

Application No: 18/3026N
Location: Land off Crewe Road, Haslington
Proposal: Reserved Matters for approved application 13/5248N for Appearance Landscaping Layout and Scale
Applicant: Mr & Mrs Nigel Hartley
Expiry Date: 18-Sep-2018

SUMMARY RECOMMENDATION
Approve subject to conditions

MAIN ISSUES

Principle of Development
Landscape and Trees
Ecology
Highway Implications
Amenity
Design

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.

Southern Planning Committee approved another reserved matters application for 13 dwellings in January 2019.

DETAILS OF PROPOSAL

This is a reserved matters application for details relating to appearance, landscaping, layout and scale for 11 new residential dwellings following outline approval application reference 13/5248N.

RELEVANT HISTORY

17/4974N	2019	Approval for reserved matters for approved application 13/5248N for Appearance Landscaping Layout and Scale
13/5248N	2015	Appeal allowed for 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11/3894N	2012	Withdrawn application for conversion to residential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)

SD 1 Sustainable Development
SD 2 Sustainable Development Principles
SE1 Design
SE 2 Efficient Use of Land
PG 6 Open Countryside

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.

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

NE.5 Nature Conservation and Habitats
NE.9 Protected Species
BE.1 Amenity
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.

Housing: Originally objected as there were no details of which units were the affordable ones and their tenure. This has now been addressed.

United Utilities: No objection.

VIEWS OF THE TOWN COUNCIL:

No comments received at the time of report writing.

OTHER REPRESENTATIONS

Six 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
- Loss of trees
- Out of character with the area
- Highway safety
- No footpath
- Lack of infrastructure
- Impact on air quality
- Other more suitable layouts could be provided
- Traffic survey is inadequate as there were roadworks and temporary traffic lights in place when it was undertaken
- Danger to pedestrians crossing the road to the parking provision for plots 1, 2 and 3
- Small garden sizes to some plots

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. In addition, reserved matters approval was given for 13 dwellings on the site was granted in January 2019.

Design

The majority of the proposed dwellings would be in a linear form on the eastern side of the access road; with others arranged around the turning head. At the southern end of the site are ponds and an ecological area.

The dwellings would be constructed of a mixture of brick and render, which is 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 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 proposal is therefore considered to be in compliance with Policies SD2 and SE1 of the CELPS.

Landscape

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, 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 Landscape Layout now provides for two replacement Lime trees on the Crewe Road frontage, with two at right angles to it to the north of the car park. This revised landscaping scheme now satisfies the concerns of Officers in respect of mitigation for the loss of the two protected trees conceded by the Planning Inspector.

In addition to the tree losses to the front, there would be some tree losses from an area opposite plots 4 and 5, three of these trees are category B2 Pines. The Council Principal Forestry and Arboricultural Officer is satisfied that this is acceptable subject to replacement planting elsewhere within the site. This can be secured by condition.

A condition relating to tree protection and retention form part of the outline approval and as such do not require re-imposing as part of this application.

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

Highways

It is proposed to construct 11 new dwellings on land off Crewe Road, Haslington and this is a reserved matters applications following approval at appeal.

The access road is a standard 5.5m carriageway with a turning facility at the end of the cul-de-sac. The details submitted are an acceptable highway design and there are no objections from the Head of Strategic Infrastructure to the application.

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.

A Construction Management Plan has been submitted and compliance with the relevant parts (as set out in the appeal decision) of it should be controlled by condition.

The proposal is therefore considered to be acceptable and in accordance with Policy GR9 CBLPFR 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. However permitted development rights should be removed from plots 1, 2 and 3 in order to ensure that this residential amenity space is retained.

Conditions relating to air quality (EVC charging points), land contamination and piling were imposed on the outline consent allowed at appeal, as such they do not require re-imposing as part of this application.

The proposal is therefore considered to be in compliance with Policies GR6 and GR7 of the CBLPFR.

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 the Council's Ecologist advises that roosting bats are not reasonably likely to be affected by the proposed development.

Other Protected Species

The updated survey has confirmed the continued presence of other protected species on site. An acceptable 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.

Overall, 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, 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 did not put forward the correct mix of tenure as required by policy. Subsequently an amended plan has been submitted including 2 properties for affordable rent and one for shared ownership, as required by policy. These are the first 3 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

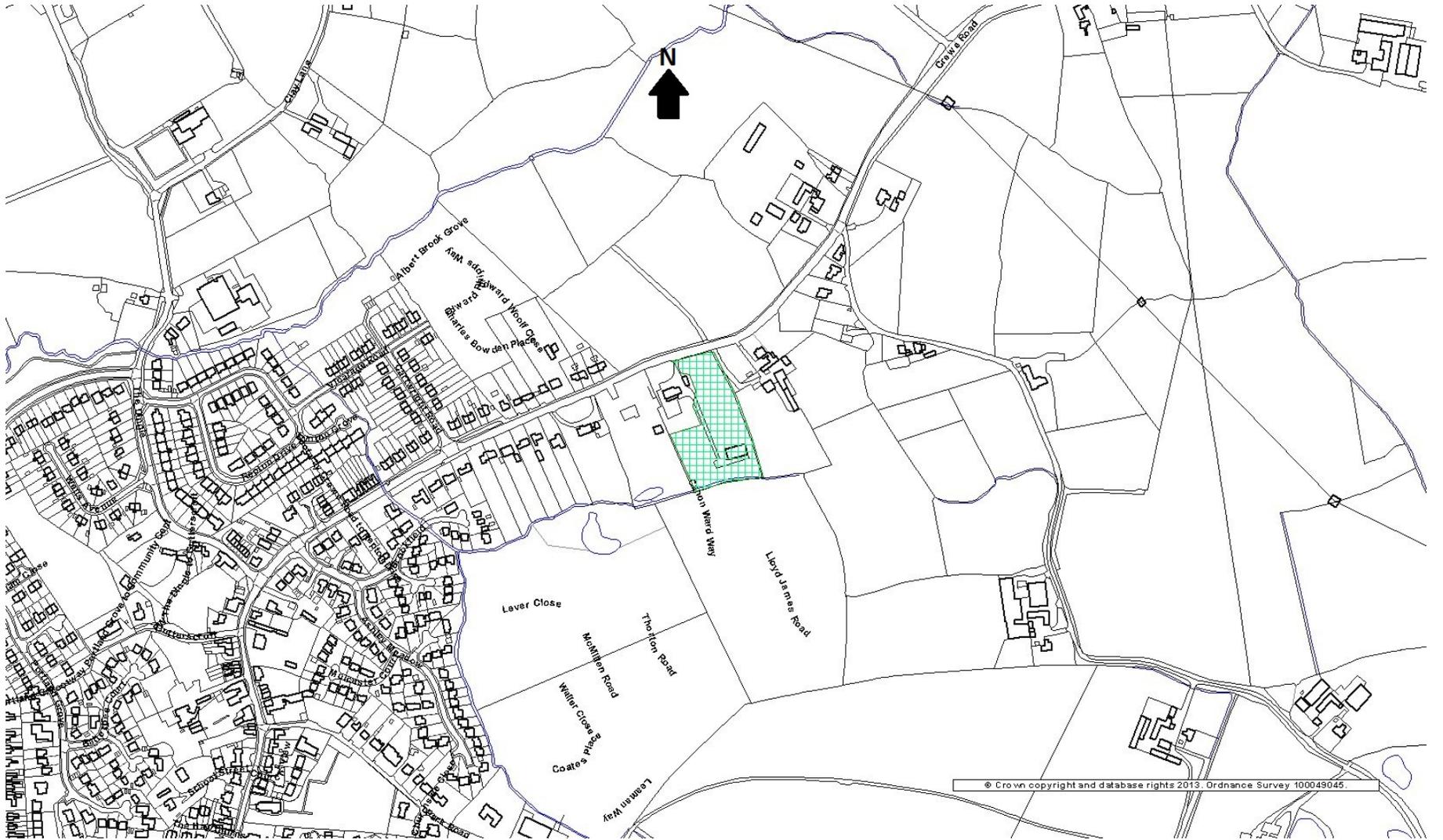
The proposed development is considered to be of acceptable design, in keeping with the character of the area, and would not adversely impact upon the amenities of neighbours. The proposal would comply with all relevant policies within the Development Plan. As such, the application is recommended for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

RECOMMENDATION

Approve subject to the following conditions:

- 1. Accordance with the conditions on the outline permission**
- 2. Time limit**
- 3. Approved plans**
- 4. Details of materials to be submitted**
- 5. Compliance with the landscape planting proposals**
- 6. Replacement tree planting**
- 7. Compliance with the Drainage Strategy**
- 8. Compliance with the Construction Method Statement**
- 9. Compliance with the Badger and Bat Tree Survey and Great Crested Newt Mitigation Plan**
- 10. Incorporation of features suitable for House Sparrow and roosting bats**

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.



OFFICIAL