

Application No: 14/5044C

Location: Land East of, School Lane, Sandbach, Cheshire, CW1 2LS

Proposal: Variation of Condition 17 on Approved Application 13/4634C - Outline Application for up to 13 no. residential dwelling houses, associated infrastructure and ancillary facilities.

Applicant: Jean Pierpoint Paul Ferguson, and Grant and Helen Dinsdale

Expiry Date: 26-Jan-2014

#### **SUMMARY:**

The principle of allowing this development was established when Strategic Planning Board resolved to approve the previous application (13/4364C) on 8<sup>th</sup> January 2014. A Section 106 Agreement has been completed securing the provision of 30% affordable housing and a contribution of £23,349.31 towards open space and amenities. Therefore this proposal does not offer the opportunity to re-assess the principle of approving residential development on the site.

The proposal would not deliver a socially sustainable development as the affordable units would be integrated with the surrounding market dwellings.

Local concerns of residents are noted, particularly in respect of highway matters but the impact is not considered to be severe under the NPPF test. An appropriate quality of design can be secure at reserved matter stage as can any impacts on amenity.

The removal of condition 17 would not represent a form of unsustainable and that the planning balance weighs in favour of supporting the removal of the condition.

#### **RECOMMENDATION:**

**Approve subject to conditions and a Deed of Variation to the Section 106 Agreement for 13/4634C.**

#### **PROPOSAL**

The proposal seeks to vary condition 17 of planning permission 13/4634C which granted outline consent for the erection of up to 13 residential dwellings, this approval is subject to a Section 106 Agreement securing 30% affordable housing and financial contributions to open space and amenity.

Condition 17 reads as follows:

*“Notwithstanding the details shown on the indicative layout plan, the development shall be served only by a single access point shown with a red arrow on plan number 541-SL-01 Rev A.*

*Reason: In the interests of highway safety in accordance with Policy GR9 of the adopted Congleton Borough Local Plan First Review 2005.”*

This proposal is to remove the condition and allow access and parking to the affordable units facing onto School Lane and the properties to the south of the main access point, to be taken from a separate access point.

## **SITE DESCRIPTION**

The application site comprises a paddock 0.63 hectare in size, currently used for grazing horses. It is a generally level site which is bounded by St John’s School to the north, a detached dwelling to the south and to the west there are a variety of residential properties fronting School Lane and a cul-de-sac known as Pear Tree Close. To the east is an area of protected open space used by the school for sports activities.

The boundaries of the site to the north, west and east contain existing hedgerows, were subject to some cutting back before submission of the previous application (13/1559C).

The site is designated as being within the Open Countryside in the adopted local plan and is classed as Grade 3 (subject to urban pressures) agricultural land. It is also identified in the Strategic Housing Land Assessment (SHLAA), reference 2607. It is described as being suitable with policy change, available, achievable and developable.

## **RELEVANT HISTORY**

13/4634C      2014    Outline approval for up to 13 dwellings

13/1559C      2013    Refusal for outline permission for up to 13 dwellings

8430/1          1979    Refusal for outline permission for residential development

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance is paragraph 50.

### **Development Plan:**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates part of the site as being within the Settlement Boundary of Bunbury but largely within Open Countryside.

The relevant Saved Policies are: -

PS4 Towns  
GR1 New Development  
GR2 & GR3 Design  
GR6 Amenity and Health  
GR9 Parking and Access  
NR1 Trees and Woodlands  
NR2 Wildlife and Nature Conservation  
NR3 Habitats

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

**Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy  
PG5 Open Countryside  
EG1 Economic Prosperity

**Other Considerations:**

SPD14 Trees and Development

**CONSULTATIONS:**

**Highways:**

Raises concerns about separate access points to the development in terms of design quality.

**Housing:**

No objection.

**Sandbach Town Council:**

No objection.

**REPRESENTATIONS:**

Neighbour notification letters were sent to adjoining occupants and a site notice posted.

At the time of report writing 10 representations have been received which can be viewed on the Council website. They express concerns regarding highway safety, particularly at school drop-off and pick-up times and the separation of the affordable units from the market housing.

## **APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

### **Principle of Development**

The principle of allowing residential development on this site was established under application 13/4634C, which was approved by Strategic Planning Board on 8<sup>th</sup> January 2014. Therefore this application does not give the opportunity to re-visit that issue.

The issue to be considered is whether condition 17 of application number 13/4634C should be varied in order to allow a separate access to the affordable units, which front onto School Lane.

### **Sustainability**

There are three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

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

## **ENVIRONMENTAL SUSTAINABILITY**

The site is a greenfield site and it has already been decided that the environmental impact would be acceptable when the previous application was approved.

### **Highways**

The Strategic Highways Manager raises concerns about the application in relation to public realm design quality. However, no objection on highway safety grounds was included in the

comments on the previous application, which had the same access points as proposed here. As such a refusal on highway safety grounds could not be sustained.

### **Economic Role**

The economic benefits of the scheme were acknowledged in the approval of the original scheme.

## **SOCIAL SUSTAINABILITY**

The final dimension to sustainable development is its social role. In this regard, the proposal seeks to separate the affordable housing from the market housing within the development. Paragraph 50 of the Framework requires that Local Planning Authorities “*deliver a wide choice of high quality homes, wider opportunities for home ownership and create sustainable, inclusive and mixed communities*”.

### **Affordable Housing**

The affordable houses would become part of the overall development along School Lane and would therefore be integrated into a mixed community by virtue of that. In addition Officers from within Strategic Housing are happy that the affordable units are among other market units fronting School Lane. The proposal is therefore considered to be socially sustainable.

### **Response to Objections**

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. However the disbenefits of the development identified by the objectors are not considered to significantly and demonstrably outweigh the benefits provided by the development. The principle of development has already been established and the scheme is considered to be satisfactory in affordable housing and highway safety terms.

### **Conclusion – The Planning Balance**

Condition 17 required the development to be served from a single access point, but not for reasons specifically related to highway safety.

## **RECOMMENDATION**

**Approve subject to the completion of a Deed of Variation to the Section 106 Agreement relating to 13/4634C to secure:**

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent (4 units) with 35% intermediate tenure (2 units). The scheme shall include:**
  - The numbers, type, tenure and location on the site of the affordable housing provision**
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**

- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**2. A £23,349.31 contribution to public open space.**

**And the following conditions:**

1. Commencement
2. Submission of reserved matters (all matters other than access)
3. Plans
4. Tree and hedgerow protection measures
5. Boundary treatment to be submitted with reserved matters
6. Submission of method statement for any piling operations
7. Hours of construction (8am to 6pm Mon-Fri, 9am to 2pm Saturday, no working Sunday or Public Holidays)
8. Noise mitigation scheme
9. Construction management plan
10. Breeding bird survey for works in nesting season
11. Bat and bird boxes
12. Submission of a scheme to limit surface water run-off
13. Reserved matters to include details of bin storage
14. Reserved matters to include existing and proposed levels
15. Reserved matters to include frontage footpaths
16. Reserved matters to include a detailed suite of design construction plans for the adoptable highways

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 Principal Planning Manager has delegated authority to do so in consultation with the Chairman of the Southern 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 Principal Planning Manager in consultation with the Chairman of the Southern 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.

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