

Application No: 16/6058C

Location: Land Off, COPPENHALL WAY, SANDBACH

Proposal: Development of 10 dwelling houses and estate road connected to Coppenhall Way.

Applicant: Thorngrove Developments Limited

Expiry Date: 02-Jun-2017

SUMMARY

The application site lies within the Sandbach settlement boundary where Policy PS4 of the Local Plan advises that within settlement boundaries, there is a general presumption in favour of development provided it is in keeping with the towns scale and character and does not conflict with other policies of the Local Plan.

Policy H4 of the Local Plan generally permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location at a time when the Council cannot demonstrate a 5-year housing land supply. Furthermore, the development would generate the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

Balanced against these benefits would be the dis-benefits, which in this instance, relate to the smaller garden sizes proposed than policy guidance.

In this instance, it is not considered that this dis-benefit significantly and demonstrably outweigh the benefits.

The application is therefore recommended for approval subject to a S106 Agreement to secure the off-site open space contribution, and conditions.

RECOMMENDATION

APPROVE subject to S106 Agreement

BACKGROUND

Southern Planning Committee resolved to approve this application, subject to a S106 Agreement to secure a commuted sum for off-site Open Space enhancements, including maintenance and conditions, on the 29th March 2017.

Since this determination, it has been identified that the 'red edge' of the application as approved, was incorrect. On the western boundary on the site, the land to be included within the application should have been narrower.

The parcel of land to now be excluded from the application is in the shape of a narrow wedge with its widest section being to the northern part of the western boundary which subsequently diminishes in width when travelling south along this boundary.

The result of this change in 'red edge', effectively results in smaller rear gardens to the properties on plots 7-10 by a maximum of 1.2 metres.

The main considerations as a result of this change are considered to be the impacts upon the future amenities of the occupiers of the dwellings on plots 7-10 and any knock-on impacts upon the boundary vegetation/trees.

REASON FOR REFERRAL

This application was originally referred to Southern Planning Committee at the request of Councillor Barry Moran for the following reasons;

'This high profile application raises a number of significant planning issues, that will need careful consideration and will be subject to scrutiny by members of the public and Sandbach Councillors.

Key matters such as potential over intensive/density site development, the built form to open space ratio, neighbours' boundary treatment, detrimental impact on neighbours through visual intrusion, the visual impact of the dwellings' height and scale and the highways access arrangements, should be publicly tested for conflict/harm against appropriate policies in the Local Plans and the Sandbach Neighbourhood Development Plan. A report to the Southern Planning Committee will provide a public forum for debate to the appropriate decision makers.

Additionally, construction vehicles' site access and waiting arrangements will need careful consideration, in terms of the perceived adverse impact on residents with properties in a cul-de-sac environment'

PROPOSAL

This application seeks full planning permission to erect 10 semi-detached dwellings.

Revised plans have been received during the application process amending the layout from blocks of terraces to semi-detached units only. A re-consultation was undertaken.

SITE DESCRIPTION

The site relates to a rectangular shaped parcel of scrubland to the west of Coppenhall Way, Sandbach, within the Sandbach Settlement Boundary. The site measures 0.19 hectares in size and is relatively level.

There are no planning designations affecting the site.

RELEVANT HISTORY

15/4611C - 8no 2.5 storey 4 bedroom semi-detached houses together with associated access, car-parking and private gardens – Declared invalid

19372/3 - Employees Car Park – Approved 29th March 1988

LOCAL & NATIONAL 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, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

Congleton Borough Local Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS4, as within the settlement boundary.

The relevant Saved Policies are;

PS4 (Towns), H1 (Provision of new housing development), H4 (Residential Development in Towns), GR1 (New Development – General Criteria), GR2 (Design), GR4 (Landscaping), GR6 (Amenity), GR9 (Accessibility, Servicing and Parking Provision), GR19 (Infrastructure), GR20 (Public Services), GR21 (Flooding), NR1 (Trees and Woodlands) and NR2 (Protected Species).

Emerging Cheshire East Local Plan Strategy

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

PG1 – Overall Development Strategy, SC4 – Residential Mix, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SE1 – Design, SE2 – Efficient use of land, SE3 – Biodiversity and Geodiversity, SE4 – The Landscape and SE5 – Trees, Hedgerows and Woodland

Sandbach Neighbourhood Plan (SNP)

The Sandbach Neighbourhood Plan has been 'made' on 12th April 2016 under 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 and now forms part of the Development Plan for Cheshire East. The relevant Policies in the Neighbourhood Plan are:

PC3 (Policy Boundary for Sandbach), PC4 (Biodiversity and Geodiversity), PC5 (Footpaths and Cycleways), HC2 (Protection and Enhancement of the Town Centre), H1 (Housing growth), H2 (Design & Layout), H3 (Housing mix and type), H4 (Housing and an Ageing Population) and H5 (Preferred Locations), IFT1 (Sustainable Transport, Safety and Accessibility), IFT (Parking), IFC1 (Community Infrastructure Levy), CW1 (Amenity, Play, Recreation and Outdoor Sports Facilities), CW3 (Health) and CC1 (Adapting to Climate Change)

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to the following conditions; the prior submission/approval of a Construction Management Plan and the prior submission/approval of wheel wash measures

Environmental Protection – No objections, subject to a number of conditions including; the prior submission/approval of a piling method statement, the prior submission/approval of a dust mitigation scheme; the provision of electric vehicle infrastructure; the prior submission/approval of a Phase 1 Contaminated Land Report (and Phase 2 if necessary); the prior submission/approval of soil verification report and that works should stop if contamination identified. In addition, informatives in relation to hours of construction and contaminated land are also sought

United Utilities – No objections, subject to the following conditions; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan

ANSA Open Space – No objections, subject to the provision of a commuted sum of £16,834.50 towards off-site upgrading and maintenance (£4,332 upgrade and £12,502.50 for maintenance)

Flood Risk Manager – No objections, subject to the prior submission/approval of a surface water drainage scheme

Sandbach Town Council – Object to the proposal for the following reasons;

- Contravenes Neighbourhood Plan Policy IFT2 - loss of parking spaces
- Contravenes Neighbourhood Plan Policy H2 - Gardens are not of sufficient sizes

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and an advert placed in the local newspaper. Furthermore, a re-consultation exercise was undertaken in respect of a revised layout plan. To date, 11 letters of representation have been received. The main objections raised include;

- Principle of further housing in Sandbach
- Inappropriate use of site

- Highway safety – Access safety particularly during construction, parking concerns, volume of traffic, muddy/dusty roads during construction, impact upon access for emergency vehicles
- Ecology – Loss of wildlife/habitat, impact
- Design - Scale of bulk of development, layout not in character, over-development of site (density), position of bin storage, dwellings too tall
- Amenity – overlooking, loss of privacy, loss of light and visual intrusions, safety during construction, hours of operation
- Landscaping - lack of soft landscaping

APPRAISAL

The key issues are:

- The principle of the development
- The sustainability of the proposal, including its; Environmental, Economic and Social role
- CIL Regulations
- Planning balance

Principle of Development

Policy PS4 of the Local Plan advises that within the settlement boundary lines, there is a general presumption in favour of development providing that it is in keeping with the town's scale and character and does not conflict with other policies in the local plan. Policies PC3 and HC2 of the Sandbach NP also support the principle of residential development in this location.

Policy H1 of the Sandbach NP refers to housing growth. More specifically, it advises that development for housing will be met either through existing commitments in the Local Plan or through windfalls. It is considered that the application site is classified as a windfall site and as such, would adhere with this Policy also.

Policy H4 of the Local Plan refers to residential development in towns. Policy H4 states that new housing in such locations will be permitted where the following criteria is satisfied; the proposal does not utilise a site which is allocated or committed for any other purpose in the Local Plan; the proposal adheres with design policies; the proposal adheres with all other relevant local plan policies and the development would not have a detrimental impact upon housing land supply totals.

In response, the site is not allocated for any other purpose in the Local Plan and the proposed development would assist the Council's housing land supply shortage (as expanded upon below).

The adherence of the development with all other relevant Local Plan policies is considered within the sustainability section of this report.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

The NPPF determines that sustainable development includes three dimensions:- 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;

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

Environmental role

Landscape Impact

The application site is located within the Sandbach town centre enclosed on all sides by existing development be that either dwellings (and their associated curtilages), or car parks. As such, the proposal would not have a detrimental impact upon the wider landscape.

In consideration of the landscaping within the site itself, the application was originally supported by a landscape strategy. The layout of the proposed development has been amended since the production of this document and a soft landscaping plan submitted.

The soft landscaping plan proposes trees within the streetscene which is a welcome addition to the site.

Trees and Hedgerows

The application is supported by an Arboricultural Impact Assessment and Method Statement.

The application identifies the removal of eight individual trees and one group (T5, 6, 7, 8, 10, 11, 12, 14, & G9) all of which have been categorised as low value Category C specimens.

The Council's Tree Officer advises that this categorisation is accepted and no objection is raised to their loss.

Outside the site edged red on the western boundary of the site stand four early mature Sycamores and a mature Holly hedge. Both T1 and T2 appear to have established as coppiced re-growth, with multiple stems now forming the basis of their respective crowns.

Plot 6 establishes an incursion within the Root Protection Area of T1 with the tree also presenting a less than desirable social proximity to the gable elevation; the Council's Tree Officer has advised that the tree's long term retention is unsustainable within the present layout. Excavation to facilitate the adjacent properties foundations will directly impact the trees root system. The position of T2 in relation to the front elevation of Plot 6 is again prohibitive to long term retention given the predicted growth potential of the tree.

Both trees have been categorised as Moderate value specimens (Category B), this is not contested by the Council's Tree Officer who further states that as a result of the previous management the multi-stemmed formation does raise concerns in respect of their long term structural integrity.

The Council's Tree Officer advises that the orientation of the plots 7 to 10 establishes a more preferable relationship with the adjacent off site trees (T3 & T4). T3 is a poor low value Category C specimen with T4 categorised as being of Moderate value (B); these valuations are considered accurate. T4 does encroach over the rear garden aspect of Plot 10 but this can be managed by lateral pruning.

The Council's Tree Officer advises that none of the four identified trees are significant category A specimens considered worthy of formal protection under a Tree Preservation Order, the retention of the hedge is considered more preferable than the trees; this is particularly applicable in respect of T1 and T2

To conclude, the Council's Tree Officer has recommended that should the application be approved, conditions in relation to tree protection and tree pruning and felling should be incorporated to reflect the possible removal of T1 and T2.

The Council's Tree Officer advises that the change in extent of plot width along the western boundary does not alter his conclusions and recommendations.

Ecology

The application is not supported by an Ecology Report. However, the Council's Nature Conservation Officer has advised that he does not anticipate there being any significant ecological issues associated with the proposed development, subject to a nesting birds condition.

Design

Policy H2 of the Sandbach NP expects all new developments to be of a high standard that is in keeping with the character of the area, is sympathetic in terms of scale, density, layout, scale and appearance amongst other considerations.

Policy GR2 of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features.

Policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version, largely reflect the Local Plan policy.

The revised layout plan proposes 3 pairs of semi-detached dwellings (6 units) on the southern portion of the site fronting in a northern direction fronting onto an extension to Coppenhall Way.

A further 2 pairs of semi-detached units are proposed at a 90 degree angle to the other units towards the centre/north of the site fronting in an easterly direction onto a turning head.

This cul-de-sac design would respect the layout of the existing housing estate to which it would be linked into and as such, is considered to be acceptable.

All of the dwellings proposed are semi-detached dwellings. This would continue the pattern of form of the existing dwellings on Coppenhall Way and would therefore be acceptable.

In relation to scale, the dwellings would have a footprint of approximately 48.5 square metres and would have a maximum ridge height of 9.7 metres. In comparison to the closest associated dwellings on Coppenhall Way both the footprints and the maximum heights of the dwellings would be similar.

To ensure that the heights are secured, a proposed ground-floor levels condition is proposed should the application be approved.

Following negotiations, the appearance of the proposed dwellings would also closely reflect those of Coppenhall Way. These will include a ground-floor bay window, centralised dual-pitched roofed dormer windows and stone cills and lintels.

Within the Council's emerging Design Guide, pages 40 and 41 refer to Sandbach. The examples of the vernacular and form for the area include gable features, ground-floor bay windows and stone decoration, all of which are provided.

Subject to the prior approval of materials, it is considered that the appearance of the dwellings would respect the local prevailing character.

As a result of the above reasons, it is considered to adhere with Policy H2 of the SNP, Policy GR2 of the Local Plan and Policies SE1 and SD2 of the emerging Cheshire East Local Plan Strategy.

Access

The proposal would be accessed via a continuation of Coppenhall Way into the site.

The Council's Head of Strategic Infrastructure (HSI) has reviewed the proposals and advised that the existing standard of infrastructure of Coppenhall Way is sufficient to accommodate the additional 10 units proposed; the internal roads within the site are a shared surface arrangement.

The applicant has submitted swept paths to indicate refuse vehicles can turn within the site.

Parking provision has been provided in accordance with Council standards within Appendix 2 of the emerging Cheshire East Local Plan, and there are 3 additional visitor spaces provided.

As a result of the above reasons, no highway objections to the application are raised subject to the following conditions; the prior submission/approval of a Construction Management Plan and the prior submission/approval of wheel wash facility details.

Flood Risk and Drainage

The application site does not fall within a Flood Zone 2 or 3 and is not of a scale which requires the submission of a Flood Risk Assessment (FRA).

The Council's Flood Risk Officer has reviewed the application and advised that he has no objections, subject to the prior submission/approval of a surface water drainage scheme.

United Utilities have also reviewed the application and advised that they have no objections in relation to matters of drainage, subject to the following conditions; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan.

Environmental Conclusion

The proposed development would not create any significant landscape, tree or hedgerow issues, nature conservation, access, design flooding or drainage concerns subject to conditions.

As such, it is considered that the proposed development can be considered to be environmentally sustainable.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Sandbach for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services. As such, it is considered that the proposed development would be economically sustainable, predominantly during the construction period.

Social Role

The provision of market dwellings itself would be a social benefit. The scheme is not of a scale that triggers policy required contributions/provision towards education or affordable housing.

Residential Amenity

According to Policy GR6 of the Local Plan advises planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise.

Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

The closest neighbouring properties to the application site include; No's 5-9 Coppenhall Way to the east and No's 22 and 24 Platt Avenue to the north.

The rear elevations of the properties on Platt Avenue have rear gardens of 20 metres in length and are over the recommended minimum separation standards referred to above from the proposed development. As such it is not considered that the occupiers of these Platt Avenue properties would be detrimentally impacted by the proposed development in terms of loss of; privacy, light or visual intrusion.

The side elevation of No.9 Coppenhall Way would be 20.1 metres away from the front elevations of the dwellings proposed on plots 8 and 9, comfortably adhering with the 13.8 metre standard.

The rear elevations of No's 6-8 Coppenhall Way, originally would have been approximately 12.9 metres away from the side elevation of the dwelling proposed on plot 1. This was below the 13.8 metre standard. The applicant has subsequently amended the layout so this distance is increased to 13.8 metres, and adhering with the policy standard.

As a result of this re-design, the proposal would not create any significant amenity issues for the occupiers of No's 6-8 Coppenhall Way with regards to loss of light or visual intrusion. The windows proposed within the relevant side elevation of plot 1 would be conditioned to be obscurely glazed to prevent a loss of privacy.

There are no other neighbours within close proximity of the development that would be directly impacted in terms of loss of privacy, light or visual intrusion.

In terms of the amenity of the future occupiers of the proposed dwellings, the proposed dwellings would largely adhere with the recommended minimum separation standards.

In relation to the proposed gardens, paragraph 3.2 of SPG2 advises that *'in general, the overall rear garden area should not be less than 65 square metres.'*

Before the amendment to the 'red edge', it was identified that all of the rear gardens proposed ranged between 40 and 55 square metres. It was concluded that although this was below the recommended standard, it was still considered that these spaces would be large enough for the future occupiers to carry out their normal functions such as; drying washing, sitting out etc.

Although the change in the 'red edge' reduces the extent of the gardens to plots 7-10, these were the larger of the gardens proposed and none would drop below 40sqm.

With regards to Environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; the prior submission/approval of a piling method statement, the prior submission/approval of a dust mitigation scheme; the provision of electric vehicle infrastructure; the prior submission/approval of a Phase 1 Contaminated Land Report (and Phase 2 if necessary); the prior submission/approval of soil verification report and that works should stop if contamination identified. In addition, informatives in relation to hours of construction and contaminated land are also sought.

Although the proposed gardens sizes would be below the recommended minimum size, it is still considered that they are large enough for purpose as detailed above. For the above reasons, subject to obscure glazing conditions and the conditions proposed by the Council's Environmental Protection Officer, the application is considered to adhere with amenity policies GR1 and GR6 of the Local Plan.

Public Open Space (POS)

As the application proposal is for 10 dwellings, it triggers a POS requirement. The trigger for this requirement is 7 units as detailed within the *Revised Supplementary Planning Guidance Note 1: Provision of Public Open Space in New Residential Developments 2003*.

The applicant, within their Design and Access Statement has advised that;

'The site is small and there is not adequate room available to provide useful public open space alongside the housing, so the Applicant prefers to deal with the matter by way of a financial contribution, calculated in accordance with the formula in Supplementary Planning Guidance Note 1, and subject to the overarching consideration of development viability, which is being examined now that the development context is fixed.'

In accordance with the advice, standards and formulae contained in the Congleton Borough Council Interim Policy Note on "POS Provision for New Residential Development" 2008, the Council's Open Space Officer has assessed what POS would be needed to serve the proposals for up to x10 No 3 bed dwellings shown on the submitted proposed revised site plan dated January 2016, there would be a need to increase the capacity to absorb the impact of this development.

Sandbach Park which is within 430 metres of the site has been identified to be enhanced by the upgrading of paths in the upper section of the park and providing new mini goal sets and associated ground works.

Applying the standards and formulae in the 2008 Guidance the Council would need £4,332.00 towards the upgrading. The Council would also need a commuted sum of £12,502.50 to maintain the upgraded facilities over 25 years.

The above would be secured via a S106 Agreement.

Social Conclusion

Social benefits in the form of the provision of market dwellings in the settlement boundary in light of the Council's lack of housing land supply. In addition, no significant neighbouring amenity concerns would be created.

As such, it is considered that the proposal would be socially sustainable.

Planning Balance

The application site lies within the Sandbach settlement boundary where Policy PS4 of the Local Plan advises that within settlement boundaries, there is a general presumption in favour of development provided it is in keeping with the towns scale and character and does not conflict with other policies of the Local Plan. Policy H4 of the Local Plan generally permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location at a time when the Council cannot demonstrate a 5-year housing land supply. Furthermore, the development would generate the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

Balanced against these benefits would be the dis-benefits, which in this instance, relate to the smaller garden sizes proposed than policy guidance.

In this instance, it is not considered that this dis-benefit significantly and demonstrably outweigh the benefits.

The application is therefore recommended for approval subject to a S106 Agreement to secure the off-site open space contribution, and conditions.

RECOMMENDATION

APPROVE Subject to S106 Agreement to secure;

- 1. Off-Site Open Space enhancements (£4,332) and maintenance (£12,502.50)**

And conditions;

- 1. Time (3 years)**
- 2. Plans**
- 3. Prior submission/approval of materials**
- 4. Landscape Plan - Implementation**
- 5. Prior submission/approval of tree protection plan**
- 6. Prior submission/approval of nesting bird survey**
- 7. Prior submission/approval of ground-floor levels**
- 8. Prior submission/approval of a Construction Management Plan to include details of construction access to the site**
- 9. Prior submission/approval of wheel wash facility details**
- 10. Prior submission/approval of a surface water drainage scheme**

- 11.Foul and surface water to be drained on separate systems**
- 12.Prior submission/approval of a sustainable drainage management and maintenance plan**
- 13.Obsecure glazing requirements - First-floor side windows (all plots)**
- 14.Prior submission/approval of a piling method statement**
- 15.Prior submission/approval of a dust mitigation scheme**
- 16.Prior submission/approval of electric vehicle infrastructure**
- 17.Prior submission/approval of a Phase 1 Contaminated Land Report (and Phase 2 if necessary)**
- 18.Prior submission/approval of soil verification report**
- 19.Works should stop if contamination identified**
- 20.Prior submission/approval boundary treatment**
- 21.Removal of PD Rights – Part 1 Classes A-E**

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Planning Manager (Regulation), in consultation with the Chair of the Southern Planning Committee is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

Should the application be the subject of an appeal approval is given to enter into a S106 Agreement with the following Heads of Terms;

- 1. Off-Site Open Space enhancements (£4,332) and maintenance (£12,502.50)**

