

Application No: 12/4741N

Location: Land at COG Training and Conference Centre, Crewe Road, Nantwich, Cheshire

Proposal: Application to erect 59 dwellings and associated works at land at COG Training Centre, Crewe Road, Nantwich

Applicant: David Major, Stewart Milne Homes North West England

Expiry Date: 28-Feb-2013

SUMMARY RECOMMENDATION

Approve subject to receipt of amended plans, Section 106 Agreement and conditions.

MAIN ISSUES

Principle of Development
Highways
Trees and Landscape
Amenity
Design and the Built Environment
Ecology
Affordable Housing
Education
Open Space
Drainage/Flood Risk
Impact on Level Crossing
Other Matters

REFERRAL

The application is referred to planning committee because it is over 10 units and is therefore a major development.

Members may recall that the application was brought before Southern Planning Committee on 26th June 2013 when Members resolved that the application should be deferred to allow officers to undertake discussions with the applicant regarding amendments to the layout and pepper-potting of the affordable housing.

Following the deferral amended plans have been submitted, and these are considered in the relevant sections of the updated report below. In essence, the scheme has now been reduced to 59 dwellings (previously 64).

1. SITE DESCRIPTION

The application site comprises previously developed land which forms part of the former Regent's Theological College campus and is located within the built up area of Nantwich. Elim International vacated the College in 2008. It was occupied subsequently by another educational institution. Some of the buildings were leased to a local agricultural college. The educational use ceased in 2011 and large parts of the premises have been vacant since then. The lease to the agricultural college terminates shortly and is not likely to be renewed.

The site is located to the north of London Road (B5074) and south of Crewe Road, approximately 1.3 km east of Nantwich town centre. The surrounding area is predominantly a mixture of residential and commercial land uses. The site is bound to the north, south and east by existing residential areas (the latter being a relatively recent development of the College's former playing field).

To the west the site is bound by a number of buildings which formed part of the Regent's Theological College campus. This area comprises a range of mainly 2 and 3 storey brick buildings of various ages. The main College building and the attached Chapel, is understood to date back to the mid 19th century; it is situated towards the south western corner and access from London Road.

The remainder of the western part of the campus (outside the application site) is occupied by mainly utilitarian brick buildings which were used as lecture rooms, a children's day nursery, kitchens, sports hall and swimming pool.

The application site currently provides 4,200 sq m (44,000 sq ft) of residential accommodation which is currently occupied by students of a nearby college and is served by pedestrian footpaths and areas of hardstanding used for car parking purposes.

The application site comprises an irregular shaped plot of land approximately 2.5ha in area. Topographically the site is generally flat. It comprises brownfield land and currently contains 5 existing apartment buildings which are occupied by students of an adjacent College. These are two storey buildings located towards the eastern part of the site.

The application site includes a number of open areas. The central part of the campus comprises an amenity grass area. This contains a number of mature trees and shrub planting. A number of trees on site are protected by Tree Preservation Orders (see plan ref: D3592.001). The south west corner of the site comprises landscaped gardens and parking areas.

The application site is accessed directly from Crewe Road. The remainder of the former college site has an access from London Road.

1. DETAILS OF PROPOSAL

The application proposal as originally submitted comprised the development of 60 homes with associated ancillary buildings, access, landscaping and car parking. However, following initial officer level discussions, amended plans were submitted, increasing the

number of proposed dwellings to 64. The proposal comprised the development of a mix of two, four, five and six bed properties in a mix of apartments, detached and semi detached properties over two and three storeys.

Following the deferral of the application by Southern Committee, a further amended plan has been submitted. With regard to the layout, the applicants have removed the apartment block and reduced the overall numbers to 59 in total. The proposed “shared ownership” plots and the “affordable rents” plots, have been pepper potted these across the development as per the members request.

2. RELEVANT PLANNING HISTORY

The application site has a long history of use as a school and residential college/training centre. Planning permissions have been obtained for a variety of mostly minor developments in association with the use over the years. However, there are no previous applications of direct relevance to this proposal.

3. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

Built Environment Policies

- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.5 (Infrastructure)
- BE.6 (Development on Potentially Contaminated Land)

Housing Policies

- RES.2 (Unallocated Housing Sites)
- RES.3 (Housing Densities)
- RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in Policy RES.4)

Transport Policies

- TRAN.3 (Pedestrians)
- TRAN.5 (Provision for Cyclists)

4. OBSERVATIONS OF CONSULTEES

Network Rail

- There is a level crossing at SYC 3m, 1311 yds which could be accessed via Stapeley terrace from the development.
- Network Rail would require £1500-£2000 per dwelling S106 Developer contribution to pay for any enhancements to the level crossing due to a potential increase in the type and volume of traffic.

Environment Agency

No objection in principle to the proposed development subject to the following comments:

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The Flood Risk Assessment (FRA) prepared by Michael Lambert Associates (dated November 2012) indicates that surface water is to discharge to main sewer post development. The water company (United Utilities) should be contacted for confirmation of the acceptable discharge rate. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.
- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. As such we request that the following planning conditions are attached to any planning approval as set out below.
 - The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
- During times of severe rainfall overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected. Therefore we request that the following condition is also attached to any planning approval.
 - The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority

United Utilities

No objection to the proposal providing the following conditions are met:

- The drainage design being proposed relies ultimately upon a final connection being made with a Private drain and therefore proof and or evidence that this agreement is indeed acceptable with all parties concerned should be submitted to the Local Planning Authority and approved in writing before UU can comment further.

Environmental Health

No objection subject to conditions requiring:

- Submission of Environmental Management Plan
- Submission of details of external lighting
- Submission of a scheme to minimise dust emissions arising from demolition / construction
- Submission of a Phase II contaminated land site investigation.

Education

- Primary provision – There are currently 36 unfilled places. However forecasts indicate only 8 places by 2017. The schools which have the forecast surplus places have been considered within other recent planning applications, such as the development at Stapeley Water Gardens. In light of this 60 units will generate 10 primary aged children. $10 \times 11919 \times 0.91 = \text{£}108,463$
- Secondary provision – There is sufficient capacity available in the secondary schools to accommodate the pupils generated.

Archaeology

- The application is supported by an archaeological desk-based assessment, which has been prepared by Oxford Archaeology North. The report provides a history of the development of the site from 19th-century farm to private school and, finally, theological college. In addition, the historic mapping, aerial photographs, and data held in the Cheshire historic Environment record have been examined. This process has not demonstrated any particular archaeological potential and it is advised that no further archaeological mitigation will be required.
- Advise that this represents an appropriate conclusion.
- The Locally-Listed Buildings referenced above are really a matter for the Council's Conservation Officers but note that the report identifies the modern chapel in the northern portion of the application area as part of the locally-listed complex. The archaeologist is fairly sure that this is a mistake and is based on an error in the records and that the designation actually refers to the chapel dating from 1924, which is attached to the main complex and is, therefore, outside of the application area. This is quite a minor point but, it is best to note the matter.

Rights of Way

- Section 4.29 of the Design and Access Statement states that “public pedestrian access into and through the site is possible...” and the accompanying plan depicts existing pedestrian routes. Whilst there is no recorded Public Right of Way within the development site, during consultation for the former Cheshire County Council's Rights of Way Improvement Plan 2006-2011, a suggestion was logged under reference No. 308, to formalise a pedestrian route through the development site and college grounds to connect the London Road and Crewe Road. The developer should be made aware that this planning application may therefore prompt a Definitive Map Modification Order application under the Wildlife and Countryside Act 1981.

- Further, it may be desirable for potential residents of a development to have pedestrian access to both the Crewe Road and the Nantwich Road in order to have greater accessibility to the facilities of Nantwich, including a number of schools to the south of the site. Such a link would be beneficial for both pedestrians and cyclists and therefore the developer should be tasked to consider the installation of a formalised shared use pedestrian/cyclist link or links through the site to best practice standards, complete with destination signage. The maintenance and legal status of such a route would require agreement with the Council.
- Sustainable and active travel planning should be made available to potential residents of houses within such a development site.

Highways

This development proposal has been the subject of extensive pre-application negotiations regarding the access and internal layout. The proposal is for 60 dwellings and after negotiations the developer agreed to design a layout which would comply with the design guidance in the DfT document: Manual for Streets.

The Traffic generation for this site has been calculated via the usual recognised industry standards and the Strategic Highways Manager has assessed the Transport Statement which accompanied the application detail and noted that the calculated trip rates were very robust and that this gave confidence in the findings of the TS assessment.

The junction with Crewe Road will see the traffic managed via a ghost island right turn lane junction and the provision of central splitter islands will mirror the existing traffic environment on Crewe Road itself.

Transport Statement.

The TS provides required information necessary for the Strategic Highways Manager to appropriately assess the site and its traffic generation.

As mentioned above the traffic generation for the site has been calculated via the TRICS database which is the industry recognised standard and the data demonstrates that the number of trips generated by the site will be 37 and 39 trips in the a.m. and p.m. peak hours respectively.

These trips correspond to trip rates per residential unit of 0.613 in the a.m. and 0.656 in the p.m. peaks.

The trip rates are acceptable to the S.H.M. and the traffic generation numbers are typical for a development of this scale in this type of location.

Junction capacity.

The TS also examines the capacity of the proposed junction and its ability to manage the traffic generation using the PICADY analysis programme. The results show that the junction will only use a small portion of the available capacity at a junction of this geometry.

Crewe Road has a central hatched lane which serves to provide right turn lane facilities for a number of junctions along its length and this site should also be served by a ghost island right turn lane for both consistency and to ensure removal of right turning traffic from the normal through flow on the major road.

A ghost island right turn lane design will be required by the Strategic Highways Manager.

Junction visibility.

The A534 carries a 40mph speed limit fronting the site and under the Design Manual for Roads and Bridges this would normally require a 'Y'-distance of 120metres.

Visibility from the existing point of access is partially obscured by vegetation to the frontage of the site however the proposed junction centreline and the removal of the frontage vegetation show via the topographical survey that in the leading direction (looking to the right) that the required visibility splay can be achieved.

In the non-leading direction (looking to the left) the visibility situation is different in a number of ways.

The fact that the carriageway is protected by the local splitter islands means that the likelihood of a vehicle overtaking on the approach to the junction and therefore being technically on the 'wrong side of the road' is removed from consideration.

It is an industry recognised position that in an instance such as this consideration can be given to a relaxation of the visibility requirement to the centre-line of the road and this is the approach which is being offered with this development proposal.

In addition the available visibility splay to the existing splitter island in the non-leading direction is 105 metres which is less than the requirement for a 40mph limit however the Design Manual for Roads and Bridges acknowledges that modern vehicles have superior breaking abilities than those when these standards were calculated and allows a relaxation to: 'one step below standard SSD' at 90 metres.

Clearly the 105 metre distance offered exceeds this standard and considering that a view is available beyond the splitter island into the non-leading approach lane the original distance of 120 metres is available at that point in any case.

In addition the stopping distance to emerging traffic from the junction alters as a right turning vehicle crosses the right turn lane to turn right towards Crewe. This effectively increases SSD's to above acceptable standards and also allows the emerging vehicle to negotiate the right turn one traffic lane at a time which adds that benefit to the junction arrangement.

The Strategic Highways Manager finds that the visibility offered is acceptable however the junction design including visibility will be subject to a Stage 1 Road Safety Audit and this will highlight or otherwise any issues which may need to be accounted for in the final design should this development proposal receive a planning permission. The design will also be the subject of a Section 278 agreement under the Highways Act which will give the Highway Authority control over final detail.

A534/A51 roundabout – ‘Peacock roundabout’.

Whilst this development has a limited traffic generation and only generates 19 trips towards the Peacock roundabout in the morning peak hour, Cheshire East Highways have analysis for this roundabout which shows that the roundabout is already over capacity on the A534 Crewe Road arm in the morning peak.

This leads the Strategic Highways Manager to consider any further impact on this junction and this particular arm of the junction, in the morning peak hour to be severe under the guidance of the NPPF.

Cheshire East Highway Authority also has two scheme proposals for improvements to this junction which are in the concept design stage and which will be included in the Local Plan going forward. Estimates for these schemes are yet to be completed however the costs will be significant.

The schemes include for: carriageway and central island enlargement plus the revision of splitter island provision and increases in entry lane numbers and widths. There are also plans for improved pedestrian and cycle links through the junction.

The Strategic Highways Manager finds therefore that this development should make a financial contribution towards this scheme which will be available in perpetuity and secured via a Section 106 agreement.

Major road improvement.

The provision of the ghost island right turn lane will be the subject of a Section 278 agreement under the Highways Act 1980 and will need to be the subject of detailed design which will be conditioned and the subject of an informative.

The Strategic Highways Manager recognises that this right turn lane design may require changes to the existing right turn lane arrangements for Mount Drive diagonally opposite and this may also affect the size and type of the splitter islands at this location in accordance with design standards.

Internal Layout.

The proposed internal layout has seen a small number of revisions which have led to the basis of a very good quality Manual for Streets design however there are a small number of issues within the layout which need to be resolved. The Strategic Highways Manager has expressed some concern over these issues and the developer has yet to finalise an acceptable level of detail.

The major concerns are over the provision of: comprehensive service strip provision, the geometry of one crucial turning head and its conflict with existing trees, residential unit encroachment into adoptable highway boundary and a finalised vehicle track to demonstrate that a refuse vehicle can suitably access all parts of the site without encroachment.

In addition the number of units shown on the latest revision of the development proposal actually shows 64 units rather than the 60 which are being applied for.

Given the congestion within the site which is cramping both trees and highway footprint for space the S.H.M. finds it necessary to criticise the current position and observes that if the number of proposed units were reduced back to the original level space would probably be found to adequately accommodate both the highway and tree requirements on this site.

At the time of writing these issues are yet to be fully resolved and the Strategic Highways Manager is mindful that the desirability for a quality design and layout must be tempered by design detail which both demonstrates appropriate vehicle accommodation and legible adoptable layout.

This said it is acknowledged that the offered design proposal does show an approach which will achieve a good quality and innovative design which would be the hallmark of a Manual for Streets scheme.

In any event the Strategic Highways Manager does still need to see evidence of the resolution of these issues and this itself determines the position of the S.H.M. at this time with regard to this application.

Conclusion.

This site proposes a residential development of a brownfield site and seeks to offer a quality design via a Manual for Streets approach.

The access junction is tenable but will require a road safety audit and a Section 278 agreement to specifically control the design.

At the time of writing there are a number of issues which yet need to be resolved in order that the Strategic Highways Manager could satisfactorily agree the highway aspects of the proposal.

As a result the Strategic Highways Manager finds that he cannot currently support the proposal. However it is clear that further appropriate revision to the internal layout would be able to resolve the outstanding issues and therefore the S.H.M. will not specifically recommend refusal of the application but recommends deferral so that a final detail can be agreed.

Should the application receive a permission the Strategic Highways Manager recommends the following conditions and informatives be attached:

Condition:- The developer will provide a detailed suite of design plans for the proposed junction arrangement with the A534 Crewe Road to the satisfaction of the LPA. These plans will inform the S278 highway agreement.

Condition:- The developer will provide a detailed suite of design plans for the internal site layout to the satisfaction of the LPA. These plans will inform the S38 Highways agreement for adoption purposes.

Condition:- The developer will provide a capital sum contribution to the design improvement schemes planned by CEC Highway Authority for the A51/A534 roundabout. The sum of monies will be £100,000 as part contribution to the scheme and will be secured via a S106 agreement in perpetuity.

Informative:- The developer will enter into and sign a S278 agreement under the Highways Act 1980 with regard to the off site highway works noted in the conditions above.

Informative:- The developer will enter into and sign a S38 agreement under the Highways Act 1980 with regard to the adoptable highway infrastructure within the site.

Additional Comments

The Strategic Highways Manager has examined the resident's consultant's report and has produced a detailed response which concludes as follows:

- The Access HDPC report seeks to create a position of statement which would see the application refused on highway grounds.
- Unfortunately there are a number of fundamental errors in the report which compromise its conclusions.
- The commentary within the Strategic Highways Manager's response discusses the main points around which the report is built and the factual aspects of the site in comparison.
- The Strategic Highways Manager finds that there is insufficient factual matter in the AHDPC report upon which a sustainable reason for refusal could be based and recommends to the Local Planning Authority that the reasoning and conclusions included in that report have insufficient weight to influence a recommendation against the development on highway grounds.
- The Strategic Highways Manager would add that until the internal layout is finalised with an acceptable detail in line with his requirements for: layout quality, service strip provision, accessibility for refuse vehicle and acceptable geometry for regular vehicle movements within the site, that his recommendation for deferral be maintained.

The full text of the Strategic Highways Manager's response can be viewed on the Council's website.

The Strategic Highways Manager has also confirmed that he is now happy with the layout – all details look acceptable on drawing W0255/PL/101 - Rev J.

In response to the amended plans the Strategic Highways Manager has commented

- He discussed this with Adoptions Engineer and he said that this is the way a Manual for Streets scheme should look and they both agreed that it was a very good example of a MfS design approach.
- In adoption terms there are small issues with detail but they can be resolved via the Section 38 process.

- He promoted the last design and there is little difference between this layout and that one, the reduction to 59 units being perhaps the biggest change.
- The affordable layout is improved with better space and parking layout.
- The turning head in the vicinity of plots 20 & 23 is still a bit tight however it does track for a refuse vehicle.
- One preference for this layout it would be the provision of a footpath on all four sides of the public open space. This would complete the layout and is its only minor shortfall.
- Overall however he would support this layout as he does feel the developer has made a significant effort to understand and meet our ambitions for a Manual for Streets approach to design and the layout for this site will serve as a good example for future similar developments.

Greespaces

No comments received at the time of report preparation

5. VIEWS OF THE PARISH / TOWN COUNCIL

- The site is a favoured option in the Nantwich Town Strategy and is included as a development site in the Cheshire East Development Strategy. The principle of residential development has been accepted during the consultation on the Town Strategy. There are, however, matters of detail which are causing concern for the occupiers of the residential properties adjoining the site. The site has a number of mature trees which should be covered by a Tree Preservation Order. At least 97 trees will be lost as a result of the development and adjoining residents are particularly concerned about the loss of screening on the boundary of the site. They suggest that this problem might be overcome by a redesigned layout perhaps at a lower density. The access radii and visibility splays are not to accepted highway standards for access onto a 40 m.p.h. road. There is also concern about the proposed drainage of the site
- At its meeting on 7 January 2013 Nantwich Town Council RESOLVED to make the following representation in respect of this development:-
 - That, whilst the principle of residential development is accepted, consideration should be given to a reduced density which would take account of the screening on the boundaries afforded by the existing tree cover,
 - That further consideration should be given to the access point onto Crewe Road with a view to alterations to meet accepted highway standards,
 - That an emergency Tree Preservation Order should be made,
 - That a tree retention plan should be included in any approval.

6. OTHER REPRESENTATIONS

Sustrans

If this particular land use is approved by the council's planning committee our comments are as follows:

a) Improving local access on foot/by bicycle

The site lies between London Road and Crewe Road in a part of Nantwich where there is a lack of suitable, continuous N-S routes for pedestrians and cyclists. Despite the developer's comments under 4.29 of the site access and movement plan we would like to see a clearly defined N-S route established from London Road to Crewe Road, open for at least the main part of the day, this would enable local people to avoid the alternative of Churches Mansion roundabouts.

a) Layout of the estate

The design of the estate should restrict vehicle speeds to less than 20mph.

b) Storage for buggies/bicycles

Note the proposal is for a mixed range of housing. The design of the smaller properties should include storage areas for residents' buggies/bicycles just as the planners insist on so many car parking spaces per property.

c) Travel planning

Would like to see travel planning with targets and monitoring established for the site.

d) Developer contribution

For a site of this scale we would like to see the developer make a significant contribution to establishing a legal and safe cycle route into the centre of Nantwich from the site.

Local Residents

Principle of Development and Need for Housing

- The applicants did not seek pre-application advice.
- It would be a shame to lose useful student accommodation in Nantwich to build more housing.
- There has been much development in recent years in the Nantwich area much of which is on large estates many of which are still incomplete.
- Students bring support and long term jobs to the community.
- Object to the density of housing behind nos. 94 to 100 Crewe Road.
- Significant green space will be lost to the proposed development which we consider an overdevelopment and should be smaller in scale and less intensively developed.
- As it stands, this application would be contrary to the Council's published planning policies, including: CNBC Replacement Local Plan 2011
- No documentary evidence has been submitted to outline or justify the many changes that have been made to the revised plans.

- The amended plan shows more than a simple amendment. It is a totally new layout. Although the Council is still consulting on 60 dwellings, the amended plan clearly shows 64 dwellings in the "Schedule of Accommodation", which is an increase of 959 sq ft. How will this increase be achieved? There are no new floor or elevation plans made available.

Trees / Hedges

- Local planning policies require that new developments should respect the character and amenities of their surrounding area e.g. page 14 section 4.4 and page 28 sections 6.28.5 and 6.28.6), but we feel that the proposal to cut down over 100 trees and hedges will affect the character of Regents Gate and the wider surroundings.
- By retaining the trees and hedges a much more satisfactory integration of the new buildings into the local area is possible.
- TPO 2009 NGR: 377,077-352,124 signed by the Borough Solicitor with an accompanying letter from John Knight referring to trees in Regents Gate and the application fails to recognise this TPO.
- Request that the Council places a TPO on the whole site which would allow time to re-appraise and modify the proposal.
- The clearance of so many trees and shrubs appears to be the builders desire to clear the site as much as possible.
- The layout and the density of the proposed housing will lead to an unacceptable loss of trees and the amenity they provide to the wider area. The layout proposed will lead to further pressure and loss of retained trees in the first few years leading to further loss of amenity. Even with the proposed tree planting there will be a net loss of long term tree cover.
- In the Planning Layout many of the retained trees are indicated to have roads, paths and other aspects of development within the identified root Protection Zones (RPZ) of the trees. Although this may technically be possible in accordance with BS 5837, Trees in Relation to Construction, if special construction methods are used it will still lead to increased pressure on the trees putting them under further stress and making them more vulnerable to other pressures in the future. Particular examples of this include the drive to Plot 1, within the RPZ of both T76 and T77, and a road covering an extensive area of the RPZ of T22, all of which are protected by TPO.
- The rear garden of Plot 54 is almost completely covered by the crown spread of the adjacent sycamore tree, a CAT A tree protected by TPO. It is inevitable that future residents of this house will want to significantly cut back, or remove, the tree and even with the protection of the TPO it is unlikely the local authority will be able to refuse such a request.
- The present planning application proposes to remove virtually all of the trees in that area. These trees are marked from T107 to T131 inclusive on the Tree Survey Report prepared by the proposed developers. The accompanying survey data sheets show that the majority of these trees are category B and are in good condition. The summary of tree quality categorisation criteria on page 8 of the Report states that category B are inter alia "those that collectively have higher value than they would as individuals, also trees with material conservation or other value".

- Since the Council have previously thought fit to provisionally list the trees referred to, there can be no argument now for failing to finally list those trees (subject to any minor thinning that might be necessary). A Tree Preservation Order is made on the majority of the trees in the area designated G7 in the 2009 Provisional Order and numbered 107 to 131 in the proposals.
- Significantly, the reason for the creation of these TPOs is highly relevant. The communications which accompany the Orders states that the trees forming the subject of the Order "are of high amenity value, collectively and individually ... and are prominent landscape features in the neighbourhood". It goes on to say that "the trees will add maturity and amenity value to the development". Nothing has changed since that Order was made to alter that opinion on the importance of the trees. In fact, this is 4 years ago, since when the trees and shrubbery have matured further.
- The application documents are misleading in that there is confusion between The Planning Statements, the Tree Report and the Arboricultural Assessment.
- One document says 98 trees are to go, the other has 106 - plus 20 groups of trees. Other documents and plans show varying numbers to be lost - any of these numbers would be disastrous for the character of the area, its neighbours and the natural environment.
- A hedge managed to a height of 2 metres and approx. 1.3 metres wide and in good condition, therefore, could be lost amongst the devastating destruction of this site depending on whatever plan or report the developers work to
- The number of houses has meant that there is a need to remove more trees which is against the local plan policy NE5

Highways and traffic

- The proposal fails to comply with guidance relating to visibility displays as recommended by Design Manual for Roads and Bridges published by The Highways Agency and Transport in the Urbane Environment published by The Chartered Institution of Highways and Transportation.
- In Appendix 5 of the applicant's Transport Statement "Swept Path Analysis – Large Refuse Vehicle", simple corner radii are drawn at around 5m radius at the junction of the access road with Crewe Road. This is half of the recommended radii of 10m and is inadequate and dangerous. The analysis indicates conflict in the swept path of a vehicle entering with a vehicle leaving the junction, which further demonstrates the inadequacy of the 5m radii. The projected turning manoeuvres in and out of the site, seem very understated in the light of local knowledge and deserve detailed critical examination.
- The proposed access junction is substandard and appears not to provide sufficient visibility splays.
- All traffic using the businesses would have to come via London Road and would have consequences for extra loads on the rest of the network as well as the current driveway access.
- Crewe Road already carries a high volume of traffic with both Birchin Lane and Mount Drive in close proximity. The application states that the 40 mph speed limit is in the main adhered to. This 'is a most inaccurate and misleading' statement. Many vehicles travel in excess of the speed limit and when they are approaching the access road travelling from Crewe to Nantwich direction they cover the relatively short distance

from Birch Lane to the access road in seconds. It is dangerously deceptive and inevitably there will be many accidents as joining Crewe Road will be far from easy especially when turning right towards Crewe. At certain times of the day there is already traffic backing up from the Peacock roundabout. The length of the queue can vary but at times stretches as far as Gingerbread Lane. The number of additional vehicles generated by an additional 60 homes will only serve to increase these problems.

- The proposed number of dwellings is too great for the site area, particularly taking into account the fact that there will only be one access road into the development and there is potential for in excess of 120 vehicles regularly accessing and leaving the site via a small narrow road and junction.
- The traffic volumes along Crewe Road have not been sufficiently considered, particularly the number of school children who walk and cycle along Crewe Road. These numbers are likely to increase with many children from Willaston walking or cycling into Nantwich if the proposed removal of school transport for children in that village goes ahead.
- The current local highway network is already very busy, with the Peacock, and Crewe Road end, roundabouts causing significant congestion at peak periods.
- Hard to believe that the width of the area will safely accommodate a road for 2 way traffic, a substantial footpath, a cycle path and the existing hedge.
- Concern for safety of people who regularly walk and cycle into Nantwich in being seen clearly as they approach the proposed junction.
- Although proposed, no link between Crewe Road and London Road is designed into the proposed layout. How do new residents access the college without the link?
- The London Road entrance to the college will be completely inadequate once the main entrance off Crewe Road is lost.
- On the Design and Access Statement page 44 (*Proposed technical layout*) it refers to traffic calming detail in alternative surface treatment on the Access Road, back from its junction with Crewe Road, but omits to state what that alternative is. This is sited in line with neighbouring property's living and sleeping accommodation. Any entry treatment in the form of a rumble strip or any raised area e.g. *hump, cushion or table*, will cause immense nuisance.
- The Access Road is the only entrance and egress of the site and it is not clear as to what traffic management measures will be promoted. Unless there are some form of waiting and loading restrictions, this road could become a magnet for all day parking. It is imperative that this road is kept clear for the requirements of emergency vehicles.
- The proposed road width of 4.5 metres is not in line with the recommended 5.0 metre road width for refuse truck access. The proposed road entry details do not meet highway requirements for radius of entry or visible line of sight.
- In the last 3 years there has been significant increase in traffic due to the "Business Park and the letting of the student accommodation blocks to Reaseheath College students. This has led to lots of "close calls" with the existing traffic using Crewe Road
- There will be a significant increase in traffic using the site access road, not only from the finished development, but also from the works traffic during the construction period. There will be much heavy material to be transported from the site before the building works begin, and then obviously a great deal of new materials to go onto the site. All this will be by way of one simple driveway with no significant foundations to serve as a road.

- Would like to see a signed pedestrian/cycle route established through the site from London Road to Crewe Road. Also the refuge on Crewe Road should be designed to accommodate cycles to help cyclists exit from the site onto Crewe Road eastbound (similarly to the Barony refuges).
- Cars on Crewe Road are already at a standstill queuing to get onto the Peacock roundabout at certain times of the day and a further 60 dwellings also needing access to Crewe Road will further exacerbate this problem causing more noise and traffic pollution.
- With only one access to the site the weight of traffic during the construction of the 60 odd houses, and if the development goes ahead, the extra car use of the entrance road will be far greater than the road was ever expected to carry. Under this road lies the drain which serves the houses on Crewe Road.
- Looking right onto Crewe Road from its junction with the Access Road, there is an obvious curve in the road. This creates a blind spot and vehicles, particularly cyclists and motorcycles can be unseen. This has not been addressed in the visibility splays and the potential for conflict at considerable speed is unthinkable horrifying.
- The proposal does not incorporate the existing College buildings. Many staff and visitors utilise existing parking areas. Some of those parking areas are to be developed. It is questionable whether there will be sufficient parking available on site therefore. There is at present a problem with vehicles parking on London Road up to the junction with St Joseph's Way and the Council intend to put double yellow lines along that area which is not before time. Therefore it seems that insufficient thought has been given to the issue of parking and insufficient space has been provided.
- As is so often the case with these developments, the density is too great, and insufficient thought has been given to parking, many of these homes are four bedrooms and the houses only have provision for parking of two vehicles, and on road parking is none existent. Nowadays a four bedroom house will invariably mean that the house will have four cars at some stage in its life.
- On one day recently, there were 26 cars parked during the afternoon. They are from customers and employees and proprietors of the various businesses in the college buildings. These businesses cause no harm to the area and, indeed, are a successful resource for start-ups and community-focussed companies. The loss of all this parking space will have serious, damaging repercussions on these valued businesses and on parking elsewhere in the old college site that is to be retained.
- The roads on the site are in places unsuitable for the number of houses. The parking provision is insufficient meaning that cars will be parked on the roads thus increasing the access problems. The Transport Statement (para 3.9) refers to a parking provision of an average of 2 off road spaces per dwelling. That does not appear to have been carried through to the new layout which has significantly less than 2 spaces per dwelling
- Within the site, the road system is far too narrow and lacking in visitor parking.
- Experience elsewhere shows that chaos will ensue with parking on gardens and verges.

Infrastructure

- The current use as a small business park is offering small businesses a chance to develop within Nantwich without having to pay the high costs of a town centre location,

it would be a shame if these opportunities for self sufficiency, innovation and growth were lost to yet more residential property in this town.

- As a general proposition, the extent of house building in Nantwich and the capacity of the town's infrastructure to support this must be questioned. Health services, schools and town-centre car parking are already stretched to the limit. There should be no further expansion of housing until the services necessary to support an increased population are put in place.
- The development is clearly intended to attract families with children, and the local primary schools are already under strain with the majority highly oversubscribed. That will mean longer journeys to school increasing the strain on the local roads.
- Where are the hundreds of children going to go to school, never mind how are they going to get there? Nantwich schools are full. Has the LEA plans for a new school, and where and when? Children need a school that is near enough and with places for them when they come to live in our town, not in five years time.

Ecology

- Removal of the tress and hedges would affect birds and other wildlife.
- Resident's observation and recording of birds, over forty years at my present address, shows the importance of the complex of trees, shrubberies and open grassland in providing breeding/feeding sites for many woodland species. Of these, six regularly-recorded species (and two or three more which are seen occasionally) are red-listed nationally as being of conservation concern, and a further three are amber-listed.

Drainage

- The plans show the main sewer as the one running under Regents Gate but for the past 2-3 years the College has had to arrange for the drains to be pumped out with the aid of a mobile unit. Reassurance from the Council is sought regarding the drainage for the new buildings.
- Given a currently unsatisfactory situation, and with well-known drainage problems on new estates elsewhere in the town it is reasonable to ask whether the local sewerage system is capable of absorbing discharge from another sixty houses.
- The layout plan shows various trees being planted adjoining the westerly boundary of the new access road. There is a drain carrying the foul water from the houses in Crewe Road which runs under the current access drive, and which will be underneath those proposed trees. The trees will in time damage the drain and make access to it more difficult in breach of policy BE4.
- The application proposals are unclear as to how the surface water drainage will be dealt with. The higher density means more hard surfacing resulting in increased run off. The foul drainage is proposed to be connected into the local public sewers in Regents Gate which are already under strain from the existing housing developments.

Amenity

- The road running along the boundary makes properties on Crewe Road feel less secure.

- There have been substantial changes to the road layout and proposed dwelling location which is detrimental to the security of properties in Crewe Road, not as stated in the original application which stated “the location of dwellings will provide additional security to neighbours”
- The conifers and bushes, that would screen any development, are being removed making the road more visible and audible. Street lighting would also be visible.
- The location of the bin store for the apartments is directly behind existing garden fences. Is this the most considerate location for the bins with the noise and smell pollution they will produce?
- The number of car parking spaces which will border existing properties will cause noise and smell pollution.
- There seems to be more houses squashed into the North boundary causing more traffic and noise in this area.
- The road serving these houses, and the block of flats, now runs along the boundary of existing gardens, causing noise and pollution, especially as a turning point is being proposed at the corner edge of the garden
- Five of the new houses will back directly onto one existing property, the nearest being only 11 metres from the house and with the removal of the trees will result in a complete loss of privacy.
- The house adjacent to Plot 1 of the development is less than 9m from the boundary with windows looking directly at the new property.
- Request that amendments are made to the proposal to move Plot 1 further from the boundary to take account of the privacy of the existing dwellings as required by Local Plan Policy BE1 (Amenity).
- The proposals provide for some areas of amenity space. The proposals do not however explain who will be responsible for maintaining the amenity spaces.
- The new layout at the rear of numbers 108 to 98 Crewe Road results in a lack of security for those houses which will now have a public highway running along their rear gardens.

Design Issues

- The appearance of the apartment block is not in character to any of the surrounding buildings.
- The low cost housing is squeezed into the most remote corner of the development for very dubious reasons. This gives the impression of a ghetto.
- The apartment block has no specific open space provided which means that any young children will have to be escorted to the central open space along the single carriage estate roads which appear to have no formal footpaths.

Other

- No mention has been made of the iron fence at the back of Crewe Road and Regents Park and neighbours would very much object to its removal.
- Will become a ‘white elephant’ if properties remain unoccupied.
- The value of property will be adversely affected.

- As I have indicated, the proposal does not incorporate existing College buildings. The proposed development is very close to those buildings. The buildings are not listed. The Council needs to consider whether there may be applications in the future to develop the land on which the College buildings sit and what the response would be to any such proposals given the proximity to the present proposal by Stewart Milne Homes.
- The trees which the applicant proposes to plant along the Access Road include fast growing trees of up to 25 metres in height with up to 12 metre spread, some with strong aggressive root systems (damaging to drains) and others which are prone to toppling in high winds.

Access HDPC

A report has been received from Access HDPC Highways Consultants acting on behalf of a neighbouring resident. The report concludes that:

- *In view of the information contained within this report, I am satisfied that the proposed visibility splays and access arrangements cannot safely accommodate any additional traffic generated by this development. The proposed access must be redesigned to conform to current design standards to enable safe movement for all road users. The turning movements will also need to be clearly demonstrated to accommodate all road users and include a right turn lane off Crewe Road. A stage 1 safety audit should be carried out to assist the highway authority with their recommendation along with trip rate assessment using 85th percentile speeds.*
- *From a highways safety perspective, I have looked at and examined the implications of traffic generated by this proposed development. There are, in my professional opinion clear technical reasons for recommending refusal on highways safety grounds.*

The full text of the report can be viewed on the Council's website.

An additional objection has been received noting that there are errors in the "site map" attached as page 41 to the agenda for the Southern Planning Committee to be discussed on the 26 June 2013.

This map does not show the correct land registry entry areas for properties on the Western and Eastern sides of the proposed access road. (Numbers 118 & 120 Crewe Road) the site map incorrectly shows that a large swath of land on the Eastern Side (120 Crewe Road), approx. 4 Metres wide and 40 Metres deep has been shown as available as part of the site plan. This land is and always has been part of land registered as part of 120 Crewe Road. Likewise on the Western side the "red line" is shown adjacent to 118 Crewe Road removing a strip approx. 1.8 Metres x the full length from this property.

This is total misrepresentation and will give all members of the Planning Committee a totally wrong basis to make any judgement as to the acceptability of this planning submission.

Support

An e-mail has been received from the occupier of 4 Regent's Gate stating that having learned that the application is to go to the planning committee next Wednesday, and spoken again to

the applicant, they are of the opinion that the revised layout - with the line of trees retained along the boundary with Regents Gate and altered house layout - is an acceptable one.

As such, they do not wish to continue with their earlier objection.

Nevertheless, they still consider that there is an even greater need to see the trees are well protected by a TPO.

The smaller number of trees that are now to remain are recognised by builder and planning authority that they are worthy of retention.

Their amenity value will increase with the new residents inside the site.

A TPO on those critical trees to be left will appear in Land Charge Searches for all new residents and will give clearer statutory control well into the future. Ordinary planning conditions will not have the status and enforceability of a TPO.

They thank officers for all their help over the past months

7. APPLICANT'S SUPPORTING INFORMATION:

- Flood Risk Assessment
- Planning Statement
- Ecological Statement
- Arboricultural Statement
- Archaeology Report
- Transport Assessment
- Geological Report
- Ground investigation.

8. OFFICER APPRAISAL

Principle of Development

The site lies within the settlement boundary for Nantwich, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site is a vacant brownfield site which would be brought back into beneficial use. The proposal would also now provide 59 units towards the Council's housing land supply, which will ease pressure on green field sites elsewhere within the Borough.

The NPPF states that, the purpose of planning is to help achieve sustainable development. *"Sustainable means ensuring that better lives for ourselves do not mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world."* There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including, an economic role – contributing to building a strong, responsive and competitive economy, as well as an environmental role – contributing to protecting and enhancing our natural, built and historic environment and a social role – supporting strong, vibrant and healthy communities, by

providing the supply of housing required to meet the needs of present and future generations.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The document states that for decision taking this means, inter alia, approving development proposals that accord with the development plan without delay.

According to paragraph 17, within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. According to the 12 principles planning should, inter alia, proactively drive and support sustainable economic development. The NPPF makes it clear that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21, *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it states that, *“the Government’s top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government’s clear expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy.*

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Therefore, provided that the proposal does not compromise key sustainable development principles, or conflict with any other adopted Local Plan policies it is in accordance with government policy and therefore should be supported in principle.

Highways

The application has been subject to extensive discussions and negotiations between the applicant and the Strategic Highways Manager in respect of the access arrangements and internal layout. This resulted in the submission of an amended plan which was a considerable improvement over the original plans in terms of the highways arrangements and reflected the general principles established as part of those discussions. However there remained a number of detailed design issues in respect of the internal layout, which still required amendment. These matters were brought to the attention of the developer, and further amended plans were submitted. The Strategic Highways Manager has subsequently confirmed that he is satisfied with the amended plans.

Therefore, the Strategic Highways Manager has raised no objection in principle to the proposals, subject to appropriate conditions and a Section 106 contribution of £100,000 to address off-site highways impacts in terms of capacity at the "Peacock Roundabout".

With regard to the highways report submitted on behalf of local residents, the Strategic Highways Manager has provided a detailed analysis and it would appear that the report contains a number of factual errors and that therefore, its conclusions are unsound. The Strategic Highways Manager is satisfied with the adequacy of the access arrangements as shown on the amended plans, and on this basis it is not considered that a refusal on highways grounds could be sustained.

The road pattern remains unchanged in respect of the latest plan submitted in response to the previous deferral. Therefore the previous swept path analysis still works. Parking for the higher density area also remains at 200% for both the 2 and 3 bedroom properties in this location. The Strategic Highways Manager has examined the amended plan and confirmed that in highway terms little has changed from the previous version of the proposals, although he considers that the affordable layout is improved with better space and parking layout. He has also reiterated his view that this is a good Manual for Streets design and any outstanding issues can be resolved through the adoptions process.

Overall however he supports this layout and feels that the developer has made a significant effort to understand and meet the Council's ambitions for a Manual for Streets approach to design and the layout for this site will serve as a good example for future similar developments.

Trees and Landscape

This application has been the subject of lengthy discussions with the applicant Stewart Milne Homes to attempt to reach an acceptable design that addresses the various planning highways trees and design issues.

Selected trees within the site are covered by a existing Tree Preservation Order; the Crewe and Nantwich Borough Council (St. Josephs, Nantwich) Tree Preservation Order 1986 which protect individual and group of trees along the northern boundary with Crewe Road, the central section of the site and part of the southern boundary with Regents Gate and St

Josephs Way. The Order also extends protection to trees outside the application site within the existing development of St. Josephs Way

The site has been the subject of development interest for a number of years which has prompted concerns from nearby residents, in particular those on Regents Gate. Following speculative interest in 2008 and concerns raised about possible tree removals, a further Tree Preservation Order was raised on the Regents College site by Crewe and Nantwich Borough Council. This Order comprised of an 'Area' based Order, which effectively covered all the existing trees within the site.

This Order was not confirmed by Crewe and Nantwich Borough Council due to concerns raised by the Councils Legal department at the time.

In 2009 a further Order was drafted which included protection of additional individual and groups of trees which had been planted after the 1986 Order. This Order the Cheshire East Borough Council (Nantwich- Regents College, London Road) Tree Preservation Order was served on 29th May 2009. Following an objection to this Order it became apparent that the Order was not accurately surveyed and in view of this the six months determination period for confirmation of the Order lapsed and the Order not confirmed.

The Council has received a number of requests from adjoining residents including St Josephs Way and Regents Gate to extend the existing protection of trees on the site following the submission of this current application. In response to this, a site meeting was arranged with residents of Regent Gate on 25th February 2013 to discuss their concerns.

At the meeting the residents stated their concerns about the potential loss of trees within the application site and in particular the direct and indirect loss of trees along the southern boundary of the site adjacent to Regents Gate. Particular concern was expressed that the loss of these trees would result in the loss of privacy, impact upon private residential amenities and the contribution the group of trees presented to the visual amenity of the area.

As a consequence of this meeting, further meetings were held with the developer in March and April with a view to achieving an improved scheme with an imaginative design that would retain trees and ensure the protection of private amenities of residents on Regents Gate and St Josephs Way.

The application is supported by and Arboricultural Impact Assessment which has assessed each tree and group within the site and those immediately adjacent to the site boundary. The assessment has been carried out in accordance with the requirements of BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations and each tree or group categorised in accordance with the standard (Categories A-C and U). The purposes of the Tree categorisation is to identify the quality and non fiscal of the existing trees with a view to making an informed decision on their retention or otherwise removal.

The Assessment has identified a total of 209 individual trees, 32 Groups of trees and 7 hedgerows

The trees and groups of trees identified can be categorised thus:

- A category - Individuals and Groups 16

- B Category Individuals and Groups - 128
- C category Individuals and Groups - 91
- U Category Individuals - 3

All 'A' category trees are proposed to be retained within the scheme and have been assessed thus:

- 50 individual 'B' category and 7 group 'B' category trees are proposed to be removed
- 33 Individual 'C' category and 11 'C' category groups are proposed to be removed
- All 3 'U' category trees are dead and require removal by virtue of their condition.

In evaluating the impact of the proposed development on existing trees consideration has been given to seeking a balance between the retention of those mature trees which are currently protected by a TPO, those trees of A and B category not protected by the TPO the quality of design of the scheme, highway considerations in terms of according with the requirements for Manual for Streets, Open space and landscape provision and the impact on adjoining residents.

Lower 'C' category trees were also considered for retention where they might have some functional value, such as for screening or boundary protection, but otherwise would be accepted for removal to accommodate the development.

In considering this application a full appraisal of all the trees on and immediately adjacent to the site has been undertaken. The appraisal has identified that the site contained individual and groups of trees in the high quality 'A' category and Moderate 'B' category. Most of the trees within the 'A' category and some 'B' category trees were already protected by the 1986 TPO. The remaining trees were identified as relatively young or semi mature specimens which were planted after the original order was made, or were likely to be small saplings at the time.

A number of 'B' category trees identified have developed into reasonable specimen trees appropriate to their setting within the former gardens of Regents College. Some specimens have clearly been selected for their attributes or arboricultural significance as garden features, and are scattered as individual specimens throughout the site.

The retention or otherwise of these trees has been considered against the wider merits of the scheme as a whole. Because many individual specimens are scattered across the site, it has not been possible to retain all the 'B' category specimens. The scheme has considered with the cooperation of the Council's Design Officer and the Council's Highway Engineer. In this regard attention has been given to the quality of the external environment including the arrangement of car parking and other areas of hard standing and the integration of existing trees; the development townscape quality and sense of place which includes provision of open space around existing mature protected trees and the linking of open space across the site to provide a more cohesive high quality design.

In considering all these issues it has been necessary to accept the removal of a number of 'B' category trees in order to achieve an acceptable layout that will provide the balance between design, highways, landscape and trees.

The site has been the subject of a number of revisions to address issues of design, highway matters trees and the impact on residential amenities

Revision D was in response to the highway engineers concerns regarding then junction design to Crewe Road, service strip provision and a request for a more generous turning head adjacent to Plot 22 to allow for improved turning movement.

The latter has prompted a redesign of the turning area which will require the removal of a number of C category trees; G29,(Group of Cypress, Variegated Holly, Mahonia and Cherry Laurel) T175 and T176 (Portuguese Laurel and T177 (Cherry).

Concern has also been expressed by the neighbour at 1A St.Josephs Way, in particular the clearance and loss of trees along the southern boundary, TPO issues and Construction Exclusion Zones.

The original site layout has undergone considerable amendment and includes provision for the retention of trees within a landscape buffer along the southern boundary, whereas the original scheme showed rear gardens backing onto Regents Gate. The issue of Tree Protection has been discussed above and given the past concerns raised about the blanket protection of trees this was not felt to be the best approach here. Whilst it is accepted that the site contains numerous 'B' category trees which are worthy of retention, it would not be possible to retain the majority of these trees. The issue of Construction Exclusion Zones has been assessed in relation to BS5837:2012 Trees in Relation to Design, Demolition and Construction and in respect of the Root Protection Area (TRPA) of retained trees and species tolerance. In this regard it is considered that the proposal broadly meets the requirement of the British Standard.

The Council's Tree Officer expressed some concern that as further vegetation was now proposed to be removed along the Regents Gate boundary this will reduce further the depth of screening and provision of landscaped space for protection of private residential amenities on Regents Gate. The applicant suggested suitable replacements for the losses, but space is somewhat limited for successful establishment due to the presence of an existing hedge. Further communication was received from the applicant (e mail dated 11/6/2013) with an attached temporary revised plan showing these trees for retention and a request by the highway officer for comment. This further revision did show some minor encroachment into root protection areas which required due consideration in the turning head redesign. In this regard, given the species affected, it was considered there may be scope for accepting some slight encroachment without significantly affecting the health and safe well being of the retained trees. Further amended plans were subsequently received, and the Council's Principal Forestry and Arboricultural Officer confirmed that this matter had been adequately resolved and that he was now satisfied with the amended plans.

Following the resolution of this issue overall design has to be commended for the retention and successful integration of existing protected trees within open space provision and within private gardens with appropriate private amenity space and relationship to retained trees.

The Principal Forestry and Arboricultural Officer has also confirmed that the latest revision submitted following the deferral of the application by Southern Committee presents no particular arboricultural concerns.

Amenity

It is generally regarded that a distance of 13m is sufficient to maintain an adequate level of light to principal windows and distance of 21m is usually considered to be sufficient to prevent overlooking between principal windows.

The site is bounded to the north by the existing ribbon development fronting on to Crewe Road. These properties have exceptionally long rear gardens and as a result the minimum separation distance of 21m will be considerably exceeded between these dwellings and the proposed development.

To the west of the site, lies the retained portion of the college campus, and therefore the only residential property which adjoins this boundary is no. 77 Jackson Avenue. A separation distance of only 6m will be achieved between the gable elevation of this and the proposed adjoining end-of-terrace dwelling on plot 53, but given that neither elevation is considered to be a principal elevation, this is considered to be acceptable.

To the south of the site lies Regent's Gate, Hirsch Close and St. Josephs Way. A separation distance of between 18 and 20m will be maintained between the front elevation of plots 22 and 23 and the flank elevation of 1 Regent's Gate, which is considerably in excess of the recommended 13m and a distance of over 35m will be achieved between the front elevation of plots 20 and 21 and the front elevations of numbers 4 and 5 Regent's Gate, which exceeds the recommended 21m. Between 21m and 23m will be maintained between the gable of plots 14 and 11 and the principal elevations of 2 Regent's Gate and 5 Hirsch Close respectively, which is also significantly greater than the recommended 13m.

To the east of the site are the existing properties in Gingerbread Lane. Separation distances of between 21m and above would remain between the principal windows of the proposed dwellings and numbers 37 to 49 Gingerbread Lane. Proposed plot 8 is orientated with its gable facing towards no.41 Gingerbread Lane and a separation distance of between 9 and 12.5m will be achieved. Whilst this is below the recommended minimum of 13.7, no.41 is orientated at 45 degrees to the gable of Plot 7 and as a result the two elevations are not directly opposing. Consequently, the separation distance, in this case is considered to be acceptable.

Turning to the amenity standards within the site, the recommended minimum separation distances between principal elevations are achieved in all cases with the exception of the spacing between the fronts of plots 29 and 59, 27 and 60 and 11, 15 and 6, where they fall to approximately 12m.

However, given that these reduced separation distances relate to front elevations, where properties can be overlooked from the public highway, the impact on privacy of future residents would be minimal. Furthermore, modern urban design principles, based on Manual for Streets, which have been employed in this scheme, encourage tightly defined streets and spaces. Such schemes are characterised by a shared surface road, with properties constructed up to the back edge of the highway, to create a pedestrian priority environment which is not over dominated by highway engineering. The reduction of separation distances between front elevations helps to achieve these requirements. It also reflects the narrow

nature of the historic streets of Nantwich Town Centre. On this basis, it is considered that, where it is desirable in order to achieve wider urban design objectives.

The recommended minimum garden area of 50sqm recommended in the Crewe and Nantwich Borough Council supplementary planning guidance has been achieved on the majority of plots, within the exception of some of the mews properties in the north west corner of the site. However, this is consistent with many traditional terraced properties and apartments within the town and these properties are less likely to be occupied by families with children. In addition, given the unusually high amount of shared amenity space on this development, which is a product of the extensive tree cover, this situation is considered to be acceptable.

Furthermore, if the minimum standards were to be achieved, it would not be possible to accommodate within the site the density of development which is currently proposed. The provision of an adequate standard of amenity for future residents must be balanced against the need to make the best use of land and the proposed increase in the number of properties to be built on this site will contribute to the Council's housing land supply and will ease pressure to develop other Greenfield and open countryside sites within the Borough.

Therefore the proposal is considered to comply with the requirement of policy BE1 (amenity) of the local plan.

Design and the Built Environment

As originally submitted, the scheme raised a number of significant design concerns. These were:

- A standardised layout imposed on a site with an established, strong landscape quality. The site has a distinct character that demands a bespoke approach
- Development of a form that does not reinforce the character and ornamental qualities of the landscape setting – namely as the grounds of the college
- The scheme failed to realise the potential to orientate the scheme upon geometry within the gardens (i.e. mature landscape features) and Regent College buildings
- Standardised highway/access solutions that appeared overly engineered for a scheme of this size
- Lots of trees situated within private rear curtilages rather than within areas of 'public' space
- The images of streetscenes illustrated how far the thinking is away from the opportunities that the site offers
- Pressure imposed by the numbers of units proposed on the landscape, layout and grain
- The site offers significant potential to create a distinctive and high quality housing development, tailored to the context (predominantly looser grain, larger detached individually designed properties) which it did not achieve

However, with regard to the layout of the site, the revised plans are a considerable improvement over the original submission. They include a large central public open space, which contains some of the most significant retained trees within the site. The properties are arranged in such a way that active frontage is provided to all sides and a sense of enclosure

and overlooking is provided to around this space. Other key trees are contained in two further substantial areas of public open space at the south of the site and along the northern boundary, and these areas also benefit from properties fronting on to them. Therefore, all areas of public open space, including rounds benefit from active frontages and natural surveillance, whilst important trees are maintained outside private garden areas. This means that, not only can they be enjoyed by the public, but there is reduced pressure for felling and pruning as a result of overshadowing or other overbearing impacts on resident's private amenity space.

Radiating from the main spine road which runs around 3 sides of the proposed central open space, are a number of small cul-de-sacs. This is similar in character to much of the surrounding development, particularly the more modern housing estate to the south. The density and spacing between the dwellings is also similar to that of the adjoining development.

The layout, as amended, makes provision for key views and vistas through the site towards key retained trees, and the most attractive elevations of the locally listed college buildings alongside.

The layout embraces manual for streets principles, such as shared surfaces, feature squares reduced carriageway widths and non-standard highway geometry to create a high quality public realm that is pedestrian friendly and not dominated by cars or highway engineering. Parking is predominantly provided within garages, to the side of properties or with parking courts to avoid car-dominated frontages.

The layout also makes provision for pedestrian and cycle connectivity through the site to the retained element of the Regent's College campus, in accordance with the wishes of the Footpaths Officer. This will improve through connectivity for pedestrians and cyclists from Crewe Road to London Road and will encourage residents to walk and cycle to use the shops, business and other facilities both in the town centre and on the retained portion of the college site.

To turn to elevational detail, the surrounding development comprises a mixture of ages and architectural styles, ranging from single-storey properties to two-storey properties. Notwithstanding this, there is consistency in terms of materials with most walls being finished in simple red brick; some properties incorporate render and cladding. The predominant roof forms are gables although some are hipped and most are finished in grey concrete tiles.

The proposed dwellings are 2 storeys in height which reflects the more recent developments in the surrounding area. The properties are traditional gabled and pitched roofed dwellings which incorporate many features such as canopy porches, Juliet balconies, bay windows and window and door head and sill details that add visual interest to the elevations and are similar to other properties in the vicinity. Similar designs have been employed on the neighbouring recent developments, such as at Regent's Gate to the south and it is considered that, subject to the use of conditions to secure appropriate materials, the proposed dwellings would be appropriate for the site and in keeping with the character of the surroundings.

Following the deferral by Members of the Southern Planning Committee at its meeting in June, a further amended layout has been submitted. The high density area to the west remains but with the removal of the apartment block this is now more in keeping with the adjacent high density Barratt development on the site boundary.

The Council's Design Officer has examined the revised layout and commented that parking bays should not be used to terminate the view at the end of the street in the north west corner of the site. These bays could be moved into the landscape area opposite housing and replaced by a feature tree(s).

The parking courtyard for the mews properties in the north west corner would not be a very attractive or welcoming space if it is a mass of tarmac. Different surfacing should be considered and it is also vital that the trees/landscaping can be satisfactorily delivered. The rear boundaries that are visible in the courtyard should add to the character of the space, and therefore timber fencing should be avoided.

In this area, including the frontage properties there are question marks about how bin and recycling access is to be achieved. Also the bin storage area in the courtyard is pretty prominent and could further undermine the area (also would it be large enough). For the whole scheme there is no clear strategy. For larger properties it should be relatively easy to achieve. However for this part of the site this is a potential problem and there is a danger that courtyard will be marred by bins to the front of the houses.

Overall, within the scheme, with regard to front and side boundaries, there needs to be clear delineation with boundaries of a high quality, suited to the overall design objectives. Side boundaries, visible in street and boundaries adjacent to areas of open space need to be high quality (brick in street scenes, green screens adjacent to areas of open space). In relation to front/side street boundaries, these should be in walling, railings or hedging depending on the character they are located within.

Also the gateway units with the garages and accommodation above should have active edges to create a sense of activity/interest at the housing threshold. They should not have wholly blank elevations on their public faces and should demonstrate architectural quality

However, all of these issues could be addressed through suitable conditions.

Overall from poor design as originally submitted, the proposal now represents a very high quality scheme which has embraced the constraints and opportunities provided by this challenging site and therefore complies with Policy BE2 (Design) of the Local Plan and the provisions of the NPPF in this regard.

Ecology

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

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

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

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England’s standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case the Council’s Ecologist has been consulted on the application and has commented that two trees on site have been identified, which have the potential to support roosting bats (T20 and T25). T20 appears to be lost to the proposed development. He therefore advises that a detailed bat survey of these trees should be submitted to the Local Planning Authority prior to the determination of the application, if they are to be removed. However, on the amended plans these trees are shown for retention and therefore, subject to a condition requiring retention of these trees, the Ecologist raises no objection on the grounds of impact on bats.

The site of the proposed development has the potential to support common species of breeding birds. If planning consent is granted conditions should be attached requiring a survey to check for breeding birds prior to commencement of any works within nesting season and ensure some additional provision is made within the completed scheme for breeding birds and roosting bats.

Subject to these conditions, it is not considered that there will be any adverse impact on ecology and as such the scheme complies with the relevant local plan policies and the provisions of the NPPF in this respect.

Affordable Housing

The Councils Interim Planning Statement for Affordable Housing states that we will seek affordable housing on all sites with 15 units or more, and the general minimum proportion of affordable housing for any site will be 30% of the total units.

The Strategic Housing Market Assessment 2010 shows that for the sub-area of Nantwich, there is a requirement for 73 new affordable units each year between 2009/10 – 2013/14, made up of a need for 21 x 1 bed, 20 x 2 beds, 10 x 3 beds, 17 x 4/5 beds and 6 x 1/2 bed older persons units each year.

Cheshire Homechoice which is the system used to allocate social and affordable rented housing across Cheshire East currently has 331 applicants on the register who have selected Nantwich as their first choice. These applicants require: 142 x 1 bed, 115 x 2 bed, 53 x 3 bed and 8 x 4 bed (13 applicants haven't specified how many bedrooms they need)

The Affordable Housing IPS states that the tenure mix the Council would expect is 65% rented affordable units (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents would be acceptable at this location) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2010.

The revised plans for the site show a total of 64 dwellings on the site. Therefore the affordable housing requirements are 19 dwellings, with 12 provided as social or affordable rent and 7 provided as intermediate tenure. The applicant has advised that Muir Housing Group are their partner RSL who will be managing the affordable dwellings and they propose to provide 9 x 1 bed apartments and 6 x 2 bed apartments as affordable rented dwellings and 4 x 3 bed houses as shared ownership dwellings. This provides a tenure split of 79% affordable rent and 21% shared ownership. Although this does not meet the tenure split established as a result of the SHMA 2010 there has not been any significant delivery of rented affordable housing in Nantwich in recent years so housing officers have no objection to the proposed tenure split.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development. The external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.

The Affordable Housing IPS also states that affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The design and construction of affordable housing should also take into account forthcoming changes to the Building Regulations which will result in higher build standards particularly in respect of ventilation and the conservation of fuel and power.

Finally the Affordable Housing IPS states that no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.

It is the preferred option that the developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Regulator to provide social housing.

All of these requirements can be secured through the Section 106 Agreement and therefore, on this basis, the proposal is considered to be acceptable in terms of affordable housing provision.

The implications of the amended plans requested by Members, in respect of affordable housing, are that there should be provision of 18 affordable dwellings, with 11 being provided as social or affordable rent and 7 provided as a form of intermediate tenure.

The plan showing affordable provision shows 18 affordable dwellings, highlighting 9 as affordable rent and 9 as shared ownership. The mix of affordable dwellings shown appears to be 8 x 2 bed and 10 x 3 bed houses although it is difficult to identify from the plan.

Nevertheless, the overall numbers, type of dwelling provided and tenures of the affordable housing being affordable rent and shared ownership are acceptable to Housing Officers. However the tenure split is not as per the IPS: Affordable Housing. The applicants are proposing a 50/50 split rather than 65/35. In the absence of financial viability evidence to indicate why this is necessary, it is considered that the split should be as per the IPS and this can be secured through the Section 106 Agreement.

The proposed "shared ownership" plots and the "affordable rents" plots, have been pepper potted these across the development as per the members request. For the avoidance of doubt, the high density area in the north west corner is now both private and affordable plots. Housing Officers have noted that the affordable rented units are all in one location. However the IPS: Affordable Housing merely states units should be pepper-potted and does not give any specifics about tenures being pepper-potted, so the spread of affordable units across the site is considered to be acceptable.

Education

The Council's Education Officer commented that there is sufficient capacity available in the secondary schools to accommodate the pupils generated. However, a contribution of £108,463 would be required towards primary provision.

In response to the initial amended plans, which increased the numbers of units within the site he stated that 64 units will generate an extra pupil, (11 instead of 10). Therefore $11 \times 11919 \times 0.91 = \text{£}119,309$.

Following the further amendments requested by Members, the number of units has been reduced to 59, which would be expected to generate 11 primary aged pupils. Therefore the contribution reduces to $\text{£}119,309$

This can be secured through the Section 106 Agreement.

Open Space

According to Policy RT3, new housing development with more than 20 dwellings will be expected provide 15 sqm of shared open space is provided per dwelling, along with 20 sqm of shared children's play space per dwelling. As this scheme is for 60 dwellings, this would equate to 900sqm of amenity space and 1200sqm of children's play space.

Because of the significant number of trees within the site, which need to be accommodated, the scheme involves a substantial amount of amenity open space in excess of 3693sqm. Therefore the Local Plan policy requirement is exceeded in this respect. However, no children's play space has been provided and it is considered that it would be difficult to accommodate a play area within the open space on the development, without causing harm to retained trees.

Therefore a contribution towards off-site provision of children's play space is recommended. An appropriate figure was awaited from the Council's Greenspaces officer at the time of report preparation, and a further update on this matter will be provided to the committee prior to their meeting.

Drainage/Flood Risk

The Environment Agency and United Utilities have considered the application and raised no objection to the application subject to appropriate conditions and it is therefore considered that the proposal complies with the relevant local plan policies with respect to flood risk and drainage.

Impact on Level Crossing

There are three level crossings in the vicinity of the site at Newcastle Road, Nantwich Railway Station and Shrewbridge Road that could be impacted by the above proposal due to increased vehicular and pedestrian traffic. Network Rail initially placed a holding objection on the scheme due to concern that increased traffic at these crossings will result in an increase risk of accidents, particularly at two of the crossings which are the "half-barrier" type. Through subsequent discussions, Network Rail have confirmed that these safety concerns could be overcome, if the "half-barrier" crossings were upgraded to the "full-barrier" type. It is therefore considered that the impact of the scheme could be overcome through a Section 106 contribution to these works.

With regard to the size of the contribution, going forward for the current and any future proposals in/around Nantwich, Network Rail have based our calculation on recent planning applications for development in their Western route. Bearing these in mind, they would expect developers to contribute £1500 per dwelling towards the upgrade costs. They consider that this figure is reasonable and proportionate, albeit there will obviously be a considerable gap that will need to be met to achieve the total cost of c£4m to upgrade the two crossings.

On the basis of the above, it is considered that the Network Rail objection can be overcome and that it does not provide sustainable, additional grounds for refusal.

Other Matters

As pointed out by residents, the site plan within the committee agenda does not accurately reflect the site boundary. It is merely for Members to locate the site. It is not the legally enforceable plan which defines the extent of the land covered by the planning application and any subsequent permission. The location plan which forms part of the application (and would be referred to by number on any decision notice) is within the Key Plans booklet and will be displayed as part of the Officer presentation at planning committee. It is also available to view on the website.

8. CONCLUSIONS

The site lies within the settlement boundary for Nantwich, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site is a vacant brownfield site which would be brought back into beneficial use. The proposal would also provide 60 units towards the Council's housing land supply, which will ease pressure on green field sites elsewhere within the Borough.

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. It is therefore supported by the Governments' Planning for Growth agenda and the general thrust of the NPPF.

There would be no adverse impact on residential amenity, highway safety, drainage and flood risk, ecology or trees and landscaping.

Following the deferral of the application by Southern Planning Committee in June, the developers have removed the apartment block and reduced the overall numbers to 59 in total. The high density area to the west remains but with the removal of the apartment block this is now more in keeping with the adjacent high density Barratt development on the site boundary. The road pattern remains unchanged therefore the previous swept path analysis still works. Parking for the higher density area also remains at 200% for both the 2 and 3 bedroom properties in this location. The proposed "shared ownership" plots and the "affordable rent" plots, have been pepper potted across the development as per the members request. The high density area in the north west is now both private and affordable

plots. It is considered that these amendments have fully addressed the concerns previously raised by Members.

Overall it is considered that this is a high quality design which respects the unique character and appearance of the area in which it is located and as such it complies with policy BE2 of the Local Plan and the provisions of the NPPF in respect of design.

Therefore, subject to the imposition of suitable conditions and the applicant entering into a Section 106 Agreement to secure the necessary affordable housing provision, and contributions towards education, open space and level crossing improvements, the proposal is considered to be acceptable and in accordance with the relevant local plan policies. Accordingly, it is recommended for approval.

9. RECOMMENDATION

APPROVE subject to completion of a Section 106 agreement to secure:

- **18 affordable dwellings, with 11 being provided as social or affordable rent and 7 provided as a form of intermediate tenure.**
- **Transfer of any rented affordable units to a Housing Association**
- **Affordable homes to be let or sold to people who are in housing need and have a local connection. (The local connection criteria used in the agreement to match the Councils allocations policy.)**
- **Provision for a local residents management company to maintain the on-site amenity space / play area**
- **Primary Education Contribution of £119,309**
- **Contribution of £88,500 towards level crossing improvements**
- **Public Open Space Contribution (amount to be confirmed)**
- **£100,000 contribution to the design improvement schemes planned by CEC Highway Authority for the A51/A534 roundabout.**

And the following conditions:

- 1. Standard 3 year time limit**
- 2. Compliance with approved plans**
- 3. Submission and approval of materials including surfacing materials**
- 4. Submission of Environmental Management Plan**
- 5. Submission and approval of contaminated land mitigation measures**
- 6. Dust control measures**
- 7. Piling hours to be restricted**
- 8. Piling method Statement**
- 9. Submission and approval of external lighting details**
- 10. Construction Hours to be restricted**
- 11. Bin Storage**
- 12. Submission and approval of boundary treatment**
- 13. Submission and approval of landscaping**
- 14. Implementation of landscaping**
- 15. Provision of Parking**
- 16. Access works to be carried out prior to first occupation**
- 17. Tree Protection**

- 18. Implementation of Tree protection**
- 19. Arboricultural Method Statement to be submitted and agreed**
- 20. Special construction measures under trees**
- 21. Surface Water runoff to mimic that of existing site**
- 22. Submission of scheme of sustainable urban drainage**
- 23. Submission of a Scheme to limit surface water run-off**
- 24. Submission of a scheme to manage the risk of flooding from overland flow**
- 25. Removal of Permitted Development Rights**
- 26. Breeding bird survey prior to work in nesting season**
- 27. Provision of bat and bird boxes**
- 28. Retention of trees T20 and T25**
- 29. Detailed suite of design plans for the proposed junction arrangement with the A534 Crewe Road to the satisfaction of the LPA.**
- 30. Detailed suite of design plans for the internal site layout to the satisfaction of the LPA. These plans will inform the S38 Highways agreement for adoption purposes.**
- 31. Relocation of parking bays 53 and 52**
- 32. Submission of detail to garage elevations on plots 1 and 59**

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