

Application No: 18/3220C

Location: Training Centre, Hill Street, Sandbach, CW11 3JE

Proposal: Erection of a three storey residential development comprising 26 apartments (Use Class C3), parking, associated access, landscaping and servicing.

Applicant: ., Millennium Developments

Expiry Date: 30-Nov-2018

## SUMMARY

The application site lies within the Sandbach settlement boundary where the development plan supports new development, including housing. The loss of the site for commercial purposes has been accepted on this site by a previous Inspector.

The site is a sustainable location for new housing on a previously developed site, and it is considered that the revised design, although contemporary, would not have a detrimental impact upon the character and appearance of the area.

The proposal would not create any significant concerns with regards to; amenity, highway safety, landscape, trees and hedgerows, ecology, flood risk and drainage, affordable housing, education, local primary care capacity or Open space, subject to conditions and legal agreements where deemed necessary.

As a result of the above reasons, the application is recommended for approval.

## RECOMMENDATION

**APPROVE Subject to a S106 Agreement to secure: 30% (or more) on-site affordable housing provision and financial contributions towards education, NHS and public open space, and conditions**

## SITE DESCRIPTION

This application relates to site of the former Foden's factory-training centre located on the southern side of Hill Street in Sandbach. The site is rectangular in shape, measures approximately 0.253 ha. The industrial units that previously occupied the site have now been demolished.

The site is situated within the settlement zone line of Sandbach as designated in the adopted Congleton Borough Local Plan First Review (2005).

## PROPOSAL

Full planning permission is sought for the erection of 26 apartments.

A revised application form and plans were received during the application form changing the scheme from a development of 30 apartments of a different design on the advice of the Local Planning Authority.

The applicant also confirmed later in the process, that they would like to provide more than the policy required 30% affordable housing provision, possibly as much as 100%.

## RELEVANT HISTORY

**16/3642C** - Outline planning application for 20 apartments (four blocks) plus 20 car parking spaces. Previous planning approval ref: 09/3337C – Withdrawn 26<sup>th</sup> October 2016

**13/0765C** - Extension to Time Limit of Outline Planning Application 09/3337C for Demolition of Existing Industrial Unit, Clearance of Site and Redevelopment by the Erection of Residential Units – Approved 2<sup>nd</sup> May 2013

**09/3337C** - Demolition of Existing Industrial Unit, Clearance Of Site And Redevelopment By The Erection Of Residential Units – Refused 11<sup>th</sup> January 2010, appeal allowed 4<sup>th</sup> August 2010

**08/2013/OUT** - Demolition of existing industrial unit. Clearance of site & redevelopment by erection of residential units that may include semi-detached/terraced dwellings in two storey – Refused 3<sup>rd</sup> March 2009

**08/1507/OUT** - Demolition of existing industrial unit, clearance of site and redevelopment by the erection of residential units which may include semi detached / terraced dwellings in two storey – Withdrawn 3<sup>rd</sup> November 2008

**26309/1** – 1 dwelling – Approved 5<sup>th</sup> July 1994

**1494/3** - Replacement of Existing Garages – Approved 7<sup>th</sup> April 1975

## ADOPTED PLANNING POLICY

Sandbach Neighbourhood Development Plan (SNDP)

PC2 – Landscape Character, PC3 - Policy Boundary for Sandbach, PC4 - Biodiversity and Geodiversity, PC5 - Footpaths and Cycleways, H1 - Housing growth, H2 - Design & Layout, H3 - Housing mix and type, H4 - Housing and an Ageing Population, H5 - Preferred Locations, IFT1 - Sustainable Transport, Safety and Accessibility, IFT2 - Parking, IFC1 - Community Infrastructure Levy, CW1 - Amenity, Play, Recreation and Outdoor Sports Facilities, CW3 - Health and CC1 - Adapting to Climate Change

Cheshire East Local Plan Strategy (CELPS)

EG3 - Existing and Allocated Employment Sites, PG1 - Overall Development Strategy, PG2 - Settlement Hierarchy, PG7 – Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SE1 - Design, SE2 - Efficient Use of Land, SE3 - Biodiversity and Geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE9 - Energy Efficient Development, SE12 - Pollution, Land Contamination and Land Instability, SE13 – Flood Risk and Water Management, IN1 - Infrastructure, IN2 - Developer Contributions, SC4 - Residential Mix and SC5 – Affordable Homes.

#### Congleton Borough Local Plan (CBLP)

PS4 – Towns, GR6 - Amenity and Health, GR9 - Highways & Parking, GR20 – Public Utilities, NR2 – Wildlife and Nature Conservation – Statutory Sites, NR3 – Habitats

Supplementary Planning Guidance Note 2: Provision of Private Open Space (SPGN2)

#### **Other material policy considerations**

The National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)  
Cheshire East Design Guide

#### **CONSULTATIONS**

**Head of Strategic Infrastructure (HSI)** – No objections, subject to a condition requiring the prior submission/approval of a Construction Management Plan (CMP) which details the contractor and construction vehicle parking, loading and unloading locations and details of wheel wash facilities. In addition, an informative advising that a S184 licence is required to create the vehicle crossing is recommended

**Housing (Cheshire East Council)** – No objections, subject to the provision of 30% on site affordable housing provision to ensure policy compliance

**Flood Risk Manager (Cheshire East Council)** – No objections, subject to the receipt of an updated drainage strategy

**Education (Cheshire East Council)** – No objections, subject to the provision of £92,413 (£43,385 primary and £49,028 secondary), to alleviate impact of the proposed development upon local education provision

**Environmental Protection (Cheshire East Council)** – Original comments: No objections, subject to a number of conditions including; implementation of noise mitigation, prior submission/approval of a piling method statement, prior submission/approval of dust mitigation scheme, prior submission of a construction phase environmental management plan, the submission/approval of a residents travel information pack, the provision of electric vehicle charging infrastructure, the prior submission/approval of gas boiler emission standard, the prior submission/approval of a Phase II contaminated land report, the submission of a contaminated land verification report, the prior submission/approval of a soil verification report and that works should stop if contaminated is identified. Informatives relating to hours of construction, hours of piling and contaminated land are also proposed

**Public Open Space (Cheshire East Council)** – Contribution of £6,092.88 is required to upgrade a site at Thornbrook Way. This site is low in quality and could benefit from contributions to improve the capacity to help mitigate the impact of the development. In addition, a contribution of £17,397.50 is required to maintain the enhancements over a 25-year period

**United Utilities** – Advise that the submitted drainage strategy is insufficient but recommend conditions including; that foul and surface water be drained on separate systems and the prior submission/approval of a sustainable drainage management and maintenance plan.

**NHS** – No objections, subject to the receipt of £17,424 towards improvements to Ashfields Primary Care Centre.

**Sandbach Town Council** – Object to the proposal on the following grounds

- Amenity – Overlooking/loss of privacy from proposed roof terrace, unneighbourly location of bin store
- Design – Building should be 2 storey's tall

## **REPRESENTATIONS**

A full re-consultation exercise was undertaken between the 22<sup>nd</sup> October 2018 and the 9<sup>th</sup> November 2018 due to change in description of development to 26 apartments and not 30 apartments and due to a change in the proposed design of the proposals.

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and the application was advertised in the local newspaper. In response to the re-consultation, at the time of drafting this committee report, letters of objection have been received from four (09/11/2018) neighbouring properties. The main areas of objection include;

- Landscaping – Concerns that planting will cause concerns to the neighbouring property foundations (No.16 Hill Street)
- Amenity – concerns regarding odour due to proposed location of bin storage
- Highway safety – Insufficient parking provision, on-street parking congestion (particularly since the charging introduced at the train station), traffic volume concerns
- Design – Ugly appearance of principal elevation, not respectful to local character and streetscene, scale of development
- Infrastructure pressures upon school and health facilities

In response to the original proposals, letters of objection were received from 13 neighbouring properties. The main areas of objection included;

- Principle – No need for further housing in Sandbach
- Design – Scale with regards to 3-storey's is too large, overdevelopment of site, lack of boundary treatment
- Highway safety – on-street parking congestion (particularly since the charging introduced at the train station), increased traffic levels/congestion, junction obstruction, visibility, lack of visitor parking provision, construction vehicle parking concerns, access for refuse

- Landscaping – Concerns that planting will cause concerns to the neighbouring property foundations
- Infrastructure – Impact upon local schools and doctors
- Amenity – concerns regarding air quality by increased traffic, loss of privacy/overlooking, loss of light
- Lack of affordable housing provision

## **APPRAISAL**

### **Principle of development**

#### New housing

Policy PC3 of the Sandbach Neighbourhood Development Plan (SNDP) states that new development (including housing) will be supported in principle within the policy boundary (Sandbach), within which the application site falls.

Policy PG2 of the CELPS identifies Sandbach and a Key Service Centre. Within such locations, development of a scale, location and nature that recognises and reinforces the distinctiveness of the town will be supported to maintain the vitality and viability.

Policy PG7 of the CELPS states that Sandbach is expected to accommodate 20 hectares of employment land and 2,750 new homes over the plan period (2010-2030).

As at the 31 March 2017, there had been 1,059 new homes completed over the period 01.04.2010 – 31.03.2017 in Sandbach, there were commitments for 1742 homes and strategic sites identified in the Local Plan Strategy to deliver approximately 450 homes. As such there are 3,251 homes expected to be delivered in Sandbach by 2030 (source: Housing Monitoring Update – base date 31 March 2017).

As the site falls with the Sandbach Settlement Boundary, the proposal is subject to Policy PS4 of the CBLP. Policy PS4 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.

#### Loss of commercial site

Policy EG3 of the CELPS refers to allocated and unallocated employment sites. The policy states that existing employment sites should be protected unless the premises are causing harm which cannot be mitigated or the site is no longer suitable or viable for employment use.

The application site is currently a vacant former factory-training centre.

A previous application for residential development on the site (ref: 09/3337C) was refused by the Council for the following reasons;

1. *Insufficient information has been submitted with the application in order to justify the loss of an existing employment site. The applicant has not made reasonable attempts to market the property for employment uses and has failed to demonstrate that there would be substantial*

*planning benefits that would outweigh the loss of the site for employment purposes. The proposal is thereby contrary to Policies GR1 and E10 of the adopted Congleton Borough Local Plan First Review.*

However, the appeal (ref: APP/R0660/A/10/2123905) was allowed and the Inspector advised that;

*‘...it has been reasonably demonstrated that the site is no longer suitable for employment uses without significant upgrading which would provide not to be financially viable. Therefore, the proposal would not conflict with LP Policy E10 which seeks to ensure that sufficient employment land and premises exist to meet the needs of the local workforce.’*

As a result of the above reasons, although this appeal was considered against an obsolete policy, it is considered that the same principles apply. Therefore, the loss of this site for employment purposes is considered to be acceptable in principle.

#### Principle conclusion

The provision of new housing on this previously developed site within the Sandbach Settlement Boundary is supported in conjunction with the loss of the site for commercial purposes as a result of a combination of the planning history and adherence with the relevant principal planning policies of the development plan.

#### **Design**

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

Policy SD1 of the CELPS advises that new development should be well designed and be to a high standard.

Policy SD2 advises that new development should contribute positively to an areas character and identity, reinforcing local distinctiveness in terms of; height, scale, form and grouping, materials, external design features, massing, relationship to the neighbouring properties, streetscene and wider neighbourhood.

The Cheshire East Design Guide SPD supplements the design policies of the plan.

Policy PC2 of the SNDP advises that development should respond positively to the landscape of the area by reason of; scale, massing, features and design. The SNDP goes on to identify the site as ‘Urban’.

Policy H2 of the SNDP states that all developments should meet high design standards that are in keeping with the local character, are appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials, and its relationship to adjoining buildings and landscape features, and ensure that the scale and massing of buildings relate sympathetically to the surrounding area.

The proposal is for the erection of a predominantly two-storey apartment block, with a smaller third storey element.

The apartment block would be a rectangular shaped building that would lie parallel, on the southern side of Hill Street, Sandbach, within the settlement zone line. The block would comprise of 20 x two-bedroom apartments and 6 x one-bedroom apartments.

The building, at its maximum points would measure 53.3 metres in width, 16.6 metres in depth, and would comprise of a flat roof 8.8 metres in height.

The building would be inset from Hill Street to the north by approximately 3.4 metres, from the eastern boundary by approximately 9.7 metres, from the rear boundary (southern) by between 16.6 metres and 22.1 metres, and to the western boundary by approximately 1.2 metres.

As such, the development would be set forward within the site but span the majority of the site's width.

The plan shows that the site would be accessed via the creation of a new vehicle entrance onto Hill Street to the north, towards the north-eastern corner of the site. The new access driveway would subsequently extend to the rear of the site to off-road parking and a shared private amenity space.

Hill Street comprises of predominantly terraced or semi-detached properties fronting the highway with elongated rear gardens. There is however, a larger 'block type' arrangement of built form nearby to the south in the form of St Stephens Nursing Home and blocks of built form in the form of terraces adjacent to the site to the north-east. Given this and given that the site was previously largely covered with larger industrial/commercial buildings and hard standing, it is not considered inappropriate for a block of development, covering the footprint it does, to be erected on this site.

The development would be 'inset' from the highway by approximately 3.4 metres on its principal elevation. This would bring it in line with the development adjacent to the site to the north-east and would allow for soft landscaping to be introduced into the streetscene as well as assisting in tempering the bulk of the building. The provision of off-street parking to the rear of the site is welcomed, screening it from the streetscene.

As a result of the above reasons, the general layout arrangements and form are deemed acceptable.

With regards to scale and appearance, the Council originally had concerns about the scale, mass and bulk of the proposal. Following discussions between the applicant and the Council and revised scheme was submitted.

The Council's Urban Design Officer, in response to the revisions, has advised that whilst he appreciates that the area is generally characterised by 2-storey development, the proposed upper storey would be set back and inset at either end which will make it appear recessive in massing terms at street level. Although a contemporary approach, the scheme takes cues to help it integrate into the locale, including the use of brickwork, the regular rhythm of fenestration and definition of the front boundary with a wall.

The maximum height would be no taller than the adjacent units.

As such, subject to conditions suggested by the Council's Urban Design Officer relating to appearance (cladding, brickwork, fenestration, rainwater goods, the recess of openings and the detail of the boundary wall) relating to the appearance, it is considered that the appearance and scale of the proposed development is acceptable and would adhere with the policies; SE1, SD1, SD2 of the CELPS and policies PC3 and H2 of the SNDP.

### **Locational Sustainability**

Due to the siting of the application site within the Sandbach Settlement Boundary, it is considered that the site is within an appropriate distance to sufficient public facilities such as schools, shops, doctors etc for the site to be deemed locationally sustainable.

### **Highways**

The revised proposal is for 26 apartments with off-road vehicle and cycle parking, utilising an amended access off Hill Street.

Following the receipt of speed surveys, the Council's Head of Strategic Infrastructure (HSI) has advised that the site access has sufficient visibility.

The HSI has advised that the off-road parking provision is below standard, but the standards are not rigid. The HSI goes on to advise that the site is located in a sustainable location being a short walk to bus stops, railway station, shops, and employment areas. Car ownership data for apartments in this location also indicates that the proposed parking provision will be sufficient so that on-street parking associated with the apartments will not need to take place.

The HSI concludes that the revised proposals will have no highways impact and no objection is raised subject to a condition requiring the prior submission/approval of a Construction Management Plan (CMP) which details the contractor and construction vehicle parking, loading and unloading locations and details of wheel wash facilities. In addition, an informative advising that a S184 licence is required to create the vehicle crossing is recommended. The proposal is therefore deemed to adhere with Policy GR9 of the CBLP.

### **Residential Amenity**

Policy GR6 (Amenity and Health) of the CBLP, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties via loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Guidance Note 2 sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. It states that 21.3 metres should be maintained between 2 principal elevations and 13.8 metres should be allowed between a principal and flank elevation. It should also be noted that this should be increased based on site conditions in the case of development of 3-storey's or greater.



The closest residential properties to the application site are the occupiers of No.16 and 22 Hill Street which would flank the proposed development on the Hill Street frontage, the properties directly opposing the proposal on the opposite side of Hill Street, the occupiers of St Stephens Nursing Home to the rear and No's 32, 34 and 34 Elizabeth Close to the south and south/west.

Within the western side gable elevation of No 16 Hill Street which faces the application site, there are no existing openings. However, it appears that there is an opening within the two-storey rear outrigger. It was not clear if this window represented a sole window to a principal habitable room, but appeared unlikely.

Attempts to identify the room to which this window served were made unsuccessfully on various occasions.

The layout plan suggests that the side elevation of the proposed built form would be sited approximately 12.2 metres from this window.

Within the relevant side elevation of the proposals, a single, central window is proposed on each storey. According to the submitted floor plans, these would comprise of hallway windows. The proposed ground-floor window would be screened by boundary treatment and the second-floor window would be inset considerably to an extent that it should not be viewable from the neighbouring dwelling. However, in the event of approval, it is recommended that the first-floor window on the north-eastern side elevation be conditioned to be obscurely glazed to prevent overlooking/loss of privacy.

Within the side elevation of No 22 Hill Street which faces the application site, there are 3 windows. These comprise of a first-floor window towards the centre of the gable end and two ground-floor windows, one in the gable and one within a single-storey rear outrigger. There is also a first-floor window on a two-storey outrigger facing the application site, but inset from the boundary.

It is not clear, but appears that none of these windows represent sole windows to principal habitable rooms. Again, attempts to identify the rooms to which these windows served were made unsuccessfully on various occasions.

The side elevation of the proposed development would be between 6 and 8.5 metres away from these windows.

Given that none of these neighbouring windows are likely to represent sole windows to principal habitable rooms, it is not considered that the proposal would have a significant impact upon the occupiers of this property with regards to loss of privacy, light or visual intrusion.

Within the relevant side elevation of the proposals, a single, central window is proposed on each storey. According to the submitted floor plans, these would comprise of hallway windows. The proposed ground-floor window would be screened by boundary treatment and the second-floor window would be inset considerably to an extent that it should not be viewable from the neighbouring dwelling. However, in the event of approval, it is recommended that the first-floor window on the north-eastern side elevation be conditioned to be obscurely glazed to prevent overlooking/loss of privacy.

In consideration of both of the above adjacent neighbouring dwellings, concerns have been raised about overlooking/loss of privacy concerns from the proposed roof terrace. In response to this

concern, the applicant has since amended the scheme to remove the roof areas from being roof terraces, and change them to green roofs. Subject to this space being conditioned so it cannot be used by the occupants or visitors, but maintenance only, it is considered that this amendment overcomes this concern.

The layout shows that the built form fronting Hill Street would be sufficiently away from the dwellings on the opposite side of Hill Street not to detrimentally impact the occupiers of these properties or the future occupiers of the proposed apartments with regards to loss of privacy, light or visual intrusion.

It is considered that the occupiers of No.31 New Street would be sufficiently offset from the new development so not to be significantly impacted.

To the rear (south) of the application site is a single-storey care home. Within the relevant elevation of the care home are multiple openings. According to the planning history, these openings serve as either utility rooms, bathrooms, bedrooms (x6), a dining room and a lounge.

On the layout plan, the rear elevation of the apartment block would be approximately 24.9 metres away from the closest impacted openings (bedrooms). As such, the development is considered to be far enough away from this care home so not to create concerns with regards to privacy, light or visual intrusion.

The layout plan indicates that no development is proposed that would directly impact the amenities of the closet properties on Elizabeth Close to the south-west due to the distance of the development away from them.

With regards to the amenity of the future occupiers of the proposed apartments, a shared garden is proposed that measures 632m<sup>2</sup>. It is considered that sufficient shared space is proposed to support the proposed development.

In relation to Environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; implementation of noise mitigation, prior submission/approval of a piling method statement, prior submission/approval of dust mitigation scheme, prior submission of a construction phase environmental management plan, the submission/approval of a residents travel information pack, the provision of electric vehicle charging infrastructure, the prior submission/approval of gas boiler emission standard, the prior submission/approval of a Phase II contaminated land report, the submission of a contaminated land verification report, the prior submission/approval of a soil verification report and that works should stop if contaminated is identified. Informatives relating to hours of construction, hours of piling and contaminated land are also proposed.

Concerns had been raised by a local resident and the Town Council about the unneighbourly location of the proposed bin store. In response to this concern, a revised plan has been received which re-locates this. This revision is deemed acceptable.

As a result of the above, subject to the recommendations of the Council's Environmental Protection Team, an obscure glazing condition, and a condition restricting the use of the flat roof, it is considered that the proposed development would adhere with Policy GR6 of the CBLP and the amenity aspects of Policy SE1 of the CELPS and H2 of the SNDP.

## **Landscape**

This is a cleared brownfield site to the south of Hill Street. There is a short length of hedge to the north east boundary and trees off site to the south. There are a variety of existing boundary treatments.

The Council's Landscape Officer has advised that the Landscape proposals appear reasonable in principle although, recommends that a fully specified scheme, with final details of composition of each individual ornamental planting area, and the identification on plan of each of the 10-12cm size tree species, is sought by condition. The final detail of the green roof will also need agreement.

Subject to this, it is considered that the proposed development would adhere with Policy SE4 of the CELPS.

## **Trees and Hedgerows**

This is a cleared brownfield site to the south of Hill Street. There is a short length of hedge to the north east boundary and trees off site to the south.

Arboricultural information was received during the application process. The report identifies the potential for the development to impact on two off site trees due to the proximity of the proposed car parking areas in relation to root protection areas. Encroachment is described as minimal. Recommendations are made for no dig surfacing.

Subject to adherence to the construction methodology for the car park described in the report, the Council's Forestry Officer has no forestry concerns and the proposals would adhere with Policy SE5 of the CELPS.

## **Ecology**

The Council's Nature Conservation Officer has reviewed the submitted application and advised that he has no objections, subject to a condition to protect nesting birds and a condition requiring the prior submission/approval of a strategy for the incorporation of features to enhance the biodiversity value of the proposed development. The submitted strategy should include proposals for the provision of features for nesting birds including house sparrow and roosting bats, a wildlife pond and native species planting.

Subject to these conditions, it is considered that the proposed development would adhere with Policy SE5 of the CELPS and NR2 of the CBLP

## **Flood Risk and Drainage**

The application site is located in Flood Zone 1, a location which is deemed to have a low level of flood risk.

The Council's Flood Risk Manager has reviewed the proposals and advised that they have no objections in principle to the proposed development subject to a condition requiring the prior submission/approval of a detailed drainage strategy/design, limiting the surface water runoff generated by the proposals and an associated management/maintenance plan for the site.

With regards to drainage, United Utilities in consideration of the original proposals advised that they too have concerns about the existing drainage strategy for the same reasons highlighted by the Flood Risk Officer. However, it is deemed that this matter could be resolved with the Flood Manager's suggested condition. Either way, there is a drainage solution for the site be that via soakaways or if deemed unsuitable, there is the option to link into the existing United Utilities network. In addition, United Utilities have recommended, in the event of approval, a condition ensuring that foul and surface water are drained on separate systems and a condition requiring the prior submission/approval of a sustainable drainage management and maintenance plan.

As such, subject to the proposed conditions, it is not considered that the proposed development would create any significant flood risk or drainage concerns and would adhere with Policies GR20 of the CBLP and SE13 of the CELPS.

### **Affordable Housing**

The Cheshire East Local Plan Strategy (CELPS) and the Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we 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 larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 26 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 8 dwellings to be provided as affordable dwellings.

The CELPS states in Policy SC5, justification paragraph 12.44, *'The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year.'* This is for the whole borough of Cheshire East.

The current number of those on the Cheshire Homechoice waiting list with Sandbach as their first choice is 555. This can be broken down to 270 x 1 bedroom, 190 x 2 bedroom, 87 x 3 bedroom, 22 x 4 bedroom and 17 x 5 bedroom dwellings for General Needs.

The SHMA 2013 shows the majority of the demand in Sandbach per annum up to and including 2018 is for 18 x 1 bedroom, 33 x 2 bedroom, 18 x 3 bedroom and 9 x 4 bedroom dwellings for general needs accommodation. The SHMA 2013 is also showing an annual need for 11 x 1 bedroom and 5 x 2 bedroom dwellings for older persons. These can be via flats, cottage style flats, bungalows and lifetime home standard dwellings.

With the need data shown above, a mix of 1, 2, 3, and 4 and on this site would be acceptable. The plans are showing a mix of 1 and 2 bedroom flats on this site and so this would be meeting the 1 and 2 bedroom requirement and also the older person accommodation on the ground floor.

5 units should be provided as Affordable Rent and 3 units as Intermediate Tenure.

The applicant has agreed to the requirements of the policy as a minimum and the proposals are therefore deemed to adhere with Policy SC5 of the CELPS. The requirement shall be secured via a S106 Agreement.

## **Education**

The CELPS is expected to deliver 36,000 houses in Cheshire East between 2010 and 2030; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a Special Educational Need (SEN).

The Service acknowledges that 6 dwellings of 1 bedroom do not meet the criteria, therefore the assessment has been based on 20 dwellings.

The development of 20 dwellings is expected to generate:

4 primary children (20 x 0.19)

3 secondary children (20 x 0.15)

0 SEN children (20 x 0.51 x 0.023%)

The development is expected to impact on both primary school and secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of school places still remains.

To alleviate forecast pressures, the following contributions would be required:

$4 \times £11,919 \times 0.91 = £43,385$  (primary)

$3 \times £17,959 \times 0.91 = £49,028$  (secondary)

Total education contribution: £92,413

Without a secured contribution of £92,413 Children's Services would raise an objection to this application.

However, the applicant has agreed to the contribution and this is to be secured through a Section 106 Agreement in the event of approval.

## **Health**

Policy SC3 of the CELPS states that the Council will seek contributions towards new or enhanced health and social care facilities from developers if the proposals would generate possible health impacts.

The NHS Southern Cheshire Clinical Commissioning Group have considered the impact of the development upon the local health care capacity, more specifically, Ashfields Primary Care Centre.

It has been advised that there is an ever increasing demand upon its capacity. In order to account for these increasing pressures, various matters are being considered, including an increase in the size of the existing building.

In order to fund the development of Ashfields Primary Care Centre, the Southern Cheshire Clinical Commissioning Group have requested a contribution based on the below formula;

<b>Size of Unit</b>	<b>Occupancy Assumptions-Based on Size of Unit</b>	<b>Health-Need/Sum Requested per Unit</b>
1 bed unit	1.4 persons	£504 per 1 bed unit
2 bed unit	2.0 persons	£720 per 2 bed unit
3 bed unit	2.8 persons	£1,008 per 3 bed unit
4 bed unit	3.5 persons	£1,260 per 4 bed unit
5 bed unit	4.8 persons	£1,728 per 5 bed unit

In this instance, 20 two bedroom units and 6 one bedroom units are proposed. Based on the above formula, this equates to £3,024 for the 1 bed units and £14,400 for the 2 bed units, equating to a total requirement of £17,424.

This would be secured via S106 Agreement.

The application has agreed to the contribution.

### **Public Open Space**

Policy SE6 of the CELPS provides a policy basis to require new developments to provide or contribute to Children's Play Space, Amenity Green Space (AGS), Green Infrastructure Connectivity (GI) and Allotments.

In line with Table 13.1 of Policy SE6, this development requires 400sqm of Children's Play Space and 520sqm AGS as a minimum. The verge/buffer planting to the front and rear offers visual amenity, however there is still a requirement to satisfy Policy SE6 in terms of children's play and amenity green space which maybe combined area.

Part 2 of the applicant's Design & Access Statement shows a small area of open space area tucked away in the south west of the site and is more suited to a communal area which is not acceptable as public open space. It is not visible from the road so offers little or no visual amenity for the development or act as meaningful public open space.

The Council's Public Open Space Officer has advised that there is a site at Thornbrook Way, Sandbach that offers a combined open space and play facility, which is just over 800 metres away. The Officer advises that this existing space is low in quality and could benefit from contributions to improve the capacity to help mitigate the impact of the development should the committee deem this development acceptable in principle.

Contributions sought for enhancement are £6,092.98 and £17,379.50 to maintain those enhancements over 25 years. Contributions should be secured through the Legal S.106 Agreement in the event of approval.

The application has agreed to this requirement.

### **Levy (CIL) Regulations**

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 development would result in the requirement of a minimum of a 30% on-site affordable housing provision with a tenure split of 65% rented and 35% intermediate tenure. This is considered to be necessary, fair and reasonable in relation to the development.

The scale of the development in conjunction with local need will result in the requirement to provide 400sqm of Children's Play Space and 520sqm AGS as a minimum. However, the improvement and maintenance of a nearby facility to account for this need is deemed sufficient. This equates to £6,092.98 and £17,379.50 to maintain those enhancements over 25 years This is considered to be necessary, fair and reasonable in relation to the development.

The development would result in the requirement for £92,413 comprising of £43,385 (primary) and £49,028 (secondary) due to the additional burden the proposed 20 x 2 bed apartments would have upon existing capacity. This is considered to be necessary, fair and reasonable in relation to the development.

A contribution of £17,424.00 is required to upgrade Ashfields Primary Care Centre to account for the increased demand of the development upon its facility. This is considered to be necessary, fair and reasonable in relation to the development.

On this basis, the S106 recommendation is compliant with the CIL Regulations 2010.

### **Conclusions**

The application site lies within the Sandbach settlement boundary where the development plan supports new development, including housing. The loss of the site for commercial purposes has been accepted on this site by a previous Inspector.

The site is a sustainable location for new housing on a previously developed site, and it is considered that the revised design, although contemporary, would not have a detrimental impact upon the character and appearance of the area.

The proposal would not create any significant concerns with regards to; amenity, highway safety, landscape, trees and hedgerows, ecology, flood risk and drainage, affordable housing, education,

local primary care capacity or Open space, subject to conditions and legal agreements where deemed necessary.

As a result of the above reasons, the application is recommended for approval.

## RECOMMENDATION

**APPROVE** subject to a **S106 Agreement** to secure;

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	30% (or more) - 65% Affordable Rent / 35% Intermediate Submission of affordable housing statement	If any market housing, 50% open market occupied prior to affordable provision. Prior to issuing of decision notice
<b>Education</b>	Primary: £43,385 Secondary: £49,028 Total: £92,431	Primary contribution – Prior to occupation Secondary contribution – Prior to occupation of 50%
<b>Health</b>	£17,424 (Ashfields Primary Care Centre)	100% prior to first occupation
<b>Public Open Space</b>	£6,092 (Thornbrook Way Play Area) £17,379.50 for maintenance over 25 years	Prior to occupation of 50%

**And the following conditions;**

1. Time (3 years)
2. Plans
3. Prior submission/approval of facing/roofing materials including; cladding – *Prior to use of*
4. Prior submission/approval of fenestration details – *Prior to installation of*
5. Prior submission/approval of rainwater goods details – *Prior to installation of*
6. Green roof area use restricted to maintenance purposes only
7. Obscure glazing – First-floor side elevation windows – *Prior to occupation*
8. Noise mitigation – Implementation
9. Prior submission/approval of piling method statement
10. Prior submission/approval of dust mitigation scheme
11. Prior submission/approval of Environmental Management Plan
12. Prior submission/approval of residents travel information pack – *Prior to occupation*
13. Provision of electric vehicle charging infrastructure
14. Prior submission/approval of Phase II contaminated land report
15. Submission/approval of verification report
16. Prior submission/approval of soil verification report
17. Works to stop if contamination is identified
18. Prior submission/approval of Construction Management Plan



19. Prior submission/approval of updated landscaping scheme – *Prior to occupation*
20. Landscape - Implementation
21. Prior submission/approval of boundary treatment details – *Prior to installation of*
22. Nesting birds
23. Prior submission/approval of features to enhance the biodiversity value of proposals – features for nesting birds (incl house sparrows) and bats, a wildlife pond and native species planting – *Prior to occupation*
24. Prior submission/approval of updated drainage strategy & associated sustainable management and maintenance plan
25. Foul and surface water be drained on separate systems
26. Prior submission/approval of levels

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

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	30% (or more) - 65% Affordable Rent / 35% Intermediate Submission of affordable housing statement	If any market housing, 50% open market occupied prior to affordable provision. Prior to issuing of decision notice
<b>Education</b>	Primary: £43,385 Secondary: £49,028 Total: £92,431	Primary contribution – Prior to occupation Secondary contribution – Prior to occupation of 50%
<b>Health</b>	£17,424 (Ashfields Primary Care Centre)	100% prior to first occupation
<b>Public Open Space</b>	£6,092 (Thornbrook Way Play Area) £17,379.50 for maintenance over 25 years	Prior to occupation of 50%

In order to give proper effect to the Southern Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice

