

Application No: 13/5221C

Location: LAND TO THE NORTH OF CHURCH LANE, SANDBACH, CW11 2LQ

Proposal: Erection of 13 dwellings

Applicant: Chelmere Homes Ltd

Expiry Date: 24-Mar-2014

### **SUMMARY RECOMMENDATION**

REFUSE

#### **MAIN ISSUES:**

- Principle of Development
- Housing Land Supply
- Open Countryside Policy
- Location of the site
- Design Considerations
- Highway Safety and Traffic Generation
- Residential Amenity
- Noise
- Air Quality
- Ecology
- Open Space
- Affordable Housing
- Landscape
- Infrastructure
- Levy (CIL) Regulations
- Other Issues

### **REASON FOR REFERRAL**

This application represents a small scale major development, and as such, it is referred to the Northern Planning Committee. The proposal is in addition, a departure from the development plan.

### **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises of a field measuring 0.5 ha situated to the north and east of Church Lane in Sandbach. The site is bound along its eastern boundary by the M6 motorway and to the south by 2 no. residential properties. The site is located in the Open Countryside as designated in the Congleton Borough Local Plan First Review.

## **DETAILS OF PROPOSAL**

Full planning permission is sought for the erection of 13 no. dwellings.

## **RELEVANT HISTORY**

None

## **POLICIES**

### **Local Policy**

The relevant policies from the **Congleton Borough Local Plan First Review** are:

PS8 – Open Countryside  
GR6 - Amenity and Health  
GR9 - Highways & Parking  
GR20 – Public Utilities  
GR22 – Open Space Provision  
NR3 - Habitats

### **National Policy**

National Planning Policy Framework (NPPF)

### **Cheshire East Local Plan Strategy – Submission Version**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

Policy SD 1 Sustainable Development in Cheshire East  
Policy SD 2 Sustainable Development Principles  
Policy SE 1 Design  
Policy SE 2 Efficient Use of Land  
Policy SE 3 Biodiversity and Geodiversity  
Policy SE 4 The Landscape  
Policy SE 5 Trees, Hedgerows and Woodland  
Policy SE 9 Energy Efficient Development  
Policy SE 12 Pollution, Land Contamination and Land Instability  
Policy IN 1 Infrastructure  
Policy IN 2 Developer Contributions  
Policy PG 1 Overall Development Strategy  
Policy PG 2 Settlement Hierarchy  
Policy PG 5 Open Countryside  
Policy SC 4 Residential Mix

#### **Other Material Planning Considerations**

SPG2 - Provision of Private Amenity Space in New Residential Development  
The EC Habitats Directive 1992  
Conservation of Habitat & Species Regulations 2010  
Circular 06/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

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

##### **Strategic Highways Manager:**

No objection

##### **Environmental Protection:**

Object - The site is not suitable for residential development. The acoustic environment at this location is substantially affected by traffic noise from the M6 motorway; the impact of this noise source would cause a substantial loss of amenity to future occupiers of the noise sensitive dwellings at the location.

##### **United Utilities:**

No objections, subject to the site being drained on a separate system. Surface water discharging to the public surface water sewerage system must be attenuated to a maximum discharge rate of 5l/s.

## **Greenspaces (Cheshire East Council)**

Advise that there would be a deficiency in the quantity of provision of amenity Greenspace accessible in the area should the application be approved. As such a financial contribution is required towards enhancement of public open space/play provision within the vicinity of the proposed development (Church Lane). The contributions sought are;

Enhanced provision: £2,694.33  
Maintenance: £6,030.75 (25 years)

With regards to Children and Young Person Play provision, the following contributions are sought;

Enhanced provision: £4,670.07  
Maintenance: £15,223.50 (25 years)

## **Education:**

**This will generate 2 primary and 2 secondary aged pupils. The local primary and secondary schools are cumulatively forecast to be oversubscribed. In light of this the following contributions are required:**

**Primary = £21,692  
Secondary = £32,685**

## **VIEWS OF SANDBACH TOWN COUNCIL:**

Object on the following grounds:

- i. PS3 as this is a Greenfield Site
- ii. Contravening Policy GR3iv; safety concerns
- iii. Movement from the site will be car dependent, thus contravening Policy GR3v.
- iv. GR6v; Additional traffic will have an unduly detrimental impact on residents through traffic generation, access and parking.
- v. GR18; Scale of traffic will worsen existing traffic problems in the area.
- vi. Air pollution on the site, in close proximity to the motorway, will be high.
- vii. The bridge proposed as access route is weight restricted.

## **OTHER REPRESENTATIONS:**

Objections have been received from 15 addresses objecting to this proposal on the following grounds:

- Development is in the Open Countryside
- Buildings will be too tall

- Design, density, subsequent bulk and mass in proximity to the road would appear incongruous to the overall street scene
- Site is not allocated for development and is contrary to relevant policies
- Access unsuitable for 13 houses and is in a dangerous location
- Size of the proposed properties will completely overshadow the existing bungalows
- Unsightly acoustic fence lacking
- Detrimental to wild life habitat and movement
- Interior of the houses requires mechanical ventilation and by definition leaves the gardens and surrounding areas with very dubious air quality
- A site at the top end of Heath Road (Oakotis) directly adjacent to the motorway has already been refused extra dwellings due to the proximity of the motorway and the effect of air pollution on persons living so close to the motorway
- Site is unsuitable for new residential usage due to its proximity to the M6 motorway where high traffic volumes cause intrusive traffic noise
- Proposal is not sustainable
- Design is completely out of character with the existing properties
- Future motorway widening may require the bridge to be moved
- A high pressure oil line crosses the site, have the operators been informed
- Houses are not needed and take the allocation of houses in the area above the draft Core Strategy target
- Cars use church lane (60mph) as a rat run to avoid the motorway/town centre, it is dangerous to pedestrians and children walking to church or school as there is no footpath
- Area is already congested
- Will be visible from the motorway
- No planning gain offered
- Fails to take account of Climate Change Mitigation obligations
- Layout is designed for maximum units per hectare rather than to enhance solar gain and utilisation
- Loss of amenity and outlook
- Lack of open space provision
- Lack of parking for visitors
- Residents would be car dependant
- Area is congested and suffers from traffic problems
- There is a high pressure gas line that passes through the site
- Development in this area would have a significant impact on the local ecology
- Bungalow that has recently been built adjacent to the site is too out of keeping
- Site is not included in the Cheshire East Council's Development Strategy
- No footpath provision or cycle provision
- There will be no green spaces left
- If permitted the development should fund the an extension of the speed limit and traffic calming
- The installation of the non-opening windows as the report suggests, raises doubts over how the proposed houses will meet Fire and Building Control Regulations

A petition has also been received with 113 signatories. The grounds for objection are as follows:

- The land is not allocated for development and is therefore contrary to relevant policies
- The site is unsuitable for residential development due to its proximity to the M6 motorway – noise and air quality
- The proposed design is unsuitable for this location where the traffic generated by 13 houses will rely on a single point of access on a narrow bend in the road
- This is speculative flawed development which is reliant on an unsightly acoustic fence which will cause issues with maintenance and would be detrimental to wildlife habitat movement
- Houses would rely on mechanical ventilation and gardens would be subject to dubious air quality

In response to the petition, we have received a letter from the landowner stating that the petition is void because he believes that it is based on false information.

### **SUPPORTING INFORMATION:**

Design and Access Statement  
 Air Quality Report  
 Noise Report  
 Tree Report  
 Highway Report  
 Phase 1 Habitat Report

### **OFFICER APPRAISAL**

#### **Principle of Development**

The site is designated as being within the Open Countryside where Policy PS8 (Open Countryside) of the Local Plan states that development will only be permitted if it falls within one of a number of categories including:

- Agriculture and Forestry
- Facilities for outdoor sport, recreation, tourism
- Other uses which preserve the openness of the open countryside and maintain or enhance its local character
- New dwellings in accordance with Policy H6
- Controlled infilling
- Affordable housing in compliance with Policy H14
- Development for employment purposes
- The re-use of rural buildings or;
- The re-use or redevelopment of existing employment sites

As the proposed development is for the erection of 13 new dwellings in the Open Countryside, it is subject to Policy H6 of the Congleton Local Plan and Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Policies H6 and PG5 advise that residential development within the Open Countryside will not be permitted unless it falls within one of the following categories:

- An agricultural workers dwelling
- The replacement of an existing dwelling
- The conversion of a rural building
- The change of use or redevelopment of an existing employment site
- Limited infill or;
- Affordable housing

The proposed development does not fall within any of the above categories relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

### **Housing Land Supply**

The National Planning Policy Framework (NPPF) confirms 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 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.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a

base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the emerging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

## **Open Countryside Policy**



As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement boundary and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

*“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”.*

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was *“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”* Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

*“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.*

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside

protection objectives may properly outweigh the benefit of boosting housing supply. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time.

### **Location of the site**

To aid the assessment as to whether the application site is located within a sustainable location, 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 facilities 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.

The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – 105m
- Children’s Play Space (500m) – 105m
- Primary School (1000m) – 514m
- Outdoor Sports Facility (500m) – 105m
- Local meeting place (1000m) – 514m
- Child Care Facility (nursery or crèche) (1000m) - 514m
- Bus Stop (500m) – 306m
- Public Right of Way (500m) – 50m
- Any transport node – 306m

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

- Post box (500m) – 638m
- Convenience Store (500m) – 648m
- Public House (1000m) – 1078m

The following amenities/facilities fail the standard:

- Bank or cash machine (1000m) – 1803m
- Pharmacy & Medical Centre (1000m) – 2145m
- Railway station (2000m where geographically possible) – over 3000m
- Supermarket (1000m) – 1803m
- Secondary School (1000m) – 1960m

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Sandbach, there are some facilities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned.

However, this is not untypical for suburban dwellings. However, all of the services and amenities listed are accommodated within Sandbach and are accessible to the proposed development on foot or via a short bus journey, with a bus stop in close proximity to the site. Accordingly, it is considered that this small scale site is locationally sustainable. However, it is not considered that the locational sustainability of the site is outweighed by the loss of the open countryside, which when not required for the purpose of housing land supply, is inherently unsustainable.

## **Design Considerations**

Generally, the proposed layout would introduce a linear pattern running parallel with the rear boundary of the site with the M6 motorway. This would then terminate towards the northern end of the site where the development would be arranged around a cul-de-sac. A couple of the units would front onto Church Lane and would continue the building line of the 2 properties to the south.

With respect to the design and external appearance of the development, the units would be generous sized two storey dwellings with accommodation within the roof space to provide a third storey. Whilst the area is characterised by bungalow style properties, this site is generally detached from such properties and would achieve sufficient separation so as to not dominate them in visual terms. The bulk of the properties would be positioned towards the rear of the site reducing their intrusiveness.

Given the mix in character of properties in the area, and having regard to the fact that the site would be slightly detached, 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 and emerging plan and therefore the issues raised by representation would not sustain a reason for refusal.

## **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 proposed site would be served by an access directly off Church Lane. The access would be located towards the southerly part of the site frontage adjacent to the side boundary shared with no. 24 Church Lane.

The Strategic Highways Manager has confirmed that third party land would be required to provide even the minimum visibility splay if that were accepted. Following submission of a plan detailing the visibility splays, and confirmation that these splays fall on land that it is controlled by the applicant, the Strategic Highways Manager has stated that subject to conditions, the proposal would be acceptable with regard to highways and parking.

## **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, the nearest dwelling is number 24 Church Lane to the south. This neighbouring dwelling would be sited approximately 21 metres distance away from the nearest unit (plot 1). Consequently, the proposal would not cause material harm to the residential amenity afforded to the nearest neighbouring properties either by reason of loss of privacy, loss of light or visual intrusion. The proposed dwellings would comply with the separation distances.

## **Noise**

Owing to the site's proximity to the M6 motorway, the application is supported by a Noise and Vibration survey and an Air Quality Mitigation Scheme. The Noise Policy Statement for England (NPSE), March 2010 was published in March 2010. The document seeks to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise. It also sets out, in paragraph 1.6, the long term vision of Government noise policy:

*"Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development"*.

Aims of NPSE:

- *Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.*
- *Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.*

Based on the acoustic report, there is the potential for this site to fall into the 'noticeable' and 'disruptive' category within the NPSE as the report states the glazing and ventilation which would provide mitigation to achieve the 'good' standard but does not discuss whether the windows are openable and if they are opened what mitigation this would provide. The recommended action to is "avoid".

Sound insulation specifications are also detailed for the proposed dwellings specifically those affected more so by traffic noise in order to achieve the BS8233 good indoor ambient noise levels.

The noise assessment has determined within section 6.2 the material specifications i.e. glazing and ventilation which will be required within bedrooms and habitable rooms to achieve the good standard. However, the acoustic report fails to calculate the proposed properties as an entirety and doesn't stipulate the attenuation which will be provided by the block work and roof to assist in achieving the good standard as the glazing alone demonstrates that on its own merits wouldn't be sufficient to mitigate the external levels.

The sound level within a residential building is not the only consideration: most residents will also expect a reasonable degree of peaceful enjoyment of their gardens and adjacent amenity areas.

The World Health Organisation (WHO) Guideline value for community noise for outdoor living areas is 55 dB  $L_{Aeq}$  (16 hour) (a health based guideline). The author of the applicant's noise assessment states, that external noise levels across the site is generally between 56-63 dB with the attenuation provided by a 4m acoustic barrier. Therefore, at this location the background noise levels exceed the 55 LAeq WHO guideline for outdoor living areas even with mitigation provided.

As previously stated most residents expect a reasonable degree of peaceful enjoyment of their gardens and adjacent amenity areas and therefore the Environmental Protection Division are unable to support this application to the failure of the site being able to meet the WHO guidelines for outdoor living areas.

As such, the site is not suitable for residential development - due to the inability to mitigate noise to a satisfactory level for outside living/amenity areas. It is considered that if this development is granted permission, there will be significant adverse impacts on health and quality of life, arising from the existing noise climate at this location. Indoor living environments depend on extensive mitigation measures to achieve a satisfactory acoustic environment and more details are required to achieve the good standard of BS8223 with regards to the attenuation qualities of all the materials to be used providing an overall determination of being able to achieve the standard.

Further, the use of mechanical ventilation in order to achieve a suitable acoustic environment is not, by definition, an aspiration to 'high quality residential development' and is further evidence that the site is an inappropriate location for residential development. Outdoor living environments cannot achieve a satisfactory noise level in accordance with the WHO guidelines for Community Noise due primarily to road traffic noise and as such the proposal fails to accord with Local Plan Policy GR6.

## **Air Quality**

An Air Quality Impact Assessment has been submitted. The assessment considers the impact of existing air quality on the proposed development due to its close proximity adjacent to the M6 motorway. The report has identified that levels of nitrogen dioxide (NO<sub>2</sub>) at a number of the proposed dwellings closest to and facing the motorway have the potential to be exposed to NO<sub>2</sub> concentrations close to or above the objective. The overall significance of introducing residential uses to the site is therefore considered minor adverse.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. As such, the report recommends that mitigation in the form of a mechanical ventilation system be installed in those properties. The Council's Environmental Protection unit consider that such mitigation is acceptable in terms of air quality and therefore refusal could not be sustained on this issue.

## **Ecology**

The Council's Nature Conservation Officer has advised that the application will result in the loss of 0.5ha of semi-improved grassland. The grassland habitats on the site are of relatively low value and do not present a significant constraint on the proposed development. However, the proposals will result in an overall loss of biodiversity and therefore it is recommended that the residual impacts of the development be off-set by means of a commuted sum. This would be utilised to fund off site habitat creation/enhancement potentially within the 'Meres and Mosses' Nature Improvement Area or a more local site in Sandbach.

On the basis of the Defra report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011'): the loss of habitat (Semi improved grassland) amounting to roughly 0.5ha would equate to £5646.50 (Source UK BAP habitat creation/restoration costing + admin costs).

Subject to the above, it is considered that the development would adhere with Policy NR2 of the Local Plan and Policy SE3 of the emerging Cheshire East Local Plan Strategy – Submission Version.

## **Open Space**

Whilst no open space is to be provided as part of the scheme, the application site is located approximately 100 metres distance away from an area of Public Open Space which also accommodates some children's play space.

Following an assessment of the existing provision of Children and Young Persons Provision and Public Open Space 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. As such a financial contribution is required towards enhancement of public open space/play provision within the vicinity of the proposed development (Church Lane). The contributions sought are;

Enhanced provision: £2,694.33  
Maintenance: £6,030.75 (25 years)

With regards to Children and Young Person Play provision, the following contributions are sought;

Enhanced provision: £4,670.07  
Maintenance: £15,223.50 (25 years)

As such, subject to a commuted sum being agreed and secured via legal agreement, it is considered that the proposal would be in compliance with Local Plan Policy GR22.

## **Affordable Housing**

The application proposes the provision of 4 of the 13 dwellings to be affordable dwellings, which meets the requirements of the Interim Planning Statement on Affordable Housing.

The Interim Planning Statement advises that there should be a 30% on-site affordable housing requirement on sites over 0.4 hectares within settlements of 3000 or more. Furthermore, a tenure split of 65% affordable or social rent and 35% intermediate tenure should be sought.

The Strategic Housing Market Assessment (SHMA) 2013 Update identified that for the Sandbach sub-area there is a need for 94 new affordable units per year between 2013/14 – 2017/18, this totals a requirement for 470 new affordable homes for the period and is made up of an annual requirement for 18 x 1 bed, 33 x 2 bed, 18 x 3 bed, 9 x 4+ beds, 11 x 1 bed older persons accommodation and 11 x 2 bed older persons accommodation.

There are also currently 348 applicants on the housing register on Cheshire Homechoice who have selected one of the Sandbach letting areas as their first choice. These applicants require 126 x 1 bed, 143 x 2 bed, 55 x 3 bed & 9 x 4 bed (15 applicants haven't specified how many bedrooms they require).

This site is 0.54 hectares in size and as such there is a requirement for 30% affordable housing. The applicant is offering 4 dwellings as affordable housing, this meets the requirements of the IPS. As per the tenure split highlighted above 3 social or affordable rent and 1 intermediate dwelling will be required.

A legal agreement will be required to secure the delivery of this housing and trigger its release. As a result of the above information and comments, it is considered that the affordable housing provision proposed would be acceptable. Policy SC5 of the Cheshire East Local Plan Strategy – Submission Version, largely reflects the Affordable Housing IPS requirements.

## **Landscape**

The Noise and Vibration Assessment Report indicates that a 4 metre high acoustic barrier would be required along the entire eastern boundary and that lower barriers (height not specified) would be required along the southern site boundary and around garden boundaries.

Whilst high acoustic fences could appear oppressive for residents and not particularly desirable in this rural location, they would be largely screened from public view by the proposed development and by the mature hedge along the motorway boundary which according to the tree survey report is 4 metres in height. Appropriate landscape and boundary conditions could ensure that the height, materials and colour of all barrier fencing is agreed and planting proposals to screen and soften the fencing and generally enhance the development could be imposed.

## **Infrastructure**

Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

**The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools has advised that the proposed development will generate 2 primary and 2 secondary aged pupils. The local primary and secondary schools are cumulatively forecast to be oversubscribed. In light of this the following contributions are required.**

**Primary = £21,692**  
**Secondary = £32,685**

Subject to these, the scheme would be in compliance with the development plan and Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version.

### **Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The development would result in a deficiency in the quantity of provision of public open space within the area. In order to offset this loss, a contribution towards of site enhancement and maintenance is required. The development would also result in a deficiency in the quantity of provision of children's space within the area. In order to offset this loss, a contribution towards of site enhancement and maintenance is required. This is considered to be necessary, fair and reasonable in relation to the development.

With respect to the affordable housing provision, the 4 units are deemed necessary to meet an identified need and accords with the Council's IPS.

The proposed commuted sum for ecology is necessary, fair and reasonable and given that the proposal will result in the loss of an existing Greenfield and the potential habitat that this offers.

The education contribution is necessary having regard to the oversubscription of local schools and the demand that this proposal would add.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

### **Other Issues**



Whilst reference has been made to a pipeline running across the site, this is not a material consideration and would be an issue that the developer would have to overcome in collaboration with the relevant utility company. The developer should be made aware of this as an informative on any decision notice.

## CONCLUSIONS

The site is within the Open Countryside where under Policy PS8 of the Local Plan and Policy PG5 of the Cheshire East Local Plan Strategy – Submission Version, there is a presumption against new residential development.

The Council can demonstrate a 5 year supply of housing land and therefore there is no overriding need to release this Open Countryside site. Furthermore, the proposal would cause harm to the character and appearance of the Open Countryside contrary to Policy PS8 of the Local Plan and Policy PG5 of the Cheshire East Local Plan Strategy – Submission Version and in accordance with the NPPF. As such, the principle of the development is unacceptable.

Notwithstanding the above, whilst the site does not meet all the minimum distances to local facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

The access to the site is considered to be acceptable and considerations relating to design, landscape, affordable housing, open space and air quality would be acceptable subject to conditions and a S106 agreement to mitigate the relevant impacts.

However, the site is not suitable for residential development owing to the acoustic environment at this location which is substantially affected by traffic noise from the M6 motorway. The impact of this noise source would cause a substantial loss of amenity to future occupiers of the noise sensitive dwellings at the location and as such would not accord with Local Plan Policy GR6.

Additionally, as the proposal is for new dwellings in the Open Countryside and does not adhere to the housing policies within this designation, the application is therefore, recommended for refusal.

\* \* \* \* \*

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 Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Northern

Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. The proposed development is unsustainable because it is located within the Open Countryside and contrary to policies which seek to ensure development is directed to the right location.
2. The proposed residential use would be subject to unacceptable levels of noise generated from the M6 Motorway.

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