

<b>Planning Reference No:</b>	10/2131C
<b>Application Address:</b>	Proposed housing development off, Crewe Road, Sandbach.
<b>Proposal:</b>	Reserved matters application to consider the appearance, landscaping, layout and scale of the proposed development of 41 dwellings following outline approval 10/0021C.
<b>Applicant:</b>	Hollins Strategic Land and Taylor Wimpey
<b>Application Type:</b>	Reserved Matters Application
<b>Ward:</b>	Sandbach Town
<b>Registration Date:</b>	14 <sup>th</sup> June 2010
<b>Earliest Determination Date:</b>	22 <sup>nd</sup> July 2010
<b>Date of Officers Site Visit:</b>	16 <sup>th</sup> August 2010
<b>Expiry Date:</b>	13 <sup>th</sup> September 2010
<b>Date report Prepared:</b>	18 <sup>th</sup> August 2010
<b>Constraints:</b>	Settlement Zone Line Wildlife Corridor Open Countryside

#### **SUMMARY RECOMMENDATION:**

**Approve with conditions, subject to the signing of a Deed of Variation to the Section 106 Agreement, changing the affordable housing provision from eight 2 bed houses and four 2 bed apartments to twelve 2 bed houses.**

#### **MAIN ISSUES:**

- Principle of the Development
- Affordable housing
- Amenity
- Design and Layout
- Highways and Parking
- Landscaping and Trees
- Ecology

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

This application has been referred to the Southern Planning Committee, as the scheme is a major development for more than 10 dwellings.

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

The site lies to the south of Sandbach and is currently accessed from a small private track known as Zan Drive off Crewe Road that leads to the Zan Industrial Park.

To the north lies the Wheelock Rail Trail whilst to the east is open countryside and a Wildlife Corridor. To the south of the site is Zan Drive off which lies a number of residential properties, a small parking area in a copse of trees and the industrial estate, whilst to the west are a number of residential properties and beyond that Crewe Road.

The site itself is relatively open comprising a grazing paddock, which is surrounded by trees and hedges. There are also the remnants of a former hedgerow that passes through the centre of the site. Elsewhere the line of this hedgerow is marked by some small trees. The majority of the site to the west is relatively level but falls away to the east where it approaches a belt of trees that bound the site.

The site is also overlooked by a number of residential dwellings off Zan Drive and Crewe Road.

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

This proposal is for reserved matters approval relating to the appearance, landscaping, layout and scale of the development. Details of the access were approved at outline stage. This access is to be created by the demolition of numbers 444 and 446 Crewe Road.

The development would comprise 41 dwellings, of which 23 would be detached, 6 semi-detached and 12 mews. Of the detached properties 20 would be four bedroom and 3 three bedroom, the semi-detached properties would be three bedroom and the mews properties two bedroom. All would be two-storey apart from the semi-detached units on plots 23 and 24, which would be 2.5 storey sited on the right hand side on entering the site.

The mews properties would provide the twelve affordable units for the development and are to be sited, one block at the entrance to the site, one at the northern end and one at the southern end.

At the eastern end of the site where the main access splits, a feature square is proposed with housing facing onto it and beyond this there would be a wildlife pond and ecological transition area which would also contain an informal footpath leading to the disused railway line, that forms part of the Wheelock Rail Trail, which is a multi-user facility and is part of the national cycle network.

### **4. RELEVANT HISTORY**

10/0021C	2010	Outline approval for residential development of 41 dwellings
09/2392C	2009	Outline refusal for residential development of 37 dwellings
31927/1	2000	Outline refusal for residential development of 25 dwellings

## **5. POLICIES**

### **National Guidance**

PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPS9 Biodiversity and Geological Conservation  
PPG13 Transport

### **Congleton Local Plan 2005**

The site is not allocated in the Local Plan but the following policies apply:

PS4 Towns  
H1 & H2 Provision of New Housing Development  
H6 Open Countryside  
H13 Affordable and Low Cost Housing  
GR1 New Development  
GR2 & GR3 Design  
GR6 Amenity and Health  
GR9 Parking and Access  
GR10 New Development & Travel  
GR18 Traffic Generation  
NR1 Trees & Woodlands  
NR4 Wildlife Corridor  
GR22 Open Space Provision

SPG2 Provision of Private Open Space in New Residential Developments  
SPD6 Affordable Housing and Mixed Communities

## **6. CONSIDERATIONS**

### **Housing:**

The change from four, 2-bed social rented apartments to four, 2-bed social rented houses will require a change to the Section 106 agreement however Housing would be happy to see this change take place, as there is a recognised need for these types of property.

### **Environmental Health:**

Request conditions relating to land contamination, sound insulation and air quality.

### **United Utilities:**

In accordance with PPS25 surface water should not be allowed to discharge to foul/combined sewer. This prevents foul flooding and pollution of the environment.

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

A public sewer runs at the rear 432-450 Crewe Road and we will not permit building over it. We will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer, which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption". Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

**Highways:**

The Strategic Highways Manager has assessed this application and offers the following comments:

Negotiation has been completed with the applicants consultant regarding access design and site layout.

The latest design drawing for the site layout shows an innovative design which aligns with the latest guidance in the DfT document: Manual for Streets and requires just one small adjustment to comply with highway authority requirements:

1. The three culs-de-sac need to have a service strip on both sides, which will form part of the adoptable public highway.

The Strategic Highways Manager therefore recommends that an amended plan be provided prior to determination, which demonstrates the above adjustment to layout detail.

Following submission of the amended layout plan, (Revision J) and verbal discussions with the Highways Department, it was agreed that the service strips shown on the plan were on the whole acceptable, but needed to extend all the way around the turning head and that it was considered that this could be achieved.

**Senior Landscape and Tree Officer:**

The Senior Landscape and Tree Officer has expressed concerns with the proposals, in particular poor amenity levels to Plots 8, 18 and 19 and impact on root protection zones. Concerns were also expressed about loss of trees, inappropriate boundary treatments and ornamental planting.

**Nature Conservation Officer:**

The Nature Conservation Officer is satisfied with the majority of the information submitted with the application and does not consider that the development would have any significant adverse impact on the ecology of the area or protected species. It is requested however that further details of how the wildflower meadow will be established and the cutting regimes of these areas be submitted and details of the species of grass to be used within the Transitional Ecological Area.

**Natural England:**

Natural England is not aware of any nationally designated landscapes or any statutorily designated areas of nature conservation importance that would be significantly affected by the proposed planning application. They are satisfied that the proposal does not have any significant impacts upon Natural England's other interests, including National Trails, Access Land, or the areas of search for new national landscape designations.

It is noted that bat boxes and bat bricks will be installed and that these will be monitored on an annual basis by a licensed ecologist. This is welcomed and it is advised that this should form part of a monitoring plan. Any lighting to be installed should be positioned and directed in away from the transitional ecology area, any trees identified as having roosting potential and any places where bats may fly and forage.

Work should not begin if nesting birds are present on site and should occur outside of the bird nesting season. If building works are undertaken during bird breeding season, a check for any active nest sites should be undertaken by a suitably qualified ecologist. It is noted that bird boxes will be installed and Natural England are supportive of the proposal and satisfied with this provision.

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

Members observed that the proposed layout appears over-developed with very little provision for open space within the design, contravening policies GR2 IA and GR2II A and B of the Local Plan. Question was raised of the inclusion of lime trees in the general landscape designs due to the number of historical problems encountered by residents in existing areas bordered with lime trees.

**8. OTHER REPRESENTATIONS**

Five representations have been received relating to this proposal expressing concern over the following issues:

- Highway Safety
- Parking and loss of a turning area on Zan Drive
- Overdevelopment
- Loss of privacy
- Loss of trees
- Inappropriate boundary treatments and landscaping
- Impact on wildlife
- Impact on local infrastructure
- Discrepancies on the plans relating to land ownership
- Boundary treatments making it difficult to maintain existing properties
- Inappropriate siting of the 2.5 storey dwellings

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

### **Planning and Design Statement**

This document provides details on the history of the site, the surrounding context of the local area and the policy framework surrounding the development. The statement also seeks to expand on the justification for the development proposed.

### **Landscape Management Plan**

This document provides details on the landscape proposals and opportunities and gives a detailed timetable for the management of the public open spaces on the site, including the Transitional Ecological Area.

### **Specification for Provisions for Bats and Birds**

This document gives details of general recommendations relating to protected species and shows provisions for breeding birds and roosting bats.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The principle of development on this site was established when the outline application for the scheme was approved. The site is designated as being within the Settlement Zone Line of Sandbach where there is a general presumption in favour of development provided that it is in keeping with the scale and character of the town.

Although the NW Regional Spatial Strategy (2008) has recently been revoked, until further notice we will still rely upon the figures contained within it. The RSS proposed a dwelling requirement of 20,700 dwellings for Cheshire East for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. It should be noted that these requirement figures were average annual figures to be achieved during the overall period covered by this RSS, from 2003 to 2021 rather than an absolute annual target, and might be exceeded where justified by evidence of need, demand, affordability and sustainability issues and fit with relevant local and sub-regional strategies. 7,449 dwellings have been completed for Cheshire East for the period 2003-2009 (AMR 2009).

National policy guidance states that Local Authorities should manage their housing provision to provide a five year supply. This suggests that Cheshire East Council should be providing its 5-year housing supply information for Cheshire East as a whole rather than the former districts or any housing market areas. Correspondence from Government Office for the North West confirms that in order to establish the appropriate housing requirement for Cheshire East, the district figures included in the published Regional Spatial Strategy (RSS) should to be added together to give the new unitary authority requirement.

In accordance with PPS3, if the Council does not have a five year supply it should consider favourably suitable planning applications for housing. Cheshire East has a 5.14 years supply (AMR 2009). This figure takes into account any backlog or over delivery of dwellings over the last 5 year period. Notwithstanding the

existence of a 5 year supply, this does not preclude other, suitable sites being released for housing development, subject to it not undermining the achievement of housing policy objectives.

The density of the development has been questioned by some of the objectors and the Town Council, as they consider that the construction of 41 houses would constitute overdevelopment of the site. However, although the outline approval only established the access to the site, the proposal was clearly stated to be for 41 dwellings and committee approved this, as it was considered to be achievable without harm to surrounding occupiers or other interests. As such the principle of this amount of development on the site is considered to be acceptable.

### **Section 106 Agreement and affordable housing**

When the outline application was approved the applicants entered into a Section 106 Agreement relating to a traffic management contribution, the transitional ecology area and wildlife corridor and the affordable housing provision. This will remain the same for the first two issues but a Deed of Variation will be required to the affordable housing section. This will be necessary because the scheme now provides 12 two bedroom houses as opposed to the previously approved scheme which provided 8 two bedroom houses and 4 two bedroom apartments. It should be noted that the Housing Section are satisfied with this provision as there is a recognised need for these types of properties.

### **Amenity**

The development would generally meet the requirements of Supplementary Planning Document 2 (Private Open Space), in that the private amenity space provided to the dwellings would be acceptable as would the separation distances between the individual properties and the existing dwellings adjacent to the site. Whilst some plots have relatively small private garden areas on balance the layout is considered to provide adequate standards for the residential amenities of future occupiers. It is considered however, that Permitted Development Rights should be removed from Plots 1 to 4 inclusive, 8 to 11 inclusive and 38 to 41 inclusive, which are the affordable dwellings. These properties generally have smaller rear gardens and future extensions could have the potential to be detrimental to the residential amenities of the future occupiers.

The illustrative layout submitted at the outline stage provided for buffer planting to the side of the dwelling known as plot 35. This was to protect residential amenities at the existing dwelling at 7 Zan Drive. Some tree planting is proposed at this plot but it is considered that this could be improved and a condition is recommended for additional planting here.

### **Design and Layout**

The layout of the site would take the form of a main spine road entering the site with a feature square, pond and transitional ecological area to the eastern end of the site, the road would then curve round to the south of the site. There would be three offshoots from the main spine road, two to the north and one to the south. Amendments have been made to the scheme in order to address concerns raised by officers and the scheme now allows for the feature square and pond to be overlooked by dwelling frontages. Garages have been removed and dwellings re-

sited in order to avoid blank elevations dominating when entering the site. The affordable units would be spread out within the site in compliance with the advice given in SPD6: Affordable Housing and Mixed Communities.

The dwellings would consist of detached, semi-detached and mews properties. The designs are considered to be acceptable, being of a relatively traditional design and material samples have been submitted which are considered to be appropriate to the design of the dwellings and the character of the area.

### **Highways and Parking**

The original layout submitted by the developers was not considered suitable by the Strategic Highways Manager and the final layout before Committee has evolved through discussions between Officers and the applicants.

The Strategic Highways Manager has assessed the amended layout and considers it to be an innovative design, which complies with Manual for Streets. He did advise that service strips be included and this has been done on the final revision (J). The service strips shown on the layout drawing (Revision J) are now considered to be largely acceptable provided that they are extended around the turning head. The Strategic Highways Manager believes that this would be possible and as such a condition should be imposed requiring drawings to be submitted showing the service strip in full.

The scheme also provides additional linkages to the Wheelock Rail Trail, which lies close to the site, allowing easier access to sustainable modes of travel.

Residents of Zan Drive have expressed concerns regarding the parking and loss of a turning area at the end of this unadopted road. It should be noted that the developers are not responsible for providing parking or turning facilities for the residents of Zan Drive, but have included in the scheme 6 parking spaces for this purpose. In addition the final layout also moves these spaces a further metre into the site to allow more turning space.

Taking into account the issues covered above it is considered that the proposal is in compliance with Policies PPG13, GR9, GR10 and GR18 and acceptable in terms of highway safety, traffic generation and parking provision.

### **Landscaping and Trees**

The Senior Landscape and Tree Officer has expressed concerns about the development and in particular plots 8, 18 and 19 and on the initial plans submitted it did appear that the crown spreads would mean that the plots would be severely over shadowed. The final layout plan shows the extent of the crown spread of trees, including Holly, Hawthorn and Sycamore, which are classified as category C trees, as they will be when tree works have been carried out. In addition the house on plot 18 has been adjusted to move it further away from the trees and on plot 19 the house has also been moved over and the garage sited on the other side of the plot. On plot 8 the Holly is to be cut back which would it is considered



address the issue of overshadowing. With these alterations to layout is now considered acceptable

Whilst the loss of some trees is unfortunate, it is considered that the creation of the transitional ecological area and replacement planting with suitable species will mitigate against any adverse impacts on the landscape character of the area. In order to ensure that the character of the area is maintained, precise details of the species of all new planting are required to ensure that they are appropriate to their position within the site in terms of size and appearance. This is especially important with the planting which will take place in the area of the site which adjoins the wildlife area.

### **Ecology - Protected Species & Nature Conservation**

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range.

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm LPAs will need to be satisfied that the development cannot be reasonably located on any alternative site that would result in less or no harm. In the absence of such alternatives LPAs should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where significant harm cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises LPAs to "refuse permission where harm to the species or their

habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive or Regulations.

No bats were found in the buildings to be demolished, however they were observed foraging in the area and recommendations were made for the incorporation of features into the development, to allow roosting space for bats. Such features have been incorporated into the development to the satisfaction of Natural England and the Nature Conservation Officer. Having regard to breeding birds, the retained habitat and landscape planting, combined with the provision of bird boxes within the development would ensure that there was no detriment to their well being.

It is considered that sufficient work has been undertaken by the applicants to show that the scheme will not have a detrimental impact on protected species. The development will actually result in the delivery of additional habitat features, which would be a benefit to ecological diversity.

#### Other Matters

The conditions requested by the Environmental Health Officer were included in the outline permission and do not therefore need to be included on the reserved matters approval.

The submitted layout shows that houses and garages do not impinge on the line of the sewer or its easement.

Conditions were also imposed on the outline permission for the submission of a drainage scheme with details of foul and surface water management to be submitted approved and implemented.

## **11. CONCLUSIONS**

In conclusion, the site is within the settlement zone line of Sandbach in the adopted local plan and the proposed development complies with the relevant policies contained within that document. The proposal is of an appropriate scale and design and includes measures to enhance the biodiversity of the site. It is therefore recommended that the application be approved subject to the developers entering into a Deed of Variation to the Section 106 Agreement linked to the outline approval and the following conditions.

## **12. RECOMMENDATION:**

**Approve subject to the signing of a Deed of Variation to the Section 106 Agreement, changing the affordable housing provision from eight 2 bed houses and four 2 bed apartments, to twelve 2 bed houses, and the following conditions:**

- 1. Development carried out in complete accordance with the approved plans**
- 2. Notwithstanding the details shown on the approved plans, prior to commencement of development a revised and fully detailed scheme for the landscaping of the site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make adjustments to the planting to account for revisions to the highway service strips. The scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations, such as cutting regimes, associated with tree, shrub, hedge, grass and wildflower meadow establishment) schedules of plants noting species, plant sizes, proposed numbers and densities. The details shall comply with the schedule of works itemised in the Landscape Management Plan submitted with the application dated July 2010.**
- 3. The landscaping shall be carried out in complete accordance with the approved scheme, unless any variation is first agreed in writing by the Local Planning Authority.**
- 4. Prior to the commencement of development, a revised layout scheme shall be submitted to the Local Planning Authority for approval in writing. The revised layout shall include service strips that extend fully around the perimeter of all three cul-de-sacs. The development shall be carried out in complete accordance with the approved details.**
- 5. The bat and bird boxes, as detailed in the Specification of Provisions for Bats and Birds. Bird nest boxes, bat boxes/ bat bricks to be provided on dwellings shall be installed at the time of construction of the dwellings and retained thereafter. Bird boxes to be installed in the wildlife area shall be installed in accordance with a timetable which shall be submitted and agreed before development commences.**
- 6. Notwithstanding the details shown on the proposed fencing layout, all rear garden areas shall be provided with 1.8m high, privacy panel fencing (or similar), details of which will be submitted for written approval. The fencing shall be installed prior to the first occupation of the dwellings to which it relates.**
- 7. Prior to the occupation of the first dwelling, the six parking spaces to Zan Drive shall be laid out and available for use. The parking shall thereafter be retained as car parking for residents in Zan Drive and their visitors.**
- 8. Notwithstanding the details shown on the approved plans, a scheme for buffer planting on the boundary of Plot 35 and number 7, Zan Drive, has been submitted to and approved in writing by the Local Planning Authority. The planting scheme shall be completed in complete accordance with the approved details unless any variation is approved in writing.**
- 9. Removal of permitted development rights to plots 1 to 4 inclusive, 8 to 11 inclusive and 38 to 41 inclusive.**

Location Plan: Cheshire East Council Licence No. 100049045

