

Application No: 12/0222N

Location: LAND OFF MARSH LANE, NANTWICH, CHESHIRE

Proposal: Reserved Matters Application for 13 No. Detached Dwellings, Parking and Amenity Space and the Retention of Public Open Space/Children's Playground including Appearance, Landscaping, Layout, Scale and Access Following Outline Approval of P05/0121

Applicant: Elan Real Estate Ltd & British Waterways

Expiry Date: 13-Apr-2012

#### **SUMMARY RECOMMENDATION**

**APPROVE** subject to conditions

#### **MAIN ISSUES**

- The acceptability of the Layout, Scale, Appearance and Landscaping
- Impact on adjoining residential amenities
- Impact up highway safety/parking
- The impact upon ecology
- The impact upon flooding

#### **REASON FOR REFERRAL**

This application is referred to the Southern Planning Committee as it involves a residential development of more than 10 dwellings.

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site is located on the northwestern side of Marsh Lane within the Nantwich Settlement Boundary. The site is currently an undulating area of open scrub land which borders the Shropshire Union Canal to west, is enclosed on 2 sides (south and east) by a recreational open space and an equipped children's playground (which has been protected by a S106 agreement) and is bound to the north by residential properties.

#### **DETAILS OF PROPOSAL**

A Reserved Matters application has been submitted seeking permission for the erection of 13 detached dwellings.

The outline permission (P05/0121) was subject to a Section 106 Agreement which was signed in December 2011. The S106 Agreement related to playground improvements and its maintenance, the creation of a public footpath and keeping and maintenance of the Public Open Space.

A new access point is proposed through the middle of the Public Open Space.

## **RELEVANT HISTORY**

**11/2370N** – New detached house, garage, driveway (44 Marsh Lane) – Withdrawn 15<sup>th</sup> September 2011

**P05/0121** - Outline Application for Residential Development and Retention of Existing Public Open Space/Children's Playground (Amended Plans) – Approved 9<sup>th</sup> December 2011

## **POLICIES**

### **National policy**

PPS 1 - Delivering Sustainable Development

PPS 3 - Housing

### **Local Plan Policy**

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

BE.4 - Drainage, Utilities and Resources

BE.5 - Infrastructure

RES.2 - Unallocated Housing Sites

RES.3 - Housing Densities

RT.2 – Equipped Children's Playgrounds

RT.3 – Provision of Recreational Open Space and Children's Playspace in New Housing developments

NE.9 - Protected Species

### **Other Material Considerations**

Supplementary Planning Document on Development on Backland and Gardens

## **CONSULTATIONS (External to Planning)**

**Highways** – No objections, subject to there being a minimum of two spaces per dwelling, a section 38 agreement ensuring the new access road is to adoption standards and improvements to a nearby bus stop being secured.

**British Waterways** – No comments received at time of report.

**Environmental Health** – No objections, subject to conditions in relation to hours of construction, hours of piling, lighting and an informative with regards to contaminated land.

**United Utilities** - No objections, subject to a condition that the site must be drained on a separate system.

**Countryside Rights Of Way Office (Cheshire East Council)** – No objections subject to improvements and maintenance of a footpath link

**Open Space Society** - No comments received at time of report

**Mid-Cheshire Footpath Society** - No comments received at time of report

**Ramblers Association** - No comments received at time of report

**Greenspace (Cheshire East Council)** - No comments received at time of report

**Environment Agency** - No objections

**Housing (Cheshire East Council)** – No objections, development does not trigger an affordable housing requirement (15 dwellings).

**Sustrans** – Request a 2 metre wide pedestrian/cycle link from Marsh Lane to the Canal towpath

**Shrewsbury & North Wales Branch of the Inland Waterways Association** – No objections, subject to conditions relating to the development of the footpath link and an adequate amount of mooring space.

#### **VIEWS OF THE TOWN COUNCIL:**

**Nantwich Town Council** – No objections

#### **OTHER REPRESENTATIONS**

3 letters of representation have been received. The main concerns raised relate to;

- Over-domination
- Drainage, flooding & associated health risks
- Highway's issues
- Retention and keeping the footpath clear
- Canal boat mooring
- Overdevelopment

#### **APPLICANT'S SUPPORTING INFORMATION**

Planning Statement  
Design & Access Statement  
Site Waste Management Plan  
Flood Risk Assessment  
Phase II Ground Investigation Report  
Gas Protection Assessment  
Statement of Community Involvement  
Ecology Report  
Tree Protection Plan  
Incursion Plan

Landscaping Layout  
Topographical Land Survey  
Arboricultural Development Report  
Site sections

## **OFFICER APPRAISAL**

### **Principle of Development**

As the proposed development is a reserved matters application, the principle of the development has already been established with the approval of the outline planning application (P05/0121) which included means of access to the site. As such, this application seeks approval for the subsequent detail of the application, namely the layout, landscaping, appearance and scale.

### **Layout**

The housing scheme consists of 13 detached, two-storey dwellings located on the northwestern side of Marsh Lane, Nantwich. The houses would be erected in a linear pattern, following the line of Marsh Lane. 10 of the new dwellings would be positioned towards to the rear of the site, approximately 20 to 25 metres to the southeast of the Shropshire Union Canal to the rear, and approximately 20-55 metres in from Marsh Lane. These 10 properties would face in a south easterly direction towards Marsh Lane and would front onto a proposed new access road. 3 of the new dwellings proposed would be positioned towards the front of the site approximately 22 to 33 metres in from Marsh Lane. 2 of these would back onto Marsh Lane and the third would be side on and form a corner plot on the new access road proposed.

Access to the site shall be via a new access road located opposite No.85 and No.87 Marsh Lane.

It is advised within the submitted Design & Access Statement that the layout has been arranged to take into account the shape of the site and has taken influence from the pattern, form and appearance of housing in the adjacent residential areas.

The properties on the opposite side of Marsh Lane are erected in a linear pattern following the line of the road and front onto Marsh Lane. They consist of a mixture of two-storey, semi-detached and terraced properties. To the northeast, adjacent to the site, are 2 detached, two-storey dwellings to the rear of which are a number of modern detached dwellings on Cartlake Close. As such, the immediate area is characterised by a mixture of two-storey development of different forms and patterns, therefore it is considered that the addition on 13 detached dwellings would not appear incongruous within the area.

In relation to separation distances, the development meets the appropriate distance standards with the exception of the proposed dwellings on plots 3 and 5 and 6 and 2. However, given the relationship between these proposed dwellings, these are considered acceptable in this instance. Furthermore, these separation distances only just fall short of the appropriate standards. As a result of the above reasons, it is considered that the layout of the proposed scheme is acceptable

With regards to the amenity space provided, the smallest of the rear gardens proposed measures approximately 68 metres squared, which is also considered to be acceptable.

### **Landscaping**

The land slopes down from the canal to the road but is undulating and several areas are mounded. There is a small group of trees to the northwest of the site and a belt of trees/shrubbery vegetation running close to Marsh Lane frontage including Hawthorne, Elder, Willow and Hazel which has not been managed for some time. The Council's Landscape Officer has advised that the development would require the removal of an area of trees/scrub on the Marsh Lane frontage in order to create the access and accommodate the development and trees in the northwest corner of the site. It is advised that this vegetation is not outstanding.

In relation to the impact upon neighbouring amenity, further plans showing cross sections were requested and subsequently submitted. Concerns are raised about the relationship between the development and the canal due to the sudden changes in land levels and amenity issues that would be created to the rear from the canal. Subsequent informal correspondence has been had between the developer, British Waterways and the Council and it has been agreed that British Waterways are happy to plant further screening towards the rear of the site to soften the impact of the scheme when viewed from the canal. The Landscape Officer also has concerns about the feasibility of any screen planting on the boundary between the dwelling on plot number 3 and the closest neighbour, No.44 Marsh Lane. The landscaping shall be secured via condition. As such, once conditioned, it is considered that the landscaping of the site shall be acceptable.

### **Appearance/Design**

The proposed dwellings would all be detached, two-storey dwellings and be of 4 different designs entitled; Brampton, Bunbury, Oakham and Southwold.

There are 5 Brampton style units proposed. These units have a footprint of approximately 73 metres squared, are approximately 7.2 metres tall, have dual pitched roofs, a gable on the front elevation and a half dormer, an integral garage and a ground floor bay window.

There are 3 Bunbury style units proposed. These units have a footprint of approximately 59 metres squared, are approximately 7.7 metres tall, have dual pitched roofs and central a gable on the front elevation and a mixture of detached and integral garages.

There are 3 Oakham style units proposed. These units have a footprint of approximately 96 metres squared, are approximately 8.2 metres tall, have dual pitched roofs and a half dormer and integral garage on the front elevation.

There are 2 Southwold style units proposed. These units have a footprint of approximately 64 metres squared, are approximately 8 metres tall, have dual pitched roofs and a half dormer and an integral garage on the front elevation.

Each dwelling would be two-storey in nature and would include features such as dual pitched roofs, bay windows and porches which are present on nearby properties ensuring that the houses proposed would respect the character of the immediate area.

With regards to materials, it is advised within the submitted Design and Access Statement that in order to fit in with the local character of the area, the materials to be used shall be traditional and simple. Within the submitted external finishes schedule, it is advised that all of the units shall be constructed from contrasting red bricks, a buff coloured art stone and a natural mortar finish. With regards to the roofs, all of the dwellings would have a Marley Interlocking tiles. The fenestration, bargeboards, soffits and fascias would all be finished in white uPVC fenestration. It is considered that these finishes would respect the character of the immediate area and are deemed to be acceptable.

## **Scale**

Of the surrounding dwellings, the properties on the opposite site of Marsh Lane are all two-storey in nature and approximately 7-8.5 metres tall and have footprints between 43 and 77 metres squared.

The adjacent property to the northeast, No.44 Marsh Lane is also two-storey in nature, is approximately 8-8.5 metres tall and has a footprint of approximately 194 metres squared. No.12 Cartlake Close is also two-storeys tall with a height of approximately 8.5-9 metres and a footprint of approximately 121 metres squared. This general assessment shows that the footprint sizes of the nearby dwellings range from 43 to 194 metres squared, a range within which all of the new properties proposed would fall within.

With regards to height, all of the surrounding units are two-storey in nature and have heights between 7 and 9 metres, also a range within which all of the proposed new dwellings would fall within. It should be noted that Condition 5 on the approved application P05/0121 stated that the new dwellings should be two-storeys and should not exceed 8.5 metres in height. This condition would be adhered to by this proposal.

As a result of the above assessment, it is considered that the scale of the proposed dwellings is acceptable.

## **Access**

The proposed access to the site was agreed to at the outline stage of the application; however a number of highway's conditions were proposed. These conditions (Conditions 9, 10 & 11) included; details of the access to be submitted and approved prior to the occupation of the dwellings, that acceptable visibility splays are agreed too and that the provision of parking of 1.5 vehicles per unit within the boundary of the site are achieved.

The submitted Design & Access Statement advises that the site would be served by an adoptable internal road and shared private drives. 2 car parking spaces are proposed per dwelling, which would adhere with the outline Condition 11. There is a mixture of garage types proposed both integral and external. It is advised that these garages are all set far enough back from the roads to ensure that the garage doors can be opened and closed whilst a car is parked in the driveway.

The Council's Highway's Officer, as part of this application has advised that there are no objections to the development subject to conditions relating to parking space allocations, the extent of the proposed adopted turning head and improvements to a nearby bus stop. In response to these conditions, 2 parking spaces per dwelling are proposed as part of the development; however, in order to retain such spaces, it is proposed that permitted development rights are removed. With regards to the extent of the adopted highway, it is considered that the private driveways, which at their most intensive use would be serviced by 5 dwellings is deemed to be acceptable if not adopted. In relation to the proposed improvement to a nearby bus stop, such a request at this stage of the application is deemed to be unreasonable given that this did not form part of the outline application.

As a result, subject to the removal of permitted development rights, the access of the development is considered to be acceptable.

## Amenity

The neighbours that would be most impacted by the proposed development would be No.44 Marsh Lane to the northeast of the site and No.12 Cartlake Close to the north of the site. The properties on the opposite side of Marsh Lane are all 42 metres away or more, a distance deemed to be acceptable so not to create any issues in relation to loss of privacy, loss of light or visual intrusion.

With regards to the impact upon No.44 Marsh Lane, the closest property to this neighbour would be the dwelling on plot No.3 which would be approximately 9 metres away from this dwelling at its closest point. At present, between this neighbour's property and this proposed dwelling is the neighbour's driveway and on the opposite side of the boundary an approximately 3 metre tall mound. Screen planting is proposed on this boundary between the two properties. On the relevant side elevation of the dwelling on plot No.3 there is an obscurely glazed ground floor kitchen window proposed. On the side elevation of No.44 Marsh Lane there are 4 openings. At first floor level there is a secondary bedroom window, at ground floor level there is an obscurely glazed window to a garage, a solid garage door and a secondary window to a lounge. On the rear elevation of this neighbouring property, there are 8 openings. At first floor level there is a secondary bedroom window, an obscurely glazed en-suite window and two other bedroom windows. At ground floor level there are a set of patio doors to a lounge, a set of patio doors to a dining room and a window and door to a kitchen.

Due to the relationship between the proposed dwelling on plot number 3 and this neighbouring unit, there will be no direct privacy/overlooking issues created to this side as the only opening proposed on the relevant side elevation of the closest development shall be obscurely glazed. This shall be re-affirmed via condition. Furthermore, screen planting is proposed on this boundary. As such, subject to the appropriate boundary treatment being conditioned, it is considered that the proposal would be acceptable from a privacy perspective with regards to this neighbour.

The principal windows on the dwelling on plot 4 would be approximately 31 metres away from the windows on the rear elevation of this neighbour. A distance considered large enough as to not create any privacy issues.

In relation to loss of light / overshadowing, because this proposed new dwelling would be to the southwest of this neighbouring house, and be in an elevated position, there is a potential for loss of light to be created in the late afternoons and summer evenings. Again, due to the offset siting of the proposed unit, any loss of light would be created largely to the side elevation of this neighbouring property. As the side elevation of No.44 Marsh Lane only includes either openings to a garage (which is not classified as a principal habitable room), or secondary openings to habitable rooms which would gain light from other windows, it is not considered that the impact of loss of light on this neighbour by the dwelling proposed on the closest plot would be significant.

In relation to the loss of light that could be created by the dwelling proposed on plot No.4, because the two-storey aspect of this property would be approximately 31 metres to the west, it is not considered any loss of light created by this unit on this neighbour would be significant.

With regards to visual intrusion, as above, in relation to the side elevation of this neighbouring property, because all of the openings either serve a non-habitable room or are secondary

windows, it is not considered that the visual intrusion created to this side would be significant enough as to warrant refusal of this application. There is some concern about visual intrusion however, because the relevant aspect of the proposal is single-storey in nature and could be largely screened by appropriate boundary treatment, it is not considered that the visual intrusion created to this side would be significant. The distance of the dwelling proposed on plot 4 to this neighbouring unit, is such that this dwelling would not create any visual intrusion issues

With regards to the impact upon No.12 Cartlake Close, the closest property to this neighbour would be the dwelling on plot No.4 which would be approximately 25 metres away from this neighbour. Due to this separation distance, it is not considered that the development would have a detrimental impact on the occupiers of this property by reason of loss of privacy, visual intrusion or loss of light.

In summary, it is considered that subject to the appropriate boundary treatment being conditioned, the development would adhere with Policy GR6 of the Local Plan and therefore be acceptable from an amenity perspective.

### **Ecology**

As part of the approved outline permission, an extended phase 1 habitat and tree survey was submitted. Condition 12 of P05/0121 advises that the development shall be carried out in full accordance with the recommendations of this survey in order to safeguard any protected species that may be present on the site and in order to mitigate for any loss of valuable natural habitats. As part of this submission an updated survey has been submitted.

The Council's Conservation Officer has advised that subject to conditions relating to the protection of nesting birds, the incorporation of features for breeding birds and the retention of the original condition within the outline permission requiring that the development accords with the latest extended habitat survey recommendations, he has no objection to the development.

### **Flooding/Drainage**

As part of the original application, United Utilities raised no objections to the development and no representation was received from the Environment Agency.

As part of this application, the Environment Agency have reviewed the submitted Phase 2 Ground Investigation Report and consider that *'the risks posed to controlled waters to be acceptable and have no objection to the planning permission.'*

United Utilities also have no objection to the development subject to a condition that the site must be drained on a separate system, with only foul drainage being connected into the foul sewer.

As such, subject to the implementation of this condition, the impact of the development upon flooding and drainage is deemed to be acceptable.

### **Other Matters**

In response to concerns raised by objectors not already addressed, the issues regarding the footpath have already been largely agreed at the outline application stage as part of the S106 agreement. It was agreed as part of this legal document that the developer is required to submit plans and thereafter implement a 1.5 metre wide footpath linking the Public Open Space with the adjacent towpath. Any further requests for improvements are unreasonable at this stage of the

development. This also applies to the request for adequate mooring space which in any case, would fall outside of the development site.

## **CONCLUSIONS**

The principle of the development has already been established with the approval of an outline permission which also gained approval for access. It is now subsequently considered that the scale, appearance, landscaping and layout of the scheme are also acceptable. It is considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, flooding or drainage and therefore adhere with the Policies RES.2 (Unallocated Housing Sites), NE.8 (Sites of Local Importance for Nature Conservation), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), RT.1 (Protection of Open Spaces with Recreational or Amenity Value) and RT.2 (Equipped Children's Playgrounds) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

## **RECOMMENDATION:**

**APPROVE** subject to conditions

- 1. Time (Standard)**
- 2. Plans**
- 3. Materials as per application**
- 4. Hours of construction**
- 5. PD Removal (A-E)**
- 6. Obscure glazing (kitchen windows on plots 3 & 4)**
- 7. Landscaping scheme to include treatment off site to canal boundary**
- 8. Landscaping (Implementation)**
- 9. Tree protection**
- 10. Details of retaining structure**
- 11. Boundary treatment**
- 12. External Lighting**
- 13. Structural stability of canal bank in accordance with survey**
- 14. Site to be drained on a separate system**
- 15. Development in accordance with Extended Habitat survey**
- 16. Nesting birds**
- 17. Breeding birds**

## **Informative**

The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.



**The Site**