

Application No: 14/3624C

Location: LAND TO THE NORTH OF 24, CHURCH LANE, SANDBACH, CW11 2LQ

Proposal: Erection of 13 dwellings (re-submission 13/5221C)

Applicant: Chelmere Homes Ltd

Expiry Date: 27-Oct-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 Southern Planning Committee. The proposal is also 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

13/5221C - Erection of 13 dwellings – Withdrawn 18-Mar-2014

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

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

CONSULTATIONS (External to Planning)

Strategic Highways Manager:

No comments received but previously advised 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.

Greenspaces (Cheshire East Council)

No comments received but previously advised 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:

No comments received but previously advised that this 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**

Highways Agency:

No objection subject to conditions preventing encroachment onto the M6 embankment.

VIEWS OF SANDBACH TOWN COUNCIL:

Object on the following grounds:

- i. Significant air and noise pollution on the site, in close proximity to the motorway, will be high
- ii. Additional traffic will have an unduly detrimental impact on residents through traffic generation, access and parking; contravening policy GR6v
- iii. Contrary to requirements of policy GR18, the scale of traffic will worsen existing traffic problems in the area.
- iv. The bridge referenced as access route is weight restricted.

OTHER REPRESENTATIONS:

Objections have been received from 8 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 101 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 fro 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

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.”*

Since the publication of the Housing Position Statement in February 2014 there have now been numerous principal appeal decisions which address housing land supply.

Each has concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. 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 and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Sustainability

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. In order to access services, it is unlikely that future residents and travel movement will be minimised and due to its location, the use of sustainable transport modes maximised.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside.

In addressing sustainability, members should be mindful of the key principles of the National Planning Policy Framework. This highlights that the principal objective of the planning system is to contribute to sustainable development. As the Planning Minister states in his preamble:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world.”

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

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.

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.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. More specifically, 3 dimensions are referred to within the NPPF. These are identified as being '*an economic role*', '*a social role*' and '*an environmental role*'.

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

There is an economic benefit to be derived from the construction of the scheme. A housing development of this size would bring the usual economic benefit to the closest shops service and amenities and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services. Affordable housing is also a social benefit.

From an environmental perspective, the Council's Environmental Protection Unit has expressed concern regarding the impact that the adjoining M6 motorway would have in terms of noise and air quality. Thus, in this regard, the proposal would not represent the most sustainable form of development in environmental terms, but this will be explored further later on in the report. As such, it is not considered that the proposal would be environmentally sustainable.

To conclude, the benefits of the proposal include the provision of affordable housing and the close proximity of the site to public transport and public facilities. However, it is considered that these benefits are outweighed by the loss of the open countryside, which when not required for the purpose of housing land supply, is inherently unsustainable.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005. Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, it constitutes a "departure" from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council's 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth.

From a sustainability perspective, the proposal would bring positive planning benefits such as; affordable housing, a boost to the local economy and would be sited in a relatively sustainable location. However, it is considered that these benefits are outweighed by the loss of the Open Countryside and the poor level of residential amenity that would be afforded to the occupants of the proposed dwellings and as such, the use of the site for housing development is considered to be unacceptable in principle.

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.

With respect to the general impact that the scheme would have, the proposal would require the provision of a noise attenuation barrier along the boundary with the M6 motorway. The proposed fence would provide sound reduction to the houses and their garden areas to try and mitigate the noise from the motorway. However, the proposal fence would measure some 4 metres in height. It is considered that the erection of such a structure would appear overly prominent and intrusive and would impact negatively on the character and appearance of the site and the development itself. As such, this component of the design is considered to be unacceptable and as such would not meet the requirements of the relevant design policies of the local plan and emerging 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 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 confirmed on the previous scheme (which was identical in highways terms to this scheme) 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 is controlled by the applicant, the Strategic Highways Manager stated that subject to conditions, the proposal would be acceptable with regard to highways and parking. The same conclusions can be drawn for this proposal.

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.*

The submitted noise report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by traffic noise from the M6.

The development is required to meet the requirements of BS823:2014 for internal and external noise levels as detailed below:

Activity	Location	07:00 – 23:00	23:00 – 07:00
Resting	Living Room	35 dB L _{Aeq, 16hr}	-
Dining	Dining room/area	40 dB L _{Aeq, 16hr}	-
Sleeping (daytime resting)	Bedroom	35 dB L _{Aeq, 16hr}	30 dB L _{Aeq, 8hr}

Resting	Garden	55 dB $L_{Aeq, 16hr}$	-
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The information provided in the report is detailed on the basis of windows closed and trickle ventilation provided. There are no details provided as to the noise levels which will be experienced by the future occupants with the windows open. Based on this information the following noise criteria has been adopted:

- Daytime noise below 35 dB L_{Aeq} inside living rooms and bedrooms, below 40 dB L_{Aeq} in dining rooms; and
- Night-time noise levels not exceeding 30 dB L_{Aeq} and generally not exceeding 45 dB L_{Aeq} in bedrooms.

In terms of protecting the dwellings from noise, the noise report has been compiled on the basis of the windows remaining closed with trickle ventilation in order to achieve the internal noise criteria of BS8233:2014. The precise glazing and ventilation has not been confirmed (for example the nominal gap of the glazing proposed throughout the entire development has a variance to it). Thus, and for the Council's Environmental Protection Unit to be satisfied that future occupants will be protected from traffic noise from the M6, specifics of the glazing and ventilation are required and the acoustic attenuation which will be provided by them. Without such information, it is not possible to demonstrate that the level of harm be brought within acceptable tolerances.

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 report states that with the installation of this acoustic fence that 57 dB L_{Aeq} would be deemed acceptable.

BS8223:2014 states that for traditional external areas that used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB $L_{Aeq,T}$ with an upper guideline value of 55 dB $L_{Aeq,T}$ which would be acceptable in noisier environments.

As stated the report recommends 57dB L_{Aeq} will be deemed acceptable this is above the recommendation of BS8233:2014. It also should be noted that a 3dB increase is deemed as a double of sounding so 55dB and 57dB can be deemed a significant increase.

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 due 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 unsustainable 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 (NO₂) at a number of the proposed dwellings closest to and facing the motorway have the potential to be exposed to NO₂ 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.

The high acoustic fences would appear oppressive for residents and would appear incongruous in this rural location where they would be visible from views off Church Lane. 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, however, this would not be sufficient to mitigate the visual harm incurred by a 4 metre barrier.

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 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 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, 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. The mitigation required in the form of the proposed noise attenuation barriers would be visually intrusive and prominent and would not be acceptable in design terms, contrary to local plan policies GR1 and GR2.

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 order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should 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:

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. The proposed residential use would be subject to unacceptable levels of noise generated from the M6 Motoreway.

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