

<b>Planning Reference No:</b>	09/1255N
<b>Application Address:</b>	Land adjacent to 87 Crewe Road, Nantwich, Cheshire
<b>Proposal:</b>	New Single Dwelling
<b>Applicant:</b>	Mr J. Stuart
<b>Application Type:</b>	Full Planning
<b>Grid Reference:</b>	365961 352317
<b>Ward:</b>	Nantwich
<b>Earliest Determination Date:</b>	21 <sup>st</sup> July 2009
<b>Expiry Dated:</b>	12 <sup>th</sup> August 2009
<b>Date of Officer's Site Visit:</b>	22 <sup>nd</sup> July 2009
<b>Date Report Prepared:</b>	23 <sup>rd</sup> July 2009
<b>Constraints:</b>	None

## **SUMMARY RECOMMENDATION**

**Approve with Conditions**

## **MAIN ISSUES**

**Impact of the development on:-**

**The living conditions of neighbouring properties**

**Design and Impact upon the street scene**

**Parking/Highway Safety**

## **1. REASON FOR REFERRAL**

This application was to be dealt with under the Council's delegation scheme. However Cllr Moran has requested it be referred to Committee due to concerns over the proximity and overbearing impact of the proposal upon neighbouring residential properties. This application was deferred from the last meeting for a Committee site visit.

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

The application site is a small parcel of land which is located to the east of 87 Crewe Road within the Nantwich Settlement Boundary. The site was formerly part of the residential curtilage of No 87 Crewe Road which was separated from this property by a small pedestrian route which runs between 87 Crewe Road and the application site. To the north-east of the site is Woodland Avenue which is a residential cul-de-sac which is set at a higher level than the application site. To the east of the site is a strip of public open space which includes a number of large trees.

## **3. DETAILS OF PROPOSAL**

This is a full planning application for 1 three-storey dwelling. The property would have three bedrooms and an integral garage with a parking turntable to the front driveway to allow vehicles to leave the site in forward gear.

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

P04/0927 - Outline Application for One Dwelling – Refused 19<sup>th</sup> October 2004. Appeal Lodged – Appeal Allowed 21st June 2005

P04/0737 - One Dwelling with 2 Parking Spaces. Refused 10<sup>th</sup> August 2004

P03/0627 - Outline Application for One Dwelling. Refused 11<sup>th</sup> August 2003

P03/0208 - Outline Application for One Dwelling. Refused 14<sup>th</sup> April 2003

#### **5. POLICIES**

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP). The relevant development plan policies are:

##### **Regional Spatial Strategy**

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

L4 – Regional Housing Provision

##### **Local Plan Policy**

RES.2 – Unallocated Housing Sites

RES.3 – Housing Densities

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

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

PPS1 – Delivering Sustainable Development

PPS3 – Housing

Supplementary Planning Document – Development on Backland & Gardens

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

**Highways:** Nantwich Road is busy primary route with a speed limit of 30mph. The proposed access has poor visibility, but has been in use for some time serving a single garage only. In principle the highways authority has no objections to this proposal as 2 off street parking spaces are provided with a turn table for assistance. However the highways authority would not recommend the use of a turn table as shown on plan at this location due to the close proximity of a communal entrance / alley way between N87 and the proposed dwelling. Two off street parking spaces with on site turning facilities would be better suited at this location.

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

The Town Council object to this application on the following grounds:-

- The proposed dwelling is 3 storey and out of scale and character with surrounding buildings;
- The site is small and restricted and the proposed development is too big for the land available. The development is 'cramming';

- The effect will be to create a narrow, dark, passageway between the new dwelling and its neighbour, which will be detrimental to the amenity of the neighbour and the new occupier;
- There have been previous refusals on the site of similar applications and the Council consider those should be given due weight;
- Notwithstanding the 'turntable' proposed, the Council feel that highway safety will be compromised by vehicles coming to, and stationed at, the site. This is a very busy road and the difficulties of vehicles not being able to enter and leave the site in forward gear, allied to vehicles stopping for deliveries, visiting and parking briefly, will add to traffic hazards at this location.

## **8. OTHER REPRESENTATIONS**

A petition signed by 150 local residents and letters of objection have been received from the occupiers of 55 Highfield Drive, 17 & 25 Mount Drive, 70, 85 87, 90, 92 & 94 Crewe Road, 17 Broadleigh Way, 20 Hornby Drive, 8 Gingerbread Lane, 3 & 10 Woodland Avenue and Ludlam Town Planning Associates on behalf of 10 Woodland Avenue raising the following points;

- Proposed dwelling is unsightly and out of character;
- The Plot is not large enough to accommodate a dwelling;
- The three storey dwelling would not sit comfortably with the two-storey dwellings;
- Loss of amenity land and parking to 87 Crewe Road;
- Lack of parking;
- Turntable will be difficult to operate;
- Sufficient new housing in the area;
- Highway safety;
- Detriment to the local environment;
- Size scale and style is inappropriate;
- Over supply of housing in Nantwich;
- The new dwelling would be out of keeping;
- New dwelling would be detriment to the street scene;
- Turntable would need to be in use at all times;
- Loss of outlook;
- Impact upon the trees;
- The site should be landscaped;
- Over development of the site 100 dwellings per hectare is in excess of 20 dwellings per hectare;
- Inadequate amenity space for the proposed dwelling;
- Lack of refuse storage for the proposed dwelling;
- Blockage of the right of way will result in a lack of refuse storage for 81-87 Crewe Road;
- The land has swapped back into the ownership of the applicant after the time period to challenge the planning appeal had expired;
- A restrictive covenant on the land means that a dwelling of the size approved could not have been constructed on the site;
- The dwelling is larger than that allowed at appeal;
- The appeal decision does not set a precedent for approval of this scheme;
- The site is domestic curtilage to No 87 and provides parking and bin storage;
- The turntable takes up the area in front of the dwelling leaving no separate gated pedestrian or footpath access to the main entrance which is dangerous;
- The turntable would encroach onto the adjacent right of way;
- The proposal will result in vehicles reversing onto a classified road which is dangerous;
- Insufficient rear garden 17sq.m is inadequate for a 3 bed property;

- The proposal is closer to the trees and the applicant will need to cut these back or remove these and if not they will not survive the construction phase;
- No refuse/recycling storage and blocking of the access to the adjacent properties;
- Contrary to Policies BE.1, BE.2 and BE.3.

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

### **Design and Access Statement**

- This full planning application and the design of the dwelling has been influenced and follows as closely as possible the previous outline plan for siting and access of a new dwelling
- The inspectors decision notice refers to the wide variety of house type surrounding the site and that a tall thin virtue of the sites limitations would not be inappropriate or have an unacceptable harmful effect on the street scene
- The pedestrian right of way which provides access to the rear of the adjacent properties is maintained.
- The inspector concluded that the proposal would not prejudice residential amenity
- The Inspector also considered that the only trees on the site are located on the rear boundary would not be affected by the proposal
- The ridge and eaves of the proposed dwelling align with the elevation of the adjacent property
- The bay window feature reflects the pattern and style of the adjacent single storey bays
- A garage and space to the front of the dwelling provides parking for two vehicles. It is proposed to incorporate a turntable to ensure vehicles will be able to always enter the building in forward gear

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The site has a history of planning refusals for residential development for smaller dwellings. However outline planning permission was granted at appeal following the refusal of planning application P04/0927. This application was refused under the previous local plan but the Inspectors decision was made with reference to the current local plan. The principle has now been accepted but consideration now needs to be given to this full planning application for a larger dwelling than that originally approved.

Although the planning permission under application P04/0927 has now expired considerable weight needs to be given to this decision given that it was made at appeal under the current Local Plan. There have been changes in other legislation at all levels such as PPS3 (Housing), the Regional Spatial Strategy and the Council's SPD on Housing Development on Backland and Gardens and it is accepted that the proposed dwelling is larger than that allowed at appeal. However it is not considered that this new planning guidance and policy or other material planning considerations provide significant support to outweigh the decision which was made by the Planning Inspector at appeal. As a result it is considered that as the site is located within the Nantwich Settlement Boundary that principle of one dwelling on this site is acceptable.

It is accepted that residential development on the site would result in a high density form of development. However it should be noted that PPS1 and PPS3 encourage efficient use of land and planning permission has been previously granted at appeal on this site and the density is therefore considered to be acceptable.

## **Design**

The proposed dwelling would be three stories in height at eaves and ridge level and this has raised a number of concerns locally to the impact upon the street scene. However the dwelling would align with that of the adjacent terrace and as a result it is considered that the height of the property is acceptable. The proposal also includes the provision of a three-storey bay to the front elevation and although this would be taller than the existing single storey bays to the adjacent terrace it is considered that given its location on the end of a row of terraced properties that this bay would act as a bookend to this group of buildings.

The proposed dwelling would have a staggered front elevation and its siting is similar to that approved at appeal. The staggered front elevation is a result of the requirement to provide parking/turning area within the curtilage of the property. The front elevation of the projecting bay would run flush with the existing terrace to the west whilst the garage door would be stepped back to reduce its prominence in the street scene. It is therefore considered that the siting of the dwelling is appropriate.

The design of the proposed dwelling has been subject of pre-application discussions. The design of the front elevation includes a projecting two-storey bay with gable, a small pitched dormer, Juliette balcony and sills and headers to the windows which help to add interest and create a dwelling that sits comfortably alongside No 87 Crewe Road.

## **Amenity**

The proposed dwelling would be sited alongside the gable elevation of No 87 Crewe Road which includes just one clear glazed ground floor window facing the application site. This window is a secondary window to the room it serves and as a result it is not considered that the proposal would have a detrimental impact upon the amenities of the occupants of No 87 Crewe Road through loss of light, over-bearing impact or loss of privacy.

To the rear the proposed dwelling would have a separation distance of approximately 16 metres to No 10 Woodland Avenue. The application site is set at a lower level to No 10 Woodland Avenue and it is considered that the proposal would have minimal impact through loss of light or over-bearing impact upon this property. The openings to the rear at first floor level would be a living room and a bathroom with a rooflight serving a bathroom. The boundary hedgerow, change in land level and orientation of the properties would result in the living room window having minimal impact upon No 10 Woodland Avenue through loss of privacy. Whilst the openings which serve bathrooms could result in a loss of privacy this can be mitigated with an obscure glazing condition.

The properties on the opposite side of Crewe Road have large front gardens and the proposed dwelling would not impact upon the amenities of these properties.

The loss of amenity space to No 87 Crewe Road was a reason for refusal on planning applications P03/0208 & P03/0627. To address this issue the applicant transferred the land into different ownership so that it was no longer owned in connection with 87 Crewe Road, this reason for refusal was therefore not applied to application P04/0737 and P04/0927 which was allowed at appeal.

In order to clarify the ownership position a Land Registry search has been carried out by the Council and it shows that the application site has been transferred back and now falls under the same ownership as 87 Crewe Road. As a result the proposed development would result in the loss of the amenity space to 87 Crewe Road. However the applicant has by-passed this reason for refusal in the past by transferring the land into different ownership and this could be done again prior to any appeal which may follow for a refusal of this application for this reason. It is therefore considered that given that the site history which includes a previous planning permission and the applicant has addressed this issue by transferring land that the issues of loss of amenity space to 87 Crewe Road should not form a reason for refusal.

Letters of objection have referred to the lack of private amenity space for the proposed dwelling. The dwelling which was allowed at appeal had a private amenity space of approximately 34sq.m and the dwelling proposed as part of this application would have an amenity space of approximately 24sq.m. Both of these figures are below the guidance contained within the Councils SPD which states that *'Each dwelling should have adequate open space provided; as a general indication/guideline this should be no less than 50sq.m per dwelling'*. This is guidance only and given the relatively small size of the dwelling and the fact that the previous permission granted by the Inspectorate left No 87 Crewe Road with approximately 23sq.m of private amenity space it is not considered that this issue would warrant the refusal of this planning application.

## Highways

The proposal would result in 2 parking spaces for the proposed dwelling one within the garage and one on the driveway. A turntable would be installed on the driveway which would allow vehicles to leave and enter the site in forward gear. This level of parking provision is considered to be appropriate for the proposed dwelling which is within close proximity to Nantwich Town Centre.

The Highway Authority has stated that it would not recommend the use of a turntable due to its proximity to the communal entrance/alleyway. The turntable itself will not encroach onto the alleyway which runs between the application site and 87 Crewe Road. However vehicles using the turntable will overhang the alleyway when the turntable is in motion. It is not considered that this issue would restrict access of the alleyway by local residents as the overhang would be restricted to a short period in time when the turntable is in motion. Furthermore the applicant could use the existing driveway for turning which would have the same impact upon the alleyway as the proposed turning circle. Therefore it is not considered that the obstruction of the alleyway whilst the turntable is in motion could be justified as a reason to refuse this application.

Representations from local residents have questioned whether a manual turntable could be operated by the future occupants and what will happen if the turntable brakes down. It is considered that an electric turntable will be required and a condition will be attached to ensure that this is retained and in working order, although a geared manual over-ride is available for emergencies. Turntables have been successfully installed at other sites in Cheshire East.

The use of the turntable will allow the occupants of the dwelling to exit the site in forward gear and given that the Highway Authority has no objection it is not considered that the proposal would be detrimental to highway safety.

Concern has been raised over the loss of car parking to No 87 Crewe Road. As stated in the amenity section of this report a Land Registry search has been carried out by the Council and it shows that the application site has been transferred back and now falls under the same ownership as 87 Crewe Road. As a result the proposed development would result in the loss of car-parking to 87 Crewe Road. However the applicant has by-passed this issue in the past by transferring the land into different ownership and this could be done again prior to any appeal which may follow for a refusal of this application for this reason. It is therefore considered that given that the site history which includes a previous planning permission and the applicant has addressed this issue by transferring land that the issues of loss of parking space to 87 Crewe Road is not considered sufficient to refuse the application.

### **Footpath**

The turntable itself will not encroach onto the alleyway which runs between the application site and 87 Crewe Road. However vehicles using the turntable will overhang the alleyway when the turn table is in motion. It is not considered that this issue would restrict access of the alleyway by local residents as the overhang would be restricted to a short period in time when the turntable is in motion. Furthermore the applicant could use the existing driveway for turning which would have the same impact upon the alleyway as the proposed turning circle. Therefore it is not considered that the obstruction of the alleyway whilst the turntable is in motion could be justified as a reason to refuse this application.

The proposed dwelling would be positioned onto the boundary with the alleyway and concern has been raised that this could cause a dark alley way impacting upon the amenities of the users of the alleyway. This is noted but it is not considered to be a significant issue as the alleyway does not form part of a residential curtilage.

### **Trees**

The letters of objection refer to the impact upon the trees on and surrounding the site none of which are covered by a Tree Preservation Order. The trees which are located on the site and along the site boundary are relatively young and are of limited value and it is therefore considered that the loss of some of these trees would be acceptable. The larger tree which is located on the area of open space to the east of the site would not overhang the site and the proposal would have limited impact upon this tree.

### **Other Issues**

One letter of objection refers to an over-supply of housing within Nantwich. This issue is not accepted and the site lies within the Nantwich Settlement Boundary where new residential development is considered to be acceptable.

One letter of objection refers to a covenant on the application site which meant the approved application could never have been constructed. Restrictive covenants are not a material planning consideration and the Inspector determined that the site was

acceptable for residential development and was in accordance with Planning Policy and all other material considerations. The point that the restrictive covenant on the site meant that the approved dwelling could never have been constructed can therefore be given very little weight.

The letters of representation refer to bin storage issues for the proposed dwelling and terrace of 4 dwellings to the west. The proposed dwelling would have access to the alleyway and storage of bins would be provided to the rear of this property. The adjacent dwellings would retain access via the footpath as discussed above and bin storage to these properties would remain to the rear.

## **11. CONCLUSIONS**

The application site is located within the settlement boundary of Nantwich and given the past approval by the Inspector using the current local plan the principle of residential development is considered to be acceptable. The proposed development would have minimal impact upon the amenities of surrounding residential properties and would not raise any highway issues. It is considered that the design and siting of the proposed dwelling would not appear out of character in this location as to warrant the refusal of this planning application.

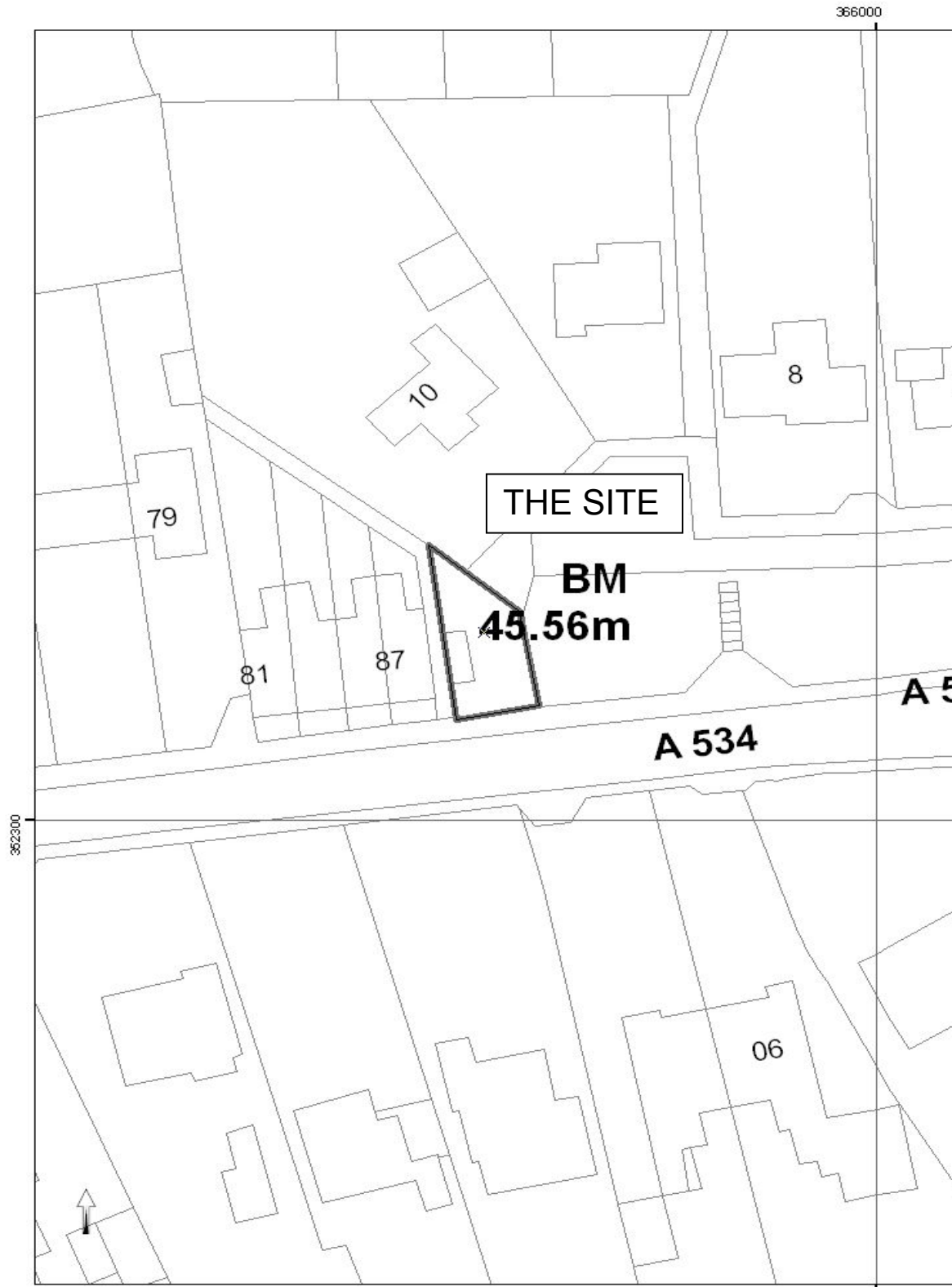
## **12. RECOMMENDATIONS**

**APPROVE** subject to the following conditions

- 1 Standard**
- 2 Materials to be submitted and approved**
- 3 Retention of garage space**
- 4 Obscure glazing to rear bathroom window and bathroom roof light**
- 5 Tree retention and protection**
- 6 Drainage to be submitted and approved**
- 7 Landscaping to be submitted and approved**
- 8 Landscaping to be implemented**
- 9 Removal of PD Rights**
- 10 No obstruction of side alleyway during construction**
- 11 Boundary treatment**
- 12 Electric turn table to be provided and retained**
- 13 No removal of trees/vegetation within the bird breeding season**



# Location Plan



09/1255N – Land adjacent to 87 Crewe Road Nantwich

N.G.R; - 365.962 352.318

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