

Application No: 16/2645C

Location: ELMBANK HOUSE, LODGE ROAD, SANDBACH, CHESHIRE, CW11 3HP

Proposal: Outline application for demolition of all existing on site structures and the redevelopment of the site for 50 residential dwellings (Use Class C3) with associated landscaping and vehicular access from Lodge Road

Applicant: Bruce Ledwith, Thornhill Holdings Ltd

Expiry Date: 01-Sep-2016

## **SUMMARY**

Policy PC3 of the Sandbach Neighbourhood Plan (SNP) states that new development (including housing) will be supported in principle within the policy boundary (Sandbach), within which the application site falls.

The application site also lies within the Sandbach settlement boundary as defined by the Local Plan where Policy PS4 advises that within settlement boundaries, there is a general presumption in favour of development provided it is in keeping with the towns scale and character and does not conflict with other policies of the Local Plan.

Policy H4 of the Local Plan generally permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

Although the development would result in the loss of an employment site, the site has been marketed unsuccessfully for continued commercial use. Furthermore, it has been accepted within the recent Cheshire East Council Employment Land Review, that the site is expected to be subject to a change of use. In conjunction with the planning benefits in terms of the provision of further housing in a sustainable location, it is considered that residential use would be an acceptable alternative.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, the provision of affordable dwellings, the provision of a commuted sum for the improvement of off-site public open space, an education contribution and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

The dis-benefits of the scheme include the loss of an employment site.

In this instance, it is considered that the dis-benefits of scheme do not significantly and demonstrably outweigh the benefits. As such, the application is recommended for approval.

## **RECOMMENDATION**

APPROVE subject to S106 Agreement to secure on-site Affordable Housing and an Education and Open Space contribution and conditions

## **REASON FOR DEFERRAL**

The application was considered by Cheshire East Southern Planning Committee on the 26<sup>th</sup> October 2016. The planning committee determined to defer the application in order to obtain further information, including;

- Update of PAN figures using 2016 school census data
- Details of the marketing of the site to ensure that it has been competitively marketed
- Details of the history of the site
- Further information in terms of the noise from the adjacent employment development

## **REASON FOR REFERRAL**

The application is referred to Southern Planning Committee as it proposes residential development of over 20 units.

## **PROPOSAL**

Outline planning permission is sought for the erection of up to 50 dwellings and matters of Access.

Matters of Layout, Scale, Appearance, Landscaping are not sought for approval at this stage and would be subject Reserved Matters applications.

A revised indicative layout has been submitted during the course of the application, reducing the overall numbers proposed from 56 to 50.

## **SITE DESCRIPTION**

The application site lies to the north of Lodge Road within the Sandbach Settlement boundary.

The application site as a whole extends approximately 1.76 hectares and is currently occupied by approximately 55,500 square foot of storage and distribution industrial development.

The application site also falls within a Brine Consultation Area.

## **RELEVANT HISTORY**

The agent for the application has provided a history of the site.

It is understood that the site was previously owned by Tesco who operated the site as a distribution centre until around 1994/95.

The applicant purchased the site in 1997, at this time the site had been vacant since 1994/95 and was in a poor state of repair. The applicant apparently made a significant investment in the site and managed to secure Internet Logistics (now known as Core Fulfilment) on a long term lease.

The current lease on the site expired 2 years ago, at which time Core Fulfilment stated that they wished to move due to the property no longer being of suitable quality and location in order to attract the level of customers required to maintain the business. The applicant agreed to a reduced rent position with Core Fulfilment, to allow him time to secure another business on the site before Core Fulfilment vacated.

As such the applicant instructed TFC Commercial Property to market the site.

The applicant is moving the business to Orion Way in Crewe.

**09/3434C** - Proposed Temporary Warehouse – Approved 24<sup>th</sup> March 2010

**30464/3** - Change Of Use Of Existing Derelict Garage To A Plant Producing Pilot & Small Batch Chemicals - Requiring Renovation Of And Alterations To Garage – Withdrawn 5<sup>th</sup> March 1999

**28291/3** - Proposed Change Of Use Of Existing Warehouse And Distribution Depot Into New Head Office For Pulse Fitness Plc For The Purpose Of Manufacture And Offices – Approved 13<sup>th</sup> August 1996

**22132/3** - Storage of Metal Drums - Wooden Construction – Approved 1<sup>st</sup> May 1990

**22116/3** - Office Area – Approved 1<sup>st</sup> May 1990

**21900/3** - Proposed Warehouse with Double Pitched Roof – Withdrawn 25<sup>th</sup> May 1990

**21115/3** - Single Storey Office Building with Pitched Roof – Approved 20<sup>th</sup> June 1989

**20470/3** - Car Park – Approved 14<sup>th</sup> February 1989

**19948/3** - Change of Use To Contract Packing And Filling Of Liquids And Powders – Withdrawn 2<sup>nd</sup> August 1988

**15303/3** - Alterations To Loading Doors At Existing Warehouse – Approved 1<sup>st</sup> September 1983

**14754/3** - Installation Of Sprinkler Water Storage Tank And Adjacent Pump Housing – Approved 23<sup>rd</sup> March 1983

**11546/3** - Single Storey Fork Lift Truck Charging Bay And Boiler Room Extension – Approved 17<sup>th</sup> July 1980

**10123/3** - Internal Extension To Ground And First Floor Office Accommodation – Approved 23<sup>rd</sup> October 1979

**4029/3** - Modification Of Existing Warehouse And Office Building To Allow For 40% Retail Sales Area For Consumer Durables

## **NATIONAL & LOCAL POLICY**

### **Sandbach Neighbourhood Plan (SNP)**

The Sandbach Neighbourhood Plan has been 'made' on 12<sup>th</sup> April 2016 under 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 and now forms part of the Development Plan for Cheshire East. The relevant Policies in the Neighbourhood Plan are:

PC3 (Policy Boundary for Sandbach), PC4 (Biodiversity and Geodiversity), PC5 (Footpaths and Cycleways), H1 (Housing growth), H2 (Design & Layout), H3 (Housing mix and type), H4 (Housing and an Ageing Population) and H5 (Preferred Locations), IFT1 (Sustainable Transport, Safety and Accessibility), IFT (Parking), IFC1 (Community Infrastructure Levy), CW1 (Amenity, Play, Recreation and Outdoor Sports Facilities), CW3 (Health) and CC1 (Adapting to Climate Change)

### **Congleton Borough Local Plan**

The Development Plan for this area is the 2005 Congleton Borough Local Plan.

The relevant Saved Policies are;

PS4 – Towns, GR1 – New Development, GR2 – Design, GR4 and GR5 – Landscaping, GR6 - Amenity and Health, GR9 - Highways & Parking, GR20 – Public Utilities, GR21 – Flood Prevention, GR22 – Open Space Provision, NR1 – Trees and Woodlands, NR2 – Wildlife and Nature Conservation – Statutory Sites, NR3 – Habitats, E10 – Re-use or Re-development of Existing Employment Sites, H1 – Provision of New Housing Development and H4 – Residential Development in Towns

### **Emerging Cheshire East Local Plan Strategy**

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

Policy SD1 - Sustainable Development in Cheshire East, Policy SD2 - Sustainable Development Principles, Policy SE1 - Design, Policy SE2 - Efficient Use of Land, Policy SE3 - Biodiversity and Geodiversity, Policy SE4 - The Landscape, Policy SE5 - Trees, Hedgerows and Woodland, Policy SE9 - Energy Efficient Development, Policy SE12 - Pollution, Land Contamination and Land Instability, Policy IN1 - Infrastructure, Policy IN2 - Developer Contributions, Policy PG1 - Overall Development Strategy, Policy PG2 - Settlement Hierarchy and Policy SC4 - Residential Mix

Cheshire East Council - Employment Land Review

## **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, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

## **Supplementary Planning Documents:**

Interim Planning Statement: Affordable Housing (Feb 2011)  
North West Sustainability Checklist

## **CONSULTATIONS**

**Head of Strategic Infrastructure (HSI)** – No objections, subject to the prior submission/approval of a Construction Management Plan

**Cheshire Brine Board** – No objections, subject to the submission of a ground dissolution/brine extraction related risk assessment and proposals regarding suitable foundations designed to overcome the potential effects of brine pumping related subsidence

**Environment Agency** – No objections

**Housing (Cheshire East Council)** – No objections as policy required 30% on-site affordable housing is proposed

**Flood Risk Manager (Cheshire East Council)** – No objections, subject to conditions including; the prior submission/approval of a surface water drainage strategy; the prior submission/approval of storm period and intensity details and mitigation

**Education (Cheshire East Council)** – No objections, subject to the provision of £130,741.52 towards secondary school education provision

**Environmental Protection (Cheshire East Council)** – No objections, subject to a number of conditions including; the submission of a detailed acoustic mitigation scheme and updated acoustic report with the first reserved matters; that the agreed acoustic mitigation scheme includes a detailed site layout and specific mitigation for each property; that the agreed scheme be implemented in full, prior to the occupation of any unit requiring acoustic mitigation; the prior submission/approval of an Environmental Management Plan; that details of electric vehicle charging provision for each property be submitted with the first reserved matters; the prior submission/approval of a Residents Travel Information Pack; the prior submission/approval of a contaminated land report; the prior submission/approval of a soil verification report for imported material and that works should stop if contamination is found during development.

**ANSA Greenspace (Cheshire East Council)** – No objections, subject to a commuted sum to secure £6,339.60 for the upgrading of the Thornbrook Way site's Amenity Green Space and

£14,190.00 for its maintenance. In addition a contribution of £10,988.40 is sought for the upgrade of the Thornbrook Way Play area and £35,820.00 for its maintenance.

**United Utilities** – No objections, subject to conditions including; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan.

It is also noted that a public sewer crosses the site, therefore UU may not permit building over it.

**Countryside and Rights of Way (Cheshire East Council)** - No objections, subject to a condition that a scheme of signage for pedestrians and cyclists be submitted to and approved in writing by the LPA

**Ramblers Association** - No comments received at time of report

**Sandbach Town Council** – Object to the proposal on the following grounds

- The site is designated employment land
- No affordable housing within the proposal
- Site exits onto an already busy and dangerous junction
- The site is not included in the Sandbach Neighbourhood Development Plan

## **REPRESENTATIONS**

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected and the application was advertised in the local newspaper. In response, 4 letters of objection have been received from neighbouring premises. The main areas of objection include;

- Principle – mixing residential development with industrial
- Loss of employment land
- Impact upon local infrastructure – e.g. Schools
- Highway safety / parking
- Amenity – noise, loss of privacy

## **APPRAISAL**

The key issues are:

- Principle of the development
- The sustainability of the proposal considering the Environmental, economic and social role of the development
- Planning Balance

### **Principle of development**

As the site falls within the Sandbach Settlement Boundary, the proposal is subject to Policy PS4 of the local plan and Policy PC3 of the SNP. Policy PS4 advises that within settlement boundaries,

there is a general presumption in favour of development provided it is in keeping with the towns scale and character and does not conflict with other policies of the Local Plan.

Policy PC3 of the Sandbach Neighbourhood Plan (SNP) states that new development (including housing) will be supported in principle within the policy boundary (Sandbach), within which the application site falls.

### New dwellings

For the erection of new dwellings on site, Policy H4 is the relevant principal policy to assess residential development.

Policy H4 advises that proposals for residential development within towns shall only be permitted if a number of criteria are adhered to including;

- The proposal does not utilise a site which is allocated or committed for any other purpose in the local plan;
- That the development is of an acceptable design
- The proposal accords with other relevant local plan policies
- The proposal does not detrimentally impact housing land supply totals

In response to the above, the site is not allocated for committed for any other purpose in the local plan and would not have a detrimental impact upon Housing Land Supply totals as detailed in the below section. As such, subject to the development being of an appropriate design and adhering with all other relevant local plan policies, the principle of the development is considered to be acceptable.

Policy H1 of the Sandbach NP refers to housing growth. It is advised that future housing growth to meet the needs established in the emerging Cheshire East Local Plan will be delivered through existing commitments, sites identified in the Cheshire East Local Plan and windfalls.

In response, the site was not considered for housing as part of the emerging Local Plan because it was not of a size large enough for consideration. However, it has been identified within the Cheshire East Council Employment Land Review document which forms part of the evidence base for the emerging Cheshire East Local Plan, that the site has potential for a change of use. On page E2-86 of this document, it is further stated that *'There are residential areas to the south and north and it would be expected that there will be a change of use over the plan period.'*

Policy H5 of the Sandbach NP refers to preferred locations for residential development. It states that certain types of development will be supported within the Policy Boundary defined in Policy PC3 (within which the application site lies). These types of development include;

- Housing infill development
- The conversion of existing buildings to residential use
- Self-build projects
- Co-housing
- The subdivision or amalgamation of existing residential units with suitable space
- Residential use of accommodation above retail premises.

- Development for older people within the town centre or;
- Redevelopment of Brownfield land

The application proposal comprises of the redevelopment of brownfield land and as such, is considered to adhere to Policy H5 of the Sandbach NP.

### *Housing Land Supply*

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

Since the deferral of the application at the Southern Planning Committee meeting on 26<sup>th</sup> September 2016 the SoS has issued his appeal decision for 165 dwellings on the land directly to the north of the site. It should be noted that in terms of housing provision in Sandbach the Planning Inspector found at paragraph 68 that;

*'The Council and others opposing the scheme consider that Sandbach is playing its part in terms of housing delivery. This is because it is considered that Sandbach can provide for the housing the Council anticipates as being required following the interim CELPS Inspector's Report. However, I am not satisfied that this provides justification for the town distancing itself from housing that is required now to fulfil existing needs that are not being met by the Council for its area as a whole'*

This view was accepted by the SoS who stated that;

*'whilst the Council may be able to demonstrate that Sandbach is likely to provide the level of housing to 2030 currently allocated to it in CELPS, this does not remove Sandbach from its part in providing for more dwellings in the light of the current severe shortage in housing land supply for the Council's area as a whole'.*

### Loss of commercial site

Policy E10 of the Local Plan refers to the re-use or re-development of existing employment sites.

Policy E10 advises that development for non-employment purposes on such sites shall only be permitted if it can be shown that the site is no longer suitable for employment purposes or there would be substantial planning benefits in permitting alternative uses which would outweigh the loss of the site.

The application site currently comprises of a warehouse and office facility with associated hardstanding.

The application is supported by a Planning Statement and Marketing Report. The key points raised in this report include;

- Location of the site is not considered to be as suitable for employment as Crewe, Winsford and Middlewich
- Proximity of the site to residential properties constrains the use
- Poor condition of the existing building to meet modern requirements and the split levels of the site
- That the site has been identified in the Council's Employment Land Review 2012 as having potential for a Change of Use of the Plan period (2010-2030)
- Site has been marketed for in excess of 12 months using; site boards, marketing brochures, direct mailing and online publications. Interest has been expressed but a commercial user has not been able to be secured. The reason put forward being that there are other more preferable sites and the re-use of the existing site would not be viable
- Site is shortly to become vacant and as such deteriorate
- The proposed development would improve the environmental conditions of the site through good design, green space and public realm

It should be noted that although the application site is currently used for employment purposes, it is not a formerly committed/designated employment site within the Local Plan.

The Council's Regeneration Officer has advised that sites of the type and size of the application proposal need to be retained for employment use. However, the Officer then goes on to refer to the importance of 'designated' employment sites, which the application site is not.

Furthermore, within the Cheshire East Council Employment Land Review document which forms part of the evidence base for the emerging Cheshire East Local Plan, it has been concluded that the site has potential for a change of use. On page E2-86 of this document, it is further stated that *'There are residential areas to the south and north and it would be expected that there will be a change of use over the plan period.'*

At the previous planning committee, Members concluded that they wanted further details of the marketing of the site to ensure that it has been competitively marketed.

In response, the applicant's agent has provided a further update.

The update advises that the site has been actively marketed by TFC Commercial Property for a period of almost 2 years, well in excess of the policy requirement of 12 months. It is advised that the following marketing initiatives have been utilised:

- **Direct Targeting-** contacting regional and national occupiers who have requirements for this type of property.
- **Marketing Particulars-** production of marketing particulars, which detail the accommodation including size, description, location etc.
- **Wider Mailing/ Emailshots-** The marketing particulars have provided to all North West industrial agents together with the local authority contacts. The property has been regularly mailed out for general enquiries and property specific enquiries.
- **Web-site advertising-** The property details have been placed the following websites: [www.tfcproperty.com](http://www.tfcproperty.com) and [www.zoopla.co.uk](http://www.zoopla.co.uk)
- **Marketing Board-** A marketing board has been erected at the property to alert the availability of the unit.

As evidenced in the enclosed sale particulars, the site was primarily marketed for rent, although the particulars did state that the sale of the land would be considered. In respect to the rental price, the site was marketed at £3.50 per sqft, which is comparable to sites within the locality.

As a result of this marketing campaign, it has been advised that a number of enquiries have been received by the agent. In summary, it is advised that the enquiries received were from a number of developers (both residential and commercial), agents and private companies. It is advised that TFC responded and chased up all enquires received, however they were unable to secure an end user or purchaser for the site. A number of reasons were given for this, including but not limited to;

- The poor condition of the existing site
- Split level constraints
- Constraints of the existing building (i.e. low eaves), which are not suitable for some modern uses.

It is considered that this further marketing evidence submitted demonstrates that there are no reasonable prospects that the application site will be used for employment purposes, due to the site constraints, lack of demand and supply of better located and higher quality sites within the wider locality.

It is further advised by the applicant's agent that the current reduced rent position is not commercially sustainable for the applicant and the current occupiers have already found alternative premise to relocate in Crewe and as such the building will become vacant shortly.

As a result of the above reasons and justification, it is accepted that the site is no longer suitable for employment purposes, primarily due to its location and the cost to upgrade the existing facilities. Furthermore, the benefits of permitting an alternative use on this site, specifically a residential use, given the council's 5-year housing land supply position is considered to carry significant weight.

Paragraph 51 of the NPPF states that planning '*...should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.*'

The other merits of the proposed are considered by the scheme's sustainability which is considered below.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*"Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment"*

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

These roles should not be undertaken in isolation, because they are mutually dependent.

## **Environmental role**

### Locational Sustainability

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

Due to the siting of the application site within the Sandbach Settlement Boundary, it is considered that the site is within an appropriate distance to sufficient public facilities such as schools, shops, doctors etc for the site to be locationally sustainable.

### Landscape

This is an outline application for the demolition of all existing structures on site and the redevelopment of the site for residential dwellings. The application site is located towards the south eastern part of Elworth, to the west of Sandbach and is currently a storage and distribution site with associated buildings and parking. The application as revised indicates that the proposal is for 50 dwellings.

The application site is located along the eastern side of Lodge Road, to the north are residential properties located along Abbey Road, to the west are a number of industrial buildings. Lodge Road is a cul-de-sac.

If the application is recommended for approval, the Council’s Principal Landscape Officer has advised that appropriate landscape conditions be included to ensure the following information is submitted at the reserved matters stage for approval prior to the commencement of the development:

*‘A detailed landscape masterplan which should include some planting between the development and the industrial estate to screen or filter views, as well as full hard and soft landscape details and boundary treatments.’*

### Ecology

The application is supported by an Ecological assessment.

This assessment identified that an active ‘other protected species’ sett is present on site. The Council’s Nature Conservation Officer has subsequently advised that appropriate mitigation measures, including the closing down the sett, will have to be completed under a Natural England licence.

The Council’s Nature Conservation Officer further advises that with a redevelopment of this scale, a commitment to environmental enhancements, as outlined in the support ecology report, is required.

As such, subject to a condition requiring the prior submission/approval of a detailed Badger Mitigation Statement and a detailed Ecological Enhancements Statement, no objections on ecology grounds are raised.

### Trees

The application is supported by an Arboricultural Statement (Ref CW/8067-AS) dated 21<sup>st</sup> April 2016 by Cheshire Woodlands Arboricultural Consultancy. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The development proposals identify the removal of four groups (G1 – G4) and three Areas (A1 – A3) trees, all have been categorised as low quality specimens. The Council's Tree Officer has advised that she would concur with these designations and not considered worthy of formal protection.

The Council's Tree Officer has advised that a high quality off site tree (T1) and the two moderate value trees (T2 & T3) located within the north east corner of the site can all be retained and protected in accordance with current best practice BS5837:2012. A limited amount of construction works are proposed within RPAs but these are achievable without detrimentally impacting on the retained tree presence.

The Council's Tree Officer has advised that light attenuation should not be a significant factor with the proposed development area located to the south of the retained trees.

The Council's Tree Officer has concluded that should the application be approved, conditions requiring that the reserved matters be supported by a Tree Protection Scheme and a detailed Arboricultural method statement which accords with the requirements of BS5837:2012, should be secured.

### Design

Policy GR2 of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features.

Policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version, largely reflect the Local Plan policy.

The revised indicative layout plan demonstrates that the proposed 50 new dwellings would be accessed off a new access point towards the centre of the site from Lodge Road to the southwest.

The plan shows that this access road would extend directly to the rear of the site and then split off into 2 roads, one extending to the northwest and the other to the southeast, both along the

rear boundary of the site. A further 4 roads would subsequently extend back 90 degrees back towards Lodge Road ending in turning heads.

The scheme demonstrates that 20 of the dwellings would front Lodge Road and have gardens to the rear. The majority of the remaining properties would be arranged in a grid system to the rear of these.

The Council's Urban Design Officer considered the original indicative layout submitted with the application, which showed the provision of 56 dwellings, and raised the following concerns;

- *'There should be interface with the site to the north (this is presently at appeal) and should that be approved, the scheme needs to ensure connectivity between the sites*
- *The over formality of the street arrangement and some concern about the overall number of units and whether this density of development is appropriate. Parts of the scheme could have reduced formality in the street design to give the development a slightly less engineered feel – this relates to geometry, dimensions, character and materiality*
- *Whilst employment development lies to the south and there are proposals for housing to the north, the development should be of a character that reflects the context, an element of which is that this site once formed part of the Abbeyfields historic park/garden. Abbeyfields itself is listed grade 2 and lies to the east. The development therefore needs to be responsive both in terms of density but also character, particularly the northern and eastern edges of the site.*
- *The landscape along the edges of the site will be important and the development should for the most part be outward looking, meaning that boundary landscape should largely be in publicly accessible areas and help to both soften the edge of the development but also ease the relationship between housing and the employment development to the south of the site.*
- *Interface with Lodge Road - some housing backs onto the cul-de-sac of Lodge Road. Housing should address street frontages unless there are very sound reasons not to. I'm not convinced that there is that sort of justification here.'*

In response to these comments, in conjunction with comments raised by the Council's Environmental Protection Officer, the applicant revised the scheme in order to demonstrate that they could indeed, accommodate a certain number of dwellings on the application site in an acceptable design.

As part of this revised, the applicant reduced the overall proposed number to 50 from 56.

In response to the revisions, the Council's Urban Design Officer advised the reduction in the proposed numbers helps to bring the density down to a level comparable to that for the land to the north and currently under appeal.

He still does not consider that the layout is particularly appropriate in this context and advises it should be made clear that this layout would not be supported at reserved matters stage, but it is acknowledged that the application is outline and is satisfied that a housing scheme of the density sought can be developed on the site to an acceptable design. This is also in consideration of the design impacts the noise mitigation will have as considered in the amenity section of this report.

Although no aspects of the design are sought for approval at this stage, it is considered that the site is large enough to accommodate a scheme for 50 dwellings of an acceptable design. Therefore the proposal is considered to adhere with Policy H2 of the SNP, policy GR2 of the Local Plan and policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version.

### Access

The application is supported by a Transport Statement (TS).

The vehicle access into the site is currently via Lodge Road and will be relocated further east along Lodge Rd. The Council's Head of Strategic Infrastructure (HSI) has advised that the proposed vehicle access and footways into the site are in accordance with standards and therefore adequate. It is also advised that visibility onto Lodge Rd is also sufficient.

The HSI has advised that the scheme is in a sustainable location in that footway access is available to the wider Sandbach area and to bus stops and railway station.

It is further advised that the net increase in traffic that would be generated from the proposal, over the existing use, would be minimal and the traffic impact of the proposal is therefore considered negligible.

As a result of the above reasons, no objections are raised subject to the prior submission/approval of a Construction Management Plan.

### Flood Risk and Drainage

The application site is located in Flood Zone 1. However, the Council's Flood Risk Manager has advised that there is also an amount of surface water risk to the east of the proposed development (topographic low spots) indicated by the Environmental Agency's (EA) mapping system. As such, the risk of flooding from this source will need to be appropriately mitigated and accessed before development can commence on site and shown in the appropriate documents submitted.

The Council's Flood Risk Manager has advised that subject to conditions, the flood risk can be mitigated. These conditions include; the prior submission/approval of a surface water drainage strategy; the prior submission/approval of storm period and intensity details and mitigation.

The Environment Agency raise no objections.

As such, it is not considered that the proposed development would create any significant flooding concerns and would adhere with Policy GR21 of the Local Plan.

With regards to drainage, United Utilities have advised that they have no objections, subject to conditions including; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan.

It is also noted that a public sewer crosses the site, therefore UU may not permit building over it, even if planning permission is approved.

As such, subject to the proposed conditions, it is not considered that the proposed development would create any significant drainage concerns and would adhere with Policy GR20 of the Local Plan.

### Environmental Conclusion

The proposed revised indicative layout indicates that a housing development of 50 dwellings could be developed on the application site which would largely reflect the nearby residential density. Although the indicative layout proposed is not supported in urban design terms, it is accepted that a suitable scheme could be achieved at reserved matters stage.

No significant issues with regards to; landscape, trees, ecology, access, flooding and drainage would be created, subject to conditions where deemed necessary.

As a result of the above reasons, it is considered that the proposed development would not be environmentally sustainable.

### Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops and facilities in Sandbach for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

Although the loss of the employment site would be an economic dis-benefit, as it has been demonstrated that there is no viable prospect for this site to be re-used for such purposes, this economic dis-benefit is afforded minor weight.

As such, it is considered that the proposed development would be economically sustainable, predominantly during the construction period.

### Social Role

The proposed development would provide open market housing which in itself, would be a social benefit.

### Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we 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 larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This

percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 50 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 17 dwellings to be provided as affordable dwellings. 11 units should be provided as Affordable rent and 8 units as Intermediate tenure.

The SHMA 2013 shows a need for 94 new dwellings per annum in Sandbach. The requirement is broken down as 18 x 1 bed, 33 x 2 bed, 18 x 3 bed, 9 x 4+ bed, 11 x 1 bed older persons and 5 x 2 bed older persons bedroom dwellings.

There are 281 applicants on Cheshire Homechoice who have selected Sandbach as their first choice area. These applicants require 107 x 1 bed, 110 x 2 bed, 60 x 3 bed and 14 x 4 bed dwellings.

The applicant has advised that they are willing to provide this policy required provision. As such, the Council's Housing Officer has advised that he has no objections, subject to the detail being agreed as part of a S106 Agreement.

### Education

The Local Plan is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

Not including the current planning application registered on Elmbank House (16/2645C), there are 9 further registered and undetermined planning applications in Sandbach generating an additional 91 primary children and 70 secondary children.

The development of 50 dwellings is expected to generate:

10 primary children (50 x 0.19)

8 secondary children (50 x 0.15)

0 SEN children (56 x 0.51 x 0.023%)

The Council's Education Officer has advised that the development is expected to impact on secondary places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains.

The development is not expected to impact primary or SEN provision.

To alleviate forecast pressures, the Council's Education Officer has advised that the following contributions would be required:

8 x £17,959 x 0.91 = £130,741.52 (secondary)

Total education contribution: £130,741.52

The next round of forecasts based on the October 2016 school census will be available once approved by senior management and this is likely to be June/July next year.

### Public Open Space

Policy GR22 of the Congleton Borough Local Plan advises that where residential planning permission is granted, it will be a requirement that provision be made for public open space of an extent, quality, design and location in accordance with the Council's currently adopted standards.

Supplementary Planning Guidance Note 1: Provision of Public Open Space in New Residential Development advises that there will be a required provision for developments of 7 dwellings or more.

The Council's Public Open Space Officer has advised that the revised indicative site layout plan does not show any Amenity Greenspace (AGS). There is both a deficit in play provision and AGS in the area therefore based on policy a minimum of 1,200sqm should be provided on site. This is based on 2.4 persons per dwelling in the absence of a housing schedule.

As no AGS is not provided on site, then to increase the footfall by increasing/upgrading paths at Thornbrook Way, the Council would require;

£6,339.60 - Enhancement

£14,190.00 - Maintenance

As there is a deficit in the area of Children's and Young Persons Play Provision (CYPP), policy requires a LEAP provision (50 – 74 dwellings) with a minimum area of 400sqm. As this is on the trigger for a LEAP and a small development, it is accepted that this may not be achievable. If a LEAP is not provided on site then the Council's Open Space Officer has advised that the Council would look to upgrade Thornbrook Way play area to increase the capacity for this development.

The enhancement would be to incorporate DDA inclusive equipment.

£10,988.40 - Enhancement

£35,820.00 - Maintenance

Subject to the above being secured, it is considered that the POS provision would be acceptable. It is expected that the above would be secured via a S106 contribution.

### Residential Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties via loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. It states that 21.3 metres should be maintained between 2 principal elevations and 13.8 metres should be allowed between a principal and flank elevation.

The closest residential properties to the application site are the occupiers of No.1 Lodge Road and No's; 129, 131, 133, 135, 137 and 139 Abbey Road, all located to the west of the application site.

The revised indicative layout plan (Ref: 14068 (PL) 001 A) suggests that the closest of the proposed properties on the site would be the dwellings proposed on plots 26-29 and plots 38 and 39.

The indicative layout plan indicates that the properties on plots 26-29 would be over the minimum recommended 21.3 metre separation standard from the closest properties on Abbey Road.

The corner of the dwelling proposed on Plot 39 would be approximately 8 metres away from the side/rear corner of No.1 Lodge Road. Due to the offset relationship between this existing and proposed unit, if this dwelling is constructed where suggested on the indicative layout plan, it is not considered that any significant issues with regards to loss of privacy, light or visual intrusion would be created for the occupiers of No.1 Lodge Road.

The side elevation of the dwelling proposed on plot 38 is indicated to be approximately 18.5 metres away from the rear elevation of No.1 Lodge Road.

This distance would adhere with the 13.8 metre standard, which would eliminate any significant issues for the occupiers of this closest neighbour with regards to loss of privacy light or visual intrusion.

With regards to the relationships between the proposed dwellings themselves, a definitive conclusion cannot be made on these grounds as layout is not sought for approval as part of this application. However, the indicative layout does demonstrate that 50 dwellings could be accommodated within the application site whilst largely adhering to these minimum standards.

In addition, it is considered that sufficient private amenity space would be provided for each unit.

#### *Noise, air pollution odour, contaminated land*

Noise is a particular concern for Environmental Protection. In essence, they have advised that it needs to be clear that at the reserved matters stage, the layout and orientation of dwellings will be crucial to making the development acceptable from a noise perspective from the commercial development on the opposite side of Lodge Road.

To elaborate, the Environmental Protection Officer (EPO) has advised that the dwellings on the Lodge Road frontage would be needed to be carefully designed so they screen noise from the private rear gardens.

In addition, the house types proposed on the Lodge Road frontage would need to be designed so the principal habitable rooms of these dwellings would be to the rear of the units.

It is recommended that this be conditioned should the application be approved.

At the previous planning committee, Members wanted further information in terms of the noise from the adjacent employment development.

In response, the applicant's agent has provided further information.

It is advised that a comprehensive noise assessment has been undertaken which comprised of unattended and attended noise readings taken on site, the precise location of were agreed with the Council's Environmental Protection Officer. These were at 4 locations largely along the site frontage, the other side of the road to the adjacent other employment development.

It is advised that the noise measurements were undertaken continuously from 1pm on Friday 15th April 2016 to 1pm on Tuesday 19th April 2016, covering a 4 day period including week and weekend days, to ensure that a robust assessment could be undertaken. It is advised that the location of the measurements were chosen to ensure that the measurements took into account activities taking place on the existing employment sites located to the south of the site.

Following detailed discussions with the Council's Environmental Protection Officer the proposed indicative layout was amended and the following mitigation measures proposed:

- Orientate housing so that the buildings front Lodge Road to shield garden areas
- Position non-habitable spaces on façades facing Lodge Road
- Position sensitive spaces, such as living rooms and bedrooms on the opposite facades
- Provide appropriate glazing/ventilation to meet recommended internal levels
- Install an acoustic barrier along the boundary line to Lodge Road
- Maximise the distance between housing and Lodge Road

The Council's EPO has agreed that mitigation to be agreed via condition can be secured to ensure that future residents are not subject to any adverse noise impacts, including noise from the operation of the existing employment uses.

The Council's EPO has advised that the following conditions should also be included, should the application be approved; the submission of a detailed acoustic mitigation scheme and updated acoustic report with the first reserved matters; that the agreed acoustic mitigation scheme includes a detailed site layout and specific mitigation for each property; that the agreed scheme be implemented in full, prior to the occupation of any unit requiring acoustic mitigation; the prior submission/approval of an Environmental Management Plan; that details of electric vehicle charging provision for each property be submitted with the first reserved matters; the prior submission/approval of a Residents Travel Information Pack; the prior submission/approval of a contaminated land report; the prior submission/approval of a soil verification report for imported material and that works should stop if contamination is found during development.

As a result of the above, subject to the recommendations of the Council's Environmental Protection Team, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

## Public Right of Way (PROW)

The Council's PROW Officer has advised on consideration of the indicative site layout, it can be anticipated that pedestrians and cyclists would seek to cut through from the turning head of the western-most estate road, through to Lodge Road. This desire line could be formalised at reserved matters stage in order to improve the permeability of the site. Likewise, it is advised that the layout considered at the reserved matters application should design pedestrian and cyclist routes to link to the adjacent development site, if planning consent is granted for that application.

The Council's PROW Officer has also advised that 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 PROW Officer has also recommended that should the development be granted consent, it 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.

## Social conclusion

The proposed development would bring additional social planning benefits other than the provision of new dwellings including; the provision of on-site affordable housing, an education contribution and the provision of an off-site Public Open Space contribution.

It is therefore considered that the proposal would be socially sustainable.

## **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 scale of the development in conjunction with local need will result in the requirement to provide 1,200 sqm of Amenity Green Space and the provision of a LEAP on site. As no on-site provision has been proposed, the Council seek a total contribution of £17,328 towards the upgrade of the AGS and play space on Thornbrook Way and £50,010 for its maintenance. This is considered to be necessary, fair and reasonable in relation to the development.

The development would result in the requirement for £130,741.52 towards Secondary education provision to account for the additional impact the erection of the proposed dwellings would have upon the existing capacity. This is considered to be necessary, fair and reasonable in relation to the development.

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

## **Planning Balance**

Policy PC3 of the Sandbach Neighbourhood Plan (SNP) states that new development (including housing) will be supported in principle within the policy boundary (Sandbach), within which the application site falls.

The application site lies within the Sandbach settlement boundary where Policy PS4 of the Local Plan advises that within settlement boundaries, there is a general presumption in favour of development provided it is in keeping with the towns scale and character and does not conflict with other policies of the Local Plan.

Policy H4 of the Local Plan generally permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

Although the development would result in the loss of an employment site, the site has been marketed unsuccessfully for continued commercial use. Furthermore, it has been accepted within the recent Cheshire East Council Employment Land Review, that the site is expected to be subject to a change of use. In conjunction with the planning benefits in terms of the provision of further housing in a sustainable location, it is considered that residential use would be an acceptable alternative.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, the provision of affordable dwellings, the provision of a commuted sum for the improvement of off-site public open space, an education contribution and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

The dis-benefits of the scheme include the loss of an employment site.

In this instance, it is considered that the benefits of the scheme outweigh the dis-benefits and as such, the application is recommended for approval.

## **RECOMMENDATION**

**APPROVE subject to a S106 Agreement to secure;**

- **30% on site affordable housing provision**
- **£130,741.52 towards Secondary education**
- **£17,328 towards the upgrade of the AGS and Children's and Young Persons Play Space on Thornbrook Way and £50,010 for its maintenance**

**And conditions;**

- 1. Time – 3 years of within 2 of last Reserved Matter approval**
- 2. Reserved Matters within 3 years**
- 3. Layout, Scale, Appearance and Landscaping Matters to be submitted and approved**
- 4. Plans**

5. The First reserved matters application include detailed landscape masterplan which should include some planting between the development and the industrial estate to screen or filter views, as well as full hard and soft landscape details and boundary treatments
6. Prior submission/approval of a detailed Badger Mitigation Statement and a detailed Ecological Enhancements Statement
7. The First reserved matters application shall be supported by a Tree Protection Scheme and a detailed Arboricultural method statement which accords with the requirements of BS5837:2012
8. Prior submission/approval of a Construction Management Plan
9. Prior submission/approval of a surface water drainage strategy/scheme
10. Prior submission/approval of storm period and intensity details and mitigation
11. Foul and surface water be drained on separate systems
12. Prior submission/approval of a sustainable drainage management and maintenance plan
13. All dwelling proposed on the Lodge Road site frontage shall comprise of internal arrangements that ensure that the principal habitable rooms of the dwellings (lounges, living rooms, bedrooms) are located to the rear of the dwellings
14. The First Reserved Matters shall be accompanied by a detailed acoustic mitigation scheme and updated acoustic report. The acoustic mitigation scheme shall include a detailed site layout and specific mitigation for each property
15. Prior submission/approval of an Environmental Management Plan
16. The First Reserved Matters shall include details of electric vehicle charging provision for each property
17. Prior submission/approval of a Residents Travel Information Pack
18. Prior submission/approval of a Phase II contaminated land report
19. Prior submission/approval of a soil verification report for imported material
20. Works should stop if contamination is found during development
21. Prior submission/approval of a scheme of signage for pedestrians and cyclists within the red-edge boundary
22. Details of the existing and proposed levels to provided as part of the first reserved matters application

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation) in consultation with the Chair (or in there absence the Vice Chair) of the Southern Planning Committee and Ward Member, 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 the subject of an appeal authority is given to enter into a S106 Agreement to secure the following Heads of Terms;

- 30% on site affordable housing provision
- £130,741.52 towards Secondary education
- £17,328 towards the upgrade of the AGS and Children's and Young Persons Play Space on Thornbrook Way and £50,010 for its maintenance

