

Application No: 11/3867N

Location: Land to Rear of 157 Crewe Road, accessed via Gutterscroft, HASLINGTON, CW1 5RJ

Proposal: Construction of 11 Three Storey Dwellings

Applicant: Lothlorian Ltd

Expiry Date: 19-Jan-2012

#### **SUMMARY RECOMMENDATION**

Approve with Conditions

#### **MAIN ISSUES**

Principle of Development

Design

Amenity

Highways

Ecology

### **1. REASON FOR REFERRAL**

This application was deferred from the Southern Planning Committee meeting on 4<sup>th</sup> January 2012 for plans to be submitted showing the turning area within Meadow Bank; areas for refuse collection to each property; details of the road specification for Gutterscroft; and a site plan showing the context of neighbouring properties. Following the Southern Planning Committee meeting on 15<sup>th</sup> February the application was deferred for further consultation with local residents.

This consultation has been carried out and the closing date for additional comments is 27<sup>th</sup> February 2012.

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

The application site comprises a backland site to the rear of properties 153 and 157 Crewe Road, Haslington. This is accessed via a relatively unmade public right of way known as Gutterscroft which bounds the site to the south. A public footpath (Haslington PF45) also forms the western boundary leading from Gutterscroft to 'the Dingle'. Surrounding land uses are predominantly residential, with access to local amenities within Haslington. Properties within the locality are of varying types, design and age. To the north of the site is United Reformed Church which is locally listed.

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

This is a full planning application for the provision of 11 dwellings with domestic garage accommodation. A pair of semi-detached dwellings would occupy the Crewe Road frontage close to the junction with the Dingle and vehicular access would be gained from within the site via Gutterscroft. 4No dwellings would provide a frontage to Gutterscroft with 5No dwellings forming a cul-de-sac within the site.

#### **4. RELEVANT HISTORY**

P02/1298 Demolition of Dwelling and Erection of Nine Dwellings (Refused June 2003) Refused due to the proposed site access from Crewe Road being too close to the junction of Gutterscroft and substandard levels of visibility.

P03/0049 Outline Application for 43 Dwellings (Refused March 2004) Refused due to the following reasons: failure to secure affordable housing provision. Development allowed at Appeal (APP/K0615/A/04/1147933) 15<sup>th</sup> December 2004.

P06/0498 Land off Crewe Road / Gutterscroft Haslington Crewe 17 Houses and 6 Apartments (Refused July 2006) Refused due to the following reasons: failure to secure affordable housing provision; failure to provide public open space; and design issues. Appeal submitted and withdrawn.

P07/1103 Demolition of the Existing Buildings and Construction of 44 Dwellings and Associated Works (Approved with conditions January 2008).

P07/1693 Reserved Matters Application for the Demolition of Existing Buildings and Construction of 44 Dwellings and Associated Works (Duplicate Application) (Withdrawn).

#### **5. POLICIES**

##### **Regional Spatial Strategy (NW)**

Policy DP7 Promote Environmental Quality  
L4 Regional Housing Provision

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

RES4 (Housing in Villages with Settlement Boundaries)  
NE5 (Nature Conservation and Habitats)  
NE9 (Protected Species)  
BE1 (Amenity)  
BE2 (Design Standards)  
BE3 (Accessing and Parking)  
BE4 (Drainage, Utilities and Resources)  
BE5 (Infrastructure)  
TRAN9 (Car Parking Standards)

##### **Other Material Considerations**

Supplementary Planning Document 'Development on Backland and Gardens'

Cheshire East – Interim Planning Statement on Affordable Housing (2011)  
PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPS9 Biodiversity and Geological Conservation  
PPG13 Transport

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

### **Highways**

The Strategic Highways Manager is satisfied with the submitted details of the turning head within Meadow Bank; areas for refuse collection at the boundary of each dwelling; and the improvement specification for the length of Gutterscroft which forms part of the application site (as edged red).

### **Environmental Health:**

Environmental Health have raised no objection to the application but request the following conditions:

(i) Restriction of hours of construction –

Monday – Friday 08:00 to 18:00 hrs

Saturday 09:00 to 14:00 hrs

Sundays and Public Holidays Nil

(ii) if pile driving is required, restriction of hours to –

Monday – Friday 08:30 – 17:30 hrs

Saturday 08:30 – 13:00 hrs

Sunday and Public Holidays Nil

(iii) Prior to its installation details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(iv) Land contamination surveys prior to commencement of development

### **Ecology:**

The Council's ecologist has assessed the application and does not anticipate there being any significant protected species issues associated with the development. The development does however have potential to support breeding birds and any impacts would be in the local context. In order to ensure the nature conservation interests of breeding birds the following conditions are necessary:

(i) Prior to undertaking any works between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.

Reason: To safeguard protected species in accordance with PPS9.

(ii) Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house

sparrows and swifts. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.

Reason: To secure an enhancement for biodiversity in accordance with PPS9.

## **7. VIEWS OF HASLINGTON PARISH COUNCIL**

Originally objected to the application but following the submission of amended plans they would like to make the following comments;

- The developer should submit a revised location plan (red line) that encloses the whole of the application area
- The reduced width of pavement for the south side of the Gutterscroft is apparently a requirement from the Highways Department, on balance the Parish Council consider it better to have a single decent footpath than two narrow ones
- The garages for plots 2 and 3 are apparently 2 cars deep so should have 3 spaces off the road, Haslington Parish Council still think that the future residents will be unhappy with the congestion outside their houses from the Gutterscroft Centre users, a long established use of the Gutterscroft road
- The developer has agreed that the Gutterscroft will be resurfaced up to the community centre gates, the section in front of the new properties will be to highway standards. This agreement needs to be contained within a Section 278 agreement, which will also address the replacement of the existing street lighting
- The Gutterscroft road needs to be kept clear and usable during the development, the boundary of the site will be enclosed in safety/security barriers and development will take place inside - propose that this is controlled via a condition or as part of a construction management plan that no construction or contractors vehicles be allowed to park on the Gutterscroft road during development, i.e. provide appropriate parking within the field being developed. This is likely to require the entrance from Crewe Road to be widened using the garden of 153 Crewe Road early in the construction process to ensure safe deliveries of plant and materials to the site
- Request a Condition to retain obscure glazing on the side elevations of house types A and C
- Request a condition on plots 5,6,7,8 removing Permitted Development Rights for the roofs, to ensure that the "velux" style roof-lights are retained in the roof and not converted to dormer windows that might increase overlooking issues for established neighbours

## **8. OTHER REPRESENTATIONS**

Neighbour objections have been received from 21 Batterbee Court, Ferndale House & Dove Cottage Gutterscroft, 9 & 3 The Dingle; and a general observation from the United Reformed Church. In summary the issues raised relate to the following:

- Height of the development will restrict morning sunlight to 21 Batterbee Court and the noise factor will impact upon the quality of life and value of the property. The loss of 2 large trees and the height of the land compared to the back garden is also a concern
- 3 storey dwellings are out of character with the area – there are none in the village
- Height of the houses will be intrusive to residents
- The size of the dwellings will overlook the rear living room of 9 The Dingle, leading to a significant reduction in privacy and devalue the property

- The plot should contain bungalows or two storey house
- The application is not specific about the width of the road
- Guttercroft is unadopted, busy and unable to take heavy traffic i.e. construction traffic and refuse collection
- The whole of Gutterscroft should be adopted
- Only part of the road being adopted would result in a safety hazard for both pedestrians and car users alike
- Only part of the road will be adopted and this will put extra traffic on the unadopted area of Gutterscroft and incur extra costs to original residents
- There should be a double track access at the junction from Crewe Road to Gutterscroft
- The footpath should be full length and not a partial footpath
- Amount of parking provision seems to be inadequate for the amount of new traffic on the proposed site and would mean further difficulties for the original residents
- Tree removal and loss of habitat in the hedgerows is a concern – the hedgerows should be retained. They are home to many type of bird as well as hedgehogs. The hedgerow is also a considerable sound buffer and will screen the development.
- Wildlife needs further consideration
- It is not a nursery at the end of the lane it is a community centre
- There should be double track access
- Safety issues of having a partial footpath
- Problems with refuse collection created by this development
- Existing problems with refuse collection
- Traffic problems along Gutterscroft
- The street lighting along Gutterscroft needs to be upgraded

Summary of comments from United Reformed Church:

- Maintenance of the church wall which borders the site – request a 1 metre gap between the wall and any fence to be erected.
- The ground level in the development area is lower than the churchyard, therefore any excavations close to the boundary wall will have the potential to undermine and damage it. It is requested that the developer takes great care not to damage the wall whilst working close to it.
- Retention of trees is requested particularly the holly tree growing close to the boundary wall which has considerable amenity value to the churchyard

## **9. OFFICER APPRAISAL**

### **Principle of Development**

The principle of residential development has previously been accepted on this site under application reference P03/0049. The site is situated within the Haslington Settlement Boundary where the key issues in the determination of this application is whether or not the proposal accords with Local Plan policies NE9 (Protected Species), NE5 (Nature Conservation and Habitats), BE1 (Amenity), BE2 (Design Standards), BE3 (Accessing and Parking), BE4 (Drainage, Utilities and Resources), BE5 (Infrastructure) and TRAN9 (Car Parking Standards)

### **Design**

The surrounding area is comprised of a mix of housing types and styles, ranging from traditional cottages, large detached dwellings, dormer bungalows, and more modern houses. The application proposes 11 No three storey dwellings with the second floor accommodation being in the roofspace. Typically the dwellings would be 5.6 metres in height to eaves level and 9.4 metres to ridge height. As there is no set roofline, height or dwelling type within the locality, the 3 storey dwellings are considered to be acceptable in this location. The proposed dwellings would be predominantly brick, some of which would be half rendered, and would have feature heads and cills. The dwellings and associated garages would be comprised of a mix of 5 No styles which would add to the visual interest and variety when viewed in the context of the Gutterscroft streetscene. Whilst the proposed dwellings would have a distinct appearance, the site is a backland plot and it is not considered that the design proposals would be at significant odds with the surrounding pattern and form of development. The dwellings proposed along Crewe Road / Foxes Corner are more simpler in appearance and would sit comfortably with adjacent properties within the streetscene.

Some minor design amendments were requested for the more prominent units such as 10E (Foxes Corner) and 4A (junction of Gutterscroft and Meadow Bank) to introduce more visual interest to the side elevations. The revised plans are considered to be acceptable in design terms.

The layout of the development provides an active frontage to Gutterscroft, an infill plot along Crewe Road / Foxes Corner, and an internal cul-de-sac layout called 'Meadow Bank'. The public footpath (Haslington PF45) is to the west of the site and would share the boundary with the rear gardens of plots 1A, 5A, 6C, 7A and 8A. The boundary is defined by a well established hedgerow which is an attractive feature along the length of the footpath. This would provide soft screening and privacy for the development and it is considered that its retention should be secured by condition. A landscaping and hard surfacing scheme would also be required in the interests of the appearance of the development in the locality.

Having regard to the above and the imposition of relevant conditions ie retention of hedgerow, landscaping scheme and hard surfacing details, the proposal would be acceptable in design terms and would have an acceptable impact on the character and appearance of the area. The proposed development would accord with Local Plan policy BE2 (Design).

## **Amenity**

A key consideration in the determination of the application is the impact of the proposed development on neighbouring residential amenity. Firstly with regard to plots 8A and 9D these would be situated to the north of the site at the head of the proposed Meadow Bank. These properties would back onto the rear blank elevation boundary of the United Reformed Church and would have a rear garden depth of between 9 and 10 metres. In this respect there would be no amenity impacts for the existing church or future occupiers of the dwellings.

In terms of plots 10E and 11E these properties would front Crewe Road and would be sited adjacent to number 157 Crewe Road. Whilst there are a number of windows to the side elevation of 157 these do not appear to be principal windows. There is currently an existing two storey building adjacent to 157 and given the orientation of the properties and the fact that there would be no principal windows proposed to the side elevation of plot 11E it is not considered that there would be any significant amenity impacts on this property. Property number 150 Crewe

Road would be around 24 metres from plots 10 and 11E on the opposite side of the road which is a sufficient separation distance to avoid any significant amenity impacts associated with overlooking or loss of privacy. This separation distance is in excess of the standards provided in the Supplementary Planning Document 'Development on Backland and Gardens'. Property number 2 The Dingle is situated on the opposite side of the road from plot number 10E at a distance of over 20 metres. Whilst there are a number of windows to the side elevation of plot 10E, some of which would serve habitable rooms, given the separation distance and the road in-between it is not considered that this would in any adverse impacts on the amenity of number 2 The Dingle.

Turning to plots 5C, 6C and 7A these would back onto the boundary with the public footpath (Haslington PF45) and would have no direct relationship with any neighbouring properties to result in any adverse impacts associated with overlooking, loss of privacy, or loss of sunlight.

Plots 1A, 2B, 3C and 4A would front Gutterscroft and would be set back from the edge of the carriageway by 4-6 metres. On the opposite (south) side of Gutterscroft is a vacant parcel of land, with residential properties along Batterbee Court situated further beyond. Again these properties would not be sited directly opposite each other and given the separation distances and the forms of development in-between, it is not considered that there would be any significant amenity impacts on these nearby residences.

Whilst neighbour objections in relation to the height of the proposals and subsequent issues of overlooking or loss privacy to neighbouring properties 21 Batterbee Court, 3 & 9 The Dingle are noted; the report has explained that due to the position of the proposed dwellings there is no direct relationship with the aforementioned properties to result in any significant amenity impacts by reason of overlooking, loss of privacy or loss of sunlight. In particular number 21 Batterbee Court is situated offset to the southwest of the site at a distance of over 21 metres with Gutterscroft and a parcel of land situated in-between. Number 9 The Dingle is sited to the northwest of the site beyond the public footpath (Haslington PF45) with no proposed dwellings facing this property. In terms of number 3 The Dingle there are no directly facing properties within the proposal as these would back onto the rear of the United Reformed Church.

Noise impacts during construction would be controlled via a condition to restrict the hours of work and any associated pile driving activities.

With regard to the proposed dwellings, the SPD for Development on Backland and Gardens identifies that all new dwellings should have a minimum of 50sqm of private amenity space. The proposed scheme would have sufficient private amenity space to meet the above requirements.

Having regard to the above the proposed development would not be detrimental to the residential amenity afforded to surrounding properties by reason of overlooking, loss of privacy or loss of sunlight. The proposal would accord with the respective provisions of Local Plan policy BE1 (Amenity).

## **Affordable Housing**

Concern has been raised about the lack of affordable housing provision as part of this proposed development. In relation to this issue the Interim Planning Statement on Affordable Housing states that within settlements with a population of 3,000 or more the threshold above which affordable

housing should be sought is 15 dwellings or more. In this case Haslington has a population of 6,410 and as a result this development would not meet the threshold for affordable housing.

It is accepted that in this case the application site did form part of a larger site which benefitted from an approval under outline and reserved matters applications P03/0039 and P07/1103. These applications included land on the northern and southern sides of Gutterscroft and the approval related to the construction of 44 dwellings. These decisions have now expired and there is no planning consent for residential development on either parcel of land.

As the parcels of land are now in separate ownership and there is no extant planning permission, it is not considered to be reasonable to request affordable housing as part of this application when the development does not meet the threshold contained within the Interim Planning Statement on Affordable Housing.

## **Highways**

The proposed development would be accessed off Crewe Road via Gutterscroft which is currently an unadopted right of way. Neighbour objections relating to the increased use of the road are acknowledged however the Strategic Highways Manager has raised no objections to the application. The Strategic Highways Manager is satisfied with the submitted details demonstrating the turning head within Meadow Bank; the specification details for the improvement of the length of Gutterscroft forming part of the application site; and also the areas of refuse collection to the boundary of each dwelling.

The proposal would provide 200% parking provision with additional space within the site layout to accommodate parking for visitors. As such there would be no significant pressure for on-street parking along Gutterscroft or in the surrounding highway network.

In the previous application P03/0049 Gutterscroft was the main access for a wider site of 44 dwellings. In the absence of an objection from the Strategic Highways Manager the application is considered to be acceptable in highways terms and would accord with the provisions of Local Plan Policies BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards).

## **Ecology**

The application site has the potential to support breeding birds including widespread BAP priority species. The proposed development however would not have a significant impact upon breeding birds other than in the local context. In order to ensure the protection of breeding birds during the development, detailed surveys will be required prior to any works being undertaken between 1<sup>st</sup> March and 31<sup>st</sup> August. A condition would also be attached to secure an enhancement scheme for breeding birds within the development. Subject to the above conditions it is considered that the proposal would be acceptable having regard to nature conservation interests and the provisions of Local Plan policies NE5 (Nature Conservation and Habitats) and NE9 (Protected Species).

## **Other Matters**

### Gutterscroft

Haslington Parish Council have requested a condition for the improvements of Gutterscroft to be carried out prior to site works commencing. This however is not considered to be reasonable, and would be conditioned to be improved prior to the development being brought into use.

Resurfacing of the community centre car park and the length of Gutterscroft is not directly related to the development proposed and would not be a reasonable requirement.

The Highways Authority have stated their intention to adopt a section of Gutterscroft and Meadow Bank, and whilst local residents may wish the Authority to adopt the entirety of Gutterscroft, this is not entirely related to the current application.

### Loss of Green Space

The loss of green space within the village has been cited in the objection from Haslington Parish Council; however the land is not allocated as protected open space in the Borough of Crewe and Nantwich Replacement Local Plan 2011, and as such is not afforded the same level of protection. Furthermore residential development has been permitted on the site previously; therefore the principle of development is acceptable.

### Telephone Box

Retention of the telephone box is not material to this application and is a matter for the telephone service provider.

### Church Boundary

Maintenance of the church wall which borders the site will be a civil matter and cannot be controlled under this application.

Excavation works in close proximity to the boundary is not a material planning matter.

## **11. CONCLUSIONS**

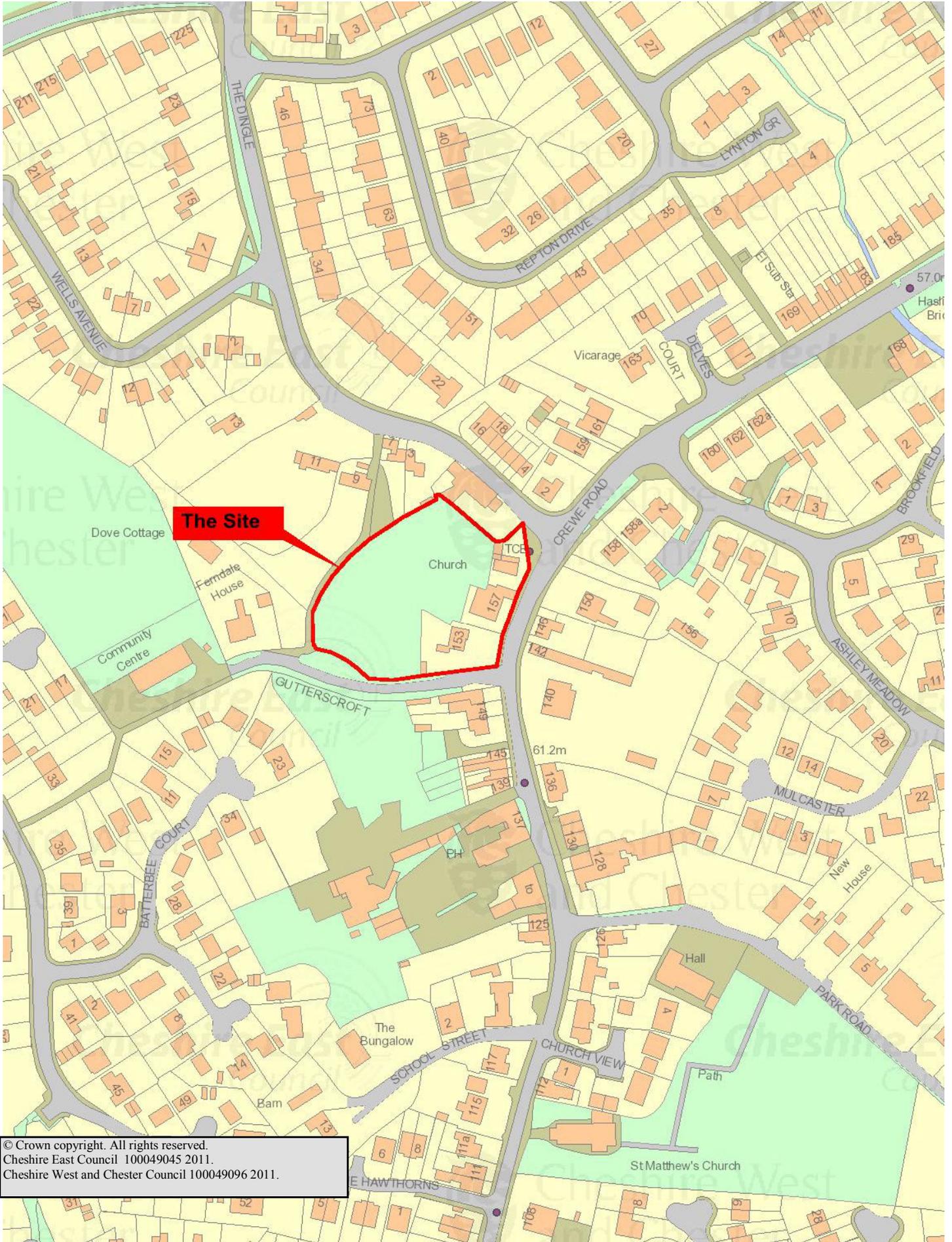
it is considered that the design and layout of the proposed development would not cause any significant harm to the character and appearance of the locality, and would have an acceptable impact on the Gutterscroft streetscene. There would be no significant impacts on the residential amenity of neighbouring properties. Subject to conditions i.e. details of the turning head, Gutterscroft improvement details, and areas for refuse collection, the proposal would be acceptable in highways terms. There would be no significant adverse impacts on nature conservation interests. Subject to the imposition of relevant conditions detailed below, the proposal would be in accordance with the relevant policies of the Development Plan and is therefore recommended for approval accordingly.

## **12. RECOMMENDATIONS**

The application is recommended for approval, subject to the following conditions:

- 1) Commencement of Development (3 years)
- 2) Approved Plans

- 3) Materials to be submitted
- 4) Details of Surfacing materials to be submitted
- 5) Detailed Landscaping Scheme to be submitted
- 6) Landscaping Scheme Implementation and maintenance
- 7) Tree / hedgerow protection measures to be submitted and retention of hedgerow to western boundary with footpath (Haslington PF45)
- 8) Details of Boundary treatments to be submitted for approval
- 9) Parking to be made available prior to occupation
- 10) Hours of construction:
  - Monday – Friday 08:00 to 18:00 hrs
  - Saturday 09:00 to 14:00 hrs
  - Sundays and Public Holidays Nil
- 11) Hours of pile driving:
  - Monday – Friday 08:30 – 17:30 hrs
  - Saturday 08:30 – 13:00 hrs
  - Sunday and Public Holidays Nil
- 12) Phase II Contaminated Land Survey prior to commencement
- 13) Gutterscroft improvements to be implemented prior to the occupation of the development
- 14) Details of drainage to be submitted
- 15) Details of any lighting
- 16) Breeding birds surveys if any works are undertaken between 1<sup>st</sup> March and 31<sup>st</sup> August in any year,
- 17) Detailed proposals of features suitable for use by breeding birds to be submitted
- 18) Construction Management Plan to be submitted and approved in writing prior to the commencement of development. Implementation in accordance with the approved plan.
- 19) Obscure glazing to the side elevation of house types A & C



**The Site**

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Cheshire East Council 100049045 2011.  
Cheshire West and Chester Council 100049096 2011.