

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. It was deferred from the last meeting in order for revised plans to be considered.

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.

Revised plans show that the proposed dwelling on plot number 3 has been moved approximately 3 metres to the southwest in order to help alleviate the impact upon No.44 Marsh Lane.

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11/2370N – New detached house, garage, driveway (44 Marsh Lane) – Withdrawn 15th September 2011

P05/0121 - Outline Application for Residential Development and Retention of Existing Public Open Space/Children's Playground (Amended Plans) – Approved 9th 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 (23/02/2012)

British Waterways – No objections (28/02/2012)

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 (06/02/2012)

United Utilities - No objections, subject to a condition that the site must be drained on a separate system (21/02/2012)

Countryside Rights Of Way Office (Cheshire East Council) – No objections subject to improvements and maintenance of a footpath link (02/02/2012)

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 (22/02/2012)

Housing (Cheshire East Council) – No objections, development does not trigger an affordable housing requirement (15 dwellings) (03/02/2012)

Sustrans – Request a 2 metre wide pedestrian/cycle link from Marsh Lane to the Canal towpath (02/02/2012)

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 (07/02/2012)

VIEWS OF THE TOWN COUNCIL:

Nantwich Town Council – Have concerns regarding the potential over domination and overlooking on No.44 Marsh Lane. Also request a condition with regards to construction traffic (05/03/2012)

OTHER REPRESENTATIONS

4 neighbours have made representations. The main concerns raised relate to;

- Over-domination & height of proposal
- Drainage, flooding & associated health risks
- Highway's issues
- Retention and keeping the footpath clear
- Overdevelopment
- Loss of privacy
- Overshadowing

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
Revised 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 and the re-siting of the dwelling on plot 3 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. This shall be secured via condition. 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 5 different designs entitled; Brampton, Bunbury, Oakham, Southwold and Crofton.

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 2 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.

There is 1 Crofton style unit proposed. This unit is a replacement of a Bunbury design in order to accommodate the re-siting of the dwelling on plot 3. This property would have a footprint of approximately 60 metres squared, would have a maximum height of 7.9 metres would have a dual pitched roof and a smaller, set-back two-storey addition to the side.

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.

Within the submitted Design & Access Statement, it is advised 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 he has 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 a S106 agreement has already been agreed as 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 11 metres away from this dwelling at its closest point, 2.5 metres further away than the original proposal. 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. Furthermore, because the closest proposed dwelling on plot number 3 has been re-sited 3 metres further to the southwest, this impact is further reduced.

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, and because the closest proposed dwelling would now be approximately 11 metres away from this neighbour, it is not considered that the visual intrusion created to this side would be significant enough as to warrant refusal of this application.

Due to the distance of the dwelling proposed on plot number 4 from this neighbouring unit, the fact that the closest aspect of this proposed dwelling would be single-storey in nature and because of the proposed screen planting, it is not considered that the proposed dwelling on plot number 4 would have a detrimental impact upon No.44 Marsh Lane by reason of visual intrusion.

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 Ecologist 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 (Submission of details)
9. Landscaping (Implementation)
10. Tree protection
11. Details of retaining structure
12. Boundary treatment
13. External Lighting
14. Structural stability of canal bank in accordance with survey

- 15. Site to be drained on a separate system**
- 16. Development in accordance with Extended Habitat survey**
- 17. Nesting birds**
- 18. 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.

