

Application No: 14/5254C

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

Proposal: Erection of 47 no. dwellings comprising 20 no. 1 bed apartments; 10 no. 2 bed apartments; 4 no. 3 bed houses; 13 no. 2 bed houses, with car parking and associated external works.

Applicant: RICHARD HARRISON, LANE END DEVELOPMENTS(UK)LTD & ADACTUS H

Expiry Date: 13-Jan-2015

### **SUMMARY:**

The proposed development seeks to utilise a previously developed site within the settlement zone line for Sandbach and therefore benefits from a presumption in favour of development under local plan policy PS4 which is further supported by para 14 of the NPPF which aims to deliver sustainable development . Whilst the proposals would result in the loss of an employment site, it has been previously accepted that the site is no longer suitable for economic use and owing to the cost of remediating the site, and the cost of accommodating 100% affordable housing, it has been demonstrated that the site needs to bear a development of this size in order to see the site brought forward for housing.

It is acknowledged that the design, layout and character of the scheme (particularly within the context of the internal layout) would be poor and compact. This would be a negative of the proposed scheme; however, Members need to consider whether such disbenefits are outweighed by the benefits of the scheme i.e. namely providing much needed affordable housing whilst making use of a redundant brownfield site.

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. The application would offset the harm on local school places and local public open space through the provision of financial contributions. The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including ecology and highway safety

On balance, the application is therefore recommended for approval subject to the imposition of appropriate conditions and the necessary Section 106 obligation.

### **RECOMMENDATION:**

**APPROVE subject to conditions and S106 Agreement.**

## **PROPOSAL:**

Full planning permission is sought for the erection of 47 no. residential units on the site of the former Elworth Wire Mills in Sandbach. The scheme is 100% affordable with a registered provider willing to take the site forward (Adactus Housing Group Ltd).

## **SITE DESCRIPTION:**

The application site is situated on the corner of Station Road and Hill Street within the settlement zone of Sandbach. The site previously accommodated a Wireworks factory. However, this has since been demolished and the site cleared. The surrounding area is a mix of residential and commercial (largely sited on the opposite side of Station Road). The Sandbach railway station is also situated on the opposite side of Station Road. The site falls within the settlement zone line of Sandbach as designated in the adopted Congleton Borough Local Plan First Review.

## **RELEVANT HISTORY:**

12/3415C – Change of use of entire site to residential – Resolution to approve (awaiting signing of a s106 legal agreement)

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

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

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

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

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

Of particular relevance are paragraphs 7, 14, 17, 34, 47, 49, 55 and 173.

### **Development Plan:**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within the settlement boundary of Congleton under Policy PS4.

The relevant Saved Policies are: -

PS4	Towns
GR1	New Development

GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR14	Cycling Measures
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	Affordable and Low Cost Housing
NR2	Wildlife & Nature Conservation
NR3	Habitats
NR4	Non-Statutory Sites
SPG1	Provision of Public Open Space in New Residential
Developments	
SPG2	Provision of Private Open Space in New Residential
Developments	

The relevant 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:

Policy SD 1 Sustainable Development in Cheshire East  
Policy SD 2 Sustainable Development Principles  
Policy SE 1 Design  
Policy SE 9 Energy Efficient Development  
Policy IN 1 Infrastructure  
Policy IN 2 Developer Contributions  
Policy PG 1 Overall Development Strategy  
Policy PG 2 Settlement Hierarchy  
Policy SC 4 Residential Mix

### **Supplementary Planning Documents:**

Interim Planning Statement: Affordable Housing (Feb 2011)

### **Neighbourhood Plan**

The Sandbach Neighbourhood Development Plan 2015 – 2030 (Draught for Consultation), Our Town – Our Decisions has now been published and is therefore a material consideration in the determining of this application.

This is a 'Brownfield' site within the settlement zone line of Sandbach.

Relevant policies within the plan are H1 – Housing Growth, H2 – Design and H5 – Preferred Locations. The proposal is in compliance with these policies.

## **CONSULTATIONS:**

### **Environmental Health:**

No objection to the proposed development on the grounds of contamination, noise or air quality subject to the imposition of a number of conditions.

### **Highways:**

No comments received.

### **Green Spaces (Ansa: Environmental Operations):**

No objection - the proposed scheme of 47 no. units would generate a requirement for 780 square metres of amenity greenspace. There has been found to be a qualitative deficit in Children and Young Person's Provision (CYPP) accessible to the proposed development. The existing amenity site at Elworth Park is within an accessible distance and has had recent improvements; however, further improvements can be made to increase the capacity/demand being placed on the site. Improvements include further upgrading of the infrastructure such as a water supply, pathways, seating and bins as well as further DDA inclusive equipment which would improve the quality and accessibility of the facility and encourage greater use of the area, tactile artwork and exercise equipment. The financial contributions sought from the developer are;

Enhanced Provision: £5, 311.06

Maintenance: £17, 313.00

### **Education:**

No objection - The proposed development of 47 dwellings will generate 5 primary and 4 secondary aged pupils. The primary schools accessible to the proposed development are: Offley, Elworth CofE, Elworth Hall, Sandbach Community, Warmingham CoE and Wheelock primary. The secondary schools are Sandbach High and Sandbach sixth form.

Taking into account school expansions, there would be a 72 surplus primary places by 2019. Approved sites in this area have the potential pupil yield of 364 and even though 136 of these have already been accounted for in the current forecasts, this still leaves 228 that have not been allowed for.

With respect to secondary provision, forecasts already indicate a shortfall of 157 places by 2020. Approved sites add another 279 pupils.

On this basis, contributions of  $5 \times 11919 \times 0.91 = £54,231.45$  towards primary education and  $4 \times 17959 \times 0.91 = £65,370.76$  towards secondary education are required - Total: £119,602.21

### **United Utilities:**

No objection provided that the proposed development is drained on a separate system with only foul drainage connected to the main sewer and a number of conditions.

**Natural England:**

No objection

**VIEWS OF THE SANDBACH TOWN COUNCIL**

Object – i) Proposed access will have a detrimental impact on amenity of Hill Street residents due to increased traffic and parking; contravening policy GR6v

ii) Access via Hill Street will worsen existing traffic problems, contrary to policy GR18

iii) Scale of proposed development is over intensive for the size of the site

**REPRESENTATIONS:**

None received

**APPRAISAL:**

The key issues are:

Principle of Development

Locational Sustainability

Housing Land Supply

Loss of Employment Land

Affordable Housing

Viability and Deliverability

Design & Layout

Highways

Ecology

Residential Amenity

Public Open Space Provision

S106 contributions Levy (CIL) Regulations

**Principle of Development**

The principle of residential development on the site has been accepted previously by the Council's resolution to approve an outline application for 'residential development' (planning ref; 12/3415C).

Notwithstanding the previous resolution, as a site within the settlement zone line for Sandbach, the principle of residential development on the site is acceptable under local plan policy PS4 subject to other material considerations. Such material considerations relate to the loss of an employment site, whether the development represents a sustainable form of development, highways and the impact on the character and appearance of the area and residential amenity.

**Sandbach Neighbourhood Development Plan**

Sandbach Neighbourhood Development Plan Working Group, in conjunction with the Sandbach Town Council has prepared a draft Neighbourhood Development Plan for the Parish of Sandbach. The consultation period for the plan will run until 1st May 2015.

The NPPG states that an emerging neighbourhood plan may be a material consideration.

*The NPPG also states that 'refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process'.*

In this case a development of a brownfield site within the settlement zone is supported by the neighbourhood plan.

### **Locational Sustainability**

The proposals seek to utilise previously developed land, inside the settlement zone and in good proximity to Sandbach Town Centre which offers a good range of shops and services and transport links. On this basis, the application performs well in terms of locational sustainability and adheres with para 14 of the National Planning Policy Framework (NPPF), which states that at the heart of the framework there is 'a presumption in favour of sustainable development'. It goes on to state that proposals that accord with relevant policy should be approved without delay 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

### **Housing Land Supply**

The NPPF reiterates the requirement to maintain a 5 year rolling supply of housing in order to significantly boost the supply of housing. This proposal would help to deliver an additional 47 no. dwellings within the plan period in a sustainable location within the settlement boundary of one of the Key Service Centres for the Borough. Further, the proposal would utilise 'previously developed land' which is supported by one of the core principles of the NPPF, which states that Local Planning Authorities 'encourage the effective use of land by reusing land that has been previously developed.

### **Employment Land**

Whilst the proposal would result in the development of land that was previously in employment use, it has already been demonstrated and accepted that this vacant site is no longer suitable for employment uses and is in its present form represents inefficient use of land. As such, the scheme is found to comply with Local Plan Policy E10.

This advice is largely supported by the relevant Local Plan Policies contained within the Congleton Borough Local Plan as well as the emerging Cheshire East Local Plan Strategy Submission Version. Thus, subject to compliance with other material planning considerations, the principle of the development is considered to be acceptable.

### **Affordable Housing**

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

The site falls within the Sandbach sub-area for the purposes of the SHMA update 2013. This identified a net requirement for 94 affordable homes per annum for the period 2013/14 – 2017/18. This equates to a need for 18 x 1bed, 33 x 2 bed, 18 x 3 bed and 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 301 applicants who have selected one of the Sandbach lettings areas as their first choice. These applicants require 120 x 1 bed, 113 x 2 bed, 53 x 3 bed and 9 x 4+ bed units. 6 applicants did not specify their bedroom requirement.

The significant benefit of this scheme is that all 47 no. units will be affordable. As such, the 30% usually expected is far exceeded. The joint applicant is Adactus Housing Group Ltd, who are a registered provider and it is indicated that they will take the scheme forward and manage the affordable units. The tenure split being offered is 65% social / affordable rent and 35% intermediate tenure housing. The Strategic Housing Manager has stated that they support the application and have confirmed that the site has grant funding secured from the Homes and Communities Agency Strategic Housing. Taking this into account, the scheme is found to be acceptable in this regard.

## **Design Considerations**

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

The site occupies a prominent position at the junction where Hill Street meets with Station Road. The site is partly triangular in shape and tapers off towards the rear of the site. The site benefits from a long frontage with Station Road and as such, it is proposed that the majority of the proposed units will front out over Station Road. This will comprise of 2 blocks of 16 apartments, which will give the appearance of 2 large pairs of semi-detached residences, a row of 8 mews style properties arranged in 3 blocks and at the corner of the site a three storey apartment block accommodating 14 units would wrap around the frontage with Hill Street. The central portion of the site would be largely given over to a parking court, with some properties fronting out over it and 5 mews properties adorning part of the Hill Street frontage.

Owing to the proposed layout, there would be very limited scope for any landscaping and the internal layout of the scheme would be dominated by parking and consequently a mass of hardstanding. This, would in combination, be to the detriment of the scheme and would fail to secure a high quality of design.

With respect to the character of the area, the Station Road frontage is largely characterised by industrial and commercial development and as such, it is considered that whilst the proposal would introduced a consolidated frontage hard-up to the boundary with the street, this would not appear out

of keeping with the area. In terms of the Hill Street, this is characterised by traditional terraced properties as well as former industrial premises which give the street a compact character. The scheme does not take the opportunities available to it to improve the character of the area, however, owing to the nature of the existing area, equally, the scheme would appear incongruous.

It is acknowledged that the design, layout and character of the scheme (particularly within the context of the internal layout) would be poor and compact. This would be a negative of the proposed scheme; however, Members need to consider whether such disbenefits are outweighed by the benefits of the scheme i.e. namely providing much needed affordable housing making use of a redundant brownfield site.

## **Highways**

The Head of Strategic Infrastructure (HSI - Highways) originally commented that the proposed parking provision fell short of the required standard. The required standard was cited as being 80 spaces. This proposal would offer 61 no. spaces. However, it is important to note that this scheme is for 100% affordable units where the likelihood of car ownership will be less than that of open market housing. Additionally, the site is located in a highly sustainable location where it is directly opposite Sandbach Railway Station and other public transport links serving the wider area. Further, the standard as referred to by highways is not yet formally adopted and as such, a refusal could not be sustained on this basis.

The proposal would see the creation of a vehicular access directly off Hill Street. This site was previously in industrial use. With regard to the principle of residential development on the site, the HSI has raised no highway objections, as the traffic impact is low and it is preferable that the site be used for residential as opposed to it being used for industrial use. Following initial comments regarding the visibility requirements and general geometry of the access and internal roads, the applicant submitted some amended plans which address these issues. It is therefore considered that the proposal will not have a significantly detrimental impact on highway safety in the area.

## **Ecology**

The application is supported by an Extended Phase 1 Habitat assessment. The Council's Nature Conservation Officer (NCO) has confirmed that the application site is of limited nature conservation value. Natural England has also offered no objection to the scheme. Accordingly, it is considered that the proposed development would not harm species protected under the Wildlife and Countryside Act 1981. Subject to the recommendations within the assessment being implemented, the requirements of local plan policy NR2, NPPF and the EC Habitats Directive are satisfied.

## **Residential Amenity**

In respect of the residential amenities afforded to neighbouring properties, the proposals would broadly achieve the minimum interface distances advised within SPG2. Plots 44-47 would back onto the rear of the properties numbered 7-31 New Street achieving a distance of 21 metres. Whilst the distance advised between principal windows is usually 21.8 metres, in this case there is not a significant failure to meet this guideline and as such, the proposed would not materially harm the amenity afforded to these neighbouring dwellings.



With respect to the properties on the opposite side of Hill Street, the proposed scheme has been designed and laid out to meet the minimum separation distances. As such, the scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to these neighbouring properties.

With regard to the amenities of the occupiers of the proposed units, the units have been configured and arranged so as to ensure that there is no direct overlooking of principal windows, overshadowing, or visual intrusion. Each family dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed and having regard to the terraced nature of the area. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

### **Public Open Space Provision**

The Greenspaces section (ANSA) has confirmed that the site would generate a need for 780 square metres of amenity greenspace. Given that the proposal would not be able to accommodate this within the site itself the proposal would be reliant on the amenity space and play area at Elworth Park. The existing amenity site at Elworth Park is within an accessible distance and has had recent improvements; however, further improvements can be necessary to increase the capacity/demand being placed on the site. The applicant has confirmed acceptance of this and as such should form part of a s106 agreement.

### **Education**

With respect to the impact that the proposal would have on local education provision, the Council's Education Department has confirmed that the proposed development of 47 units is expected to generate 5 primary and 4 secondary children.

Owing to recent development in the area coupled with the size of the proposed development, there will be a deficit in local school places both at primary and secondary level. Consequently, there is insufficient capacity within the local schools to absorb the children generated by this development as well as other developments which have been approved.

In order to offset this deficit, the development would need to provide financial contributions towards these local schools to facilitate additional school places. The applicant has confirmed acceptance of this and as such should form part of a s106 agreement.

### **S106 contributions Levy (CIL) Regulations:**

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

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.

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 Council's Education Department and ANSA (who deal with greenspaces) have both advised that the proposed development will need to address a shortfall of school places and public open space. Without such, the scheme would result in planning harm and would place undue pressure on local infrastructure. Without such, these would serve as negative impact and are directly and reasonably related to the scale of development.

### **Planning Balance & Conclusions**

The proposed development seeks to utilise a previously developed site within the settlement zone line for Sandbach and therefore benefits from a presumption in favour of development under local plan policy PS4 which is further supported by para 14 of the NPPF which aims to deliver sustainable development. Whilst the proposals would result in the loss of an employment site, it has been previously accepted that the site is no longer suitable for economic use and owing to the cost of remediating the site, and the cost of accommodating 100% affordable housing, it has been demonstrated that the site needs to bear a development of this size in order to see the site brought forward for housing.

It is acknowledged that the design, layout and character of the scheme (particularly within the context of the internal layout) would be poor and compact. This would be a negative of the proposed scheme; however, Members need to consider whether such disbenefits are outweighed by the benefits of the scheme i.e. namely providing much needed affordable housing whilst making use of a redundant brownfield site.

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including ecology and highway safety.

On balance, the application is therefore recommended for approval subject to the imposition of appropriate conditions and the necessary Section 106 obligation.

### **RECOMMENDATION**

**APPROVE subject S106 Agreement making provision for:**

- **Affordable Housing comprising 47 units on site (100%) for affordable rent**
- **£119,602.21 commuted sum towards education**
- **£22,626.06 commuted sum towards Public Open Space (Elworth Park)**

**And the following conditions**

- 1. Standard time limit 3 years**
- 2. Development to be carried out in accordance with approved / amended plans**
- 3. Submission of contaminated land report**
- 4. Submission / approval and implementation of environmental management plan**
- 5. Hours of construction limited**
- 6. Hours of piling limited**
- 7. Accordance with submitted noise mitigation scheme**
- 8. Submission / approval and implementation of scheme to minimise dust emissions**
- 9. Drainage - Foul drainage should be connected to foul sewer**
- 10. Construction of approved access**
- 11. Ecological mitigation to be carried out in accordance with submitted statement**
- 12. Phase II Contaminated land report to be submitted to and approved in writing by the LPA**
- 13. Bird breeding survey**
- 14. Incorporation of features for breeding birds**
- 15. Materials to be submitted and approved**
- 16. Landscaping scheme to be submitted including management details and boundary treatments**
- 17. Landscaping implementation**
- 18. Submission of plan showing refuse vehicle tracking**
- 19. Submission of a suite of design and construction plans for access**
- 20. Parking to be provided as per approved plan prior to first occupation**
- 21. Removal of permitted development rights Classes A-E**
- 22. Provision of cycle parking**
- 23. Provision of bin storage**

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Principal Planning Manager, 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 to enter into a planning agreement in accordance with the S106 Town and Country Planning Act a S106 Agreement with the following Heads of Terms:**

- Affordable Housing comprising 47 units on site (100%) for affordable rent**
- £119,602.21 commuted sum towards education**
- £22,626.06 commuted sum towards Public Open Space (Elworth Park)**



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