing**
- **Open space provision**
- **Renewable energy**

### **1. REASON FOR REFERRAL**

This application has been referred to the Strategic Planning Committee due to the significance of the application in terms of its location on one of the principle junctions in Sandbach and the scale of development proposed.

### **2. DESCRIPTION OF SITE AND CONTEXT**

The site is located on the edge of Sandbach town centre and is adjacent to the Old Mill Roundabout which joins the A534 Crewe Road to the A533 to Middlewich.

The site is bounded to the north by the existing Homebase store from which it shares an access of the main A533. The boundary between the

two sites is defined by a close boarded fence with railings and a wall some 2.0m in height. To the west is an existing football pitch with associated pavilion. This site has recently received planning consent to be redeveloped into an extra care facility (ref 09/3400C).

To the east lies the Old Mill Road Roundabout and to the south there is a ribbon of vegetation and planting that follows the line of the A534 forming a soft boundary to this part of the site in contrast to the more defined boundaries to the north and west

The site itself is relatively level but does slope on the eastern side leading to the by-pass. There is also a slight drop down outside of the boundary of the site to the Homebase site which sits at a lower ground level than the site.

The site is in close proximity to the town centre being a relatively short walk past Waitrose which lies to the north of the A533.

The site has been remediated as part of the work undertaken in line with an earlier permission granted on the site and its current character is one of intermittent vegetation resulting in an untidy appearance. The site is also bounded on the north and east by hoardings protecting the area from intrusion.

### **3. DETAILS OF PROPOSAL**

This application is for the development of 43 dwellings at an average density of nearly 33 d.p.h. comprising of a mix of detached and semi-detached houses with the remainder made up of apartments. In total, the split will be 31 houses and 12 apartments. The majority of the development will be open market housing but 2 dwellings or 5% of the total will be for affordable housing.

Although most of the development will be two storey, some of the units will be three storey in nature.

It is proposed that the scheme will be accessed off the roundabout leading to Homebase.

Although the site benefits from consent granted in 2007 (see below) the applicants have submitted this scheme to introduce a different mix of property types on the site to more closely reflect the requirements of the current housing market which has shifted away from apartments to more traditional forms of accommodation.

#### **4. RELEVANT HISTORY**

There are two main applications in respect of this site.

Application 37691/3 was approved on 26 September 2007 for the development of 70 private dwellings and associated works. This was for a scheme predominantly comprising of apartment but linked to a section 106 agreement to provide a financial contribution in respect of public open space and to secure 25% of the dwellings i.e. 18 units for shared ownership tenure. This was to comprise 17 apartments and 1 mews flat.

The second application, 05/0265/FUL approved on 25 October 2007 was for the development of the Homebase store and the access roundabout off Old Mill Road. This scheme was followed in 2008 with approval on 29 May of application 08/0595/FUL for the addition of a garden centre on the side of the store.

#### **5. POLICIES**

##### **National Policy**

PPS 1: Delivering Sustainable Development

PPS3 Housing

PPG 13: Transport

##### **North West of England Plan - Regional Spatial Strategy to 2011**

DP1 Spatial Principles

DP7 Environmental Quality

L1 Health, Sport, Recreation, Cultural and Education Service Provision

L4 Regional Housing Provision

L5 Affordable Housing

EM11 Waste Management Principle

EM18 Decentralised Energy Supply

##### **Cheshire Replacement Waste Local Plan**

Policy 11 (Development and Waste Recycling)

##### **Congleton Borough Council Local Plan First Review 2005**

PS4 Towns

H1 & H2 Provision of New Housing Development

H4 Residential Development in Towns

H13 Affordable and Low Cost Housing

GR1 New Development

GR2 & GR3 Design

GR4 & 5 'Landscaping'

GR6 & 7 'Amenity and Health'

GR9 Accessibility, Servicing and Parking Provision (New Development)

GR17 Car Parking

GR22 Open Space Provision

RC1 'Recreation and Community Facilities – General'

SPG1 Provision of Public Open Space in New Residential Development  
SPG2 Provision of Private Open Space in New Residential Development  
SPD6 Open Space Provision

**6. CONSULTATIONS (External to Planning)**

**Environmental Health**

Comments are awaited.

**Nature Conservation Officer**

Comments awaited.

**Affordable Housing Officer**

Comments awaited.

**Senior Landscape & Tree Officer**

Comments awaited.

**Highways**

The Strategic Highways Manager has assessed this application and has read the attached Traffic Statement from Singleton Clamp & Partners. The Strategic Highways Manager has confirmed that he agrees with the figures contained therein and that the proposed change in unit type for the development is acceptable.

**7. VIEWS OF THE PARISH / TOWN COUNCIL:**

No comments have yet been received from the Town Council. They have however indicated that they will be commenting on this proposal following the Christmas break.

**8. OTHER REPRESENTATIONS:**

None received.

**9. APPLICANT'S SUPPORTING INFORMATION:**

**Planning Statement**

The applicants have supported the application with a planning statement from Nathaniel Lichfield & Partners that seeks to justify the development and looks closely at policies appertaining to the scheme proposed and the relevant planning history of this site and the adjoining Homepage site.

The Statement also looks at the main planning issues and details why the scheme is considered by the applicants to be in compliance with the Local Plan and other policy guidance.

**Transport Assessment**

A transport assessment undertaken by Singleton Clamp & Partners was prepared by the applicants and submitted with the application. This study shows the change in levels of impact between the permitted scheme and that currently proposed would be insignificant.

Accordingly, it is the consultants view that the development would not have a material impact on the operation of the local highway network.

**Wildlife Surveys**

The applicant has recommissioned an Extended Phase 1 Habitat survey from Trevor Bridge Associates in respect of protected species that may be present on the site. This is an update to the original survey they undertook in 2004.

The survey found that no protected species had become established on the site since the time of the original survey.

**Design and Access Statement**

The applicants have produced a Design and Access statement by Nathaniel Lichfield & Partners which examines the viability of the proposal and the character of the surrounding area. The report also looks at the earlier proposal in terms of its relationship to the surrounding area and the potential for improvements in the form of development proposed for the site.

**Financial Statement**

The applicants have considered the viability of the development in light of the current housing market and submitted supporting information in respect of their offer of 5% provision of affordable housing on the site.

**Sustainability Statement**

The applicant has submitted a statement detailing the specific measures that will be taken to incorporate sustainability measures into the dwellings and to promote waste management measures.

**Sustainable Drainage Statement**

A report by REFA Consulting has been submitted detailing how attenuation measures will be employed on both this site and the adjoining Homebase store to reduce flow rates from the site in line with the guidance in PPS25.

**Site Contamination Report**

Following the remediation of the site for the previous approval Opus Joynes Pyke have submitted evidence to show that the site is now clear of contamination.

**Air Quality Assessment**

A report from the Waterman Group accompanies the application and shows that current pollutant levels around the site are well below the current air quality strategy standards and as such would be unlikely to give rise to health concerns.

**Additional Material**

A draft Heads of Terms for a Section 106 agreement has been offered by the applicant. This details provision for public open space in line with the previous approval for 70 dwellings on site but reduced pro-rata to reflect the reduced number of dwellings on site. The agreement also details the framework for the provision of 2 dwellings (5% of the total site) for affordable housing to be managed through an RSL.

**10. OFFICER APPRAISAL****Principle of Development**

As the site already benefits from an extant approval for the development of 70 dwellings, it is recognised the principle of residential development on this site has already been established. What is at question therefore is the detail surrounding the scheme.

**Layout, Design and Street Scene**

In appraising the current scheme, consideration has to be given to the extant approval which is an important material consideration.

The original scheme was a product of its time reflecting the move towards higher density development driven by apartments and flats. Whilst there are places within Cheshire East where such scheme would not only be acceptable but preferable to complement the character of the surrounding development.

The new scheme seeks to address these issues which are facilitated through the greater use of more traditional dwelling types as opposed to apartments. The layout now faces the street scene more effectively and where possible the majority of the parking is relegated to small courtyards leaving only a few cars on the frontage to ensure a degree of vitality remains about the area.

In considering each plot, it is felt that only unit 28 on the western side of the site represents a weakness to the layout with the boundary fence to the rear garden being a prominent feature. This could readily be resolved through the submission of an amended drawing showing the building re-orientated 90o clockwise to face the main road similar to its neighbours to the south. Whilst this means the neighbours to the north would face a gable elevation, this is felt preferable to the current arrangement on balance. This matter can be effectively addressed through the use of a condition.

The buildings themselves are traditional brick and tile properties and the developers have sought to provide a range of differing house types to ensure a degree of variety within the scheme which is brought together as a cohesive development through the use of a complementary range of materials.

### **Amenity**

Given the location of the development in respect of other developments, it is recognised that the scheme will not have an impact on existing properties in the area. It is noted however that consent has recently been given for the development of a new extra care facility on the land to the west. Given the distances involved however, it is felt that the two developments will not result in detriment to residential amenity levels and the scheme is therefore felt to be acceptable in this respect.

### **Landscape**

The site as it currently stands is clear of any significant landscaping features given the extent of remediation work that has been undertaken on the site.

A detailed landscaping scheme has been provided and this will bring some planting to the front of the dwellings helping to soften the character of the site.

### **Ecology**

In light of the habitat survey, it is noted that there are no protected species on the site. Accordingly, there are no objections to the development on these grounds.

### **Highways and Parking**

This matter has been considered by the Strategic Highways Manager. As the scheme is essentially similar to the earlier approval utilising the access past Homebase but comprising of a reduced number of dwellings, no objections are raised.

Like the earlier scheme, this proposal incorporates two access points leading to the land to the south which may come forward for development at a later date.

### **Contamination**

Extensive clearance work have been undertaken by the applicant following the granting of approval of the earlier scheme in 2007 and this has been verified through the supporting documents by Opus Joynes Pyke. As a result, it is felt that in principle there are no objections to this development proceeding.

The comments of the Environmental Health Officer are awaited however and should any conditions or objections be raised, these will be highlighted in an update sheet to Members.

### **Open Space Provision**

Policy GR22 requires the provision of Public Open Space. Policy GR22 requires that this public open space is of 'an extent, quality, design and location in accordance with the Borough Council's currently adopted standards and having regard to existing levels of provision'. It goes on to state that the 'Council may accept a commuted payment in lieu of on site provision, providing the alternative is near to and easily accessible from the housing site'.

Through the draft Heads of Terms for a Section 106 agreement, the applicants have offered to provide a financial contribution in lieu of provision. This is in line with the agreement reached in respect of the earlier approval subject to being discounted pro-rata in line with the reduction in the number of dwellings on the site.

The comments are awaited from the Streetscape officer and these will be referred to in an update sheet to the Committee.

### **Affordable Housing**

The earlier approved scheme provided for 25% of the 70 units to be delivered as shared equity dwellings.

Since that time however, the market has changed and the demand for shared equity properties has changed. In addition, the applicants are arguing that the scheme is not as financially viable as previously considered. As a result, they have reduced the provision to only 5% and supported this with a viability assessment and cited case law through recent appeal decision to support this stance.

One of these decisions is the recent Bath Vale case in Congleton where the applicant successfully proved that they could only afford a 5% provision on the site.

In this case it would appear on first reading that the viability of the site is slender but further advice from the Housing Officer has been sought on the suitability of the figures put forward by the applicants. An update to this will be provided through the update sheet for Members.

### **Renewable Energy**

Although the applicant has not met the requirements of the Region Spatial Strategy in showing that the development will provide 10% of its energy requirements through renewable energy sources, they have set out a series of building standards to provide for sustainable development.

These are felt to be appropriate measures and, given the difficulty the applicants are facing in providing an adequate level of affordable housing due to the limited viability of the development, are deemed to be acceptable. This can be secured through condition requiring the



development to be undertaken in accordance with the submitted details in the applicants Sustainability Assessment if the scheme is approved.

#### **Other Matters**

On the matter of drainage, it is felt that this scheme will represent an improvement over the approved scheme improving attenuation and minimising the risk of local flooding. It is recognised that the site has a low probability of flooding and on this basis no objection is raised to this aspect of the scheme.

### **11. CONCLUSIONS**

As indicated earlier, the principle of development on this site is accepted as the application site is on a brownfield and benefits from an extant approval for a larger residential scheme.

Although there are a number of details to be confirmed in respect of the level of affordable housing on the site and the contribution in lieu of public open space, it is felt that the overall scheme is not only acceptable but represents an improvement over the approved scheme in terms of the design and character of the development being proposed.

On this basis, it is felt that the scheme as a whole subject to the details as mentioned above is acceptable.

### **12. RECOMMENDATIONS**

**A: That subject to the satisfactory conclusion of negotiations by 22<sup>nd</sup> February 2010 regarding affordable housing and the provision of public open space and the signing and completion of a S106 agreement in respect of these matters, that authority be given to the Head of Planning and Policy to grant approval subject to the imposition of conditions.**

**B: Should no agreement be reached by the 23<sup>rd</sup> February 2010, then authority be delegated to the Head of Planning and Policy to refuse the application on the following grounds; a) The applicant has failed to demonstrate that the proposed development makes appropriate contribution to the delivery of affordable housing in line with the requirements of Policy H13 of the adopted Congleton Local Plan First Review 2005 and b) The applicant has failed to demonstrate that the proposed development makes appropriate contribution to the delivery of sufficient public open space in line with the requirements of Policy H4 of the adopted Congleton Local Plan First Review 2005**

#### **Heads of Terms for Legal Agreement**

1. Contribution towards public open space
2. Contribution towards affordable housing

## **Conditions**

### **General**

1. 3 Time limit
2. Development in accordance with submitted plans
3. Submission of material samples

### **Environmental Health**

4. Hours restriction - construction.
6. Hours restriction - piling activity.

### **Highways and Drainage**

6. Details of junctions to be submitted prior to the commencement of development
7. Drainage - surface water and sewerage to include SUDS.
7. Design of flood storage and mitigation.
8. Detailed junction design to be submitted and agreed.
9. Parking area to be completed and marked out prior to first occupation

### **Ecology and Trees**

9. Breeding bird protection.

### **Sustainable Development**

10. Waste management plan.
11. Development in accordance with submitted Morris Homes Sustainability Statement dated November 2009

### **Other Matters**

12. Amended plans to be submitted in respect of the siting of plot no. 28
13. Landscaping in accordance with submitted details
14. Landscaping to be maintained for 5 years
15. Details of boundary treatments to be submitted

