

## APPENDIX 1

<b>Planning Reference No:</b>	09/4076N
<b>Application Address:</b>	Land west of 1 Abbey Park Way, Weston, Crewe
<b>Proposal:</b>	11 Houses with Parking, a New Residential Open Space, Formation of New Vehicular and Pedestrian Access onto Abbey Park Way.
<b>Applicant:</b>	Miss J Clark, Countryside Properties, countryside House, The Drive, Brentwood, Essex
<b>Application Type:</b>	Full Planning Permission
<b>Grid Reference:</b>	374100 351355
<b>Ward:</b>	Doddington
<b>Earliest Determination Date:</b>	20 <sup>th</sup> January 2010
<b>Expiry Dated:</b>	15 <sup>th</sup> March 2010
<b>Date of Officer's Site Visit:</b>	26 <sup>th</sup> January 2010
<b>Date Report Prepared:</b>	23 <sup>rd</sup> February 2010
<b>Constraints:</b>	Residential allocation

### **SUMMARY RECOMMENDATION:**

**Approve following the completion and signing of a Deed of Variation to the Section 106 Agreement to secure (1) the country park and community hall to be managed separately and (2) the development of the site originally intended for mixed use as housing, subject to conditions.**

### **MAIN ISSUES:**

- Compatibility with planning policy, with the Design Guide and the existing Section 106 agreement**
- The justification for allowing the mixed use site to be developed for housing**
- Impact of the development on the character and appearance of the area**
- Impact of the development on existing residential amenities**
- Impact of traffic on highway safety**

## **1. REASON FOR REFERRAL**

This application is referred to the Southern Planning Committee because the development is for more than 10 houses.

## **2. DESCRIPTION OF SITE AND CONTEXT**

Wychwood Village is a residential hamlet developed within the Northern Golf Course of the Wychwood development. A country park separates the golf course and the residential development and completely encircles the hamlet. Construction of dwellings at Wychwood Village ceased but has recently commenced again.

The application area is a parcel of land situated within the primary loop road, and within the residential hamlet. The site is bounded to the north, east and west by existing residential development. The loop road known as Abbey Park Way fronts the site on the southern side. The application area is a parcel of land which has been cleared of vegetation and is almost level but slopes very slightly from east to west.

### **3. DETAILS OF PROPOSAL**

The application seeks full planning permission for the construction of 11 two-storey dwellings comprising one 4-bed detached house, three 3-bed dwellings and seven 2-bed dwellings.

A Design Guide was approved under the existing Section 106 agreement for the development and this required the provision of an area of open space or village green on the western side of the application site. This area of open space is retained in the layout and the detached house is set back from it with the front elevation overlooking the open space. A terrace of four dwellings, a separate terrace of three dwellings and a detached dwelling front the loop road and a pair of semi-detached dwellings are located at the rear of the site off the garage court. Access to the garage court is between plots 10 and 11. This serves all the dwellings except plots 7 and 8 which have vehicular access from the Abbey Park Way.

Amended plans have been received which slightly alter the position of buildings outside the site, make provision for a rear pedestrian access to plots 2 and 3 and confirm that the area of land on the north side of the T-junction on the estate road is not for parking but for forward visibility for traffic on the highway. This area is to be separated from the open space at the rear of it by Cheshire Railings. In addition a number of garages are provided with access doors to the rear gardens of plots to allow removal of waste and recycling bins.

### **4. RELEVANT HISTORY**

7/16321 Outline application for golf courses and associated buildings, hotel, shops, leisure facilities, school and housing. Approved subject to S106 agreement, 21<sup>st</sup> November 1990.  
P02/1079 Increase in the number of dwellings to 315, formation of country park and means of access. (North Course only) Approved subject to S106 agreement, 8<sup>th</sup> October 2003.

P03/0587 Laying out of the Northern golf course. Approved 19<sup>th</sup> August 2003.

P03/1079 Reserved matters for primary loop road. Approved 7<sup>th</sup> January 2004.

P03/1351 Reserved matters for landscaping of the country park. Approved 5<sup>th</sup> February 2004.

P04/0892 Community centre and access. Approved 21<sup>st</sup> September 2004.

P04/0018 Reserved matters for 146 Dwellings and associated works for Wilson Connolly. Approved 14<sup>th</sup> July 2004.

P04/0453 Reserved matters for 20 Dwellings for Bovis Homes Ltd. Approved 6<sup>th</sup> July 2004.

P04/1267 Reserved matters for 49 Dwellings for Bovis Homes Ltd. Approved 14<sup>th</sup> December 2004.

P05/0112 Reserved matters for 100 dwellings for Bovis Homes Ltd. Approved 3<sup>rd</sup> May 2005.

P06/0780 Variation of Condition to extend the period of time for the submission of reserved matters. Approved 1<sup>st</sup> September 2006

P07/0398 Reserved matters for substitution of house types (90 plots) for Bovis Homes Ltd. Approved 15<sup>th</sup> June 2007.

## **5. POLICIES**

### **Regional Spatial Strategy**

DP1 Spatial Principles  
DP2 Promote Sustainable Communities  
DP4 Making Best use of Existing Resources and Infrastructure  
RDF2 Rural Areas  
L1 Health, Sport, Recreation, Cultural and Education Services Provision  
EM18 Decentralised Energy Supply  
MCR4 South Cheshire

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

Policy 11 Development and Waste Recycling

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

RES.1 (14) Housing Allocations  
RES.3 Housing Densities  
BE.1 Amenity  
BE.2 Design  
BE.3 Drainage Utilities and Resources  
BE.4 Access and Parking  
TRAN.9 Car Parking Standards

### **Other Material Considerations**

SPD Development on Backland and Gardens.  
PPS 1: Delivering Sustainable Development  
PPS3: Housing  
PPG13: Transport

## **6. CONSULTATIONS**

**Highways:** Due to only two dwellings being located off the main access with the remaining properties having their utilities connected off Abbey Park Way the Strategic Highways Manager would not be seeking to adopt this development. Both new accesses must be constructed to CEC specification under a Section 278 Agreement. Subject to the above being carried out no objections.

**CEC Ecologist:** As the site does not support any semi-natural habitats and is at least partly isolated from any adjacent habitats by the loop road it is not anticipated that there would be any significant ecological issues associated with the development.

**United Utilities:** No objections to the proposal. The site must be drained on a separate system with only foul drainage connecting to the foul sewer.

**Environment Agency:** Do not wish to be consulted on this application.

## **7. VIEWS OF WESTON AND BASFORD PARISH COUNCIL:**

- Subject to the Local Planning Authority being satisfied that the marketing of the mixed use site has not produced any results no objection to the principle of housing on the site. It is considered that in amenity terms residential development will have fewer problems than a mixed use development.
- Note the position of the open space and related positioning of the dwelling to form a focal point but request careful management of the open space to ensure that it operates satisfactorily and does not become an eyesore.
- Note that plots 2-4 and 7-11 are very close to the highway and have concerns about privacy and encouraging more on street parking which is already a problem in the area.
- Concern about bin collection at the entrance to the development in terms of the appearance of the bins left at the front for collection.
- The junction of Abbey Park Way and Parklands which is at the front of this development is a dangerous junction with vehicles speeding and turning without stopping and needs some modification. Parking shown at the junction is not appropriate.

## **8. OTHER REPRESENTATIONS:**

Objections/ comments from 1, 7 Abbey Park Way, 2 Oakland Court, 7 Chesterton Way, 1 St Augustine's Drive, 4 Delamere Close, Wychwood Village, Weston.

- Impact on residential amenities at existing dwellings
- Loss of visual amenity
- Loss of open outlook
- Loss of privacy as a result of the positions of the new dwellings
- Loss of light
- Effect on health
- Impact on adjoining gardens, development will deprive trees and plants in other gardens of light and oxygen
- Increase in traffic
- The estate already suffers from congestion due to traffic and vehicles parking on roadsides
- Fumes as a result of the new cars to the site
- Lack of parking for each house, in particular the garage court is at the rear and will not be used and there is not enough parking for each dwelling to have two spaces
- 18 parking spaces for 11 dwellings is not sufficient
- Parking is at the rear of a number of dwellings so residents and their visitors will park on the road frontage contrary to the restrictive covenants on the development
- Parking in front of the garages is on a shared access to the garages
- Parked cars will block views from existing vehicular access at 1 Abbey Park Way
- Numerous near misses at the junction of Abbey Park Way and Parklands which is close to the development site
- No need for the development as there are empty properties at Wychwood Village
- Devaluation of existing property
- The main vehicular location to the site is opposite the proposed entry to houses on the outside of the loop road with potential for vehicular conflicts
- Impact of noise from residents particularly for night workers who sleep in the day
- Area is used by birds, rabbits, other wildlife and plants

- The land was originally earmarked for communal use, for doctor's surgery, day care, nursery or similar uses and not envisaged for housing
- Noise dust and dirt from construction traffic and works
- There may be a need for commercial developments eg shop, when the current development is completed. There is no such outlet on either Wychwood Park or Wychwood Village
- There is a need for play equipment on Wychwood Village
- Why is the original proposal for a mixed use site no longer possible.
- Insufficient and inadequate provision for waste / recycling bin storage
- No objection to the principle of houses on the mixed use site
- The number of dwellings proposed is too many
- Wychwood Village is supposed to be an upmarket development and shoe-horning more houses in will let down the existing development
- The layout has not taken account of comments made at the public consultation for the development particularly in relation to parking;
- Pre-application information refers to affordable housing where is it?
- The original S106 agreement refers to the provision of the community hall and it does not make reference to the need for housing to justify it.
- Will the number of dwellings exceed the limitation imposed by the S106 agreement?

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

### **Design and Access Statement** (Prepared by Countryside Properties dated December 2009)

- The application seeks planning permission for 11 dwellings on land which is allocated for a mixed use development and village green in the S106 agreement for the development.
- The original concept for the village was to develop a central area with pedestrian access only and a higher density of development which would be encircled by lower density development.
- Groups of buildings would form mini neighbourhoods within the area where people would get to know their neighbours.
- A small area of the south western corner of the site has been landscaped the remaining area is levelled and cleared.
- Existing dwellings are red bricked properties with tiled roofs in a variety of architectural styles.
- The design of the development replicates the approach with an avenue of birch trees and this boulevard is taken through into the open land retained within the application area. At the rear of the open space is a detached dwelling overlooking the green.
- The dwelling immediately to the east of the green faces onto the green and forms part of a terrace which fronts the highway.
- Behind the houses is a garage court
- Frontages to dwellings are separated by a small planted area and low level railings.
- All properties have enclosed rear gardens.
- The development has been designed to avoid overlooking of the existing dwellings and to sit within the built context which is already provided.
- The scale massing and height is in keeping with the surrounding dwellings as is the planted frontages and landscaping.
- The number of vehicular access points has been reduced and dwellings are located close to the highway to ensure a built up frontage.

### **Planning Statement** (Prepared by Countryside Properties and dated December 2009)

This document describes the development and its context together with the planning history and planning policies including national policy. It explains the public consultation exercise completed in relation to this development and notes that the main points made by people were as follows:-

Areas needed for children to play

Need to consider maintenance

The area is too small to be described as a village green

What activities will be allowed on the green?

Too much traffic

Poor design

Should be fewer dwellings

Prefer to see bungalows to add variety

The site should be used for a park instead.

Disruption during building.

The public consultation exercise also resulted in a number of persons who indicated they were willing to help run or participate in events at the community hall.

### **Additional information in letter dated 10<sup>th</sup> February 2010**

#### Marketing

- Savills were appointed to market the mixed use site in October 2004 and did so for a period of 2 years;
- Details of the site were circulated to potential businesses with an interest in day nurseries, well being and medical interests.
- Press releases were sent to local newspapers, in the North West, and advertisements placed in the Estates Gazette and Property Week in February and March 2005.
- Details were available on Savills intranet.
- 250 sets of sales particulars were sent out.
- Two responses were received. One from a company wishing to purchase the site for a day spa. After consultation with CNBC it was considered that this use would not be favourable received.
- A second offer was made from a party interested in developing the site for a day nursery and health operator but this was never finalised and the company were unwilling to commit to the scheme.
- Discussions took place with Central Cheshire NHS Primary Care Trust in 2005/06 but it was apparent that their strategy was to focus on regional centres that offer all services under one roof. Funding would not have been available from the NHS for this site meaning that it was unviable to doctors, dentists etc.
- Discussions in relation to the provision of a day nursery with the Education Authority indicated that there was insufficient demand in this area.
- Full details of the marketing were sent to CNBC in October 2006.
- Since that time CNBC acknowledged in pre-application discussions that development of the site for residential purposes could generate funds which could be used to finance the community hall.

#### Commuted payment

Countryside Properties have now submitted a revised offer of £25,000 for the setting up and initial running costs of the community hall the offer is made subject to the following:-

- Planning permission is granted for the 11 dwellings

- There is immediate transfer of the community hall to Cheshire East Council or Weston and Basford Parish Council (with the provision to transfer to another party should the Parish Council decide not to continue beyond the initial trial period)
- Immediate approval for the transfer of the country park
- Agreement that the sum of £25,000 be for maintenance of Wychwood Community Hall (run costs and initial setting up)
- No further contributions be required from Countryside or their successors in title
- Should the community hall not be transferred within 12 months of the completion of the agreement, Countryside Properties are at liberty to seek alternative uses for the property and seek alternative planning consents
- Any surplus monies generated by the Parish Council should be put to the benefit of the community not the wider parish council funds
- No requirement in respect of affordable housing with this application.

## **10. OFFICER APPRAISAL**

### **Principle of development, planning policies, design guide and requirements of the Section 106 Agreement.**

The site is allocated for residential development under policy RES.1 (14) in the Borough of Crewe and Nantwich Replacement Local Plan. Outline planning permission was first granted for residential development together with 2 golf courses, a hotel, clubhouse(s) and related development under application 7/16321. This application covered both the northern and southern Wychwood sites. A section 106 agreement was signed in relation to the development. That agreement limited the number of dwellings on both the south and north course developments to 500 in total. Development commenced on the southern course with the provision of the golf course, hotel, club house and dwellings. Subsequently Countryside Properties applied under application P02/1079 to increase the number of dwelling on the north course from 110 to 315 with an increase in the total number of dwellings on both developments from 500 to not more than 725. A further section 106 agreement was signed which included a number of restrictions on the proposed development and planning permission was issued on 8<sup>th</sup> October 2003.

Planning permission has been granted for 390 dwellings on Wychwood Park originally known as the south course. Bryant Homes obtained reserved matters permission for 146 dwellings and Bovis Homes obtained reserved matters permissions for a total of 169 dwellings on the north course, now known as Wychwood Village. This results in reserved matters approvals/ planning permission for 705 dwellings in total.

Since the Section 106 agreement in force allows for up to 725 dwellings and the planning permissions currently being implemented will only result in a total of 705 dwellings the provision of the 11 dwellings for which planning permission is sought will not result in the total number of dwellings exceeding the upper limit allowed under the S106 Agreement.

The S106 agreement signed in 2002 treated the country park and community hall as a single entity, to be managed by the Parish Council, a local trust or other body and in the event that no such body came forward to be passed to the golf club operator for maintenance. No such parties were forthcoming and Countryside in accordance with the terms of the S106 transferred the country park to the golf club operator. The Parish Council now wish to take occupation of the hall but do not want or have the expertise to manage the country park. The legal agreement therefore needs to be revised to allow the country park and community hall to be managed separately. This planning application will

if approved allow a commuted payment to be made to the Parish Council towards set up costs and initial running costs of the community hall. This is discussed in more detail below. The country park will continue to be managed by the golf club operator. There are therefore no objections to alterations to the S106 agreement to allow the management of the country park and community hall being taken by separate parties.

The Section 106 agreement also required that the developer provide a community hall before the completion of 125 dwellings. Planning permission was granted for the community hall under reference P04/0892 dated 21<sup>st</sup> September 2004. The building was constructed but immediately occupied by the golf club operator and not made available for community use.

In addition under the S106 Agreement the developer was to provide, to shell finish only, a building for a mixed use purpose such as a day nursery, medical or wellbeing facility. However the number of dwellings to be permitted was not sufficient to justify the provision of a full doctor's surgery or similar NHS facility. This left suitable uses as a day nursery or a medical related use such as a physiotherapy, chiropractor or similar establishment. Whereas the first S106 Agreement had also included a shop in the list of potential uses for the mixed use site, when the application was submitted in 2002 it was considered that to allow a shop when there was already one in the village of Weston would reduce the custom at that business. It was considered preferably to remove the shop from the list of potential uses for the mixed use site so as not to dilute potential trade at the village shop.

The S106 agreement states that the developer is not obliged to commence construction of any mixed use building unless an occupier has first been identified on an appropriate financial basis. Where no such occupier has come forward then the agreement notes that Countryside would not be considered to be in breach of the terms of the S106 agreement.

In March 2006 Countryside confirmed that despite marketing the mixed use site they had failed to secure an occupier. The marketing details were submitted at that time and it was accepted that Countryside had taken reasonable steps to market the site and under the circumstances the continued construction of more than 125 dwellings was not considered to breach the terms of the S1076 agreement.

The proposed development retains the open space on that general area of land identified in the Design Brief for the village green, although it is noted that the location of the large detached dwelling encroaches slightly into this area. However the position and design of the dwelling is not considered to adversely impact on the open space and therefore the proposed development is considered to comply with this aspect of the Design Brief. The development of the 11 houses will however result in the loss of the site for the mixed use development.

The community hall has been occupied by the golf club operator who has now vacated the premises and is occupying a timber chalet style building on the opposite site of the road with the benefit of planning permission. The community hall is now vacant and the Parish Council have taken over the operation of the building as a community hall on a trial basis. If the trial shows there is a wish and the financial means, in the community, to make use of the hall the Parish Council will take the appropriate steps to acquire the hall from Countryside Properties. However to do this will incur initial set up costs which together with the initial running costs, for the first twelve months, are estimated by the Parish Council to be £25,000 for the first year. This excludes legal costs and non-domestic council tax. The Parish Council have prepared detailed assessments of these initial costs

which are considered to be realistic figures. Whilst the use of the hall will generate some income in the first year there is a need for money to be available at the start of this period to meet some operating costs. The Parish Council hope that the trial period will demonstrate that the hall can be made financially sound after the first year. Consultations carried out so far by the Parish Council show that there is interest in the use of the hall and a willingness to help run the hall, in the local community. The hall would be available for residents on Wychwood Park, Wychwood Village and in the parish of Weston and Basford.

Countryside Properties have attempted unsuccessfully to market the mixed use site. They therefore propose to provide residential development on the land for the mixed use site, albeit slightly encroaching onto the land for the open space. In order to assist the setting up and running of the community hall Countryside initially offered £10,000 but following further negotiations have increased this offered to £25,000.

This application is therefore a proposal which will provide funds to allow the Parish Council to take over the running of the community hall and enable the hall to be used for the purpose it was originally intended, securing its initial set up and operating costs. After that period, subject to the setting up of a trust for the operation of the hall with the potential to apply for community grants, the hall should be self supporting financially.

Whilst the loss of the mixed use site is regrettable, there was no interest in the use of the land when it was initially marketed. The arrangements provided for in the legal agreement did not raise any finance for the setting up and initial running costs of the community hall. By allowing the mixed use site to be developed for residential development a commuted payment can be made which will meet these initial costs.

With the site being allocated in the Local Plan for residential development there are clearly no planning policy conflicts in the use of this site for residential development. However the proposed residential development does conflict with the requirements of the Design Guide and the S106 Agreement. The S106 allows the Guide to be varied from time to time. Countryside Properties have therefore requested in writing that the mixed use site be developed for residential development. In view of the benefits to the community in terms of providing the setup and some initial running costs it is considered that the section 106 Agreement and Design Guide should be varied to allow for this course of action. The variation to the Design Guide would be confirmed by the grant of planning permission, should members approve the application.

In this particular situation there are therefore no objections to the variation of the existing S106 agreement to (1) allow the country park and community hall be managed separately and (2) to allow the mixed use site to be developed for housing.

### **The Financial Offer**

The sum of £25,000 offered by Countryside is subject to certain restrictions as detailed above. The transfer of the country park to the golf club operator and transfer of the Community Hall to the Parish Council is acceptable and will follow on from the completion of the legal agreement.

The offer is made available for 12 months after the completion of the legal agreement. If after the 3 month trial the Parish Council does not wish to take on the community hall, then the sum would be available for this period to any other suitable party. After this period

Countryside require that they should be able to seek alternative uses for the property including uses which might require a further planning application.

If the Parish Council do not wish to proceed with the acquisition of the hall then there is no stipulation who should be responsible for seeking a further party to run the hall. Cheshire East Council would be in a position to seek to negotiate with some parties although the Council does not have expertise to run community halls of this scale. Under such circumstances it would rest with Cheshire East in conjunction with the Parish Council to facilitate the delivery of an operator for the hall. Countryside make the offer subject to a period of 12 months from the date of signing the agreement for such negotiations.

However it was accepted by Crewe and Nantwich Borough Council that the requirement to market the mixed use had been fulfilled and that no developer had come forward. The S106 agreement did not stipulate what should happen to the mixed use site in the event that no party came forward to develop the site. Under the circumstances it is considered reasonable to develop the mixed use for residential development to facilitate the delivery of the community hall for use, and that the sum is made available for a 12 month period after which if no party has come forward to manage the site, then Countryside be allowed to seek alternative uses for the community hall.

## **Design**

The Design Guide sets out the principles for the development of Wychwood Village. Whilst the Guide has been prepared by the developer and not subject to public consultation, it was a requirement of the S106 agreement that this document be submitted. The development follows the design principles of the Guide. The Guide requires the land at the T-junction on entering the development to be provided as open space to imitate a village green. Under the Guide this area should be landscaped and planted as a focal point. Other green space focal points are also required by the Guide. It also requires that buildings be grouped with certain buildings forming “key” buildings in the street scene to form a sense of place. The development should have a tight knit centre with a higher density of development and buildings be positioned close to the road to form frontage blocks. Outside the loop road development will have a lower density. The Guide proposed that the land adjacent to the village green be for a mixed use area for the provision of a day nursery or some health care provision.

The proposed layout retains the concept of the village green as open space and shows one larger detached dwelling located behind the open space. The open space is laid out with trees to mirror the tree planted boulevard approach to the village. The siting of the house and its design with bay windows on the front elevation respects this symmetry.

The eight dwellings fronting the road have been deliberately sited close to the highway as required by the Guide. Wychwood Village has been developed to imitate the manner in which a village might have evolved over time. The inner area is therefore more densely developed and properties are sited closer to the road, as the traditional core of any Cheshire village might be. The development outside the loop road reflects more modern layouts with houses set back with room for a car on a drive and front garden. The development along the loop road sits between the two areas and in places dwellings are closer to the highway and elsewhere they are set further back. The proposed development here is deliberately sited closer to the highway to respond to the layouts permitted on the opposite side of the loop road which has yet to be constructed.

In terms of design the dwellings on the road frontage use traditional features, cills and lintels, and a small canopy above the front door to mirror the adjoining dwellings on Abbey Park Way to the east of the site. To the west of the site is a two storey block of flats which is positioned to turn the corner and take advantage of views across the open space.

Whilst representations have concerns about the number of dwellings on the site it is considered that the close knit development reflects the requirements of the Guide and is appropriate to this site bearing in mind the layout of existing development inside the loop road and the layout which has still to be constructed to the south of the site. Wychwood Village does not include any bungalows and it would not be appropriate to introduce such a form of development at this prominent site at the entrance to the development.

Amended plans have been received which provide access from rear garden areas to the garage court at plots 2 and 3 to remove bins for collection on the appropriate days. Plots 1 and 6 can be provided with side gates in boundary fences to the garage court. Plot 5 has its own side access. Plots 7 and 8 will remove bins from the rear garden area through their own garages (not part of the garage court). The remaining plots at 4, 9, 10 and 11 will remove bins from their rear gardens via the garage court to the site frontage for collection. There is therefore provision for all plots to have access for bin movements. The problem of bins on the pavements at the time of collection is an operational matter common in all residential areas and not a reason for refuse this application.

A number of plots have short rear gardens of less than 10m in length. These are plots 2, 4, 7, 8, 9 and 11. Plots 2, 4, 8, and 9 have gardens of between 40 and 50 sq m in area which is below the standard required by the Supplementary Planning Document. However smaller rear gardens have been permitted at other houses in Wychwood Village due to the presence of the country park around the hamlet where residents can walk at any time. It is not therefore considered that these plots present substandard amenities for residents.

### **Affordable Housing**

Negotiations which took place in relation to the 2003 permission (P02/1079) required that the increase in housing numbers be accompanied by a contribution to affordable housing provision. This was achieved through a requirement in the Section 106 agreement for a parcel of land off East Avenue, Weston which was then in Countryside's ownership to be provided for affordable housing. This land was transferred to the Crewe and Nantwich Borough Council and the housing development has since been completed by the Beth Johnson Housing Association and is now in use for affordable housing in the village of Weston.

Since this development will not result in more than 725 dwellings on the north and south courses in total there is therefore no additional requirement under this application for affordable housing.

### **Amenity**

Plot number 7 is adjacent to 1 Abbey Park Way but set forward of it. There is a garage at the existing dwelling between it and the proposed dwelling and the frontage bends gently to follow the line of the highway with the result that the side elevations of the existing and proposed dwellings are not parallel. The rear elevation of the proposed dwelling is angled slightly towards the garden at 1 Abbey Park Way but the proposed dwelling is set forward

of the existing dwelling. In this position it is not considered that the new dwelling will result in unreasonable overlooking to the existing dwelling or its garden.

The semi detached dwellings at plots 5 and 6 look across the end of the garden at 1 Abbey Park Way at right angles to the property. Again bearing in mind the separation distances and the orientation of the properties it is not considered that these dwelling will adversely impact on the amenities at 1 Abbey Park Way as a result of overlooking, domination or result in unreasonable loss of privacy.

Plot 5 is offset from the dwelling at 2 Oaklands Court. Whilst the front elevations face each other they are offset by some 4m in an east-west direction and separated by a distance of 6.6m in a north south direction. At the closest point the dwellings are 6.6m apart. It is not considered that the position of the new dwelling will result in unreasonable overlooking or adversely dominate or overshadow the front elevation of the existing dwelling to such a degree as to warrant refusal of the application. This is particularly so since there is a garage block to the front of the dwelling at 2 Oaklands Court and the closest front window (in the existing dwelling) at first floor level is a bathroom window with a WC at ground floor. The side elevation of 2 Oaklands Court is a blank gable elevation.

Plot 1, the four bedroomed detached dwelling looks to the rear of 2 Oaklands at an angle to the dwelling. The dwellings are 14.6m apart at the closest point. Whilst this is below the 21m distance for dwellings facing each other, the two properties are offset from each other and for this reason it is not considered that the new dwelling would result in unreasonable overlooking or overdominate the rear of the existing dwelling and its garden. It is noted that the flats at Sherbourne Court are a similar distance away from the dwelling at 2 Oaklands Court although that elevation of the flats does not contain principle windows.

The flats at Sherbourne Court face the side elevation of the dwelling at plot 1 at a minimum distance of 11m. There are principle windows to living rooms bedrooms and kitchens in the flats facing this blank elevation. This is below the standard of 13m required in the Supplementary Planning Document. However bearing in mind the layout of the site, the fact that plot 1 does not have other dwellings immediately on its east and west sides and the separation distance between the dwelling and the flats, it is not considered that this shortfall is sufficient to justify refusal of the application.

Within the development, the dwelling at plot 2 is close to the side elevation of plot 1 with a separation distance ranging from 5.8m to 11m. However this dwelling has a principle elevation to the road frontage and another principle elevation to the open space. Plot 1 is to the north of plot 2 and will not therefore cast shadow on the rear garden area. Whilst the relationship is close it is considered on balance to be acceptable because the development within the loop road is designed to create the close knit relationship of buildings found in the village core. Other relationships between dwellings within the propose development are not considered to adversely affect residential amenities at the propose dwellings.

The dwellings on the road frontage will face the dwellings to be constructed south of the loop road. There is a minimum separation distance of 13m between the front elevations of these two storey dwellings in the case of plot 8. This distance is increased to 16m in relation to plot 7 which will face a three storey dwelling on the south side of the loop road. In the case of the terraced dwellings at plots 2, 3, 4 and 11 the separation distance across Abbey Park Way is 15m. Here the dwellings on the south side of the road will be three storey properties. The ground floor windows in the dwellings south of the road will be for

WC and hall, on the first and second floors the rooms will be bedrooms. Whilst these distances are less than the 21m separation distance in the SPD it does reflect other areas of development at Wychwood Village and is therefore considered acceptable.

There are no conditions on the existing planning permissions to limit the hours of construction and under such circumstances it would be inconsistent to apply hours of construction to this site which is a considerably smaller parcel of land than those other adjacent areas which are still under construction.

## **Ecology**

There are ponds within 100m of the application area. However in this case it is not considered appropriate to seek a Great Crested Newt Survey. The application site itself has been cleared of vegetation and whilst weeds have started to re-grow there is no significant plant cover which would create an appropriate habitat for wildlife. Further the application site is separated from the ponds by the loop road and other rough ground which is poorly vegetated. Under the circumstances it is not considered that the site has any wildlife value and it is not considered that the development of the site will have any adverse effect on Great Crested Newts or other protected species.

## **Highway Matters and Parking**

Representations make reference to the parking shown at the T-junction on Abbey Park Way. This is a graphical error. The area should have been denoted as an area of forward visibility. The area is shown as part of the landscaped open space in front of the four bedroomed dwelling and is not proposed for parking. This has been corrected on the amended plan. However the Strategic Highway Manager will only accept grass and tree planting on this area of the forward visibility splay. A condition will need to be attached to any permission to ensure that the shrub/ low level planting on this land is not provided and landscaping is in accordance with the Strategic Highway Manager's requirements.

The Strategic Highway Manager raises no objections subject to construction of accesses to CEC specification under a S278 agreement. This is a highway requirement and can be included as an informative on any decision notice. Whilst the development is located close to the T-junction on Abbey Park Way the amount of traffic generated by this development of 11 houses would not be sufficient to justify refusal of the application. As a mixed use site the development would have generated vehicle movements in any case.

Other areas within Wychwood Village also include parking courts to the rear of houses and in this respect the proposal is not out of character with the development. For design reasons it is considered preferable to locate parking away from the main road frontage where possible.

The layout includes 18 parking spaces of which 11 are in garages. The parking standards in the local plan are maximum requirements. This equates to 1.6 spaces per dwelling.

Each dwelling has a garage space and plots 1, 2, 5, 6, 7, and 8 all have an open air parking space in addition to the garage space. There is one visitor space. Plots 3, 4, 9, 10 and 11 do not have a space in addition to their garage. Plots 7 and 8 have their own parking separate from the garage court with a space in front of the garage i.e. two spaces for each of these dwellings. (All other plots use the garage court.)

The absence of parking spaces in addition to the garage space for plots 3, 4, 9, 10 and 11 is likely to lead to cars either blocking spaces to other garages or else parking on the road. Countryside have failed to enforce the restrictive covenant on the development which prevents residents from parking on the highway to the dissatisfaction of a number of residents. Negotiations are still continuing over the detailed layout of the garage court to improve the operation of the area.

## **Landscaping**

A fully detailed landscaping scheme is submitted with the application. This proposes a continuation of the boulevard of trees along the approach to the development to continue through the open space. Tree, hedge and shrub planting will also be provided to the northern border of the open space and continue round the periphery of it. Cheshire railings will enclose the open space and will be located at the rear of the forward visibility splay, as explained above in relation to the highway comments. All the planting in the open space will be subject to condition requiring the submission and approval of a maintenance scheme.

Plot planting is also proposed to provide small planted front gardens to the frontage and also provided planting in front of the dwellings in the court yard.

Whilst some requests have been made for a play area to be provided this could not be accommodated within the open space together with the proposed landscaping. At this prominent site it is considered that the landscaping is essential in order to form a focal point at the head of the approach road into the development. With a large amount of open space available to residents, in the original schemes for both the north and south courses, there were no proposals for equipped play space to be provided in any part of the Wychwood developments. However play equipment has been provided on the south course and it may be that in due course play equipment could be sited within the country park or close to the community hall. The hotel complex on the south course also benefits from some leisure facilities (in addition to the golf course) and planning permissions for additional facilities have been approved.

## **11. CONCLUSION**

The site is within an area allocated for residential development in the Borough of Crewe and Nantwich Replacement Local Plan. The provision of 11 dwellings on this site will not exceed the number of dwellings allowed in total on the north and south courses at Wychwood under the Section 106 agreement for this development. Whilst part of the site is intended for a mixed use development in the S106 agreement, marketing of the site did not result in any developer coming forward to provide the mixed use development. There are therefore no objections to the principle of housing on the land intended for mixed use development. The land intended for a village green in the Design Guide for the development will in the main be retained as open space.

The community hall has been provided and following a period of occupation by the golf club operator, has been vacant for some months. The hall is presently being used by the Parish Council under licence from Countryside Properties for a trial period to ascertain if there is enough interest to utilise the hall for community purposes. This planning application proposes to develop the land of the mixed use site for residential purposes to generate a sum of money to fund the setting up and initial running costs of the hall.

Countryside Properties are prepared to offer the sum of £25,000 to fund the initial set up and running costs following the grant of planning permission for the 11 dwellings.

The proposed development respects the character and appearance of the existing dwellings and those still under construction as well as the overall context of the adjoining development. The dwellings are not considered to adversely impact on residential amenities at any existing dwellings or proposed dwellings. Approval of this application will allow Countryside Properties to provide residential development on the mixed use site and make a contribution to fund the initial setting up and running costs of the community hall.

## **12. RECOMMENDATIONS**

**Subject to the completion and signing of a variation to the S106 agreement to (1) allow the country park and community hall to be managed separately and (2) the development of the mixed use site for housing, APPROVE subject to the following conditions:-**

**1. Amended plans**

**2. Details/ samples of materials to be submitted approved and implemented.**

**3. Details / samples of surface materials to be submitted approved and implemented.**

**4. Details of boundary treatment, including the use of Cheshire Railings to the open space and housing frontage to be submitted approved and implemented**

**5. Notwithstanding the submitted landscaping scheme no planting other than trees and grass shall be provided in the forward visibility splay. The forward visibility splay shall be provided before the residential development is first occupied and thereafter retained.**

**6. Implementation of landscaping scheme submitted modified in accordance with condition 5. Maintenance of plot planting.**

**7. Submission of management and maintenance scheme for the open space planting.**

**8. Access to garage court to be formed in accordance with submitted plans and CEC specification before dwellings 1-6 and 9-11 are first occupied.**

**9. Access to plots 7 & 8 to be formed in accordance with submitted plans and CEC specification before dwellings are first occupied.**

**10. Garages only to be used for parking of cars and no other use which would preclude car parking.**

**11. Parking to be provided for each dwelling before it is first occupied.**

**12. Submission of details of appearance of canopies to dwellings and implementation in accordance with details.**

**13. Provision of rear access between dwellings/gardens and garages to enable removal of waste / recycling bins.**

**14. Withdraw permitted development rights for alterations, extensions and outbuildings.**

Location Plan: Cheshire East Council Licence No. 100049045

