

Application No: 17/4974N

Location: LAND OFF, CREWE ROAD, HASLINGTON, CW1 5RT

Proposal: Reserved matters application for details relating to appearance, layout, scale and landscaping for 13 new residential dwellings following outline approval application reference 13/5248N

Applicant: c/o, Trafford Housing Trust Developments Ltd

Expiry Date: 05-Feb-2018

SUMMARY:

The principle of the proposed development has already been approved and is considered to be acceptable.

The development would provide affordable housing in accordance with the outline S106 Agreement. The mix of units within the open market housing on site is considered to be acceptable.

The development is considered to be of an acceptable design and would not have a detrimental impact upon residential amenity.

The highways impact was considered as part of the outline application and the internal road layout and parking provision is considered to be acceptable.

The ecological impacts, tree impacts and landscape impacts of the development have been addressed through the submission of amended plans/information.

On this basis this Reserved Matters application is recommended for approval.

RECOMMENDATION: Approve with conditions

Approve subject to conditions

CALL IN

The application was originally called in by the late Cllr John Hammond on the grounds of impact on openness and retaining the separation between Haslington and Winterley.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a cleared site formerly associated with no. 204 Crewe Road, Haslington, a large detached dwelling and coach house fronting Crewe. The dwelling and application site share a vehicular access from Crewe Road which subdivides within the curtilage of the property. The site was formerly occupied by a commercial building, which was located to the rear of no. 204, approximately 105m back from Crewe Road, this has now been demolished.

The boundaries within the site are defined by established planting predominantly with trees throughout the site, although a significant number of trees have been removed as part of recent works. The site falls within the open countryside as designated in the Local Plan.

To the rear of the site is an ongoing development by Bovis Homes. The site is within Open Countryside, as defined in the local plan, albeit only a short distance outside the Haslington Settlement Boundary.

DETAILS OF PROPOSAL

This is a reserved matters application for details relating to appearance, layout, scale and landscaping for 13 new residential dwellings following outline approval application reference 13/5248N.

RELEVANT HISTORY

- 13/4258N 2014 Outline application for new residential development of up to 14 dwellings.
- 12/1535N 2012 Non material amendment to application number 12/0325N
- 12/0325N 2012 Approval for replacement dwelling for previously approved residential conversion.
- 11/3894N 2012 Withdrawn application for conversion to residential
- 10/4295N 2010 Approval for residential conversion

POLICIES

Cheshire East Local Plan Strategy (CELPS)

- PG1 – Overall Development Strategy
- PG2 – Settlement Hierarchy
- PG6 – Open Countryside
- PG7 - Spatial Distribution of Development
- SC4 – Residential Mix
- SC5 – Affordable Homes
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- SE 1 - Design
- SE 2 - Efficient Use of Land

SE 3 - Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE12 – Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management
CO1 - Sustainable Travel and Transport
IN1 – Infrastructure
IN2 – Developer Contributions

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

**Local Plan Policy
Borough of Crewe and Nantwich Replacement Local Plan 2011 (CNRLP)**

NE.5 Nature Conservation and Habitats
NE.9 Protected Species
BE.1 Amenity
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
RES.2 Unallocated Housing Sites
RES.5 Housing in the Open Countryside

Haslington Neighbourhood Plan has only reached Regulation 7 stage and therefore carries no weight.

Other Considerations

National Planning Policy Framework
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

Highways:

No objection.

Environmental Health:

No objection subject to conditions/informatives relating to noise, disturbance and air quality.

Flood Risk:

No objection.

Housing:

No objection.

United Utilities:

No objection.

VIEWS OF THE TOWN COUNCIL:

No comments received at the time of report writing.

OTHER REPRESENTATIONS

Seven representations have been received at the time of report writing; they express the following concerns:

- Erosion of the gap between Haslington and Winterley
- Not in accordance with the Inspectors decision
- Affordable housing should be on site
- Out of character with the area
- Highway safety
- Impact on wildlife
- Noise and dust during construction
- Incorrect boundaries shown on plans

These can be viewed in full on the Council website.

OFFICER APPRAISAL

Principle of Development

The site lies in the Open Countryside, however outline consent for up to 14 dwellings was granted on appeal in 2015. Therefore the principle of allowing residential development on this site has already been established and cannot be revisited.

Design & Layout

The site would take a linear form on the eastern side of the access road, accommodating 9 of the dwellings, with the other 4 being arranged around the turning head of the access road. At the southern end of the site is a pond and ecological area.

The dwellings would be constructed of red brick with grey roof tiles and there would be gable and chimney features that would provide interest and variety. The proposed dwellings at the top of the cul-de-sac would provide passive surveillance to the wildlife area. There is some frontage parking on the site however landscaping will largely screen this from Crewe Road. The development is therefore considered to be appropriate in this location and in accordance with the advice given in the CEC Design Guide.

There are a mix of house types and designs in the vicinity of the site, including the new development immediately to the south of the site. It is therefore considered that the development would appear appropriate in its context.

One of the objectors has put forward an alternative layout for the site; however the application should be determined on the merits of the submitted amended plans by the applicant.

The Inspector for the appeal stated the following in paragraph 17 of their report:

“I acknowledge the desire of local residents, the Parish Council and the Council to retain openness between Haslington and Winterley and to protect the intrinsic character and beauty of the countryside. There is no specific policy protection for the appeal site or the area between Haslington and Winterley and I have concluded that Policy NE.2, as a general policy, is out-of-date and has no weight. There are other larger more prominent areas of openness between the appeal site and Winterley. The proposal would change the character and appearance of the site and some trees, including some protected trees would be removed. However, I conclude that the construction of the access with residential development, provided the buildings are set back with landscaping and additional tree planting to the front of the site, would not have such a significant effect on the separation between Haslington and Winterley as to justify dismissing the appeal.”

Whilst the proposed development is not set back as far as shown on the **indicative** layout submitted with the outline application, the nearest dwelling to Crewe Road would be set back by 9.5m and would be screened by trees and planting. The constraints on the site, namely protected species, make development difficult and it should be noted that the proposed site layout also allows for additional land to be part of the ecological area that provides habitat for protected species. This is a positive benefit of the proposal.

The proposal is therefore considered to be in compliance with Policies SD2 and SE1 of the CELPS.

Landscape

As stated above, the Inspector for the outline approval acknowledged the desire of local residents and the Parish Council to retain openness between Haslington and Winterley. However he concluded that there were other larger, more prominent areas of openness between Haslington and Winterley.

Having regard to this application, whilst some of the dwellings would be forward of the immediately neighbouring property, however there are properties further along Crewe Road, adjacent to Holmshaw Lane, that have a similar building line to that proposed. In addition the siting of the dwellings in relation to Crewe Road allows for additional space to the rear for ecological compensation to the rear of the site which is a positive benefit.

There would be adequate screening of the dwellings closest to Crewe Road and the Council's Principal Landscape Architect is satisfied that the proposals for the site are acceptable in their context.

The proposal is therefore considered to be acceptable and in accordance with Policy SE4 of the CELPS.

Trees

The loss of protected trees, a Sycamore and Lime forming part of Group G4 of the Crewe and Nantwich Borough Council (Winterley) Tree Preservation Order 1977 were conceded by the Planning Inspector at appeal to facilitate the proposed access. The Inspector (at para 17 of

the decision) required Landscaping (including provision of additional tree planting to the front of the site) to be undertaken.

The revised landscaping plans now show the replanting of an Oak tree of advanced nursery stock on the Crewe Road frontage in addition to the planting of the three Lime trees adjacent to the access. This planting is now considered to be acceptable.

The proposal is therefore considered to be in accordance with Policy SE5 of the CELPS.

Highways

It is proposed to construct 13 new dwellings on land off Crewe Road, Haslington and this is a reserved matters applications following approval at appeal.

The internal road layout provides adequate width and turning facilities to serve the 14 units, the car parking provision is in accordance with CEC standards. A construction method statement should be required giving details of deliveries to the site during construction, how and where materials will be unloaded and details of where contractor's vehicles will park.

Objectors have raised concerns about highway safety; however the Head of Strategic Infrastructure is satisfied that the access, internal layout and parking provision are acceptable and as such, a refusal on these grounds could not be sustained. It is important to note that access was determined at outline stage and cannot be re-visited at this time.

The proposal is therefore considered to be acceptable and in accordance with Policy BE.3 of the CNRLP and the Parking Standards set out in Appendix C of the CELPS.

Amenity

In terms of the surrounding residential properties the layout of the site means that all the requisite separation distances can be achieved including to the new development to the south of the site.

Having regard to the amenity of future occupiers of the dwellings, they would have adequate residential amenity space.

Electric vehicle charging points have been shown to all the dwellings and this addresses the air quality comments of Environmental Protection. Land contamination and noise and disturbance conditions should be imposed to protect residential amenity.

The proposal is therefore considered to be in compliance with Policies GR6 and BE.1 of the CNRLP.

Ecology

The applicant has proposed a contribution of £10,000 to fund offsite habitat creation to compensate for the loss of habitats associated with the proposed development. Unfortunately this should have been secured at outline stage and cannot now be required.

Bats

No evidence of roosting bats was recorded during the submitted survey and it is considered that roosting bats are not reasonably likely to be affected by the proposed development.

Badger

The updated survey has confirmed the continued presence of badgers on site. An acceptable badger mitigation strategy has been submitted.

Great Crested Newts

This protected species has been recorded at two ponds on adjacent land which is subject to a residential planning permission, which is in the process of being implemented. In the absence of mitigation the proposed development will result in the loss of high quality terrestrial habitat suitable for this species and also pose the risk of killing/injuring any newts present on site when works were undertaken. To compensate for the loss of terrestrial habitat the submitted mitigation strategy includes proposals for the retention of an area of terrestrial habitat and the creation of additional ponds on site.

Habitat Regulations

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities (“LPAs”) to have regard to the directive’s requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is 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
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Test 1: Overriding Public Interest

The impacts of the development on the GCN population have previously been considered acceptable in the grant of previous planning permissions. The development would provide

social and economic benefits in the form of employment during construction, the delivery of housing and the restoration of what is currently a derelict site. Given these benefits the development proposal contributes to meeting an imperative public interest, and that the interest is sufficient to override the protection of, and any potential impact on great crested newts, setting aside any mitigation that can be secured.

Test 2: No satisfactory alternative

The site has outline planning permission for residential development and therefore has been assessed as being an appropriate place for this form of development. As such it is considered that there would be no satisfactory alternative.

Test 3: “the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range”.

The current proposals would compensate for the loss of terrestrial habitat the submitted mitigation strategy includes proposals for the retention of an area of terrestrial habitat and the creation of additional ponds on site.

The submitted Great Crested Newt mitigation would be adequate to maintain the favourable conservation status of the local Great Crested Newt population.

The submitted Badger Mitigation Strategy is also satisfactory.

Overall, therefore it is considered that the development contributes to meeting an imperative public interest, there are no satisfactory alternatives, and that the interest is sufficient to override the protection of, and any potential impact on Great Crested Newts and Badgers, setting aside the proposed mitigation. It is considered that Natural England would grant a licence in this instance.

Affordable Housing

Originally as submitted, the proposal put forward providing the affordable housing on the neighbouring Bovis development site. In planning terms this was not acceptable as it is considered that it would not contribute to mixed communities as required by Policy SC4 of the CELPS.

Subsequently an amended plan has been submitted including four, 3 bedroom affordable dwellings on the site has been submitted. These are the first 4 plots as you enter the site and whilst in a larger development, pepper-potting would be preferable, it is difficult to achieve on a small site such as this.

CONCLUSIONS

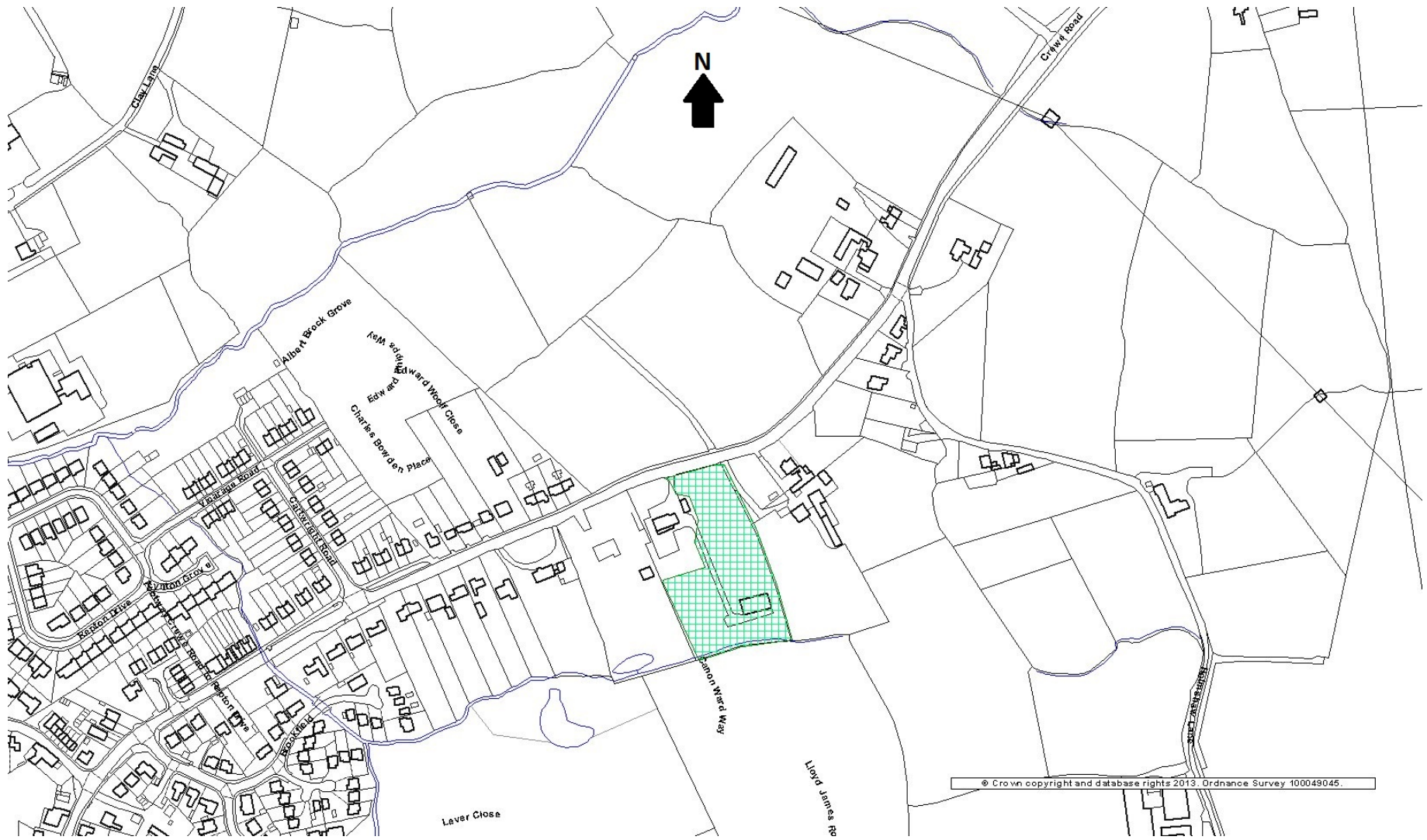
The proposed development is considered to be of acceptable design, in keeping with the character of the area, and would not adversely impact upon the amenities of neighbours. The proposal would comply with all relevant policies within the Development Plan. As such, the application is recommended for approval.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Accordance with the conditions on the outline permission**
- 2. Approved plans**
- 3. Details of materials to be submitted**
- 4. Compliance with the landscape planting proposals drawing**
- 5. Compliance with the drainage strategy**
- 6. Incorporation of features suitable for House Sparrow**
- 7. Ecological mitigation measures**

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



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