

Application No: 12/3415C

Location: SITE OF ELWORTH WIRE MILLS, STATION ROAD, SANDBACH, CW11 3JQ

Proposal: Change of use for entire site to residential use.

Applicant: Allister Boote

Expiry Date: 22-Jan-2013

### **SUMMARY RECOMMENDATION**

**Approve with Conditions and subject to the completion of a section 106**

### **MAIN ISSUES**

- Principle of Development
- Design and Layout
- Residential Amenity
- Impact on Highway Safety and parking
- Provision of Affordable Housing
- Provision of Open Space
- Impact on contaminated land
- Education Provision
- Cil Regulations

## **1. REASON FOR REFERRAL**

This application is for outline planning permission for over 10 dwellings and is therefore a small scale major which is delegated to the Southern Planning Committee to make the decision.

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

The application site is situated on the corner of Station Road and Hill Street in the settlement boundary of Sandbach. The site previously accommodated a Wireworks factory. However this has recently been demolished and the site cleared. The surrounding area is a mix of residential and commercial (largely sited on the opposing side of Station Road). The Sandbach railway station is also site on the opposite side of Station Road.

## **3. DETAILS OF PROPOSAL**

This application seeks outline planning permission with all matters reserved for change of use of the site from commercial to residential.

An indicative site plan has been submitted with the application to show 37 units, comprising of two three storey apartment blocks with 11 x 2 bed flats and 1 x 1 bed flat in each, 7 x 3 bed town houses (2/3 storey) and 6 x 2-3 bed terrace units. The access is shown off Hill Street.

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

07/0994/FUL - Remove condition 04 of consent 04/0419/OUT & variation of S106 agreement to allow the replacement factory facility to either be constructed to practical completion stage or provided within an existing factory facility. – Approved with conditions 7<sup>th</sup> November 2007

04/0419/OUT - To redevelop redundant general industrial premises following demolition of existing buildings and clearance of site, by the erection of residential units which may include detached, semi-detached and terraced dwellings and apartments in single, two or multi-storey format. Numbers unknown at this stage. – Approved with conditions 10<sup>th</sup> April 2006

24004/3 - Extend existing portal frame building and install water storage platform. – approved with conditions 3<sup>rd</sup> March 1992

#### **5. POLICIES**

##### **Regional Spatial Strategy**

DP1 Spatial Principles  
DP2 Sustainable Communities  
DP 3 Promote Sustainable Economic Development  
DP 4 Make the Best Use of Existing Resources and Infrastructure  
DP 5 Manage Travel Demand; Reduce the Need to Travel  
DP 6 Marry Opportunity and Need  
DP 7 Promote Environmental Quality  
EM11 Waste Management Principle  
EM2 Remediating Contaminated Land  
EM5 Integrated Water Management  
EM18 Decentralised Energy Supply  
MCR3 Southern Part of the Manchester City Region  
L2 Understand Housing Markets  
L4 Regional Housing Provision  
RT2 Managing Travel Demand  
W3 Supply of Employment Land

##### **Local Plan Policy**

PS4 Towns  
GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR5 Landscaping  
GR6 Amenity & Health  
GR7 Amenity & Health  
GR8 Pollution

GR9 Accessibility, servicing and parking provision  
GR18 Traffic Generation  
GR19 Infrastructure  
GR22 Open Space Provision  
H1 Provision of New Housing Development  
H2 Provision of New Housing Development  
H4 Residential Development in Towns  
H13 Affordable Housing and Low Cost Housing  
E10 Re-use and redevelopment of existing employment sites

### **Other Material Considerations**

The National Planning Policy Framework (NPPF)  
SPG1 Provision of Public Open Space in New Residential Developments  
SPG2 Provision of Private Open Space in Residential Developments  
SPD4 Sustainable Development  
Cheshire East – Interim Planning Statement on Affordable Housing (2011)

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

**Strategic Highways Manager:** The Strategic Highways Manager has assessed this application and raises no objection to the principle of the development and the proposed access. Comments note that the proposed parking is below the 200% required.

**Environmental Health** - No objections, subject to conditions for hours of construction, piling foundation and a method statement, a major development construction phase environmental management plan, noise mitigation plan to be implemented, dust control, and a phase II contaminated land survey.

**United Utilities:** No objection to the proposal provided that the following conditions are met:

- This site must be drained on a separate system combining on site just prior to connecting into the public sewerage system with surface water flows limited to a maximum discharge rate of 60 l/s as determined by United Utilities.

**Environment Agency:** Standard advice – no objection

**Network Rail:** Make the following comments.

### *(1) Sandbach Railway Station S106 Developer Contribution*

A developer contribution from the applicant could be used to fund either one or more of the following enhancements:

- improved waiting shelter on Manchester platform (approximate cost £25,000 to £30,000)
- help-points (approximate costs £15,000)
- Customer Information System (approximate costs £70,000)

As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund rail improvements necessitated by commercial development. It is therefore appropriate to require developer contributions or CIL contributions to fund such railway improvements.

### *(2) Underground Car Parking*

The proposal also calls for underground parking. All excavations / earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur.

Network Rail is required to recover all costs associated with facilitating these works. A Basic Asset Protection Agreement may be required to facilitate works on site.

### *(3) Other Asset Protection Issues*

(a) Where vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail Asset Protection Engineer. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

(b) Soakaways, as a means of storm/surface water disposal must not be constructed near/within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land and cause flooding, water and soil run off onto lineside safety critical equipment or de-stabilisation of land through water saturation. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.

(c) All roads, paths or ways providing access to any part of the railway undertaker's land both temporary and permanent, shall be kept open at all times (24/7, 365 – around the clock) during and after the development. The proposal must not encroach onto any Network Rail access road, paths or ways of access to any part of Network Rail land. This also includes emergency vehicles ability to access and exit Network Rail land. Both during construction works on site and after construction works are completed, and as a permanent arrangement, the development must not affect vehicles and pedestrians from accessing or exiting Sandbach Railway Station, this includes emergency vehicles.

(d) The **Noise Report states**, *"At the time of the monitoring, the principal source of noise was from road traffic on Station Road and Hill Street; railway noise was also present at times e.g. during lulls in the road traffic and at night. The site is located in a mixed residential and industrial area. Opposite the development site (W) the railway line servicing Sandbach railway station is located at approximately 62m from the development site at the closest position."*

### Conclusions and recommendations

We would remind the council and the applicant of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary.

Network Rail would highlight the following:

- The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.
- There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise.
- Network Rail also often carry out works at night on the operational railway when normal rail traffic is suspended and often these works can be noisy and cause vibration.
- Network Rail may need to conduct emergency works on the railway line and equipment and these would not be notified to residents in advance due to their safety critical nature.

We therefore strongly recommend that all future residents are informed of the noise and vibration emanating from the railway, and of potential future increases in railway noise and vibration.

**Green Spaces:** With reference to the plans for the erection of apartments and 2/3 bed houses, landscaping, provision of Public Open Space, Highway work and associated work, the following Streetscape comments and observations are made.

Please note that any calculations and figures provided in any previous proposals should be discounted, and the revised figures below that have been provided in accordance with the Interim Policy Note on Public Open Space should be referred to at all times.

### ***Amenity Greenspace***

Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission (in accordance with the submitted details on the Proposed Site Layout Plan, Drawing No. 11, dated August 2011) there would be a deficiency in the quantity of provision, having regard to the adopted local standards set out in the Council's Open Space Study for both Amenity Green Space and Children and Young Persons provision.

In accordance with the D & A Statement the developer is providing 1173 square meters of POS on site. The amount required is 790 square meters therefore there is an over provision of 383 square meters for the development assuming none of this is incidental. As this is an outline application, there is little detail as to the layout, landscaping and design. Further detail as to the

landscaping proposals would be required to confirm it is fit for purpose thus ensuring no contributions would be required to improve offsite provision. All details are also required prior to accepting the maintenance.

If the POS provided on site is fit for purpose then in accordance with the Council's adopted Interim Guidance Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be:

Maintenance:	<u>£13,870.73</u>
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If the POS is not in line with the council's SPD (October 2003), NPPF and PPG17 companion guide the contributions for offsite provision would be required to increase the capacity at a identified sites (See D & A – 10.0 Open Space Assessment) close to the development.

Enhancement:	£4,173.57
Maintenance:	£9,341.75

Should the existing layout stay the same then consideration will need to be given to the maintenance of the on site provision and any boundaries within the development.

### ***Children and Young Persons Provision***

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 planning permission there would be a deficiency in the quantity of provision having regard to the adopted local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development

To meet the needs of the development, an opportunity has been identified for the upgrading of existing facilities at Elworth Park, Thornbrook Way or Gibson Crescent to increase their capacity. The existing facilities are varied containing some old equipment so quantitative improvements to the sites in the form of additional equipment to bring the facility up to a Local Equipped Area for Play (LEAP) would increase the sites capacity to accommodate an increase in users in the event that planning permission is granted.

There are several aspects of the sites that are considered unsatisfactory and mentioned in the Play Area Audit. Therefore the site would benefit from contributions towards upgrading and replacement items of play equipment within the existing sites, as well as the introduction of DDA inclusive equipment, which would improve the quality and accessibility of the facility and encourage greater use of the area.

Given that an opportunity has been identified for upgrading the capacity of Children and Young Persons Provision, based on the Council's Guidance Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Enhanced Provision:	<u>£ 7,050.89</u>
Maintenance:	<u>£22,984.50</u>

Streetscape 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.

Streetscape would respectfully ask to be notified of any observations you may have regarding these comments, and to be informed of any changes that are made to the initial proposals as soon as you are aware of them.

**7. VIEWS OF THE TOWN COUNCIL** - Members regret the loss of industry but have no objection to development of the site. The Committee expressed concern regarding access from the proposed development onto Middlewich Road and call for significant enquiry and formulation of a plan for the management of traffic in Elworth, in view of all the development in the area. In addition, Members request the addition of a dedicated cycle lane and improvements to the pedestrian walkway on the former works, adjacent to Station Road.

## **8. OTHER REPRESENTATIONS**

Letters of representation have been received from the occupants of, 2 residences. The main issues raised are;

- Generally happy with the plans,
- Queries where the three storey properties will be sited either adjacent to Hill Street or New Street
- Queries if any future street lighting is proposed,
- Removing the factory has had a positive impact on the light into rear elevations on New Street. Three storey properties would have a negative impact.

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

**Design and Access Statement Rev D**

**Affordable Housing Statement Rev A**

**Employment Statement**

**Noise Assessment**

**Phase I Contaminated Land Assessment**

## **10. OFFICER APPRAISAL**

**Principle of Development**

*Local Plan Policy*

The development site is situated within the Sandbach settlement boundary where there is a presumption in favour of development provided it accords with the relevant general policies of the Local Plan. The proposal site is a former employment site and therefore Policy E.10 (Re-Use or Redevelopment of existing employment sites) notes that change of use of existing employment sites to non-employment uses will only be permitted where it is shown that the site is no longer suitable for employment use and there would be a substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.

Notwithstanding the fact that the site was previously an employment site, the principle of residential development on the site has already been accepted by a previous application on the site 04/0419/OUT which granted outline permission for redevelopment for residential although no numbers were approved. This application was never implemented; however a later application was approved for retention of commercial use on the site. The site has been vacant for some time, and whilst the agent notes that the site has been marketed for employment use for over a year. Whilst, no details have been submitted with the application and the buildings have recently been demolished, this is an indication that the site is no longer suitable for employment use.

### *National Planning Policy*

The proposed development of this site is solely for residential development, and the loss of the commercial element is regrettable. However, 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 SHLAA has put forward a figure of 3.94 years housing land supply and 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.”*

Consequently, it is considered that the contribution to housing land supply, is a substantial planning benefit and the above provisions of the NPPF outweigh any conflict with Local Plan Policy in terms of loss of commercial floorspace. Furthermore, the development of a brownfield site is a benefit in itself, and the site is situated in a sustainable location, which further accords with the NPPF.



The proposal is therefore considered to be acceptable in principle and the application turns on whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of additional housing land supply.

As this application is outline only with all matters reserved, the details submitted with the application are indicative only and therefore other matters of particular relevance in this case are the impact of the proposal on the character of the surrounding area in terms of the design and layout, amenity, contaminated land, access and highway safety, and affordable housing.

## **Design and Layout**

The application site is currently vacant. The site had previously been occupied by a commercial premises known as Elworth Wireworks. The surrounding area is predominantly a mix of two and three storey properties of varying age, size, height and architectural design. The surrounding land use is a mix of residential and commercial. The site is surrounded by residential properties on the three sides with commercial properties to the north west of the site.

The description of development specifically states '*Change of use for entire site to residential use*' and does not specify numbers. The application includes a proposed layout, which is only indicative and shows how 37 no. dwellings could be sited within the application site. The development is split up into 2 x 3 storey apartment blocks with 24 apartments, a row of 6no. 2 storey terrace properties and a row of 7no. 2/3 storey town houses. To achieve a development scheme of 37no. dwellings a similar layout to that proposed will be required. However, it is considered that the proposed indicative layout is unacceptable and the density will result in an over development of the site, which would be out of character with the surrounding area. It is therefore considered that a 20% reduction in the number of unit to 30 would create sufficient additional space for a high quality design and layout to be achieved. This can be secured by condition.

## **Residential Amenity**

### *Amenity Spacing Standards*

The surrounding development comprises a terrace dwelling to the north east of the site, a three storey apartment block to the north, a vacant area of land with residential permission to the southeast and a semi-detached dwelling. To the west of the site is a commercial premises and Sandbach Railway station.

The Council's Supplementary Planning Guidance (SPG) recommends that minimum distances of 21.3m be maintained between principal elevations and 13.7m between a principal elevation and a flank elevation.

The proposal is in outline. However an indicative layout shows distances in excess of 21.3m from the rear elevations of the dwellings on New Street and the units denoted as 'B'. However, the parameters show these dwellings to be a mix of 2 and 3 storey town houses. There are no elevations with the indicative layout however it is considered that within the detailed application further consideration of this can be given.

The indicative plan shows a separation distance of 13m - 15m between block 'C' and the opposing dwellings on Hill Street. The floor plans appear to denote a kitchen at ground floor level, and

therefore unlikely to be a principal window and a distance of 13.7m would be acceptable. However, at first floor level it is presumed that the first floor windows would be bedroom windows. This would require a higher separation distance of 21.3m. As noted previously, this is an indicative plan and it is considered that this element could be designed out at detailed application stage.

The internal separation distances within the site also meet the SPG separation distances and is therefore acceptable.

### *Amenity Space*

The Council's SPG advocates the provision of 65sq.m of private amenity space for all new family dwellings. All of the proposed family dwellings will include at least 65sq.m of rear amenity space. However the apartments do not have any private amenity space but there are some small areas of communal amenity space which is considered to be acceptable in this instance.

Therefore, the minimum standards set out in the Council's Supplementary Guidance would mostly be exceeded in respect of distances to existing properties and between dwellings, and in cases where they are not met issues could be adequately addressed at reserved matters.

### *Noise*

The application site is sited immediately adjacent a commercial premises and Sandbach Railway Station. A noise assessment has been submitted with the application and the Environmental Health department have noted that the report recommends mitigation designed to ensure that the occupants of the proposed properties shall not be adversely affected by noise from Station Road and the Crewe to Manchester railway line. Therefore it is considered to be necessary to condition that the mitigation recommended in the report referenced E889. Elworth. Noise Report submitted by SBM Safety Solutions shall be implemented prior to the use of the development or first occupation.

With regard to the impact of the proposed development on neighbouring properties during construction a series of conditions relating to construction hours, and pile driving are suggested.

### **Impact on Highway Safety and Parking**

This is an outline planning application for approximately 37 residential units with access taken from Hill Street in the form of a priority junction and 150% parking provision across the site. This site has previously been used for industrial and is considered to be a brownfield site. As this is an outline application, the issue to be determined is the principle of development, although the applicant has submitted details of the internal layout of the site and parking provision. With regard to the principle of residential development on the site, the Strategic Highways Manager (SHM) has raised no highway objections, as the traffic impact is low and it is preferable that the site be used for residential as opposed to it being reused for industrial use. The SHM considers that the access to the site is acceptable as a priority junction and does provide adequate visibility.

However, as previously indicated the applicant has provided details of the house types and numbers to be constructed and also parking at 150%. Should this layout come forward in a reserved matters application, the Strategic Highways Manager has raised concerns regarding the lack of parking provision, as the current requirement would be 200% for all the units with the

exception of the one bed apartment that could have 100% provision. It is therefore noted that the current scheme is not acceptable in terms of parking provision but given it is an indicative layout this can be dealt with as part of a more detailed application. The proposed reduction in units would assist in creating an acceptable balance between design and parking provision. It is therefore considered that the proposal will not have a significantly detrimental impact on highway safety in the area.

## **Provision of Affordable Housing**

The Councils Interim Planning Statement for Affordable Housing states that the Council will seek affordable housing on all sites with 15 units or more. The general minimum proportion of affordable housing for any site will be 30% of the total units, with a tenure split in line with that identified from the Strategic Housing Market Assessment, which equates to 65% social rented and 35% intermediate tenure. The Council have looked into affordable rent levels in Cheshire East and in this area, in particular and determined that affordable rent would be acceptable as well as social rent.

The Affordable Housing Statement Revision A gives an indicative scheme of 37 dwellings made up of 2 x 1 bed, 22 x 2 bed apartments and 7 x 3 bed townhouses and 6 x 2/3 bed houses which matches the indicative scheme in the D and A Statement.

Elworth Wire Mills is located in Sandbach and the Strategic Housing Market Assessment identified a need for 75 new affordable homes in Sandbach each year between 2009/10 – 2013/14, made up of a need for 21 x 1 beds, 33 x 2 beds, 7 x 3 beds, 4 x 4/5 beds and 10 x 1/2 bed older persons accommodation. In addition to this there are also 90 applicants on the waiting list with Cheshire Homechoice who have selected Elworth as their first choice and require 17 x 1 beds, 40 x 2 beds, 23 x 3 beds and 4 x 4 beds (6 have not specified bedrooms needed).

As this is not a full planning application the information about the affordable housing offer by the applicant is limited to provision of 30% of the total housing to be affordable, with a tenure split of 65% rented affordable homes and 35% shared ownership dwellings with indicative unit types.

The affordable housing statement indicates the affordable housing provision would be 2 x 1 bed apartments, 8 x 2 bed apartments and 1 x 3 bed houses. This mix of affordable housing would be acceptable to contribute towards meeting some of the affordable housing need in Sandbach. The tenure split proposed in section 4 of the report would be acceptable. However, the Housing Officer states that, rather than specify shared ownership, the 35% should be provided as a form of intermediate tenure which allows more flexibility.

The Affordable Housing IPS also requires that the affordable units should be tenure blind and pepper potted within the development. The external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and the affordable housing should be provided no later than occupation of 50% of the open market dwellings. This can be dealt with at reserved matters and through the S106 respectively.

Section 5 of the Affordable Housing Statement Revision A sets out valuation parameters of the affordable housing being discounted from the open market value and suggests that all the affordable dwellings are sold at 70% of open market value. This appears to be a sufficient

discount for the intermediate dwellings if they are provided as some form of discounted for sale or shared equity properties. However this discount may not be sufficient in respect of the amount a Registered Provider could pay for the affordable dwellings in order to deliver them as social or affordable rent.

The Housing Officer therefore suggests that any reference to the valuation in the s106 agreement should state that the intermediate affordable dwellings are sold at no more than 70% of open market value and any rented affordable dwellings are sold at a value agreed between the developer and Registered Provider (RP) which will enable the RP to deliver the properties as social or affordable rent.

In summary, the affordable housing requirements could be secured through a Section 106 Agreement, with the detailed layout approved at reserved matters stage. Any Section 106 agreement would state that the scheme will provide 30% of the total housing to be affordable, with a tenure split of 65% rented affordable homes and 35% shared ownership dwellings with indicative unit types and that the affordable housing should be provided no later than occupation of 50% of the market units.

## **Open Space**

Local Plan Policy GR22 and SPG1 require the provision of Public Open Space on new developments. Policy GR22 requires that this public open space is of *'an extent, quality, design and location in accordance with the Borough Council's currently adopted standards and having regard to existing levels of provision'*. SPG1 states that *'the requirement for public open space will normally apply to all developments of 7 or more dwellings'*. The Interim Policy Guidance on Public Open Space Provision provides details in relation to the level and types of provision which will be required for the development.

The applicant notes that there will be public open space provided within the site but that no children's play space provision will be provided on site. The applicant proposes to provide a contribution in lieu of onsite children's play space.

The Greenspaces Officer has stated that the D & A Statement states that the developer is providing 1173 square meters of public open space on site. The amount required is 790 square meters therefore there is an over provision of 383 square meters. The reduction in numbers on the site could help to further increase this amount on the site; this can be dealt with under the reserved matters stage. The Greenspaces Officers has requested a maintenance contribution of £13,870.73, however this is not standard practice as the Council does not usually adopt public open space. It is therefore considered that a Management Company should be used to maintain the land and this can be secured through the Section 106 Agreement.

Furthermore, the Greenspaces Officer notes that there is a deficiency in the quantity of provision of Children and Young Persons Provision in the area. The proposal includes no provision for children's play space and therefore a contribution towards upgrading the existing facilities at Elworth Park, Thornbrook Way or Gibson Crescent is required. The existing facilities are varied containing some old equipment so quantitative improvements to the sites in the form of additional equipment to bring the facility up to a Local Equipped Area for Play (LEAP) would increase the sites capacity to accommodate an increase in users in the event that planning permission is granted. It is considered that a contribution towards upgrading an existing

children's play space is acceptable and the contribution of £7,050.89 to enhance the site and £22,984.50 for maintenance can be secured through a Section 106 agreement.

### **Contaminated Land**

A Phase I Contaminated Land Study has been submitted to support the application. The Environmental Health Contaminated Land Officer has considered the supporting documentation and considered that the report is suitable, although a Phase II report will be required. As the proposal is for a sensitive end use a Phase II investigation is considered to be a reasonable requirement. This can be secured by condition.

### **Education Provision**

The Education Department has noted that the proposal will generate a significant number of new primary and secondary aged children. However the comments received related to an early proposal for 60 units. This indicative plan shows only 37 units and therefore further comments are required to confirm the required contribution. An update to the Committee will be made with the total contributions required.

### **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 development would result in increased pressures on local schools which are already at capacity. The education contribution is therefore required to increase the capacity of local schools which would serve this development. This is considered to be necessary and fair and reasonable in relation to the development.

The proposed improvements to the Elworth Park, Thornbrook Way or Gibson Crescent to increase capacity would provide upgrades to the nearby Childrens Play Space in lieu of provision on site as required by policy. It is considered to be necessary and fair and reasonable in relation to the development.

As explained within above, affordable housing is a requirement of the Interim Planning Policy; it is directly related to the development and is fair and reasonable.

Network Rail is also requiring a contribution towards improvement of the station due to the increase in usage from this development and other significant development within the area. It is considered that this is an unreasonable contribution requirement and it is not directly related to the development given the relatively small size. It is therefore recommended that it does not form part of the section 106 agreement contributions as it would not meet the requirement of the CIL Regulations.

## **11. CONCLUSIONS**

The application site is situated within the Sandbach settlement boundary and therefore the principle of development is acceptable. It is considered that the indicative layout is not acceptable but an improved scheme can be attained at reserved matters stage. It is considered that there are no amenity or highway safety issues arising from the outline application. It is also considered that the proposed development, as conditioned, is acceptable in all other respects.

## **12. RECOMMENDATIONS**

**APPROVE** subject to the following conditions and the satisfactory completion of a S106 Agreement comprising;

### **Heads of terms**

- A provision of 30% affordable housing to be provided with a tenure mix of 65% affordable social rent and 35% intermediate tenure
- A contribution towards local education provision £48,809 for Primary provision and £57,200 for Secondary provision (TBC)
- A commuted sum in lieu of onsite children's play space of £7, 050.89 for enhancement and £22,984.50 for maintenance
- Management Company for onsite amenity space

### **Conditions;**

1. Standard outline time
2. Reserve matters time
3. Submission of access, appearance, landscaping, layout and scale (all reserved matters)
4. Number of unit limited to 30
5. Remove PD Rights for extensions and alterations to the approved dwellings, and outbuildings
6. Drainage scheme to be submitted and approved in writing
7. Development to be carried out in accordance with noise mitigation report
8. The hours of construction shall be limited to 08:00 – 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays
9. Any piling works shall be limited to 08:30 – 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays or Bank Holidays and method statement
10. Phase II Contaminated land report to be submitted to and approved in writing by the LPA
11. A major development construction phase environmental management plan
12. Dust Control
13. Ground levels to be submitted
14. Approved plans
15. Provision of cycle parking
16. Provision of bin storage

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning and

**Housing in consultation with the Chair of the Strategic Planning Board is delegated authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.**



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