

Application No: 20/4673C

Location: Land at BROOKHOUSE ROAD, SANDBACH

Proposal: Demolition of an existing dwelling and erection of Class E(a), E(b), E(c), sui generis units and 14 residential units, associated access, car parking and landscaping (resubmission of application 19/5010C)

Applicant: Mr C R Muller, Muller Property Group

Expiry Date: 05-Mar-2021

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 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.

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. It is acknowledged that the design of the proposed development has been improved since the earlier refusal. The development would result in less than substantial harm 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

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 E(a) Retail, E(b) restaurant/cafe and E (c) professional/financial services) 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 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

19/5010C - 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 – Refused 5th February 2020 for the following reason;

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.

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 (saved Policies)

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: Do not wish to offer any comments.

CEC Environmental Health: Conditions suggested in relation to 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;

- The Town Council are unable to see any substantial material changes from the previous application that address any previous concerns.
- 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.

- The design of this application means the massing of buildings will cut off existing views of St Marys 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.
- 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 17 local households which raise the following points;

- Sandbach is a thriving market town and development outside the town centre could devastate the town centre
- All that is proposed is already available within Sandbach
- Road infrastructure in Sandbach is at capacity
- Increased air pollution
- There is little difference to the refused application 19/5010C
- Loss of views to St Mary's Church
- Overdevelopment of the site
- Unclear what uses are being proposed
- Conflict with the neighbourhood plan
- Any bar or similar use will cause noise to the future occupants of the apartments
- The development is not in keeping with the Conservation Area
- The development will cause a shift away from the historic town centre
- Not enough parking is proposed
- Increased traffic
- There is too much new housing in Sandbach
- Impact upon local amenities – healthcare and schools
- Sandbach is at capacity
- Lack of parking in Sandbach Town Centre
- Divert footfall away from the High Street which would harm existing businesses
- There are vacant units within Sandbach Town Centre
- Pedestrian safety
- Traffic problems within Sandbach when there is an accident on the M6
- Loss of habitat
- Pollution of watercourse
- Poor design
- The application has been designed to maximise the profits of the developer
- Bland and boxy design is not in-keeping with the area

Letters of support have been received from 3 local households which raise the following points;

- More local businesses is a good thing
- The development extends the town centre
- The development fits in with the aesthetic of the town
- There is a national shortage of homes
- Support the local economy

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

- Pleased that 16 cycle spaces are proposed but the two-tier cycle parking is difficult to use
- Concern that there is not adequate space for the cycle parking
- Concern that the cycle parking would not be visible
- It is not clear if the cycle storage could meet equality objectives
- There should be cycle parking for the retail units
- Off-site contributions should be secured for a Toucan crossing at Old Mill Road/Flat Lane, with the removal of the staggered barriers.

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 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. 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).

A Rightmove listing for the flat from 2019 shows that the window to the rear elevation serves a living room. The proposed development would have a separation distance of 17.1m from the rear window of this flat. The proposed development would have 13 windows at first floor (6 x bedroom, 3 x living room including 2 balconies, 1 x staircase, 1 x landing and 1 x store room) and 13 windows at second floor (3 x living rooms and 7 x bedrooms, 1 x staircase, 1 x landing and 1 x store room). 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

Concern has been raised in relation to noise from the ground floor units. A condition could be imposed to secure 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). There is no objection to 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.

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 management proposals, this scheme fails to deliver the quality of development necessary to achieve these objectives as explained below.

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'*.

Since the refusal of application 19/5010C the design of the development has been amended. The main design amendments relate to the elevations with the removal of four of the projecting gables to the front elevation with the introduction of small flat roofed dormers. The glazing design has also been amended and the large glazed openings which were previously proposed have been replaced with more traditional fenestration (together with header and sill detailing). Brick detailing is now proposed at eaves levels and brick quoins are proposed. An alleyway is now proposed linking High Street and Brookhouse Road.

The rear elevation has been amended in a similar manner and now includes a larger, more prominent gable to the commercial unit when viewed between the gap in the buildings from High Street. It is accepted that the proposed elevational design has improved since the earlier refusal.

However, the scale, mass and height of the proposed development has not altered. The proposed development would be overly dominant and uncharacteristic in this historic context.

The existing view from High Street is of a mixed low-level rear development including shrubs and driveways. This is typical of the rear of burgage plots on historic town centres and as such it is neutral in character. The proposed development would change the views to an open rear service yard with a 2.5 storey tall building appearing very dominant behind. The scale, mass and height 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 scale, mass and height 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.

Given the height, mass, form and position close to the road, the proposed development would be uncharacteristic in its context in terms of the nearby residential properties and the supermarket which is set back from the road. The proposed development due to the scale, mass and form would dominate the site and Brookhouse Road. Therefore, it would dominate the adjacent Conservation Area and any glimpsed views from Brookhouse Road and across the car park from the A533 Old Mill Road

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. The established small grain development character of this part of the town centre which is an important characteristic of the Conservation Area. This would result in a harmful impact.

Due to the separation distances involved, the intervening landscaping and buildings, it is not considered that the development would have caused 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 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.

The proposed development would result in less than substantial harm 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 and this should be weighed against the public benefits of the development.

The proposed development is contrary to Policies SE1 and SE7 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 concerns raised about the loss of landscaping on the site raised by the Councils 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 contribute 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 - 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 Council's 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 reasonably likely to be present or affected by the proposed development.

Nesting Birds

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.

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. 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 failing in this proposed development.

Flood Risk/Drainage

The application site is located within Flood Zone 1 (low probability of flooding). In this case the Council's 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 of 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. It is acknowledged that the design of the proposed development has been improved since the earlier refusal. However, the development would result in less than substantial harm 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 reason;

- 1. The proposed development fails to conserve or enhance the character of the Sandbach Conservation Area or the setting of surrounding Listed Buildings. As such the proposal would result in less than substantial harm to those assets. 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.

