

Application No: 13/5239C

Location: Land off Hawthorne Drive, Sandbach, Cheshire, CW11 4JH

Proposal: Reserved Matters following Outline Approval (12/4874C) for residential development, comprising 50 homes, including 15 affordable homes to include an area of public open space and a children's play area (accompanied by an Environmental Statement).

Applicant: Adele Snook, Persimmon Homes North West

Expiry Date: 18-Feb-2015

SUMMARY

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, appropriate landscaping and sufficient open space is provided.

The scheme therefore represents a sustainable form of development providing sufficient quality of design and landscaping and open space. Matters of drainage and flooding have been considered to be acceptable, subject to the conditions, on the associated outline planning application.

It is also considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, trees, air quality public rights of way or open space.

The application is therefore recommended for approval, subject to conditions. The Secretary of State has received a request to intervene with this application, which, now the agenda has been published, can be considered. The recommendation is therefore subject to the outcome of this process.

RECOMMENDATION

Approve subject to conditions and the outcome of the referral to the Secretary of State

PROPOSAL

The application seeks approval for all reserved matters following the outline planning permission 12/4874C for a residential development comprising 50 dwellings including 15 affordable dwellings and an area of public open space and a children's play area. The application is accompanied by an Environmental Statement.

SITE DESCRIPTION

The application site comprises grazed paddocks with barns, stables, orchards and poultry pens and is located to the north of residential properties on Hawthorne Drive and to the rear of residential properties to the east along Heath Road. A public right of way (Footpath 14) crosses the site from Hawthorne Drive in a north easterly alignment and is fenced on both sides. The site is located within the Open Countryside as identified in the Congleton Borough Local Plan.

RELEVANT HISTORY

12/4874C - Outline application for residential development, comprising 50 homes, including 15 affordable homes to include an area of public open space and a children's play area – Approved 20.11.14

30591 – Change of use from agricultural to equestrian – Approved 01.02.99

20715/1 – Access road, residential, open space – Appeal dismissed 12.09.89

19528/1 – Residential development and sports facilities – Refused 03.05.88, Appeal withdrawn 16.05.89

18511/1 – Residential development – Withdrawn 30.04.87

16845/3 – Disposal of surplus material from inner relief road – Approved 31.07.85

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

69-78. Promoting healthy communities

89. Green Belt

Development Plan

Congleton Borough Local Plan Policy

PS8 (Open countryside)

GR1 (New Development)

GR2 (Design)

GR3 (Residential Development)

GR4 (Landscaping)

GR5 (Landscaping)

GR6 (Amenity and Health)

GR7 (Amenity and Health)

GR8 (Amenity and Health - pollution impact)
 GR9 (Accessibility, servicing and provision of parking)
 GR10 (Accessibility for proposals with significant travel needs)
 GR14 (Cycling Measures)
 GR15 (Pedestrian Measures)
 GR16 (Footpath, Bridleway and Cycleway networks)
 GR17 (Car parking)
 GR18 (Traffic Generation)
 GR19 (Infrastructure provision)
 GR20 (Utilities infrastructure provision)
 GR21 (Flood Prevention)
 GR 22 (Open Space Provision)
 NR1 (Trees and Woodland)
 NR2 (Statutory Sites)
 NR3 (Habitats)
 NR4 (Non-statutory sites)
 NR5 (Creation of habitats)
 H1 (Provision of new housing development)
 H6 (Residential development in the open countryside)
 H13 (Affordable Housing and Low Cost Housing)
 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:

MP1 Presumption in favour of sustainable development
 PG1 Overall Development Strategy
 PG2 Settlement hierarchy
 PG6 Spatial Distribution of Development
 SD1 Sustainable Development in Cheshire East
 SD2 Sustainable Development Principles
 IN1 Infrastructure
 IN2 Developer contributions
 SC4 Residential Mix
 SC5 Affordable Homes
 SE1 Design
 SE2 Efficient use of land
 SE3 Biodiversity and geodiversity
 SE4 The Landscape
 SE5 Trees, Hedgerows and Woodland
 SE6 Green Infrastructure
 SE9 Energy Efficient Development
 SE12 Pollution, Land contamination and land instability
 SE13 Flood risk and water management
 CO1 Sustainable Travel and Transport
 CO4 Travel plans and transport assessments
 Site CS 30: North Cheshire Growth Village

Sandbach Neighbourhood Development Plan (Draft for Consultation)

H2 – Design and layout

H3 – Housing Mix and type

H4 – Preferred Locations

PC2 – Landscape Character

Supplementary Planning Documents:

National Planning Policy Framework (The Framework)

Interim Planning Statement: Affordable Housing

Strategic Housing Market Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

CONSULTATIONS

Environment Agency – No formal response required. Responsibility for ordinary watercourses and surface and ground water flooding now with the Lead Local Flood Authorities.

Flood Risk Manager – No comments received

United Utilities – No objection subject to condition requiring submission of drainage details.

Environmental Health – No objections subject to conditions relating to piling, submission of environmental management plan, implementation of noise mitigation scheme, travel planning, electric vehicle infrastructure, and contaminated land.

Public Rights of Way – No objection subject to part extinguishment right of way.

Strategic Highways Manager – No objections

Housing Strategy & Needs Manager – No objections

Sandbach Town Council - Members object on the following grounds:

Contrary to Policy GR6 (iv), the proposal will have unduly detrimental effect on amenity of neighbouring properties due to impact of traffic generation, access and parking.

- Single access does not provide adequate or safe access and egress route
- The scale of traffic generated by this development will worsen existing traffic problems to an unacceptable level
- Development of the site will obstruct public rights of way and there are no plans in place to divert.
- Some houses, specifically plots 13-16, are too tall for the area
- Full tree survey required
- Members were greatly concerned about the accuracy of the documents provided.

REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and a press advert was placed in the Congleton Chronicle.

Approximately 39 letters of representation, and a petition signed by 163 people, have been received objecting to the proposal on the following grounds:

- Traffic congestion
- Highway safety
- Impact on infrastructure
- Impact on local services
- Impact on air quality
- Unsustainable position
- Brownfield sites available
- Out of character – Hawthorne Drive comprises bungalows
- Increased pollution
- Ecological impact / impact on wildlife corridor
- Impact on public footpath
- Enabling contribution to employment development should be made
- Transport statement flawed
- Play area is inadequate
- Contrary to emerging local plan
- Noise from play area
- Overshadowing
- Fails to supply low cost housing
- Number of houses being built in Sandbach far exceeds the numbers planned for the town
- Flood risk
- Loss of agricultural land
- Impact on trees
- Lack of provision for public transport and cycling
- Revision to right of way should avoid use of estate road (circular 1/09)
- Impact upon outlook and privacy for existing residents
- Density out of character

APPRAISAL

The key issues are:

- Impact upon nature conservation interests
- Impact upon character of the area
- Amenity of neighbouring property
- Public Right of Way
- Highway safety

ENVIRONMENTAL SUSTAINABILITY

Character & Appearance

The local area is characterised by a variety of house types – bungalows, terraced, semi-detached and detached – of varied ages and materials, and therefore the area does not provide a strong design lead for new development. The proposal seeks to construct two-storey detached, semi-detached and terraced dwellings predominantly in brick, but with some render. The appearance of the properties is fairly standard and is perfectly acceptable in the context of the local area.

A number of letters of representation make reference to the positioning of the proposed two-storey dwellings to the rear of the bungalows on Hawthorne Drive being out of character. There are other examples in the local area of bungalows being positioned next to two-storey properties. Furthermore, the land drops to the rear of Hawthorn Drive therefore the visual impact of the two storey properties will be reduced, and their scale is not considered to have a significant impact upon the character of the area.

The layout does generally contain streets and there are distinctive aspects and features, including the threshold open space at the entrance. It is also a relatively small scheme and therefore has inherent legibility. The streets do appear to be designed to reduce traffic speeds and adopt certain manual for streets principles. However, maximising opportunities for landscaping would further reinforce them as multifunctional spaces for pedestrians and vehicles, and serve to reduce the dominance of frontage parking by breaking up views of parked cars.

Amenity

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

The relationships of the proposed dwellings with existing properties all meet the distances above with the exception of plots 9 and 10 and their relationship with 7 Wrights Lane. The separation distance between these properties is just over 17 metres. However, there is a substantial hedgerow that will be retained to the boundary between these properties, which will minimise the impact of the proposal to a level that is considered to be acceptable. In terms of the properties to the rear of Hawthorn Drive, these are set at a lower land level, which will further help to minimise the impact upon the living conditions of existing residents. Within the site, there are some separation distances that fall marginally below the identified standards. However, any shortfall is minimal and is not considered to have such a significantly adverse impact upon the living conditions of future occupiers to justify a refusal of planning permission.

Concern has been raised by some residents regarding the impact of noise arising from the children's play area. This area is limited in scale and will be self regulating in terms of numbers of children able to use the play area at any one time. Consequently the level of noise arising from the play area is not considered to significantly impact upon the living conditions of neighbours. No further amenity issues are raised.

Ecology

The nature conservation officer has commented on the application and notes that most ecological matters relating to this site were resolved at the outline stage. It is advised that the existing hedgerows on site should be retained, however if there are any losses of hedgerow this must be compensated for through the incorporation of suitable replacement hedgerows as part of the detailed landscaping of the site. The open space area should include native plant and tree species for the benefit of biodiversity, which it does. No further ecological issues are raised.

Trees / landscape

There are established hedgerows to the north and south east and a small number of trees on / adjacent to the site. These include a mature TPO protected Oak tree in the garden of a property on Wrights Lane and off site trees to the south, (one of which is subject to TPO protection) to the rear of properties on Hawthorn Drive.

In considering the impact of development proposals on trees and hedges, the LPA needs to take into account the guidelines contained within BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations. In addition, the outline approval included conditions which are relevant to trees and hedgerows:

Condition 9 – levels

Condition 13 - retention and enhancement of existing hedgerows

Condition 25 – tree retention

In terms of the two off site protected trees, there is no significant change in levels or other development within their respective root protection areas. Therefore it is not considered that there will be any direct impact from the development on retained trees. This is also the case for the hedgerows within the site, which are to be retained. Conditions relating to tree retention and tree protection are recommended.

In terms of the landscape details that have been submitted, these are generally acceptable as confirmed by the landscape officer, however, the layout has been tweaked since the landscape details were submitted. Further opportunities for planting along the streets could also be explored. Consequently landscape conditions are recommended.

Highways

The principle of accessing the site from Hawthorne Drive was considered and accepted at the time of the outline permission. In terms of the reserved matters, the Head of Strategic Infrastructure initially raised concerns regarding the level of parking provision and 2 metre wide service strips not being provided on the proposed layout. Revised plans have been received that now provide the service strips and a minimum of two parking spaces have been provided to serve the dwellings, with the exception of plots 4 and 5 which are 2 bed properties which have 1 parking space.

The Head of Strategic Infrastructure raises no objections to the revised proposal.

Public Right of Way

Public Footpath Sandbach No. 14 will be obstructed by the proposed development. The applicants have held discussions with the Council's Public Rights of Way officers regarding the most appropriate way to proceed in terms of the public right of way, and the conclusion is

that an extinguishment order for part of FP14 Sandbach is the way forward. The following process would be followed:

- The footpath would be closed on a temporary basis when works on site begin.
- The developer will provide an alternative temporary path (to be agreed).
- The developer can begin the process of applying for the Extinguishment Order but must NOT build on or otherwise permanently obstruct the footpath (plot 24 appears to be the only building proposed to be on the line of the footpath).
- Once the estate road is adopted the Extinguishment Order can come into operation.
- The developer is aware that there is no guarantee that an Extinguishment Order will be successful, if we receive objections then the Order will be sent to the Planning Inspectorate for determination.

Using an estate road as an alternative to an extinguished path is not the preferred option. Ideally it is a suitable diversion for the path though a landscaped area would be sought. Indeed the Rights of Way Circular (1/09) states:

“In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.”

However a diversion through a landscaped area is not readily achievable in this case, and given the relatively short length of extinguishment required, an estate road is considered to be acceptable in this case. The Rights of Way Unit raises no objection to the proposal provided the developer is agreeable to the above points and makes an application for an extinguishment order and provides a suitable temporary diversion.

Contaminated land

The Contaminated Land team raise no objection to the proposal but note that the application area has a history of landfill use and therefore the land may be contaminated and the application is for new residential properties which are a sensitive end use and could be affected by any contamination present

The applicant has previously submitted Phase I Preliminary Risk Assessment and Phase II Site Investigation reports for contaminated land under the outline application for this site (12/4874C). Although the site investigation report showed no putrescible waste present in the on site landfill, further work including confirmatory gas monitoring is required. An appropriate condition requiring further investigations was attached to the outline permission.

Flood Risk

No comments have been received from the Flood Risk Manager, however, the management of surface water was the subject of conditions attached to the outline consent.

Air Quality / Noise

Despite the principle of the development already having been accepted at the outline stage, after this reserved matters application was first registered, the Secretary of State identified the development as EIA development for the following reason:

"It is concluded that the proposal, in cumulation with housing proposals in Sandbach which have consent or are under construction, would give rise to likely significant effects in relation to air quality at an Air Quality Management Area where environmental limits are already being exceeded, namely Junction 17 of the M6. It is noted that a junction improvement is proposed imminently for M6 Junction 17. However, currently there is insufficient information to indicate that the proposed improvement will address the likely significant effects in relation to air quality."

The application has been accordingly re-advertised.

Environmental Health have provided the following comments in terms of air quality. Whilst the scheme itself is of a relatively small scale, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Sandbach has one Air Quality Management Area, and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan. This was conditioned as part of the outline consent.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties. An appropriate condition is therefore recommended.

An Environmental Management Plan was also conditioned as part of the outline consent which was required to address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase.

The noise impacts of the proposal, and any required mitigation, were addressed at the outline stage. However a condition relating to pile driving is recommended to protect the living conditions of neighbouring properties during construction.

SOCIAL SUSTAINABILITY

Affordable Housing

As part of the outline approval the applicant entered into a s106 agreement securing the provision of affordable housing. In addition, the s106 outlined information to be provided and approved at reserved matters stage. This included an affordable housing scheme to include the tenure, layout and size of the affordable dwellings.

The applicant has provided a housing layout outlining the affordable housing units as well as confirming that the units will be provided as 6x 2bd units and 4x 3bd units for rent and 5x 3bd units as intermediate tenure. The pepper-potting of the units is acceptable and the units meet the identified housing need in Sandbach.

Open Space

Amenity greenspace is provided in two locations, at the site entrance and at the western side of the site to the rear of Hawthorn Drive. The children's play area is also provided at the western side of the site. All open space facilities will be managed and maintained by a management company.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Sandbach town centre including additional trade for local shops and businesses (in closer proximity to the site than the town centre), jobs in construction and economic benefits to the construction industry supply chain.

PLANNING BALANCE

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, appropriate landscaping and sufficient open space is provided.

The scheme therefore represents a sustainable form of development providing sufficient quality of design and landscaping and open space. Matters of drainage and flooding have been considered to be acceptable, subject to the conditions, on the associated outline planning application.

It is also considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, trees, public rights of way or open space.

The application is therefore recommended for approval, subject to conditions. The Secretary of State has received a request to intervene with this application, which, now the agenda has been published, can be considered. The recommendation is therefore subject to the outcome of this process.

RECOMMENDATION

The application is recommended for approval and the outcome of the referral to the Secretary of State.

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 Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Reserved Matters

RECOMMENDATION: Approve subject to following conditions

1. A02RM - To comply with outline permission
2. A05RM - Time limit following approval of reserved matters
3. A01AP - Development in accord with approved plans
4. A02EX - Submission of samples of building materials
5. A25GR - Obscure glazing requirement
6. A01TR - Tree retention
7. A02TR - Tree protection
8. A01LS - Landscaping - submission of details
9. A04LS - Landscaping (implementation)
10. A23GR - Pile Driving - details to be submitted
11. A12LS - Landscaping to include details of boundary treatment
12. Provision of electric vehicle charging infrastructure
Foul and surface water drainage details to be submitted

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