

Application No: 19/5010C

Location: THE CROFT, HIGH STREET, SANDBACH, CW11 1AL

Proposal: Full planning application for the relevant demolition of existing dwelling in a Conservation Area and erection of Class A1, A2, A3 and A5 units and 14 residential units, associated access, car parking and landscaping

Applicant: Muller Property Group

Expiry Date: 06-Feb-2020

Summary

The application site is within the Settlement Zone Line. The proposed development is allocated for retail development under policy DP4 of the CBLP and is supported by Policy HC2 of the SNP. The principle of the residential element of the scheme also complies with Policies PG2, EG5 and SE2 of the CELPS and HC2, PC3 and H1 of the SNP

The highways implications of the development are considered to be acceptable. The proposed development would comply with Policies SD1, SD2, CO1 (subject to additional cycle parking provision) and CO2 of the CELPS, Policies GR9, GR10 and GR13 of the CLP and Policies H5 and JLE1 of the SNP.

The amenity implications of the proposed development, including noise, air quality and contaminated land are considered to be acceptable and would comply with GR6 and GR7 of the CLP and SE12 of the CELPS. On balance it is not considered that the harm caused to the first floor flat at 43 High Street could be sustained as a reason for refusal.

There are existing trees within the vicinity of the proposed development. Trees on the periphery of the site are visible to the public and make a contribution to visual amenity. Given the site allocation of the site it is accepted that there will be tree losses as part of the proposed development.

The impact upon protected species and ecology is considered to be acceptable. However it is acknowledged that the development would not provide a biodiversity net gain in accordance with policy SE3 of the CELPS.

The drainage and flood risk implications of the proposed development are considered to be acceptable and the development complies with Policy CE 13 of the CELPS.

The proposed development would not impact upon the adjacent PROW which would be retained. The development would comply with Policies CO1 of the CELPS, Policy GR16 of the CBLP, Policies PC5 and JLE1 of the SNP.

The impact of the development upon archaeology, infrastructure (education and health) and the affordable housing provision is acceptable.

Finally the development of the site would have some employment benefits as identified above and this does attract some weight.

The proposed development fails to take the opportunities available for improving the character and quality of the area. The development would result in less than substantial harm (at the higher end) to the heritage assets and fails to have special regard to preserving or enhancing the Conservation Area and Listed Buildings. The benefits do not outweigh this harm and the application is contrary to Policies SE1, SE2, and SE7 of the CELPS, Policies H2 and HC1 of the SNP and guidance contained within the NPPF.

RECOMMENDATION

REFUSE

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Benson for the following reason;

'This proposal if granted would have a significant impact on Sandbach Town Centre as it lies within the Sandbach Conservation Area. I request that this matter be determined by the Southern Planning Committee to enable full and detailed consideration of all relevant policies of the Sandbach Neighbourhood Development Plan. In particular, Policies HC1 (Historic Environment) and HC2 (Protection and Enhancement of the Town Centre). In relation to the proposal to erect 14 residential units, the Planning Committee will be aware that Cheshire East has a housing supply of 7.5 years and this should also be considered'

PROPOSAL

This is a full planning application for the demolition of an existing dwelling known as 'The Croft' and the erection of a mixed-use scheme. The mixed-use scheme would consist of a three storey building containing six ground floor commercial units (Classes A1, A2, A3 and A5) with 14 two bedroom apartments above. Access and servicing would be taken from Brookhouse Road. The development includes the provision of 14 car parking spaces.

SITE DESCRIPTION

The application site extends to 2,024sqm. The site located within the Sandbach Settlement Boundary, the Sandbach Conservation Area and the Sandbach Area of Archaeological Potential and as defined by the Congleton Borough Local Plan.

To the north of the site are numerous listed buildings which front High Street. The majority are Grade II but St Mary's Church is Grade II* and the Old Hall Hotel is Grade I.

The majority of the site forms part of allocation DP4(S1) of the Congleton Local Plan.

The site comprises 'The Croft', its residential curtilage and adjacent land including a number of trees. To the south of the site is the Waitrose Supermarket and its associated car park.

PROW Sandbach FP43 runs along the Brookhouse Road frontage of the site.

RELEVANT HISTORY

The site has no planning history.

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP1 – Presumption in Favour of Sustainable Development

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG7 – Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 – Design

SE 2 - Efficient Use of Land

SE 3 - Biodiversity and Geodiversity

SE 4 – The Landscape

SE 5 – Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure

SE 7 – The Historic Environment

SE 9 – Energy Efficient Development

SE 12 – Pollution, Land Contamination and Land Instability

SE 13 - Flood Risk and Water Management

EG5 – Promoting a Town Centre First Approach to Retail and Commerce

IN1 – Infrastructure

IN2 – Developer Contributions

SC4 – Residential Mix

SC5 – Affordable Homes

CO1 – Sustainable Travel and transport

CO2 – Enabling Growth Through transport Infrastructure

CO4 – Travel Plans and Transport Assessments

Congleton Borough Local Plan

DP4(S1) – Retail Sites

PS4 – Towns

GR6 – Amenity and Health

GR7 – Amenity and Health

GR9 - Accessibility, servicing and provision of parking

GR10 - Accessibility, servicing and provision of parking

GR13 – Public Transport Measures
GR14 - Cycling Measures
GR15 - Pedestrian Measures
GR16 - Footpaths Bridleway and Cycleway Networks
GR17 - Car parking
GR18 - Traffic Generation
NR3 – Habitats
NR4 - Non-statutory sites
NR5 – Non-statutory sites
BH4-BH5 – Listed Buildings
BH8-BH10 – Conservation Areas

Sandbach Neighbourhood Plan (SNP)

The Sandbach Neighbourhood Plan was made on 12th April 2016.

PC2 – Landscape Character
PC3 – Policy Boundary for Sandbach
PC4 – Biodiversity and Geodiversity
HC1 – Historic Environment
HC2 – Protection and Enhancement of the Town Centre
H1 – Housing Growth
H2 – Housing Layout
H3 – Housing Mix and Type
H4 – Housing and an Ageing Population
H5 – Preferred Locations
JLE1 – Future Employment and Retail Provision
IFT1 – Sustainable Transport, Safety and Accessibility
IFT2 – Parking
IFC1 – Community Infrastructure Levy
CC1 – Adapting to Climate Change

National Policy:

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

Of particular relevance are paragraphs:

11 Presumption in favour of sustainable development.

50. Wide choice of quality homes

85-90 Ensuring the vitality of town centres

102-107 Promoting sustainable transport

124-132 Requiring good design

184-202 Conserving and enhancing the historic environment

CONSULTATIONS:

Cheshire Archaeology: Condition suggested.

United Utilities: A public sewer crosses this site and UU may not permit building over it. UU will require an access strip width of six metres, three metres either side of the centre line of the sewer

which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

No objection condition suggested.

CEC Education: A contribution of £32,685 is required towards secondary education. There is no requirement for contributions towards primary education or SEN.

CEC Housing: This is a proposed development of 14 Residential dwellings with a site size of 0.2 Hectares. Therefore the triggers to provide Affordable Housing have not been met. No objection.

Cadent Gas: No comments received.

Cheshire Police: Raise the following concerns;

- Low walled planters and front boundary wall will encourage informal seating and potentially create anti-social behaviour
- The parking is located away from residential entrances. There is no detail concerning lighting and CCTV. There will need to be measures to prohibit non-residents parking.
- Concern over the width of the fire access
- Concerns over the location of the bin store
- Concern over delivery vehicle provision and the safety of pedestrians
- Concern over the access to retail unit 3 which encourages access to the rear of High Street which has no lighting and poor surfacing
- The main residential access should be via video controlled intercom
- Cycle storage should be covered and overlooked. There are few active windows facing the cycle store

Historic England: No objection to the application on heritage grounds.

However Historic England do state that *'The High Street's character is derived from the variation in building type, form, scale and rich roofscape. We consider that any potential impact upon the character of the conservation area could be further mitigated through design amendments to complement this historic character'* and that the issues raised in their consultation response need to be addressed in order for the application to meet the requirements on the NPPF.

CEC Environmental Health: Conditions suggested in relation to ventilation and extraction equipment, lighting, travel plan, electric vehicle charging, low emissions boilers and contaminated land. Informatives also suggested.

CEC PROW: Informatives suggested.

CEC Head of Strategic Infrastructure: No objection. Condition suggested.

CEC Flood Risk Manager: Condition and an informative are suggested.

VIEWS OF THE TOWN COUNCIL:

Sandbach Town Council: The Town Council object to this application for the following reasons;

- There is no urgent requirement for more Town Centre apartments with several other similar developments underway in the Town Centre. Sandbach has already identified more than its required allocation of residential development for the period of the Local Plan. Furthermore, the design of this application means the massing of buildings will cut off existing views of St Mary's church. This will not contribute towards the Heritage and Character or the Conservation area of Sandbach.
- There is also no need for additional shops units. There are currently existing vacant shop units in the Town Centre, with nothing to suggest that there is a demand for more. Furthermore, there doesn't appear to be adequate parking for customers or shop staff within this development, as well as only limited parking for potentially 54 residents and their visitors.
- This application has the potential to have a significant negative impact on Sandbach.
- As a result of the above, this application is in contravention of Planning Policies HC1, H2 and H3 of the Sandbach Neighbourhood Development Plan.

REPRESENTATIONS:

Letters of objection have been received from 4 local households which raise the following points;

- The impact of this high density scheme upon the Sandbach Conservation Area
- Noise caused during the construction period
- Impact upon wildlife
- Increase in traffic during the construction period
- Increase in traffic from the proposed development
- Sandbach is well served by retail outlets and there are vacancies in the town centre
- Increased strain on parking and congestion caused by vehicles passing through the town centre
- The development will detract from the Conservation Area
- The existing retail units offer excellent shopping
- Increased vehicle movements will cause pollution
- Danger caused by increased traffic to pedestrians and people using mobility scooters
- Problems in Sandbach when there is an accident on the M6
- Lack of parking in Sandbach
- Impact upon protected species
- Concern over the pollution of a nearby watercourse
- Concern over the height and mass of the development
- The height of the development will dominate local views –including of the Church from the Waitrose car park
- Loss of 4 parking spaces as vehicles can parallel park along Brookhouse Road
- The development does not create a new link to the town centre
- The development is too tall and intensive
- Increased traffic and congestion on Brookhouse Road
- Safety of pedestrians using the pedestrian crossing from the Waitrose to the Post Office

A representation has been received from Cycling UK which makes the following points;

- It is suggested that developer contributions should be sought to convert the signalised crossing at Old Mill Road with Flat Lane into a Toucan crossing
- Investigate whether it is possible to remove the staggered barriers at Flat Lane and what sections of FP21 can be converted to a cycleway
- The pedestrian access to High Street should be upgraded to a cycle access

- There should be provision of 14 cycle spaces and they should be the Sheffield-type racks. This should be at ground floor and under cover.
- The proposed cycle parking is too tight and should be reoriented
- Additional cycle parking should be provided to confirm 14 cycle parking spaces

APPRAISAL

Principle of Development

Retail

The majority of the site forms part is allocated as part of Policy DP4(S1) of the Congleton Local Plan (a small part of the access onto High Street is outside the allocation). Policy DP4 states that the site is suitable for the development of retail uses. The principle of the proposed A1, A2, A3 and A5 at ground floor level is considered to be acceptable.

The site adjoins Principal Shopping Area as defined by Policy S4 of the Congleton Local Plan.

Policy EG5 of the CELPS identifies that the in the Key Service Centres, there will be a focus on the improvement of the convenience and comparison retail offer, with the potential to strengthen and enhance the retail offer, where suitable, as well as diversification to other uses such as offices, services, leisure, cultural and residential, as appropriate.

In terms of the Sandbach Neighbourhood Plan (SNP) the site falls outside the Principal Shopping Area but within the Town Centre Boundary. Policy HC2 identifies that proposals for commercial, office, tourism, cultural, residential and retail (including A5 hot food takeaway) uses will be supported within the Town Centre.

As the site is in accordance with an up-to-date planning policy then there is no requirement for a sequential test or an impact assessment (required by the NPPF).

The principle of retail development on this site complies with the NPPF and Local and Neighbourhood Policies.

Housing

The site is located within the settlement boundary for Sandbach (a Key Service Centre). Policy PG2 states that in the key service centres *'development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability'*.

As a windfall site Policy SE2 states that development should;

- Consider the landscape and townscape character of the surrounding area when determining the character and density of development
- Build upon existing concentrations of activities and existing infrastructure
- Not require major investment in new infrastructure
- Consider the consequences of the proposal for sustainable development having regard to Policies SD1 and SD2

Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. To promote the development of a good mix of sites local planning authorities should amongst other things *'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'*.

Policy EG5 states that *'the use of upper floors in town and other centres for non-retail uses will be supported, where appropriate'*. This is then repeated in Policy HC2 of the SNP which states that the use of upper floors for residential use will be permitted in the Town Centre where appropriate.

In addition to the above Policy PC3 of the SNP states that new development involving housing development will be supported in principle within the policy boundary for Sandbach. Policy H1 states that future housing growth will be delivered through existing commitments, sites identified in the CELPS and windfalls.

The principle of the residential element of the scheme complies with National, Local and Neighbourhood Policies.

Employment Generation

Policy SD1 of the CELPS states that development should wherever possible create a *'strong, responsive and competitive economy for Cheshire East'* and *'prioritise investment and growth within Principal Towns and Key Service Centres'*.

The application forms identify that the proposed development would create 40 full-time and 30 part-time employees. This needs to be weighed in the planning balance.

Highways Implications

The site is accessed from Brookhouse Road and there is a separate service delivery area and residential car park access proposed alongside the site. Brookhouse Road provides access to the Waitrose car park and Sandbach post office, it has an existing footway on the development side of Brookhouse Road.

The applicant has submitted trip generations for the level of peak hour flows arising from both the commercial and residential elements of the scheme. The levels of traffic generation from the scheme are low in the peak hours and although there is traffic congestion at the nearby A533/A534 roundabout the actual impact from these proposals will be very small and cannot be deemed a severe impact. Additionally, a high percentage of the trips associated with the retail element are trips that are already using the local road network and thereby reducing the impact further.

The 14 residential car parking spaces provided are slightly below CEC standards that require two spaces per apartment. However this is a town centre location and there are existing parking restrictions along the entire length of Brookhouse Road the level of parking. As a result the level of car parking is considered to be acceptable.

The submitted plans show that there will be a frontage footpath provided. The Highways Officer has requested that this should be upgraded to a wider 3m path. In this case the proposed footpath

would be the same width as that existing and there would be no benefit to increasing the width to the frontage of the development only.

The proposed development will not have a material impact on the local road network and no objections are raised. The proposal is deemed to adhere with Policy GR9 of the CBLP, Policy SD1 of the CELPS and Policy IFT1 of the SNP with regards to highways matters.

Cycle Provision

The proposed plans show that the development would have cycle storage provision for the residential part of the scheme. However this provision is below the standards contained within the CELPS which requires 1 space per apartment.

The comments from Cycling UK are noted and a condition could be imposed to secure an acceptable cycle parking provision to serve both the residential and retail elements of the scheme.

The comment made in relation to the upgrade of the pedestrian crossing at Flag Lane/Old Mill Road to a Toucan Crossing is noted. However as there is no cycle route in this area there is no need for this upgrade.

Cycling UK have also requested that the staggered barriers on FP21 (Flag Lane) be removed. In response the Highways Officer has stated that these were added for safety purposes to stop cyclists/pedestrians running out onto Old Mill Road. As a result these staggered barriers should be retained.

Amenity

The site is located within the Sandbach Town Centre and is largely surrounded by commercial premises. The nearest residential properties affected by this development are as follows;

- First floor flat at 43 High Street
- Bungalow at the rear of 49-51 High Street

All other properties affected by the development are in commercial use.

In this case the Congleton Borough SPG requires the following separation distances:

- 21.3 metres between principal elevations
- 13.8 metres between a non-principal and principal elevations

It should also be noted that the recently adopted Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule. Figure 11:13 of the Design Guide identifies the following separation distances;

- 21 metres for typical rear separation distance
- 18 metres for typical frontage separation distance
- 12 metres for reduced frontage separation distance (minimum)

The first floor flat at 43 High Street has one window to its rear elevation facing the site. The property also has two windows to its side elevation and one window to the front elevation (all of which would be unaffected). It has not been possible to identify the internal layout of this flat but it

is likely to be a principal window. The proposed development would have a separation distance of 16.7m from the rear window of this flat. The proposed development would have seven windows at first floor and seven windows at second floor (3 x living rooms and 4 x bedrooms on each floor). It should be noted that some of the proposed windows would be set at an angle and would be obscured by the existing rear extension at 43 High Street. It is acknowledged that there would be some impact upon this first floor flat due to the proximity of this development and the resultant over-bearing and privacy impacts. However given the existing tight urban grain in the centre of Sandbach it is not considered that this harm could be used as a reason for refusal.

The bungalow at the rear of 49-51 High Street has a rear elevation with four windows facing the site. The small private amenity space to this bungalow is located to the north and would not be affected. The proposed development would have a separation distance of 28m to the bungalow and the relationship is considered to be acceptable.

Noise

The Environmental Health Officer has raised commented that due to the scale of the development there is a particular concern if any of the commercial premises require any air conditioning units. A scheme for acoustic enclosures of any fans and details of any ventilation and extraction equipment are submitted to the LPA for approval in writing.

In terms of the external seating areas proposed there are similar seating areas at the rear of 45 High Street and The George Hotel (39 High Street). The Environmental Health Officer has confirmed that she has no objection these subject to the imposition of a planning condition to state that they should not be used any later than 21:00.

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

This proposed development is of a small scale, and as such would not require an air quality impact assessment. However there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments within Sandbach. In particular, the impact of transport related emissions on local air quality.

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

In order to mitigate this proposed development conditions could be imposed in relation to a Travel plan, electric vehicle charging points and low emission boilers.

Contaminated Land

The application includes a Phase 1 Contaminated Land Report. This report does not recommend the submission of a Phase 2 report but does recommend a number of measures to protect future site users and other receptors. At the request of the Councils Contaminated Land Officer conditions could be imposed to mitigate the impact from contaminated land.

Lighting

Light spill from the development has the potential to impact upon the existing and proposed dwellings. The matter of lighting within the site could be controlled via the imposition of a planning condition.

Design/Built Heritage

The site is located within the Sandbach Conservation Area; to the north of the site are numerous listed buildings which front High Street. The majority are Grade II but St Mary's Church is Grade II* and the Old Hall Hotel is Grade I.

The Conservation Area was reviewed in the 2015/16 Character Appraisal and Management Plan, which highlighted the importance of the longer view into the Conservation Area from the south-west across the Waitrose car park towards St Mary's Church.

The Croft is a recent building which has seen a number of extensions within a partly sylvan plot. The character of Brookhouse Road is eroded by the present frontage for part of the site boundary comprising dwarf wall, timber fencing and sporadic landscaping. The Croft has no individual conservation value although the site does contribute to the partial sylvan character on Brookhouse Road.

The Sandbach Conservation Area Character Appraisal identifies this area as a potential regeneration area and therefore the principle of regenerating it is an opportunity for enhancement of the Conservation Area. However, in order to achieve this, the development needs to be of a responsive quality that helps to preserve or enhance the character and appearance of the Conservation Area and the setting of the group of listed buildings which line the High Street; and also Grade II* listed St Mary's Church.

Paragraph 193 of the NPPF states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'*.

This proposed development would be overly dominant and uncharacteristic in this historic context. Both the scale and the architectural design of the new development will adversely impact upon the character and appearance of the Conservation Area and the setting of the Listed Buildings within the vicinity of the site, especially the view into the Conservation Area from the west focused upon one of the principal heritage assets - St Mary's Church. Similar issues were raised in the consultation response from Historic England.

Due to the separation distances involved, intervening landscaping and buildings it is not considered that the development would have cause harm to the setting of The Old Hall a Grade I Listed Building

The proposed ground floor units could be occupied by A3 or A5 units. However no details of any extraction systems that may be required have been provided.

The rear of the building will also be visible from High Street via the lane between 43 and 45 High Street. Both the scale and articulation of the proposed development would create a visually discordant element when viewed in the context of the group of small scale, vernacular listed buildings on the High Street.

The grain of the proposed development, comprising a large footprint building, with two larger, subdivided development floorplates with a central linking section is also at odds with the finer grain, more organic character within this part of the Conservation Area. It also prevents any potential to link between Brookhouse Road and High Street.

Proposal 11 of the Conservation Area management proposals seeks to enhance the quality of design for new development in the conservation area, whilst Proposal 12 seeks to protect and enhance views within, out and into the Conservation Area. In respect to both of these management proposals, this scheme fails to deliver the quality of development necessary to achieve these objectives.

The proposed development would result in less than substantial harm (at the higher end) to the heritage assets and the NPPF (para 196) identifies that;

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'

This is consistent with Policy SE7 of the CELPS which requires development proposals that cause harm to a designated heritage asset and its significance, including its setting, to provide a clear and convincing justification as to why that harm is considered acceptable. Where that case cannot be demonstrated, proposals will not be supported. The Policy also allows a consideration of the level of harm in relation to the public benefits that may be gained by the proposal.

Furthermore Policy HC1 of the SNP states that *'all developments, projects and activities will be expected to protect and where possible enhance designated heritage assets and their settings, maintain local distinctiveness and the character of identified features. Development should respect the historic landscape character and contribute to its conservation, enhancement or the creation of appropriate new features'*.

The development would result in less than substantial harm (at the higher end) and this should be weighed against the public benefits of the development.

Re-development of this site presents an opportunity to positively plan for pedestrian connectivity between Brookhouse Road and High Street and provide secondary frontage within the site. This feels like a missed opportunity, as does the associated potential to create a more diverse range of unit sizes within the scheme. This could have been achieved by seeking to incorporate additional land or by reducing the footprint of the building and enabling more direct through access. What is being proposed is rather tokenistic in creating positive activity within the body of the site.

The quality of the public realm on the Brookhouse Road is quite severely impacted upon by the provision of the servicing facility at the centre of the frontage and will also be affected by the off-street parking outside the site boundary.

It is unclear what the treatment of the space to the north of the site is towards the entry point on High Street as this remains undetailed on the site layout drawing.

The proposed development is contrary to Policy SE1 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.

Archaeology

The application site is located within the Sandbach Area of Archaeological Importance. Previous investigations in the town have not revealed complex or deeply-stratified remains but early ditches, rubbish pits and property boundaries have all been recorded. It is entirely possible that similar remains would be revealed and destroyed during the proposed building works.

The loss of the archaeological deposits within the proposed development area may be mitigated by way of a programme of archaeological observation in order to identify and record any remains archaeological materials on the site. The programme of archaeological mitigation can be controlled through the imposition of a planning condition.

Public Rights of Way

PROW Sandbach 43 runs along the pavement to Brookhouse Road. This would be retained and an informative could be attached to safeguard the PROW. The proposed development is considered to be acceptable in terms of its PROW impacts.

Landscape

The existing landscape assets have not been assessed or incorporated into the proposed development. The loss of existing soft ground and vegetation is a negative landscape impact which should be avoided. There are important roadside trees providing green infrastructure for the locality now, and there are young trees near the Post Office which do not seem to be recorded in the Applicant's Arboricultural assessment but which have potential to be important landscape assets for the future.

The visual representations submitted show the development will be over-dominant in this location and will have an adverse effect on views towards St Mary's Church. Looking back towards the site from the porch of St Mary's Church, the site's trees and neighbouring site's trees are currently visible from the church and do form a backdrop to views south from the church. This does not seem to have been considered.

The concerns raised about the loss of landscaping on the site raised by the Council's Landscape Officer are noted. However given the site allocation and the policy support for the proposed development it is not considered that the landscape impact could form a reason for refusal. The impact upon built heritage is considered above.

Trees

Policy SE5 of the CELPS states that developments which result in the loss of trees that provide a significant contribution to amenity, landscape character or historic character will only be allowed

where there are clear overriding reasons for allowing the development. Where the impacts are unavoidable then development should provide a net environmental gain by mitigation, compensation or offsetting.

The site is located within the Sandbach Town Centre Conservation Area. There are existing trees within the vicinity of the proposed development. Trees on the periphery of the site are visible to the public and make a contribution to visual amenity.

The submission is supported by an Arboricultural Implications Assessment and an Arboricultural Method Statement. The AIA indicates that two individual trees and two groups of trees would be removed to accommodate the development and that one further tree would be removed due to condition. The result being that all the trees within the boundary of the development site would be removed. In this prominent location, the loss of healthy trees would be regrettable - in particular two early mature Oak trees close to the southern boundary which the tree survey affords Grade B with an 80+ year estimated remaining life expectancy. The proposals would only afford limited space for replacement tree planting with the submitted landscape proposals showing 5 ornamental trees.

Ecology

Bats

The trees and buildings on site have some limited potential to support roosting bats. Based on the submitted survey the Councils Ecologist advises that roosting bats are not reasonably likely to be present or affected by the proposed development.

Badgers, Common Toad, Great Crested Newts

These protected/priority species are not reasonable likely to be present or affected by the proposed development.

Hedgehog

This priority species has been recorded in the broad location of the application site and so may occur on the application site at least on a transitory basis. The proposed development would have a minor localised adverse impact on this species if it was present on site.

Nesting Bird

The application site is likely to support low levels of breeding bird activity potentially including more widespread priority species such as House Sparrow. If planning consent is granted conditions could be imposed to safeguard protected species.

Knotweed

Japanese Knotweed (*Fallopia japonica*) is present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause Japanese Knotweed to grow in the wild. Japanese Knotweed may be spread simply by means of disturbance of its rhizome system, which extends for several meters around the visible parts of the plant and new

growth can arise from even the smallest fragment of rhizome left in the soil as well as from cutting taken from the plant.

Disturbance of soil on the site may result in increased growth of Japanese Knotweed on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with Japanese Knotweed must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste. An informative can be imposed in relation to this issue.

Biodiversity Net Gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. Whilst the application site supports habitats of relatively limited value, the proposed development would result in a minor net loss of biodiversity. In order to comply with the Policy SE 3 (5) additional habitat creation proposals either on or off site. In this case no such measures have been provided and this is a weakness in this proposed development.

Flood Risk/Drainage

The application site is located within Flood Zone 1 (low probability of flooding). In this case the Councils Flood Risk Manager and United utilities have all been consulted as part of this application and have raised no objection to the proposed development in relation to flood risk/drainage subject to the imposition on planning conditions.

As a result the development is considered to be acceptable in terms of its drainage and flood risk implications.

Education

A development of 14 dwellings is expected to generate 3 primary aged children, 2 secondary aged children and no SEN children.

The education department have confirmed that there is capacity within local primary schools to serve this proposed development.

There will be a shortfall within the local secondary schools and on this basis a contribution of £32,685.00 will be required to mitigate the impact of this development upon local secondary provision.

Affordable Housing

This is a proposed development of 14 dwellings within a Key Service Centre and Policy SC5 does not require the provision of affordable housing.

Infrastructure

As a development of 14 residential units the site falls below the threshold for open space and health provision.

CIL Compliance

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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 increased demand for education provision in Sandbach where there is limited spare capacity. In order to increase capacity of the local schools which would support the proposed development, a contribution towards secondary education is required. This is considered to be necessary and fair and reasonable in relation to the development.

CONCLUSION

The application site is within the Settlement Zone Line. The proposed development is allocated for retail development under policy DP4 of the CBLP and is supported by Policy HC2 of the SNP. The principle of the residential element of the scheme also complies with Policies PG2, EG5 and SE2 of the CELPS and HC2, PC3 and H1 of the SNP

The highways implications of the development are considered to be acceptable. The proposed development would comply with Policies SD1, SD2, CO1 (subject to additional cycle parking provision) and CO2 of the CELPS, Policies GR9, GR10 and GR13 of the CLP and Policies H5 and JLE1 of the SNP.

The amenity implications of the proposed development, including noise, air quality and contaminated land are considered to be acceptable and would comply with GR6 and GR7 of the CLP and SE12 of the CELPS. On balance it is not considered that the harm caused to the first floor flat at 43 High Street could be sustained as a reason for refusal.

There are existing trees within the vicinity of the proposed development. Trees on the periphery of the site are visible to the public and make a contribution to visual amenity. Given the site allocation of the site it is accepted that there will be tree losses as part of the proposed development although there is some harm which weighs against the proposal.

The impact upon protected species and ecology is considered to be acceptable. However it is acknowledged that the development would not provide a biodiversity net gain in accordance with policy SE3 of the CELPS.

The drainage and flood risk implications of the proposed development are considered to be acceptable and the development complies with Policy CE 13 of the CELPS.

The proposed development would not impact upon the adjacent PROW which would be retained. The development would comply with Policies CO1 of the CELPS, Policy GR16 of the CBLP, Policies PC5 and JLE1 of the SNP.

The impact of the development upon archaeology, infrastructure (education and health) and the affordable housing provision is acceptable.

Finally the development of the site would have some employment benefits as identified above and this does attract some weight.

The proposed development fails to take the opportunities available for improving the character and quality of the area. The development would result in less than substantial harm (at the higher end) to the heritage assets and fails to have special regard to preserving or enhancing the Conservation Area and Listed Buildings. The benefits do not outweigh this harm and the application is contrary to Policies SE1, SE2 and SE7 of the CELPS, Policies H2 and HC1 of the SNP and guidance contained within the NPPF.

RECOMMENDATION:

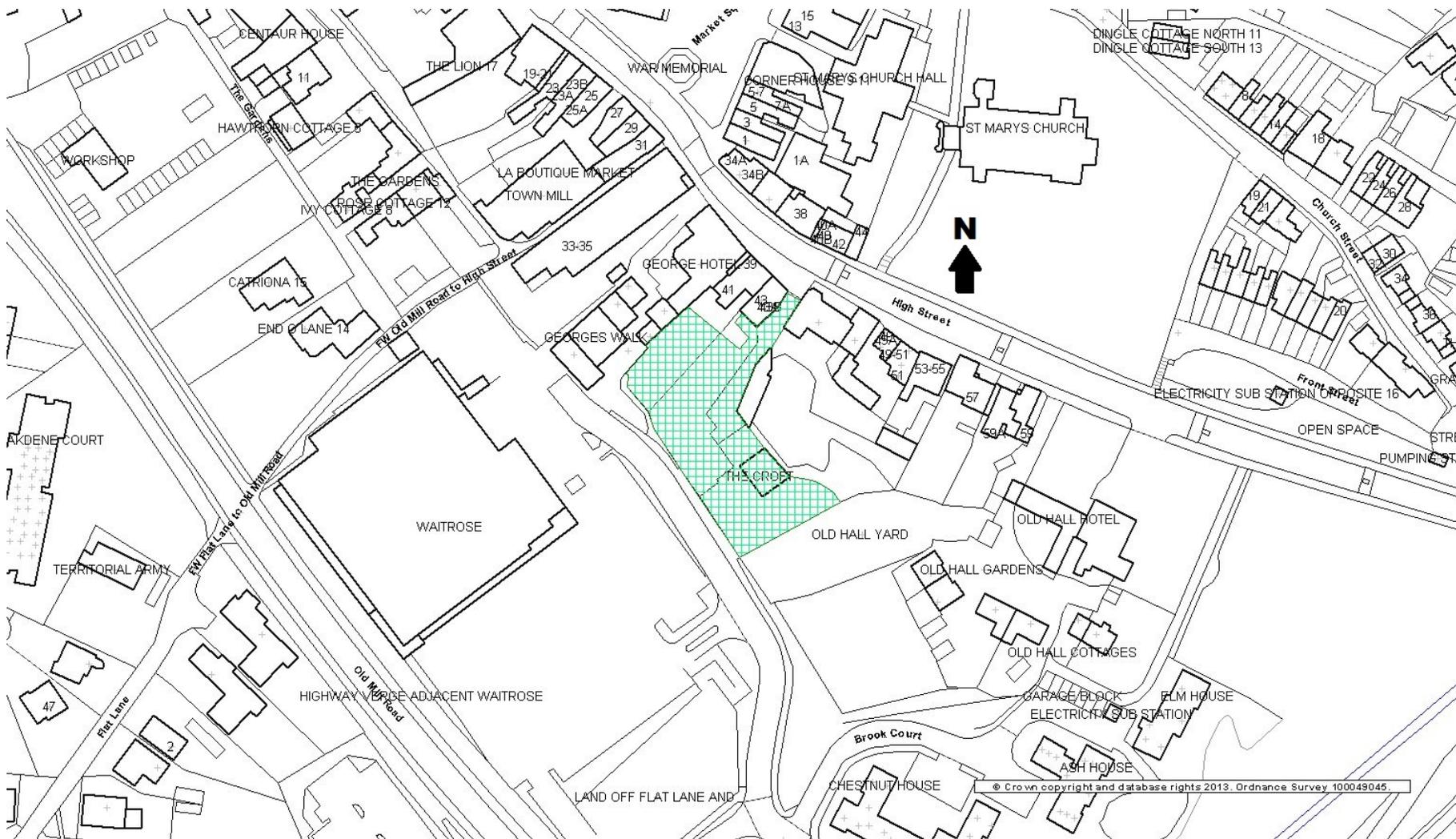
REFUSE for the following reasons;

- 1. The proposed development would be at the higher end of less than substantial harm and fails to conserve or enhance the Conservation Area or surrounding Listed Buildings. The benefits of this scheme would not outweigh the identified harm. The proposed development fails to take the opportunities available for improving the character and quality of the area and is contrary to Policies SD1, SD2, SE1, SE2 and SE7 of the CELPS, Policies BH4 and BH9 of the Congleton Borough Local Plan, Policies H2 and HC1 of the SNP and guidance contained within the NPPF.**

In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Development Management 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.

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

S106	Amount	Triggers
Education	Secondary education contribution: £32,685.	Full amount prior to first occupation of any of the residential units.



BENTON HOUSE

HAWTHORN COTTAGES

WORKSHOP

THE GARDENS

ROSE COTTAGE 12

IVY COTTAGE 8

CATRIONA 15

END OF LANE 14

AKDENE COURT

TERRITORIAL ARMY

WAITROSE

HIGHWAY BRIDGE ADJACENT WAITROSE

LAND OFF FLAT LANE AND

Market St

WAR MEMORIAL

THE LION 17

LA BOUTIQUE MARKET

TOWN MILL

GEORGE HOTEL 39

GEORGES WALK

THE CRICK

OLD HALL YARD

OLD HALL GARDENS

OLD HALL COTTAGES

GARAGE BLOCK

ELECTRICITY SUB STATION

ASH HOUSE

CHESTNUT HOUSE

Brook Court

FLM HOUSE

ELECTRICITY SUB STATION

ASH HOUSE

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DINGLE COTTAGE NORTH 11
DINGLE COTTAGE SOUTH 13

CORNER TOMSEY'S CHURCH HALL

ST MARY'S CHURCH

High Street

Church Street

Front Street

ELECTRICITY SUB STATION OPPOSITE 16

OPEN SPACE

PUMPING ST.