

Application No: 14/2913C

Location: Land to the south of Hind Heath Rd, Sandbach, Cheshire

Proposal: Application for Reserved Matters the appearance, landscaping, layout & scale for Phase 2 to include 179 dwellings on planning application no: 10/2608C.

Applicant: Stewart Ball, Bovis Homes Ltd

Expiry Date: 15-Sep-2014

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

Impact of the development on:-

Principle of the Development

Affordable Housing

Highway Implications

Amenity

Landscape

Trees and Hedgerows

Design

Ecology

Open Space

Education

Flood Risk and Drainage

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a Reserved Matters application to a Strategic Site. The outline application was dealt with by the Strategic Planning Board.

DESCRIPTION OF SITE AND CONTEXT

The application site measures 5.09 hectares and lies to the south of Hind Heath Road. The wider site is currently being developed for residential development. To the east of the site are residential properties which front onto Oldfield Road, Marriott Road, Anvil Close and Forge Fields. To the south of the site is the Trent and Mersey Canal with a sewage works beyond with an access track to the west of the site. Land levels fall from the north to the south. The land to the west of the site

is currently undeveloped agricultural land but has recently gained outline consent for residential development at appeal (13/3887C).

DETAILS OF PROPOSAL

This is a reserved matters application for 179 dwellings (23.8 dwellings per hectare). The issues which are to be determined at this stage relate to the appearance, landscaping, layout and scale of the development.

The access would be via a single point of access off Hind Heath Road which gained approval as part of the outline application.

Reserved Matters approval has been granted for two earlier phases of development on this site as part of applications 13/0915C and 13/1215C.

The development would consist of 1 to 5 bedroom units including some apartments. The height of the units would vary to a maximum of 3 stories in height and would consist of the following mix:

- 15 x one bed units (in 2 apartment blocks)
- 38 x two bed units
- 59 x three bed units
- 12 x three/four bed units
- 31 x four bed units
- 24 x five bed units

RELEVANT HISTORY

13/1215C - Reserved Matters Application for 10/2608C for the Appearance, Landscaping, Layout & Scale for Phase 1 to Include 67 Dwellings – Approved 19th June 2013

13/0915C - Reserved matters following Outline Approval 10/2508C for the appearance, layout and scale for the show home area to include 5 dwellings – Approved 17th May 2013

10/2608C - Outline planning permission for up to 269 family-led homes together with associated public open space, and highway improvements including the widening of Hind Heath Outline planning permission is sought for up to 269 family-led homes together with associated public open space, and highway improvements including the widening of Hind Heath Road at various points and the provision of traffic signals at the Hind Heath Road/Crewe Road junction. - Refused 28th October 2010 (Appeal Allowed)

POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR21- Flood Prevention

GR1- New Development

GR2 – Design
GR3 - Residential Development
GR4 – Landscaping
GR5 – Landscaping
GR9 - Accessibility, servicing and provision of parking
GR14 - Cycling Measures
GR15 - Pedestrian Measures
GR16 - Footpaths Bridleway and Cycleway Networks
GR17 - Car parking
GR18 - Traffic Generation
NR1 - Trees and Woodland
NR3 – Habitats
NR4 - Non-statutory sites
NR5 – Habitats
H2 - Provision of New Housing Development
H6 - Residential Development in the Open countryside
H13 - Affordable Housing and low cost housing

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Nantwich Town Strategy

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

CONSULTATIONS (External to Planning)

Environment Agency: No objection and no comments to make.

United Utilities: No comments received.

Canals and Rivers Trust: No objection. However, it is noted that no further information has been provided in respect of landscaping or surface water drainage. It is essential that the Canal & River Trust is consulted when details are provided in respect of Condition 10 and Condition 21 of the outline planning permission, so that the Canals and Rivers Trust comment further. An informative should be attached to the decision notice.

Cheshire Brine Compensation Board: No comments received.

Strategic Highways Manager: The Strategic Highways Manager originally objected to the application.

The Strategic Highways Manager has now considered the additional information provided by the developer and the revised planning layout and notes the comments regarding the location of the site and the current position of examination of the Local Plan which contains the current draft parking standards.

It is clear from the position that the parking provision is not a sustainable reason for refusal and the S.H.M. withdraws that objection.

CEC Flood Risk Manager: Surface water discharges from this site are flow balanced /attenuated with agreed and consented discharges to nearby non main river watercourse.

The design, structural integrity and stability of the proposed storage lagoon (part above ground water retaining earth structure on southern boundary of the site) should be checked to ensure that overtopping during extreme storm conditions does not lead to potential scour, erosion and collapse /failure of earth retaining embankments. This could lead to a sudden release of stored floodwaters with potential to endanger life and damage to third party land and property.

Full detailed design and construction details should be submitted which address these concerns and this could be secured through the use of a planning condition.

Subject to the above, no objections on flood risk grounds.

Environmental Health: No comments received.

Public Open Space: No comments received.

Education: No comments received.

VIEWS OF THE PARISH/TOWN COUNCIL

Sandbach Town Council: Object to this application on the following grounds:

- This is a Greenfield site and priority must be given to developing available Brownfield sites.
- Development would create major traffic congestion issues on Hind Heath Road.; contravening Local Plan saved policy GR6v.

- Development of this site will eliminate the vital green gap between villages.
- Concerns were raised about the stability of the site and requirement for raft foundations.

OTHER REPRESENTATIONS

Letters of objection have been received from 16 households raising the following points:

- The design of the development is not acceptable
- Proximity to existing dwellings
- Noise from construction
- The application is very different from the allowed appeal
- The development would provide very little green space
- Loss of privacy
- Garages in close proximity to the boundary
- Increased traffic generation
- Impact upon Badgers
- Loss of hedgerows
- Concerns over the proposed boundary treatment – a taller boundary treatment will be required
- There is a gap between the existing and proposed boundary treatment
- Disappointment in the previous appeal decision
- Loss of daylight
- The proposed land levels should be reduced
- Flooding from the application site
- The objections to the appeal applications remain unchanged
- The development is crammed on the application site
- Increased traffic
- Dust from the application site
- The proposed playground should not be constructed so close to the canal/pond. Dangerous for children
- Impact upon boundary trees
- Lack of a wildlife corridor
- Crammed development with small houses on small plots
- The developer is just out to make a profit
- The housing is too close to the protected trees on site
- Loss of agricultural land
- The site is not sustainable
- Loss of a view
- Impact upon Great Crested Newts
- The ecology reports submitted as part of the outline application were not adequate
- Impact upon property value
- Impact upon wildlife
- Proximity of the proposed dwellings to the existing dwellings
- Brownfield sites should be developed first
- Poor quality landscaping
- Highway improvements are required in the vicinity of the site
- There are enough houses in Sandbach
- The infrastructure/schools in Sandbach cannot cope with additional dwellings
- Hind Heath Road is not wide enough for vehicles to pass
- The access is too close to a bend
- Bovis are not complying with the hours of construction on this site

APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Design and Access Statement (Produced by Bovis Homes)

These documents are available to view on the application file.

OFFICER APPRAISAL

Principle of Development

The principle of residential development has already been accepted following the approval of the outline application at appeal (10/2608C).

Affordable Housing

The site falls within the Sandbach sub-area for the purposes of the SHMA update 2013. This identifies a net requirement for 94 affordable dwellings per annum for the period 2013/14-2017/18. Broken down this is a requirement for 18 x 1bed, 33 x 2bed, 18 x 3 bed, 9 x 4+ bed general needs units and 11 x 1 bed and 5 x 2 bed older persons accommodation. In addition to this, information taken from Cheshire Homechoice shows there are currently 208 live applicants who have selected one of the Sandbach lettings areas as their first choice. These applicants require 117 x 1 bed, 125 x 2 bed, 58 x 3 bed and 8 x 4+ bed units.

As well as this there is a UU dated 25th February 2011 for the outline application which sets out the provisions of the affordable housing.

The UU/Condition as part of the outline application requires the following in relation to the affordable housing:

- The condition outlines that the affordable units shall be provided in no more than clusters of 15 units and where reasonably practicable should not have a boundary with another cluster. The accompanying affordable housing layout appears to show that the affordable housing comprises 5 clusters of 14, 16, 11, 15, 10 affordable housing units. This is acceptable, however looking at the location of the affordable housing on phase 1 it appears that at two locations within phase 2 the affordable housing will adjoin other clusters. However, this is acceptable given that the units are not in discrete or peripheral locations and the clusters are accessed by two different access roads that are shared by market units. The Strategic Housing Manager does not object to the location of the affordable units.
- 40% of the total dwellings will be provided as affordable, comprising 50% social rented and 50% intermediate dwellings. This proposal is for a total of 179 dwellings which equates to a requirement for 72 affordable units to be provided. However the applicant is proposing 66 units as affordable. Phase 1 included a total of 72 dwellings with 34 provided as affordable with a tenure split of 20 intermediate and 14 rented. This was acceptable, as long as the total units provided across the whole set met the requirement of 40% of the total dwellings provided as affordable with 50% provided as social rented and 50% provided as intermediate tenure. Therefore including 179 units as part of phase 2 the total number of units across the site is 251 which equates to a requirement to provide 100 units as affordable with 50 units to be provided

as rented and 50 as intermediate. Therefore the remaining requirement for phase 2 is 66 units with 36 to be provided as rented and 30 to be provided as intermediate tenure.

- The applicant in the schedule of accommodation confirms they are providing 66 units as affordable. Of which 36 units would be rented and 30 would be shared ownership.
- The applicant has confirmed that the units will be delivered to meet CFSH Level 3 and HCA DQS in their affordable housing statement.

Across the whole site the intermediate dwellings would number – 48 x 2 bed houses, 4 x 3 bed houses & 2 x 4 bed houses. Social rented dwellings would be – 16 x 1 bed flats, 8 x 2 bed flats, 15 x 2 bed houses, 12 x 3 bed houses & 3 x 4 bed houses.

The Strategic Housing Manager does not have any objections to this application.

Highways Implications

The point of access and the wider traffic congestion issues in Sandbach were dealt with as part of the outline application.

To mitigate the congestion traffic impact of this development the following contributions have been secured as part of the S106 Agreement:

- Highways Contribution (towards Junction 17 of the M6) - £60,000
- Traffic Management Contribution - £10,000

In terms of the proposed layout, this would accord with Manual for Streets and the Highways Officer has raised no objection to the internal highways design or parking provision.

Amenity

In terms of the surrounding residential properties, these are mainly to the east and south of the site. The Congleton Borough SPG2 requires separation distances of 21.3m between principle elevations and 13.8m between a principle and non-principle elevation.

To the south the submitted layout plan shows that there would be a distance of 18m between the side elevation of Plot 137 and the side elevation of 11 Anvil Close. There would be a separation distance of between 23m and 30m from the rear elevations of plots 127-134 and 99-107 Forge Fields and 3-9 Anvil Close. The proposal would therefore exceed the separation distances set out within the Congleton Borough SPG2.

To the south-east corner there would be a separation distance of 3.5m between the side elevation of Plot 118 and the side elevation of 107 Forge Fields. There would be a separation distance of 15m from the side elevation of plots 111 and 117 and the rear elevations of 98 and 102 Forge Fields. The proposal would therefore exceed the separation distances set out within the Congleton Borough SPG2.

The dwellings to the east fronting Oldfield Road and Marriott Road have generous rear gardens and the required separation distances to this side would be provided.

The land levels on the site generally drop to the south of the site. In support of this application the applicant has provided information in relation to the proposed levels on the site. The main

properties affected are those to the south and south-east of the site (fronting Anvil Close and Forge Fields). The submitted plans show that the dwellings on plots 111, 117 and 118 would have a lower slab level than the nearest adjoining dwelling fronting Forge Fields.

The proposed dwellings on plots 127-135 would be set at a higher level than the existing dwellings which front onto Forge Fields and Anvil Close with the difference being between 0.6m and 1m. This difference is considered to be acceptable given the separation distances which are achieved to the dwelling to this side.

The land level differences to all other adjoining dwellings are relatively minor and are considered to be acceptable.

The letters of objection have raised concerns in relation to noise, dust and disturbance. In this case there are the following conditions attached to the outline approval:

- Prior approval of external lighting details
- Hours of construction
- Prior approval of a Method of Construction Statement (including pile driving operations, details of site deliveries, details of where materials will be unloaded and contractor parking)

It is considered that these conditions attached to the outline consent would be adequate to protect residential amenity during the construction phase.

Landscape

The submission includes landscape proposals which appear acceptable in respect of the housing area.

The landscaping of the POS indicated on plan would benefit from amendment to include a greater proportion of native species typical of the area. This view is shared by the Council's Ecologist.

A landscaping scheme will be required through the imposition of a landscaping condition.

Trees and Hedgerows

The application includes a tree survey and arboricultural impact assessment (AIA). The AIA indicates that no trees will need to be removed in order to accommodate the development. Some arboricultural works are recommended, (mainly the removal of deadwood) and tree protection measures are proposed.

Whilst not highlighted as an issue in the AIA, the tree constraints plans indicate that a number of plots could be affected by shading from adjacent trees. These include plots 128, 129, 130, 134, 137 and to a lesser extent 117. The issue of dominance of plots to the south of the site is on balance considered to be acceptable.

There would be no changes in land levels within the root protection areas which could have a detrimental impact upon the trees on the site.

Landscape

At the time of writing this report it was unclear what would happen to land levels in the area of POS and there are concerns from the Councils Landscape Officer and Ecologist in relation to the detailed landscape proposals in terms of the lack of native species, the formal nature of the POS and lack of benefits for nature conservation.

As a result it will be necessary to secure a revised landscaping scheme through the imposition of a planning condition.

Design

This is a reserved matter application for 179 dwellings including apartments. Outline planning approval was granted on appeal under planning reference 10/2608C for up to 269 units (there is already Reserved Matters approval for 72 dwellings on this site).

In terms of height this development would be for mainly two-storey developments although there would be some taller units in the form of 12 two-and-a-half storey units and 2 apartment blocks and 4 dwellings of three-storeys in height. The taller units (including the apartments) would mainly be located to the centre of the site. In this case it is considered that the proposed heights are acceptable.

Compared to the layout of the Illustrative Masterplan submitted as part of the outline application there has been watering down of the urban design concept. The Masterplan had a layout that had a looser, less engineered character, where buildings and spaces more effectively determined layout. Within this layout, street arrangement and design has had a weakening, standardising impact, the departure from which is the inclusion of the feature spaces. The route linking through the site to the landscape to the edge of the canal was one of the strengths within the illustrative proposals. Again, this seems to have been weakened and has become more standardised, rather than creating an interesting townscape element within the scheme.

Character areas have been adopted and follow the scheme approved on phase 1. In terms of the detailed design of the dwellings they are the standard Bovis House Types which have been used elsewhere in the Borough. It is considered that the design of the units is appropriate and that the development would not appear out of character with the housing to the east of the site and which has already been approved on phase 1.

Details of the proposed boundary treatment and proposed materials will be secured by condition to comply with the submitted plans.

Following negotiations with the applicant it is considered that the design of the scheme is appropriate and that it accords with Policy GR2 (Design) of the Congleton Borough Local Plan.

Ecology

As an established sett is present to the south of the site it is recommended that an additional survey is undertaken and submitted in support of this reserved matters application. The submitted report should include updated mitigation and compensation proposals. At the time of writing this report the updated survey was awaited and this will be reported as part of an update report.

The proposed open space/retained area of habitat adjacent to the canal to the south of the application is smaller in size than anticipated at the outline application stage. This would consequently reduce the potential nature conservation value of this area. An update will be provided in relation to this point.

At the outline application stage it was anticipated that the open space to the south of the site would provide an opportunity to retain and enhance the nature conservation value of the land adjacent to the canal and also provide a corridor of semi-natural habitats to ensure that the badgers associated with the sett on the top of the canal bank had sufficient undisturbed habitat to ensure the sett did not become isolated. This wildlife corridor was also anticipated to deliver benefits for foraging and commuting bats.

The submitted landscaped plans include significant numbers of non-native ornamental tree and shrub planting together with a 'lawn' type turf treatment.

The submitted landscaping scheme is overly formal in nature and would offer limited benefits for nature conservation and fail to meet the aspirations of the design and access statement submitted in support of the outline application. As lawn seeding is proposed within 30m of the identified badger sett this would imply that earthworks are required within this part of the site to remove the existing vegetation. This would be in contravention of the badger mitigation strategy submitted in support of the outline planning application which specified that no development at all would take place within 30m of the sett.

In this case the provision of an updated landscaping scheme would be secured through the imposition of a planning condition.

Public Open Space

The outline consent includes an under provision of POS on the site. To mitigate this impact a contribution of £48,124 towards off-site POS is secured as part of the S106 Agreement together with the provision of a 5 piece LEAP.

At the time of writing the exact amount of POS to be provided was awaited from the applicant. Details of this will be provided as part of an up date report.

Education

This issue was dealt with as part of the outline application as a capacity issue was identified at the local primary schools. The education department requested a contribution towards enhancing the capacity of the local primary schools and this was secured as part of a Unilateral Undertaking (UU). The exact sum to be paid is subject to a formula specified within the UU and this is dependent on the number of dwellings that would be built on the site.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site exceeds 1 hectare, a Flood Risk Assessment was submitted as part of the outline application.

A number of objections refer to flood risk issues on this site the application includes a drainage plan which has been considered by the Councils Flood Risk Manager who has stated that

‘Surface water discharges from this site are flow balanced/attenuated with agreed and consented discharges to nearby non main river watercourse.

The design, structural integrity and stability of the proposed storage lagoon (part above ground water retaining earth structure on southern boundary of the site) should be checked to ensure that overtopping during extreme storm conditions does not lead to potential scour, erosion and collapse /failure of earth retaining embankments. This could lead to a sudden release of stored floodwaters with potential to endanger life and damage to third party land and property.

Full detailed design and construction details should be submitted which address these concerns’

The Councils Flood Risk Manager has confirmed that this could be secured through the use of a planning condition.

CONCLUSIONS

The principle of development has already been accepted as part of the outline approvals on this site.

It is considered that the development is acceptable in terms of affordable housing provision and this complies with the UU and condition attached to the outline application.

The provision of the access point was accepted as part of the outline application and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works. The internal design of the highway layout is considered to be acceptable.

The separation distances to the adjoining existing and proposed dwellings mean that there would not be a detrimental impact upon residential amenity through loss of outlook, loss of light, overbearing impact or loss of privacy.

The impact upon local education is considered to be acceptable and a contribution has been secured as part of the Unilateral Undertaking for the outline consent.

In terms of the POS provision on the site this will be subject to an update report.

With regard to ecological impacts, an update will be provided in relation to this issue.

Details of the proposed landscaping would be secured through the use of a planning condition.

The development is considered to be of an acceptable design and complies with the Local Plan Policies and guidance contained within the NPPF.

There are no drainage/flood risk implications for this proposed development subject to the imposition of a planning condition.

The development is considered to be acceptable in terms of its impact upon trees on this site.

RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Approved Plans**
- 2. Materials in accordance with the submitted for approval**
- 3. Landscaping details to be submitted to the LPA for approval in writing (including land levels for the proposed POS)**
- 4. Implementation of the approved landscape scheme**
- 5. Boundary treatment details to be in accordance with the approved details**
- 6. Development to proceed in accordance with the AIA and Tree Protection Plans**
- 7. Details of the LEAP to be submitted to the LPA for approval in writing**
- 8. Details of proposed land levels in accordance with the submitted plans**
- 9. Full detailed design and construction details of the storage lagoon to be submitted to the LPA for approval in writing.**

In order to give proper effect to the Board`s/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 Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

