

Application No: 12/1998C

Location: Land off HASSALL ROAD, SANDBACH

Proposal: Erection of 39no. Dwellings and Associated Works including Foul Water Pumping Station

Applicant: Mr D Major, Stewart Milne Homes/ Muller Property Group

Expiry Date: 17-Aug-2012

SUMMARY RECOMMENDATION

APPROVE subject to conditions and signing of a S106 legal agreement

MAIN ISSUES

Principle of Development
Housing Land Supply
Sustainability
Design Considerations
Highway Safety and Traffic Generation
Landscape and Tree Matters
Provision of Open Space
Impact on Protected Species
Impact on Residential Amenity
Flooding and Drainage
Affordable Housing
Impact on Education Capacity
Loss of Agricultural Land
S106 / Contributions

1. REFERRAL

The application has been referred to Strategic Planning Board because the proposal represents a departure from the development plan as it is situated outside of the settlement zone line for Sandbach.

2. SITE DESCRIPTION

This application relates to a site positioned on the south east of Sandbach and comprises an irregular parcel of land situated to the east of Hassall Road.

The site is adjoined to the north and the west by residential properties fronting Hassall Road and open countryside designated fields to the east and south. The access to the site falls within the Settlement Zone Line of Sandbach with the remaining part of the site situated within Open Countryside as designated in the adopted Congleton Borough Local Plan First Review (2005).

The site is irregular in shape and occupies an area of approximately 1.3 ha in size. The topography is generally flat but there is a slight fall down towards the rear boundary of the site. The majority of the site is undeveloped and has been used as a paddock for grazing. There are some single storey stable buildings positioned in the far north-western corner of the site.

3. DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 39 residential units on land to the east of Hassall Road, Sandbach. The proposal also includes a foul water pumping station.

4. RELEVANT PLANNING HISTORY

Members will recall that at the meeting of 11th April 2012, they resolved to approve outline planning ref; 11/3414C. Details of access, appearance, layout and scale were considered as part of this outline application with details of landscaping reserved for consideration at a later stage. However, in resolving to approve the application Members added a condition which reserved final approval of the access detail for subsequent approval, so that it could be made as wide as possible.

5. PLANNING POLICIES

National Planning Policy Framework

Local Plan Policy

PS8	Open Countryside
GR1	New Development
GR2	Design
GR3	Residential Development
GR5	Landscaping
GR6	Amenity and Health
GR9	Accessibility, servicing and provision of parking
GR14	Cycling Measures
GR15	Pedestrian Measures
GR17	Car parking
GR18	Traffic Generation
GR21	Flood Prevention
GR 22	Open Space Provision
NR1	Trees and Woodland
NR2	Statutory Sites (Wildlife and Nature Conservation)
NR3	Habitats

NR5	Habitats
H2	Provision of New Housing Development
H6	Residential Development in the Open countryside
H13	Affordable Housing and Low Cost Housing

Regional Spatial Strategy

DP4 Make best use of resources and infrastructure
 DP5 Managing travel demand
 DP7 Promote environmental quality
 DP9 Reduce emissions and adapt to climate change
 RDF1 Spatial Priorities
 L4 Regional Housing Provision
 EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
 EM3 Green Infrastructure
 EM18 Decentralised Energy Supply
 MCR3 Southern Part of the Manchester City Region

Other Material Policy Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)
 Interim Planning Statement: Affordable Housing (Feb 2011)
 Strategic Market Housing Assessment (SHMA)
 Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
 North West Sustainability Checklist

6. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)

Environmental Health

No objection subject to conditions restricting hours of construction / piling, a condition requiring submission of an environmental management plan and an informative relating to contaminated land.

Highways

No objection

The site was subject to an outline planning application for 39 residential units with a single point of access taken from Hassall Road, Sandbach. The application has been previously considered by Members who resolved to approve the application subject to revised access details being submitted.

The site access is located at properties No.75 and No.63. As part of the revised access proposal the access to No.75 will be repositioned away from the junction radius onto Hassall Road. The access to No. 63 remains in the same location.

Key issues

The visibility splay at the proposed site access is the only key issue for this application. The visibility splay in the leading direction has been increased to 2.4m x 26m from 22m. However, in the non leading direction the splay has remained the same, achieving 22m at a point 2.1m into the carriageway. If one measures the splay at 2.4m, following the guidance set out in Manual for Streets, visibility is much reduced in the non leading direction to just over 11m.

On behalf of the local residents, PSA design has made a submission that describes a number of deficiencies in the revised design, including the visibility at the junction as above and also the impact on access to both No.75 and No.63.

The visibility issue is addressed in this report. With regard to the impact on access, at No.63, there are existing boundary hedges to the driveway and it is the contention that the revised access plan is not correct and the property deeds indicate these hedges will be located within the footway of the revised design. The access to No.75 has been shown as relocated to the left hand side of the new junction and this has been agreed as an alternative location for the driveway access. However, it is believed that the owner may be extending his perimeter wall thereby blocking his access and this would effectively leave no vehicle access to No.75. Should there be problems with access or land ownership as highlighted by the residents then this is considered to be a civil matter to be resolved between the applicant and residents affected and has therefore not been assessed as part of our consideration.

Site Assessment

In assessing the revised access design, we would make the following comments in relation to what can be seen to be improvements made from the previous submission:

- The access road has been widened from 4.8m to 6.3m at its widest point and retains a 2.0m footpath along one side. This improvement would better accommodate turning movements off Hassall Road into the site, especially larger vehicles including refuse lorries.
- At its narrowest point, the access includes a priority give way arrangement. Such details exist at other development sites and are not considered to be a factor that would warrant a refusal. However, it is recommended that the priority is given to vehicles entering the site.
- The visibility splay in the leading direction has been improved by 4m to 2.4m x 26m.

Having said this, the visibility splay in the non leading direction is significantly below the guidance set out in Manual for Streets and has required consideration of whether an exception could be made in the instance or not.

A key determinant as to whether the extent of a visibility splay at a side road junction is acceptable or not relates to the speed of vehicles on the main road. As such, on Hassall Road there have been numerous speed surveys undertaken both by the applicant, residents and our Highways Service.

After considering all the information collected, it is our view that 85%ile speeds are around 23 to 24 mph on Hassall Road at the proposed site access junction in both directions. These speeds would translate into a sightline requirement of 31m.

This assessment and our knowledge of traffic conditions on Hassall Road lead to us to consider the visibility offered in the leading direction at 26m would be acceptable.

In the non-leading direction the visibility provision of 11 to 12m falls well below the guidance. To re-enforce even slower speeds at this location and to make the access exemption acceptable a further speed reduction measure should be provided at the access point. Hassall Road has already been traffic calmed and this could be extended by the provision of a ramped junction table at the junction of the proposed site access and Hassall Road. This could be designed in such a way to achieve speeds below 20mph.

In addition, a review has been undertaken of Hassall Road and its existing junction arrangements and road safety history.

Hassall Road has traffic calming that reduces speeds and there are no personal injury accidents recorded in the area of the proposed site.

The visibility splays at some of the existing junctions on Hassall Road, namely Cross Lane, Houndings Lane and Coldmoss Drive, are less than the proposed access and this has not affected its road safety record.

Conclusion

The revised access design is considered to be an improvement in certain aspects over what was previously submitted.

There is still a departure from visibility standards based upon the actual 85% approach speeds recorded in the vicinity of the site and consideration has been made as to whether the reduced level of visibility is likely to cause a road safety issue that warrants refusal.

Environment Agency

No objection, subject to conditions requiring the submission of a scheme to limit the surface water run-off generated by the proposed development. The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. An informative is recommended advising them of their duty of care with regard to ensure that all materials removed from the site go to an appropriate permitted facility.

Greenspaces

No objection subject to financial contributions towards the future maintenance of onsite Amenity Greenspace (£14,663 or management company (25 years) and the enhancement and future maintenance of Newhall Avenue and Mortimer Drive facilities (£11,354.68 and £36,715.50 respectively). Green Spaces would request that any enhancement contributions should not be 'time limited' so ensure maximum benefit to the new and existing community, thus enabling the 'pooling' of funds.

Education

No objection subject to financial contributions towards education provision. The primary schools local to this development currently have 99 unfilled places. However, the Council's

projections have the number of unfilled places falling to 4 by the September 2013 intake and then the schools as being oversubscribed from 2014 on. Therefore a primary school contribution of **£65,077** will be required. Over the secondary schools within 3 miles of the development total numbers on roll are greater than the schools capacities. Projections suggest that capacity is available in future years. However, there is a lot of approved development within Sandbach which will take up this surplus space. Approvals on 09/2083C, 10/4973C, 12/0009C and 11/3956C are expected to generate 112 secondary aged pupils. In light of this fact and that our projections indicate that the secondary schools will have only 100 places available by 2018. As such a secondary contribution of **£81,713** will be required from this development.

United Utilities (UU)

No objection provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system UU will require the flow to be attenuated to a maximum discharge rate of 8 l/s to the surface water sewer located in Coldmoss Drive.

7. VIEWS OF THE SANDBACH TOWN COUNCIL

Object on the grounds that this is not a sustainable site and does not meet with 'Significant Sustainability Criteria'. Members expressed additional concern at the site's narrow access on to a busy Road.

8. OTHER REPRESENTATIONS

Over 3500 letters of objection have been received objecting to this application on the following grounds:

Traffic

- The access to the proposed development will enter and exit a proven busy and already overburdened Hassall Road
- The proposed access is very narrow
- Large vehicles will not be able to access the site (i.e. refuse, fire engines, delivery vehicles)
- Additional traffic will cause problems at local junctions and Top of Hill Chippy
- Hassall Road is congested and has a lot of HGV and ram traffic
- Safety for pedestrians, children and cyclists will be reduced
- Access does not conform with highway guidelines and does not provide the required visibility splays
- How are 70+ cars going to enter and exit the site safely
- Vehicles speed up and down Hassall Road

Principle

- The site is a Greenfield, open countryside and outside the settlement zone.
- It was recently rejected in the Draft Sandbach Town Strategy as unsustainable

- The site is greenbelt/agricultural
- Brownfield sites should be given priority
- Approval will open the floodgates for more development
- The site is significant distance from shops, schools and other local amenities

Amenity

- Loss of privacy
- Loss of outlook
- Overlooking

Landscape

- The site is grade 3a agricultural land
- The dwellings will be two-storey next to adjacent bungalows

Design

- Design of dwellings is not in keeping with the area

In addition, the 'Save Our Sandbach Group' (SOS) have undertaken their own traffic survey, agricultural land report, sustainability appraisal and housing supply report. Each report concludes that this application should be refused on for each of the issues that they dealt with.

The local ward councillor, Cllr Corcoran has also offered the following comments:

Fire engine access

Concern that a fire engine would not be able to gain access to 63 Hassall Road under the new scheme. It is understood that developments should not be allowed where a fire engine cannot get within 30 metres of a dwelling.

Road Safety

- 1) The visibility splays at the entrance are acknowledged to be sub-standard. The Cheshire East Highways officer has confirmed that the visibility is only 11m against a recommended distance of 34m. This is a big discrepancy. The Highways officer has confirmed that this is a valid reason for rejection and therefore at any subsequent appeal no costs could be awarded against the council for rejecting on these grounds.
- 2) The new road will not be adopted by Cheshire East Council because it does not meet the council criteria.
- 3) The pinch point at the entrance to the estate will cause access problems.

9. OFFICER APPRAISAL

Main Issues

Members may recall that at the meeting of 11th April earlier this year, it was resolved to grant outline planning permission for the erection of 39 residential units on the site with access off Hassall Road. Access was shown to be taken in between numbers 75 and 61 Hassall Road, although concern was expressed about the precise detail and therefore the approval was subject to a condition which reserved the access detail for consideration at a later stage.

The principle of the development has already been established by the granting of the outline consent. Nonetheless, the application is a full application and therefore all matters relevant must be considered.

The main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, sustainability, design, highway safety and traffic generation, landscape and tree matters, provision of open space, ecology, amenity, open space, drainage and flooding, affordable housing, education and loss of agricultural land.

Policy Position

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15th June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

“The Government’s top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government’s clear expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy”.

Housing Land Supply

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

The SHLAA has put forward a figure of 3.94 years housing land supply.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly once the 5% buffer is added, the Borough has an identified deliverable housing supply of 3.75 years.

The NPPF clearly states at paragraph 49 that:

"housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking

means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- specific policies in the Framework indicate development should be restricted.”*

The forthcoming Cheshire East Local Plan will set new housing numbers for area and identify sufficient land and areas of growth to meet that requirement up to 2030. The Submission Draft Core Strategy will be published for consultation in the spring of 2013. Consequently, the current shortfall in housing land will be largely remedied within the coming year or so. However, in order that housing land supply is improved in the meantime, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy allows for the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas, to support the provision of employment, town centres and community uses.

The Council is currently consulting on a revision to this document. This broadens the scope of land release to include small, non strategic sites on the outskirts of other towns, provided that they are not within the green belt, do not intrude into open countryside and that certain sustainability criteria are met. The Consultation draft limits the size of such sites to 1Ha.

Whilst slightly larger at 1.3 Ha, the application site largely accords with the spirit of the new policy. The proposal represents a small scale development and would not represent a major incursion into the open countryside or a major urban extension due to the characteristics of the site. With respect to sustainability, this will be considered further below.

The value of the Interim Planning Policy lies in the fact that this represents the democratically decided expression of the Cheshire East Community on how housing supply should be positively managed ahead of the Local Plan. This accords with the sentiments in the NPPF which indicates that local people and their accountable Councils can produce their own planning proposals, which reflect the needs and priorities of their communities. However, it is not a development plan document or a supplementary planning document and accordingly carries only limited weight as a material consideration. This has been confirmed by previous Appeal Inspectors who have considered earlier versions of the policy.

With respect to the housing need within Sandbach specifically, there is a housing requirement of 375 units for the next five years even having regard to the existing permissions in the town, including the Brownfield sites. This amounts to an annual requirement of 75 units per annum. Thus, this would put the existing supply for Sandbach at 4 years, which is still short of the 5 year target.

Furthermore, it must be borne in mind that the Brownfield sites which already benefit from permission, are much larger strategic sites which will deliver a significantly greater number of dwellings than this site. This has implications for the rate of deliverability. Due to their size and scale, it is likely that these sites will be delivered towards the latter end of the 5 year period. As such, this will not assist the housing land shortfall in Sandbach within the short term (i.e. 1-2 year period). Consequently, it is considered that there is still a need for additional housing within Sandbach (not just borough wide) and this site would help to go towards meeting this need in the short term.

The application site is identified in the SHLAA as available, achievable deliverable and, subject to an appropriate policy change in respect of its designation as open countryside, it is considered to be suitable in all other respects. The proposal only represents a small scale development and would not represent an incursion into the open countryside or a major urban extension due to the characteristics of the site. With respect to sustainability, this will be considered further.

In the light of this, the fact that outline planning permission has already be granted on the site and given that there remains a need to supply additional housing units within Sandbach itself, it is considered that a refusal of planning permission for this site on matters relating to policy or housing land supply grounds would not be sustainable.

Sustainability

The site is considered by the SHLAA to be sustainable.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

In response to this, the Council, the applicant and local residents have calculated distances between the development and local amenities. In line with the toolkit, these comprise of:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m),
- bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),

- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

In this case the development meets the standards in the following areas:

- post box (216m),
- playground / amenity area (423m),
- public house (450m)
- public park / village green (449m),
- bus stop (431m),

When the outline application was considered, there was a cash point at the nearest shop which was considered compliant with the required distance of 1000m. However, it is understood that this service is no longer available. Thus the next available cash point is located at Waitrose supermarket, which is approximately 1100m distance away from the site. Thus, whilst it fails the required distance, it only marginally fails it.

Where the proposal fails to meet the standards, the majority of the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities that fail the specified distance are:

- a local shop (744m), one selling fresh fruit and groceries (1427m)
- post office (1103m),
- bank / cash point (1100m),
- pharmacy (1184m),
- primary school (1264m),
- medical centre (1453m),
- leisure facilities (1163m),
- local meeting place / community centre (1214m),
- child care facility (1452m),
- railway station (3524m).

The site does not comply with all of the standards advised by the NWDA toolkit. However, as stated previously, these are just guidelines and are not part of the development plan. Owing to its position on the edge of Sandbach, there are some amenities that are not within the ideal standards set within the toolkit. However, all of the services and amenities listed are accommodated within Sandbach and therefore the settlement can be considered as sustainable.

Nonetheless, owing to its location on the edge of the settlement, it is accepted that there are some amenities and facilities that will not be as close to the development as existing dwellings which are more centrally positioned. Indeed this is not untypical for suburban dwellings. However, the majority of the amenities and facilities are accessible to the proposed development on foot. Therefore, it is considered that a refusal could not be sustained on grounds of sustainability.

Design Considerations

The layout proposed as part of this application does not differ significantly from that which was approved as part of the outline application. The main difference is that the plot that was previously proposed directly to the rear of no. 75 Hassall Road has now been omitted. In its place will be a foul water pumping station serving the site.

Generally, the proposed layout would introduce a linear pattern running parallel with the rear boundary of the site with the adjacent fields. This would then terminate towards the northern end of the site where the development would be arranged around a limb running off at 90-degrees forming a cul-de-sac to the right and a courtyard parking area to the left.

Given that the site is situated to rear of existing properties with a single point of access and because the site is self contained, there is little opportunity or need for frontage onto Hassall Road. However, within the site, the dwellings fronting the road within the site would overlook an area of public open space that would border the rear of the site 63 Hassall Road. The pattern of the development follows the shape of the site and is deemed to be acceptable.

With respect to the design and external appearance of the development, the units would be modest in terms of their size and would not deviate significantly from the scale of the residential development on Hassall Road and the area generally. Amended plans have been secured which hip the roofs of those properties away from the boundary where they side onto the bungalows situated off Coldmoss Drive to the north. The closest units have also been shifted away slightly from the boundary. This would assist the transition between the bungalows and the two-storey form.

Given the mix in character, and having regard to the fact that the site would be self contained, the design of the dwellings would not appear out of keeping with the area. The design is considered to be acceptable and in accordance with relevant design policies of the local plan.

Highway Safety and Traffic Generation

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The application proposes a single point of access off Hassall Road positioned directly in-between numbers 61 and 75 Hassall Road. As part of the revised access proposal, the access to No.75 will be repositioned away from the junction radius onto Hassall Road. The access to No. 63 remains in the same location.

With regards to visibility, the applicant has shown that visibility in the leading direction is achievable as per standards. The visibility splay at the proposed site access is the only key issue for this application. The visibility splay in the leading direction has been

increased to 2.4m x 26m from 22m. However, in the non leading direction the splay has remained the same, achieving 22m at a point 2.1m into the carriageway

If one measures the splay at 2.4m, following the guidance set out in Manual for Streets, visibility is much reduced in the non leading direction to just over 11m.

On behalf of the local residents, PSA design has made a submission that describes a number of deficiencies in the revised design, including the visibility at the junction and also the impact on access to both No.75 and No.63.

With regard to the impact on access, at No.63, there are existing boundary hedges to the driveway and it is contended that the revised access plan is not correct and the property deeds indicate these hedges will be located within the footway of the revised design.

The access to No.75 has been shown as relocated to the left hand side of the new junction and this has been agreed as an alternative location for the driveway access. However, it is believed that the owner may be extending his perimeter wall thereby blocking his access and this would effectively leave no vehicle access to No.75. Should there be problems with access or land ownership (as highlighted by the residents), this would be a civil matter to be resolved between the applicant and residents affected. It has therefore not been assessed as part of our consideration, because it is not a planning issue.

In assessing the revised access design, the Strategic Highways Manager considers that there are improvements over what was previously put before members in their consideration of the outline application 11/3414C. These are:

- The access road has been widened from 4.8m to 6.3m at its widest point and retains a 2.0m footpath along one side. This improvement would better accommodate turning movements off Hassall Road into the site, especially larger vehicles including refuse lorries.
- At its narrowest point, the access includes a priority give way arrangement. Such details exist at other development sites and are not considered to be a factor that would warrant a refusal. However, it is recommended that the priority is given to vehicles entering the site.
- The visibility splay in the leading direction has been improved by 4m to 2.4m x 26m.

Nonetheless, the Strategic Highways Manager accepts that the visibility splay in the non leading direction is below the guidance set out in Manual for Streets and has required consideration of whether an exception could be made in the instance or not.

A key determinant as to whether the extent of a visibility splay at a side road junction is acceptable or not relates to the speed of vehicles on the main road. As such, on Hassall Road, there have been numerous speed surveys undertaken both by the applicant, residents and the Council's Highways Service.

After considering all the information collected, it is the view of the Strategic Highways Manager that 85%ile speeds are around 23 to 24 mph on Hassall Road at the proposed site access junction in both directions. These speeds would translate into a sightline requirement of 31m.

Having regard to the traffic conditions on Hassall Road, the Strategic Highways Manager considers that the visibility offered in the leading direction at 26m would be acceptable.

In the non-leading direction the visibility provision of 11 to 12m falls below national guidance. To re-enforce even slower speeds at this location and to make the access exemption acceptable, the Strategic Highways Manager has advised that a further speed reduction measure should be provided at the access point. Hassall Road has already been traffic calmed and this could be extended by the provision of a ramped junction table at the junction of the proposed site access and Hassall Road. This could be designed in such a way to achieve speeds below 20mph.

In addition, a review has been undertaken of Hassall Road and its existing junction arrangements and road safety history. Hassall Road has traffic calming that reduces speeds and there is no personal injury accidents recorded in the area of the proposed site. The visibility splays at some of the existing junctions on Hassall Road, namely Cross Lane, Houndings Lane and Coldmoss Drive, are less than the proposed access and this has not affected its road safety record.

Members will recall that this was not deemed necessary on the previously approved application and therefore did not form part of the offsite highway works that were agreed. Having liaised with Highways, the sum required to deliver the said traffic table would be £20,000. The applicant has agreed to pay this.

Taking the above into account, the revised access design is considered to be an improvement over what was previously submitted. There is still a departure from visibility standards based upon the actual 85% approach speeds recorded in the vicinity of the site and consideration has been made as to whether the reduced level of visibility is likely to cause a road safety issue that warrants refusal. However, subject to provision of a traffic table, it is not considered that a refusal could be sustained on matters relating to highways.

Landscape and Tree Matters

The character of the surrounding residential development is one of being within a wider urban / residential area rather than that associated with ribbon development. Further, owing to the unique shape and site characteristics, the development of the site will lead to a natural progression of development. The location and scale of the proposed development are entirely in scale and in proportion with the existing development and in the wider visual sense will not intrude, dominate or have a significantly adverse impact on the adjacent wider landscape and open countryside.

In terms of the overall impact on the landscape, it is accepted that the proposed development would alter the landscape character of the site and that views of the

development would be achievable from the east and Colley Lane. Nonetheless, the development would amount to a squaring off of the settlement owing to it being surrounded on the northern, western and southern boundaries.

The application site is read separately to the wider landscape setting where this comprises of larger open fields making up the open countryside. In comparison, the application site is a small field, surrounded on 3 sides by development with terrain that rises upwards gently, where it transitions with the adjacent residential development. It is enclosed by existing mature boundary hedgerows and trees.

Taking into account the site levels and the open countryside to the south, the successful retention of the existing boundary hedge and trees is considered important. The scheme is respectful to the boundary hedges running around the perimeter of the site and the applicant has confirmed that these will be retained and supplemented where necessary. Details of precise landscaping, planting, site levels and boundary treatment could be secured by condition. The development would not jut out and would therefore not appear intrusive or harmful within the landscape setting.

With respect to trees, the proposal would involve the removal of some tree specimens within the site, but would not require removal of specimens outside of the site which includes a TPO protected Sycamore tree on the northern boundary of 64 Hassall Road. The development would achieve sufficient separation with the TPO specimen.

Provision of Open Space

The scheme proposes an area of Public Open Space (POS) centrally positioned along western boundary of the site. This area would be well overlooked by the dwellings on the eastern side of the site and appears to offer a good quality useable space. The on-site open space would be managed and maintained by a management company. As such, a contribution to the Council for the on-going maintenance of the on-site amenity green space would not be required.

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted, there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

To meet the needs of the development, an opportunity has been identified for the upgrading of existing facilities at Newall Avenue and Mortimer Drive. The Mortimer Drive facility is a local facility situated less than 100m away from the development site. However, the Newall Avenue facility is located some 800m to the west on the opposite side of the A534. As such, it is not considered suitable. The contributions agreed when the outline application was approved related specifically to Mortimer Drive. Consequently, it is recommended that this application should follow suit.

Subject to the applicant entering into a Section 106 Agreement to secure the financial contributions and the establishment of the management company, the scheme is found to be in accordance with SPD6.

Impact on Protected Species

The application is accompanied by a Phase I habitat survey including a bat survey of the trees on the site. This concludes that bats, amphibians (great crested newts) and barn owls are not likely to be present or affected by the proposed development. However, one of the tree specimens which is earmarked for removal (T4) does provide reasonable conservation benefits and an ecological mitigation. As such, it is recommended that it is retained.

The site also exhibits features that are considered as Biodiversity Action Plan Priority habitats and hence a material consideration. These include hedgerows and breeding birds. The Council's Nature Conservation has recommended conditions requiring a breeding bird survey to be carried out and submission of a scheme for the incorporation of features into suitable for use by breeding birds. Subject to these being implemented, the requirements of the National Planning Policy Framework and the EC Habitats Directive are satisfied.

Impact on Residential Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise. Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

With respect to the existing properties on Hassall Road and those to the north backing onto the site at Cross Lane, the minimum separation distances would be achieved. Plot numbers 17, 27 and 28 side onto the rear gardens of some of the properties on Cross Lane. To reduce the impact, the roofs have been amended from gable ends to hips so that they slope away from the boundary and appear less intrusive. With respect to the nearest property (no 63), Plot 37 would be offset from this property and would not cause significant harm in terms of loss of light or direct overlooking.

With regard to the amenity of the occupiers of the proposed units, the dwellings have been configured and arranged so as to ensure no direct overlooking of principal windows takes place. Equally, there would be no significant overshadowing or visual intrusion. Each dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

The plans no longer include a dwelling plot directly to the rear of no. 75. Instead, a foul water pumping station will occupy this plot. The station will be below ground with an ancillary cabinet above ground. Owing to its small size, this will not give rise to issues

of loss of light or visual intrusion. With respect to any perceived noise or odours emanating from the plant, this will be provided by way of an update to members.

Flooding and Drainage

A Flood Risk Assessment has been carried out to determine the impact of the proposed development on flooding. In accordance with the National Planning Policy Framework and local policy, the FRA has considered the impact on the surface water regime in the area should development occur. Unlike the original outline application, this scheme proposes a foul water pumping station to assist in draining the site.

United Utilities and the Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect on site and the neighbouring sites and their associated residual flood risk.

Provision of Affordable Housing

Following negotiations with the applicant, the proposed development will provide 12 affordable units (8 social rent and 4 for intermediate tenure) within the proposed 39. This provision accords with the Interim Affordable Housing Statement requirements that developments of this scale should provide a minimum of 30% affordable housing within the scheme and of which 65% should be social rented and 35% should be intermediate tenure.

Education

The primary schools local to this development currently have 99 unfilled places. However, the Council's projections have the number of unfilled places falling to 4 by the September 2013 intake and then the schools as being oversubscribed from 2014 on. Therefore a primary school contribution of £65,077 will be required.

With respect to secondary school provision, whilst no financial contribution was secured when the outline application was considered, the Council has since carried out further forecasts. Within 3 miles of the application site, total numbers on roll at the secondary schools is greater than the schools capacities. Projections suggest that capacity is available in future years. However, the approved development within Sandbach will take up this surplus space. These existing approvals are expected to generate 112 secondary aged pupils. In light of this fact and that the Council's projections indicate that the secondary schools will have only 100 places available by 2018, a secondary contribution of £81,713 will be required from this development.

Loss of Agricultural Land

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this instance, the land is classified as Grade 3A, which is considered to be the 'best and most versatile' agricultural land. However, it is important to note that the area of farmable land is not significant, measuring only 1.3 ha. At present, the plot is divided into 2 parcels, with approximately 55% in arable use. The remaining portion is of poor quality and is also within separate ownership. Whilst part of the land has been used to grow crops, due to its limited size and the existing site constraints (i.e. surrounded on 3 sides by residential development and separated from the larger open fields to the east by mature trees and hedgerows), it does not offer a contribution to the high quality agricultural land in the area.

Thus, whilst the proposal would result in the loss of a small quantity of Grade 3A agricultural land, the loss would not be 'significant' and would not outweigh the benefits that would come from delivering this small scale development and assisting with the Council's housing land supply situation helping to relieve pressure on less sustainable and preferential Greenfield sites elsewhere.

S106 / Contributions

In addition to those contributions secured when it was resolved to approve outline application 11/3414C, additional contributions towards a highway traffic table and secondary school provision is required. These sums are £20,000 and £81,713 respectively. This is in addition to the agreed sums of money relating to POS and improving the local bus stop. Such contributions will satisfactorily offset the impacts of the proposed development and will help to minimise any harm.

10. REASONS FOR APPROVAL

It is acknowledged that the Council does not currently have a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should consider favourably suitable planning applications for housing. The Council has already accepted this in granting outline planning permission for residential development at the site (ref; 11.3414C).

The boost to housing supply is considered to an important benefit – and this application achieves this in the context of a smaller, non strategic land release which aligns with the Interim Planning Policy currently under consultation.

Whilst it is accepted that the site does not meet the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and majority of facilities are accessible to the site. A refusal could not therefore be warranted on grounds of sustainability.

To conclude highways matters, the revised access design is considered to be an improvement over what was previously submitted at outline stage. There is still a departure from visibility standards based upon the actual approach speeds recorded in the vicinity. However, subject to provision of a traffic table, it is not considered that a refusal could be sustained on matters relating to highways.

The proposal will not have a significant impact on the landscape character of the area and will represent a rounding off of the settlement without resulting in an intrusion into the open countryside.

Whilst the proposal will result in the loss of some grade 3a agricultural land, it is considered that the benefits of the delivering the site for much needed housing would outweigh this loss, given that the site does not offer a significant quality of land.

Subject to the required Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements and monies towards the future provision of primary school education.

Notwithstanding amenity issues relating to the proposed foul water pumping station (which will be reported by way of an update), the proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology, drainage/flooding. It therefore complies with the relevant local plan policy requirements and accordingly is recommended for approval.

11. RECOMMENDATION

APPROVE subject to completion of Section 106 legal agreement to secure the following:-

- **30% affordable housing (12no. units), split on the basis of 65% social rent and 35% intermediate tenure as per the requirements of the interim planning statement.**
- **£11,354.68 (not time limited) and £36,715.50 (25 years) for the upgrading and maintenance of an existing children's play facility at Mortimer Drive**
- **Provision for a management company to maintain the on-site amenity space**
- **Upgrade of Bus Stop on Hassall Road**
- **£65,078 towards future primary school education provision and £81,713 towards future secondary school education provision**
- **£20,000 for provision of highway traffic table on Hassall Road**

And the following conditions

- 1. Standard Time limit – 3 years**
- 2. Amended / Approved Plans**
- 3. Accordance with vehicular visibility at access (dimensions)**
- 4. Materials**
- 5. Submission of an Environmental Management Plan**
- 6. Hours of construction to be limited**
- 7. Details of pile driving operations to be limited**
- 8. Submission of details of bin storage**
- 9. Details of drainage (SUDS) to be submitted**
- 10. Scheme to limit surface water runoff and overland flow**
- 11. Discharge of surface water to mimic that of the existing site**
- 12. Only foul drainage to be connected to sewer**

- 13. Retention of important trees**
- 14. Tree and hedgerow protection measures**
- 15. Arboricultural Specification/Method statement**
- 16. Landscape scheme to include replacement native hedgerow planting and boundary treatments**
- 17. Implementation of landscaping scheme**
- 18. Retention of tree T4 or submission of updated ecological survey**
- 19. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.**
- 20. Hedgerows to be enhanced by 'gapping up' as part of the landscaping scheme for the site**
- 21. Removal of permitted development rights for classes A-E**
- 22. Removal of Permitted Development Rights for windows/openings for plots 15, 17, 18, 23, 27, 28, 31**
- 23. Obscured glazing for first floor windows in flanking elevations**
- 24. Submission of details of Travel Pack for each dwelling**
- 25. Details of design / surfacing of proposed footpath links to site frontage**
- 26. Details of ground levels to be submitted**

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or add additional conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Development Management and Building Control Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.



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