

Application No: 11/4228N  
Location: 202, CREWE ROAD, HASLINGTON, CHESHIRE, CW1 5RT  
Proposal: Erection of Three Detached Dwellings  
Applicant: Cranford Estates  
Expiry Date: 06-Jan-2012

#### **MAIN ISSUES**

**The main issues are:-**

- Principle of the development
- Design and layout,
- Impact on highway safety,
- Living conditions,
- Ecology,
- Trees and landscape
- Contaminated land.

#### **SUMMARY RECOMMENDATION**

**APPROVE subject to receipt of amended plans and conditions**

**OR**

**If amended plans not received REFUSE due to harm to protected trees**

#### **REFERRAL**

The Application has been called into Committee by Councillor Hammond for the following reason:

*“Haslington Parish Council has requested that the application be determined by Committee as it is considered that the proposed development significantly contravenes Policy NE2 of the Crewe and Nantwich Local Plan and represents unwarranted development in the Open Countryside. I strongly recommend that a site visit would be helpful to Members on this occasion.”*

#### **1. SITE DESCRIPTION AND DETAILS OF PROPOSAL**

The site is located on the south side of Crewe Road to the north east of the settlement of Haslington. It comprises a single, pre-fabricated, dwelling set in substantial landscaped gardens. Towards the front of the site, but within the garden area, are foundations for a further dwelling. These extend above ground level and are clearly visible.

The site is surrounded to the north, east and west by existing residential development (mix of semi-detached and detached properties in large plots,) whilst to the south is open countryside.

The proposal involves demolition of the existing dwelling and the erection of 3 large detached family houses, with associated parking and gardens in a ribbon development fronting on to Crewe Road.

## **2. RELEVANT PLANNING HISTORY**

7/14231	1987	Development of 2 dwellings – refused
P91/0157	1991	Development of detached house and garage – refused
P92/0344	1992	Full planning permission for the relation of a listed building for residential use – Approved
P95/0190	1995	Detached Dwelling – Refused
P98/0272	1998	Full planning permission for re-erection of timber framed listed building on land and construction of garage block- Approved
P99/0312	1999	Certificate of Existing Lawful Use for one dwelling and use of land as residential curtilage. - Approved

## **3. PLANNING POLICIES**

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

### **Regional Spatial Strategy**

DP1 (Spatial Principles)  
DP2 (Promote Sustainable Communities)  
DP4 (Make the Best use of Existing Resources and Infrastructure)  
DP5 (Manage Travel Demand)  
DP7 (Promote Environmental Quality)  
DP8 (Mainstreaming Rural Issues)  
DP9 (Reduce Emissions and Adapt to Climate Change)  
RDF2 (Rural Areas)  
L5 (Affordable Housing)  
MCR4 (South Cheshire)

### **Cheshire Replacement Waste Local Plan**

Policy 11A (Development and Waste Recycling)

### **Borough of Crewe and Nantwich Replacement Local Plan 2011**

BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.6 (Development on Potentially Contaminated Land)  
TRAN.9 (Car Parking Standards)

NE.2 (Open Countryside)  
NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
RES.5 (Housing in the Open Countryside)

### **Other Material Considerations**

PPS1 (Delivering Sustainable Development)  
PPS3 (Housing)  
PPS7 (Sustainable Development in Rural Areas)  
PPS9 (Biodiversity and Geological Conservation)  
PPG13 (Transport)

## **4. OBSERVATIONS OF CONSULTTEES**

### **Highway Authority:**

The highways authority has no objections to this proposal as it provides adequate visibility splays, turning facilities and a good level of off street parking.

### **Environmental Health:**

This section recommends that the following conditions are attached to any planning permission granted:

- Due to the potential for noise disturbance to local residents, the development should be subject to the following hours of operation restrictions;

Monday – Friday	08.00hrs	18.00hrs
Saturday	08.00hrs	14.00hrs
With no Sunday or Bank Holiday working		

- Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to:

Monday – Friday	08:30hrs – 17:30hrs
Saturday	08:30hrs – 13:00hrs
Sunday	Nil

- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant submitted a Phase I preliminary risk assessment with their application which recommends Phase II site investigation works be undertaken. As such, and in accordance with PPS23, a Phase II investigation should be secured by condition.

## **5. VIEWS OF THE PARISH COUNCIL**

No comments received at the time of report preparation.

## **6. OTHER REPRESENTATIONS**

Letters of objection have been received from 227 and 229 Crewe Road making the following points:

- The current "Temporary" building occupies land which forms the Green Gap between the Haslington / Winterley parish boundaries and is the only clear divider between the two parishes.
- In the current East Cheshire SHLAA plan the land is not currently developable.
- The temporary building and the strip footings on the land do not change the land status to Brownfield as the land could quickly be reinstated to full greenfield status.
- The access to the property is below the brow of the hill and on a blind bend, with recent industrial development at Crewe Green the road traffic volume has increased significantly at peak periods creating an increased risk of traffic incidents.
- The access to the site also makes the preservation of existing trees extremely vulnerable to damage by construction vehicles.
- The housing design is not in keeping with the character of adjacent buildings or the building density on adjacent sized plots of land and would impinge on the open views of other properties adjacent to the proposal.
- Currently there is little demand for this type of property as there are in excess of 150 properties for sale in the village.
- Local schools and other facilities are currently at maximum capacity.
- Trees adjacent to Crewe Road on the northern boundary are covered by preservation orders
- Currently only one vehicle is at the existing single property. The new development of 3 detached dwellings (a total of 13 bedrooms) will involve more vehicles using the one access driveway, so there is a good chance that vehicles accessing from the east will be obstructed, creating a tail back that will reduce the viable stopping distance. The report maintains a line of sight of 70 metres to the east. The Highway Code states that a car at 40mph in wet conditions has a stopping distance of 72 metres (heavy vehicle would need more). In 1987 planning application 7/14231 stated "visibility from the site was substandard.
- Also note traffic on Crewe Road is increasing, especially at peak times possibility avoiding congestion at Crewe Green roundabout and future new developments will increase traffic density even more
- The report states that this plot is classified as greenfield with a part brownfield. This is confusing. Residents consider that brownfield is reclaimed industrial land which this has never been. In 1995 planning application P95/090 classified it as open countryside as did 7/14231 in 1987.
- The report also states existing footings on the site together with the dwelling implies the Council's acceptance of residential use. Acceptance was under the special circumstance of a temporary dwelling for the duration of re-erecting a timber framed listed building. This fell through so a further application a new building of the period design was refused by the High Commissioner on the basis there would be a nett gain in open countryside

- The report states an exception may be made where there is the opportunity for the infilling of a small gap with 1 or 2 dwellings. Residents interpret infilling as a small gap within a residential area. The gap in question is open countryside bounded to the west by the village and to the east but open countryside which has contained a plot for a dwelling many years before the adjacent properties to the west were developed. The southern boundary is also open countryside.
- The intention of infilling is not to expand town dwellings and this plot cannot be classified as infill.

## **7. APPLICANT'S SUPPORTING INFORMATION:**

- Design and Access Statement
- Land Contamination Report
- Planning Statement
- Tree Survey
- Ecological Survey

## **8. OFFICER APPRAISAL**

### **Main Issues**

The main issues are the principle of development, design and layout, impact on highway safety, living conditions, ecology, trees and landscape and contaminated land.

### **Principle of Development.**

The site is located within the Open Countryside, as defined in the Replacement Local Plan, where according to Policy NE.2 of the local plan there is a general presumption against new residential development, although an exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage.

Whilst current local plan policy makes provision for infilling of a small gap with one or two dwellings, the current proposal is for three. However, an exception to the general policy of restraint in the Open Countryside can also be made for replacement dwellings. Therefore, given that there is an existing house on site, this proposal can legitimately be considered as comprising two elements: the replacement of the existing dwelling and the erection of 2 dwellings alongside. In principle, this is an acceptable form of development in the Open Countryside provided that the proposed replacement dwelling accords with Policy RES.10 and the site constitutes a small gap in an otherwise built up frontage.

This part of Crewe Road is characterised by ribbon development, with a strong building line, which is shared by both no 194 which bounds the site to the west and no. 204 which adjoins it to the east. It is therefore considered that the site sits within a built up frontage, which continues for some considerable distance to the west beyond no. 194. It is acknowledged however, that no 204 represents the end of that continuous built up frontage, given the considerable distance of over 90m and other intervening features which exist between no. 204 and the next dwelling to the east, no.212.

The application site is approximately 45m in width. Although the Local Plan does not define what constitutes a "small gap", the question has been considered on many occasions by Inspectors at

Appeal. In a decision relating to a property known as Esteete, like Crewe Road, the neighbouring properties were set in relatively large plots, and a single dwelling was proposed within a gap of 46m in width between Esteete and the adjoining dwelling, known as Hollies. At paragraph 5 the Inspector says there are “*significant separation distances between the properties which, in my opinion, give rise to a sporadic pattern of development rather than a cohesive group of dwellings.*” However, conversely, in another case at Hatherton, the gap between the properties was 60m, 14m wider than at Esteete, and yet the Inspector considered that it did form a “small gap”.

Therefore, Appeal decisions can be found to support the view both for and against this site constituting a “small gap.” In the Hatherton case, the Inspector gave weight to the relatively wide spacing of the other existing dwellings in the frontage and the fact the properties shared a building line. In respect of the current application, an examination of the layout plan demonstrates that once completed, the development would be similar in terms of both general spacing and building line to the existing dwellings along Crewe Road.

Planning permission has also been granted for the re-erection of a listed building on the middle of the site. Work has commenced to implement this permission and the foundations are visible on site. It therefore remains extant and the work could be completed. This would be similar in terms of general footprint and siting to Plot 2 and would narrow the gap in the frontage to approximately 18m. However, it is considered that whilst the extant permission for the listed building is a material consideration, it is one that should be given limited weight for two reasons. Firstly, it is not clear whether the option of completing this dwelling remains open to the owner, as no information has been provide as to whether the listed building remains available for re-erection. Secondly, the permission was granted specifically for the re-erection of a listed building to be moved from elsewhere, as a particular exception to the general policy of restraint on development in the open countryside. It does not permit or set a precedent for an ordinary new-build dwelling on the site. Any proposal for such a dwelling or dwellings on the site must therefore be judged on their own merits against the relevant planning policies in force at the time the application is made.

With regard to the proposed replacement dwelling, Policy RES10 states that replacement dwellings will only be permitted where:

- replacement would provide positive planning benefits;
- the existing dwelling is in such poor structural condition, or has been altered in such a way that it is not worthy of retention;
- the existing dwelling has been occupied within the last four years and is substantially intact;
- the replacement dwelling is not materially larger than the dwelling it replaces;
- the replacement dwelling should be appropriate in terms of scale, size, design and materials to the existing building and its setting and to the vernacular character of dwellings in the locality;
- unless there are special circumstances (eg highway reasons, protection of trees) the location of the replacement dwelling on the site is not materially different from the siting of the original dwelling; and

- existing outbuildings should, where possible, be re-used for storage and ancillary purposes. If they must be demolished, any replacements will need to be similar in size, scale, materials and appropriately sited in relation to the new house.

In respect of these criteria, whilst a structural survey of the existing dwelling has not been provided, it is a single storey pre-fabricated building, which is of no architectural merit and detracts from the general character and appearance of the site. It is not in keeping with the surrounding development and is likely to be constructed to very poor environmental standards. It is therefore unworthy of retention and replacement would therefore bring a number of benefits in terms of sustainability, energy efficiency and improvement in the appearance of the site. The existing dwelling has been occupied within the last four years and is substantially intact. The acceptability of the scale, size, design and materials are discussed in more detail below.

The proposed replacement (Plot 1) would not be sited on the same footprint as the existing dwelling. It would be brought forward to fall in line with the existing dwellings to either side at no. 194 and no. 204 Crewe Road, as well as the proposed infill dwellings on Plots 2 and 3 to the side. It is considered that this would appear more in keeping with the general character and appearance of the street scene and is sufficient to constitute “special circumstances” as referred to in criterion 6 of the above policy.

The existing dwelling benefits from an outbuilding to the rear. It is proposed to replace this with an attached garage to the property on plot one. This would be better related to the proposed dwelling and will help to consolidate the built form on the plot and minimise the extent to which the bulk of development protrudes beyond the rear building line and into the open countryside to the rear. Conditions will be applied to ensure that the existing storage building is also demolished.

The proposed dwelling is considered to be materially larger than that which it will replace and in this respect it does not comply with Policy RES.10. However, sec.38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”. In this case there are a number of material considerations which weigh in favour of the proposal. The proposal will improve the appearance of the site, through the removal of the existing pre-fabricated dwelling and its replacement with a dwelling more in keeping with the character and appearance of existing neighbouring properties. The re-siting of the dwelling will also improve the appearance of the site, particularly when taken viewed in conjunction with the 2 proposed infill dwellings. The existing single storey pre-fab would appear even more out of place if these two, large, new dwellings were built alongside. By contrast, however, the three large dwellings, as proposed in this application, will provide a comprehensive redevelopment of the site and create a harmonious street scene which knits into the existing frontage. As stated above, there would also be sustainability benefits to the scheme. Furthermore, the demolition of the existing outbuilding will reduce the overall net-increase in the bulk of built development on the site. These are all considered to be important material considerations to off-set against the further criterion of policy RES.10.

Policy RES.10 states that any planning permission for such a replacement dwelling will be conditioned to require the demolition of the existing property prior to/upon occupation of the replacement dwelling and it is recommended that if Members are minded to approve this application, such a condition is applied.

### **Housing Land Supply**

The proposal would also assist the Council to meet its housing land requirements and would ease pressure of Greenfield sites elsewhere within the Borough. National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. It is

acknowledged that the Council does not currently have a five year housing land supply and, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing.

Furthermore, the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Mr. Greg Clark) states that *“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.”* It goes on to say that *“when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore, inter alia,*

- consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;*
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- ensure that they do not impose unnecessary burdens on development”*

The proposal will help to maintain a flexible and responsive supply of land for housing, which is specifically identified above as a “key sector”. The proposal will also create jobs and economic growth in the construction industry and all the associated supply networks. The Secretary of State for Communities and Local Government has made it clear that he will take the principles in this statement into account when determining applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment.

## **Living conditions**

The Councils adopted Supplementary Planning Document relating to development on backland and garden sites states that minimum distances of 21m and 13m should be maintained between two principal elevations and a principal and flank elevation respectively. There is no minimum separation distance between 2 flank elevations.

A distance considerably in excess of 21m will be maintained between the proposed dwellings and the properties on the opposite side of Crewe Road. The property at no 194 Crewe Road, has a single storey extension / annex adjacent to the application site, with principal windows at ground floor level facing towards the proposed dwellings. The property on plot 3, which will be closest to no. 194, also has a principal window at ground floor level, as well as a WC window. A further bathroom window is proposed in the gable at first floor level. It is considered that an appropriate boundary treatment will prevent any overlooking at ground floor level whilst an obscured glazing condition could be applied to the first floor bathroom window. This would avoid any loss of privacy to no.194. A distance of over 134m would be maintained between the two elevations which would avoid any overshadowing of either the existing or proposed dwelling.

Similarly the dwelling at no. 204 Crewe Road, also has side windows facing towards the site. The proposed dwelling on plot one has principal windows at ground floor level facing towards no. 204, but



any overlooking could be prevented through the use of boundary treatment. At first floor level one landing window is proposed which could be fitted with obscure glazing. A distance of approximately 10m will be maintained between the two dwellings. Whilst this is below the recommended 13m, this measurement is taken at the closest point, which is between the gable elevation of no.204 and the gable of a 1½ storey projecting garage element to the side of the proposed plot 1. Given that a distance of approximately 18m will be achieved to the two storey element of the proposed dwelling, this reduction is considered to be acceptable.

The proposed dwelling on plot 1 includes an open sided covered balcony to the rear. In it's current form this is considered to be un-neighbourly, as it will create both actual and perceived overlooking of the neighbouring dwellings. However, it is considered that if the balcony were to have solid sides, this could be reduced to an acceptable level. This could be secured by conditions.

The proposed dwellings will project slightly beyond both the front and rear building lines of the neighbouring dwellings. However, given the separation distance between them there will be no infringement of the 45 degree rule when measured from the nearest windows in the front or rear elevations of either no. 204 or no. 194. The proposal also provides for an adequate standard of amenity for future occupiers. There will be no overlooking between plots and substantial domestic curtilages, considerably in excess of minimum standards will be provided for each property.

Subject to the conditions as set out above the proposal is considered to be acceptable in terms of amenity and in compliance with Policy BE1 of the adopted Local Plan.

## **Design and Layout**

The layout of the site is considered to be acceptable as it continues the pattern of existing ribbon development of large dwellings set within substantial gardens. The plot spacing is similar to that of the existing dwellings to either side and the established building line on this part of Crewe Road, which is set back significantly from the highway has been maintained.

The proposed dwellings would be 2 storeys with overall ridge heights of 11.11m, 11.09m and 11.06m. Whilst this is slightly higher than the neighbouring dwellings of 204 and 194 Crewe Road, which have ridge heights of 11.08m and 10.88m respectively, it is not considered that they will appear out of place or overly prominent within the street scene, particularly given the ample spacing between the dwellings. The overall scale and massing of the proposed dwellings is also similar to the substantial properties found to either side of the site and elsewhere in the ribbon of development along both sides of Crewe Road.

The surrounding development on Crewe Road, comprises pre-dominantly large Victorian and 1930's detached and semi-detached dwellings. The palette of materials is mainly red brick, render, small clay tiles and natural slate. This has been reflected in the proposed dwellings which will be finished in red brick and natural slate with a buff brick string course. The steeply sloping traditional pitched roofs and bay windows to the front elevations are also typical of the surrounding development. The proportions of the fenestration are also typical of dwellings from the late 19<sup>th</sup> and early 20<sup>th</sup> century period. It is therefore considered that the proposals will fit comfortably into the existing street scene. A slightly more contemporary approach has been applied to the rear elevations which are not visible from the public domain, with larger areas of glazing. This allows the occupants to maximize the views over the open countryside to the rear but is also desirable from a sustainability point of view as it maximizes solar gain from the south facing rear elevations.

Overall, this approach is considered to be acceptable and in accordance with Policy BE.2 (Design) of the adopted Local Plan.

## **Highways and Access**

The proposal involves using the existing single point of access in order to serve the 3 proposed dwellings via a private drive. Such shared access arrangements are generally considered to be acceptable for small developments such as this. Minimising the number of points of access is beneficial to highway safety and it is not considered that the proposal for two additional dwellings would raise any significant concerns in respect of traffic generation. Adequate parking and turning space for the occupant's vehicles would be provided within the site and therefore the proposal would not result in any additional on-road parking which would be to the inconvenience of other residents or the detriment of highway safety.

Local residents have expressed concern about traffic generation and visibility from the proposed access. However, in the absence of any objection from the Strategic Highways Manager it is not considered that a refusal on highway safety / traffic generation grounds could be sustained.

The site is sustainably located on the edge of the settlement of Haslington which, as one of the larger villages in the Borough, benefits from a number of local shops, services and facilities and is located on a main bus route between the principal towns of Crewe and Sandbach. The bus route gives a direct connection to national rail services at Crewe Station.

## **Ecology**

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places:

- in the interests of public health and public safety,
- for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is:

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection:

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. *“This may potentially justify a refusal of planning permission.”*

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species *“Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”*

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to *“refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”*

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case the application is supported by an ecological assessment, which has been examined by the Council's Ecologist who has found it to be acceptable.

He has commented that he is satisfied that the habitats affected by this development, including the pond within the site, are not reasonably likely to support roosting bats or great crested newts. No evidence of any other protected or priority species was recorded during the assessment and with the exception of breeding birds as discussed below, he advises that there are unlikely to be any significant ecological issues associated with the proposed development.

If planning consent is granted he recommends the conditions to safeguard breeding birds and to ensure some additional provision is made for breeding birds and roosting bats in accordance with PPS9.

## **Contamination**

The Council's Environmental Health officer has commented that the application is for a new residential property which is a sensitive end use and could be affected by any contamination present. The applicant submitted a Phase I preliminary risk assessment with their application which recommends Phase II site investigation works be undertaken. Therefore, conditions are recommended requiring that, a Phase II ground investigation be undertaken and any necessary mitigation be identified and carried out. Subject to compliance with these conditions, it is considered that the proposal will accord with the relevant development plan policies in respect of contaminated land.

## **Trees and Landscape**

The site comprises former residential curtilage and extensive landscaped gardens. There are a number of trees around the periphery of the site. Several trees on and adjoining the site are protected by the Crewe and Nantwich (Winterley) TPO 1977

By utilising the existing access to serve all three dwellings the need for removal of protected trees on the site frontage in order to provide multiple access points and associated visibility splays has been avoided. The Landscape Officer has reviewed the application and commented that subject to tree protection measures, she does not foresee any tree issues with plots 1 & 2. However, plot 3 raises some concerns. The access and driveway pass under the crown spread and within the root protection area of Sycamore T2 of the TPO and a further Sycamore on the western boundary.

The trunk of the protected tree divides at a low point and a major section of the tree extends a considerable distance over the application site with limbs at a low level. The Landscape Officer has concerns that it would be necessary to remove a major section of the tree in order to accommodate the access, to the detriment of the health and amenity value of the tree. The tree is afforded a Grade B in the tree survey.

The access would also pass very close to a further early mature Sycamore tree further back on this boundary. The tree is afforded a Grade A in the tree survey. It is likely that the tree could dominate the dwelling and as an early mature specimen, its future growth potential needs to be considered. Whilst no dig construction is proposed for the access and in principle could be used, because this involves increasing levels by more than 200mm, in the case of the protected tree this exacerbates the problem associated with limited clearance under its crown spread.

It is therefore suggested that the layout needs to be amended to address these issues. The applicant's agent has been made aware of this and amended plans were awaited at the time of report preparation. A further update on this matter will be provided for Members at committee. If the tree issues are resolved through the submission of amended plans conditions will be required to secure a revised tree protection plan to reflect requested layout amendments and an Arboricultural Method Statement.

To turn to proposed landscaping, in relation to the submitted layout, the landscape layout plan is acceptable in principle. However, the level of detail is insufficient and further details of planting proposals and boundary treatment design will be required. These can also be secured by condition.

## **Other Matters**

Local residents have drawn attention to the previously refused applications on the site. The first application in 1987 for two dwellings on the site (7/14231) was refused on the grounds that the site was not allocated for residential development and therefore existing use of the site should remain. Also the site was primarily in the open countryside and the proposal would be contrary to the policies in the Structure Plan. Visibility from the site was also considered to be sub-standard and the proposal would not be in the interest of the free flow of traffic and highway safety. Further applications for single dwellings in 1991 and 1995 (P91/0157 and P95/0190) respectively were also refused on the grounds that without an agricultural justification the proposed development would be an unwarranted intrusion into the open countryside. However, these applications were determined under the structure plan and previous draft local plan which did not contain an infill policy for sites in the open countryside. Furthermore, at that time the lawfulness of the existing dwelling still had not been established. The lawful development certificate was issued in June 1999.

With regard to the highway safety reason for refusal relating to the 1987 application, this was issued, prior to the construction of the Haslington bypass and traffic calming / speed restrictions being introduced through the village. It is also unclear as to whether the access as it stands on site today, which is a well formed domestic access, had been constructed at that point. It should also be noted that

the planning permission for the re-erection of the listed building also demonstrated that the access was suitable to serve a single dwelling. Notwithstanding these points, in the absence of any objection from the Strategic Highways Manager, it is not considered that a refusal on highways grounds could be sustained.

## **9. CONCLUSIONS**

The site is located within the Open Countryside, as defined in the Replacement Local Plan, where according to Policy NE.2 of the local plan there is a general presumption against new residential development, although an exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage.

The current proposal is for the erection of three dwellings. However, an exception to the general policy of restraint in the Open Countryside can also be made for replacement dwellings. Therefore, given that there is an existing house on site, this proposal can legitimately be considered as comprising two elements. The replacement of the existing dwelling and the erection of 2 dwellings in a small gap, of approximately 45m, in an otherwise built up frontage alongside. This part of Crewe Road is characterised by ribbon development, with a strong building line, which is shared by both no 194 which bounds the site to the west and no. 204 which adjoins it to the east. It is therefore considered that the site sits within a built up frontage. Whilst there is no definition within the Local Plan of what constitutes a “small” gap, Appeal precedents can be found to support the principle that gaps of up to 60m can meet the policy requirement provided that the development would be similar in terms of both general spacing and building line to the existing dwellings, which would be the case with this application. It is therefore considered that the two “infill” dwellings are acceptable in principle.

With regard to the proposed “replacement”, the scheme complies with all the requirements of Policy RES.10, which deals with the replacement of existing dwellings with the exception of criterion 4 which states that the replacement dwelling must not be materially larger than the dwelling it replaces. However, there would be a number of visual and sustainability benefits that are sufficient material considerations to outweigh this about the increase in the bulk of built development, which, notwithstanding this point, would be partly off-set by the demolition of an existing outbuilding.

The proposal is acceptable in terms of design and layout, impact on highway safety, living conditions, ecology, and contaminated land and complies with the relevant local plan policies in this regard. Whilst there are concerns in respect of the impact of the proposed access to plot 3 on the protected trees to the front of the site, it is considered that this can be adequately addressed through the submission of amended plans.

Therefore, for the reasons stated above and having due regard to the relevant local plan policies, and all other material considerations raised, the proposal is recommended for approval subject to the receipt of amended plans and appropriate conditions.

## **10. RECOMMENDATION**

**APPROVE** subject to receipt of amended plans and the following conditions:

- 1. Standard**
- 2. Plans**
- 3. Materials**

4. Revised tree protection plan to reflect requested layout amendments
5. Arboricultural Method statement
6. Detailed landscape scheme
7. Implementation of landscaping scheme
8. Boundary treatment
9. Prior to undertaking any works between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a detailed survey to check for nesting birds to be submitted and approved.
10. Submission approval and implementation of detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds and bats
11. Obscured glazing to first floor bathroom window in west elevation of Plot 3
12. Obscured glazing to first floor landing window in east elevation of Plot 1
13. Balcony of plot 1 to have solid sides
14. Removal of PD Rights
15. Demolition of the existing property prior to/upon occupation of the dwelling on Plot 1.
16. Demolition of Existing Outbuilding
17. Construction hours limited to
 

Monday – Friday	08.00hrs	18.00hrs
Saturday	08.00hrs	14.00hrs
With no Sunday or Bank Holiday working		
18. Foundation piling on site restricted to:
 

Monday – Friday	08:30hrs – 17:30hrs
Saturday	08:30hrs – 13:00hrs
Sunday	Nil
19. Contaminated land investigation / remediation
20. Scheme for the disposal of foul drainage
21. Submission, approval and implementation of bin storage.

**OR**

**If amended plans not received REFUSE for the following reason:**

1. In the opinion of the Local Planning Authority the proposed access to the dwelling on Plot 3 could not be accommodated without the unacceptable pruning of and threat to the trees within the site, which are the subject of the Crewe and Nantwich (Winterley) TPO 1977, the loss of which would be detrimental to the visual amenity of the area. The proposal is therefore contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Location Plan

