

Application No: 11/2886N
Location: LAND OFF HASTINGS ROAD, NANTWICH, CHESHIRE
Proposal: Residential Development Comprising 21 Dwellings with Associated Access, Parking, Garages, Landscaping and Open Space
Applicant: Mr D Hough, Arley Homes North West Limited
Expiry Date: 01-Nov-2011

SUMMARY RECOMMENDATION

Approve with Conditions and subject to the completion of a section 106 agreement for:

- 1. Provision of on-site affordable housing of 6 dwellings, including 4 units (3 x 2 bed and 1 x 3 bed) for rent and 2 units (2 x 3 bed) for intermediate tenure**
- 2. Provision of a financial contribution of £15,000 towards off site equipped play space**
- 3. Details of a Management Company for the maintenance of areas of Public Open Space and Newt Mitigation Land**

MAIN ISSUES

- Principle of Development**
- Design**
- Impact on the Character and Appearance of the Locality/Streetscene**
- Impact on Amenity of adjacent properties**
- Impact on Highway Safety**
- Impact on Protected Species**
- Provision of Affordable Housing**
- Provision of Open Space**
- Impact on Trees**
- Other Matters**

1. REASON FOR REFERRAL

This application is to be determined by Southern Planning Committee as the proposal is for more than 10 dwellings.

2. DESCRIPTION OF SITE AND CONTEXT

The application site forms an area of open space located within the settlement boundary for Nantwich. The site forms the last part of land which is allocated for residential development within the Local Plan (RES1.16, London Road, Nantwich). The site forms a linear parcel of land. At present the site is used as informal and undesignated recreational land. There are numerous trees within the site are varying ages and species, some of these trees are subject to TPO protection. The site is surrounded by residential development to the north, east and west and to the south of the site is a railway line, beyond which is newt mitigation land and residential properties. The site is accessed from the previous phases of residential development at Hastings Road, which has access from London Road. There is a public right of way (No.25 Nantwich) along the eastern boundary and a brook along the western boundary.

3. DETAILS OF PROPOSAL

This is a full planning application for the provision of 21 dwellings (including 6 affordable units). The scheme includes 11 detached dwellings, 4 semi-detached properties and 2 blocks of three properties. The size of the properties includes 8 5-bed units, 7 4-bed units, 3 3-bed units and 3 2-bed units. All properties would be two or two and half storey in character.

The dwellings would be accessed via a new road from Hastings Road at the north-western corner of the site. A provision of at least 200% off street parking will be provided for each dwelling. A public footpath will be provided to link to the existing public right of way network to the east of the site.

The scheme includes small areas to be designated as public open space and a larger area of land as newt habitat.

4. RELEVANT HISTORY

7/05500 – Planning permission refused for residential development on 23rd August 1979.

7/07032 – Planning permission approved for residential development on 21st August 1980.

P01/1087 – Planning application withdrawn for Demolition of Buildings and Erection of 82 Dwellings on 25th March 2002.

P02/0350 – Outline planning application for 40 Apartments and Houses on 7th May 2002.

P03/1400 – Planning permission approved subject to the completion of a legal agreement for 34 dwellings on 24th August 2004.

5. POLICIES

The development plan includes the Regional Spatial Strategy for the North West (RSS) Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

Local Plan Policy

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Accessing and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
RES.1 (Housing Allocations)
RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in RES.4)
TRAN.3 (Pedestrians)
TRAN.5 (Provision for Cyclists)
TRAN.9 (Car Parking Standards)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

Supplementary Planning Documents

Local Development Framework - Development on Backland and Gardens Supplementary Planning Document (2008)

Cheshire East – Interim Planning Statement on Affordable Housing (2011)

Other Material Considerations

PPS1: Delivering Sustainable Development
PPS3: Housing
PPS9: Biodiversity and Geological Conservation
PPG13: Transport
PPS23: Development and Pollution Control
PPG24: Planning and Noise

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager – Concerned about the design of narrower sections along the access road in relation to on-street parking. Suggest that developer looks at hitting 200% off street parking provision and addresses the requirement for on street visitor parking. Scheme relies on the end of the cul-de-sac being clear of vehicles to turn around.

Environmental Health – Recommend conditions relating to construction hours, hours for pile driving, hours for floor floating, scheme for mitigation for dwellings against noise from railway, details of external lighting to be submitted, and a

An Air Quality Impact Assessment is also required prior to determination.

Environmental Health (Contaminated Land) – Development is for a sensitive end use and could be affected by contamination. It is recommended that a phase II contaminated land study to be carried out.

Countryside Access Development Officer – support the potential footpath link which will encourage residents to travel on foot. Status and maintenance of any footpath would require agreement with the public right of way team.

Network Rail – Object to proposed development as the application boundary includes land within their ownership. Also recommend a number of conditions regarding encroachment onto Network Rail land, drainage details, scaffolding, cross sections, boundary treatment, proximity of development to boundary, noise/vibration mitigation, and landscaping.

Public Right of Way – No objection

SUSTRANS – Is opportunity to bridge the railway, part of the original Cronkinson Farm planning brief, would make more attractive to cycle/walk. Contribution required towards improving cycle/walking network. Including improvements to London Road/Churches Mansion Roundabout and contraflow cycling on Hospital Street. Should be convenient storage for buggies/cycles, and vehicle speeds in the site should be restricted to 20mph.

7. VIEWS OF THE PARISH COUNCIL

No comment

8. OTHER REPRESENTATIONS

13 letters of objection received from 13, 84, 110 London Road, 14, 19, 41 Newhaven Court 62 Hawksey Drive, 96 Clonners Field, 47 The Beeches, 1 Smithers Close, 8 Birchall Close, 32 Hastings Road and 150 Hospital Street the salient points being:

- No one will rent next to a railway line
- Too many unsold properties in area
- Building should be during sociable hours, and temporary structures during construction could impact privacy
- Impact on privacy from proposed development
- Impact on protected trees, tall oak tree should be protected.
- Loss of trees and shrubs
- Trees habitat for birds
- Access road directly under this tree
- Impact on GCN's
- Existing visitor parking at end of Hastings Road will disappear
- Hastings Road/London Road are already congested – proposals will exacerbate
- Inadequate drainage in area – flooding problems
- Public Footpath at present is not adequate
- Dwelling will result in loss of morning light on 47 The Beeches
- Loss of privacy on properties to the south of the railway
- Impact on bats
- No space for refuge vehicles
- Overdevelopment of site

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (prepared by Arley Homes)

Arboricultural Report (prepared by Pinnacle)

Ecological Survey and Assessment (prepared by ERAP Ltd)

Sustainability Appraisal and Energy Statement (prepared by Arley Homes)

Railway Noise and Vibration Impact Assessment (prepared by Hepworth Acoustics)

Project Evaluation and Affordable Housing Review (prepared by Janes Lang LaSalle)

Geo- Environmental Desk Study – Preliminary Risk Assessment (prepared by Shepherd Gilmour Environment Limited)

Supporting Planning Statement (prepared by HOW Planning)

10. OFFICER APPRAISAL

Principle of Development

The application site has been allocated within the Borough of Crewe and Nantwich Replacement Local Plan 2011 as part of a wider site for residential development. The proposed development of this site for residential development is therefore considered to be acceptable in principle. The main issues in this instance are therefore whether the proposed scheme is of an acceptable design, does not result in any demonstrable harm on the amenity of nearby properties or future occupants, whether the site can be satisfactorily access with an appropriate level of parking provision, whether there would be an adverse impact on Protected Species and Landscape features, and whether there are any other issues relating to affordable housing provision, open space provision, drainage, air quality and contaminated land.

Planning permission was approved, subject to the completion of a legal agreement, for the erection of 34 dwellings on this parcel of land.

Design - Impact on the Character and Appearance of the Locality and Streetscene

The surrounding area comprises a mixture of house types and sizes, ranging from 3 storey terraced properties and apartments immediately to the north within a recent housing development, detached two storey dwellings and bungalows to the west, detached and semi-detached properties to the south and a variety of house types along London Road.

The application proposes a mixture of two storey dwellings (some with dormers in the roofspace) including detached, semi detached and terraced properties. The dwellings would be predominantly red brick, with slate grey tiles, there would also be elements of render finishing, mock Tudor features and tile hanging. It is considered that the proposed mixture of house types would not be at odds with the pattern and design of development in the surrounding area.

The nature of the site, which is a linear plot somewhat constrains the way in which the site can be developed. Notwithstanding this, units 1-8, at the western end of the site, have been design/sited

so that they reflect the pattern of development of those properties to the north. The street has been designed so that it bends and reduces in width to provide more interest in the streetscene. Those properties at the eastern end of the site have been turned so that they face down the street and provide an end stop and vista to the street.

The variety of designs proposed dwellings and variations in the building line provides interest in the streetscene. A feature dwelling is proposed at the entrance to the site which is an appropriate form of development at the head of the Hastings Road vista. Furthermore, the areas of open space also soften and provide interest.

The application site is largely backland development and views from public highways would be limited. The site does back onto a railway line and the proposals would be prominent from this view point. Notwithstanding this, it is considered that the proposed dwellings and layout is of acceptable design which would not cause any detrimental harm on the character and appearance of the streetscene or wider locality.

Impact on the Amenity of adjacent properties and future occupants

Loss of Privacy/Overlooking/Overshadowing

Proposed units 1-8 are sited opposite the second phase of development to the north of the site. There is a minimum spacing distance of 23m between the proposed and existing properties which is considered to be an acceptable spacing standard which would not result in any detrimental harm to the amenities of those properties through loss of privacy or overlooking. The spacing distance between proposed units 9 and 13 to No.66a and the adjacent property would have a minimum spacing distance of 26m which again is considered to be acceptable and exceeds spacing standards.

Unit No.1 would be sited to the rear of No.47 The Beeches. There would be a distance of 16m between the rear wall of No.47 and the flank elevation of the proposed dwelling. It is noted that the occupants of No.47 have confirmed that they have a conservatory to the rear of their dwelling, not shown on the plans. Notwithstanding this, it is considered that there is still a satisfactory spacing distance between the two properties not to cause demonstrable harm to the amenities of that property through overshadowing and overbearing.

Between the rear elevation of the proposed properties 9-15 and the rear garden boundaries of those properties to the north would be a distance of 8-11m. Those properties benefit from large or long gardens and the spacing distance is considered to be adequate not to result in overlooking on those properties. It is not considered that proposed units 16-21 pose any amenity issues on surrounding properties.

There is a distance of over 40m between the proposed properties and those properties to the south of the railway line which far exceeds spacing standards.

Private Amenity Space

The SPD for Development on Backland and Gardens identifies that all new dwellings should have a minimum of 50sqm of private amenity space. In this scheme the proposed private amenity

spaces provided would exceed this level and as such would benefit from an appropriate level of garden space.

Noise

The application site is sited immediately adjacent to a railway line and therefore there is the potential for there to be an amenity issue to future occupants of the proposed dwellings through noise disturbance. An acoustic report has been submitted to support the application. This impact assessment identifies a number of mitigation measures to reduce the impact on these properties through noise. Such measures include acoustic glazing, vents, and acoustic fencing. This can be secured by condition.

With regard to the impact of the proposed development on neighbouring properties during construction a series of conditions relating to construction hours, pile driving and floor floating are suggested.

Vibration

Again the proximity of the proposed development to a railway line has the potential to cause a vibration impact on the proposed properties. The noise and vibration impact assessment identifies that the vibration levels were found to be very low in this location and as such no control measures are required. No objection has been received by Environmental Health on this basis.

Air Quality

The application site is located near to the Hospital Street Air Quality Management Area (AQMA). Due to the scale of the proposed development there is a potential for the scheme to have an impact on the AQMA. Therefore, Environmental Health have requested that an Air Quality Impact Assessment be carried out and be provided prior to the determination of the application. This is being carried out by the applicants and an update on this issue will be provided at Committee

Impact on Highway Safety and Parking

The site would be accessed from Hastings Road and would create a new road along the length of the site. The point of the new road connecting to the existing highway network is as previously approved and as such is considered to be acceptable.

The revised scheme proposes a minimum of 200% off street parking for each property. All of the larger properties to the west (up to plot 11) have at least 300% off street parking provision. It is therefore considered that the proposed level of parking is acceptable and would not result in significant harm to highway safety or lead to a disproportionate level of on street parking. The scheme proposes a mixture of road widths which is encouraged by Manual for Streets. The level of off street parking proposed would reduce the likelihood of on street parking.

Concern has been raised that the proposed scheme would contribute towards congestion in the surrounding road network. These concerns are noted, however it should be reiterated that this is a scheme for a number of dwellings which is less than that previously approved, where no concern was raised, and therefore would have less of an impact on congestion. Furthermore,

there has been no objection raised from the Strategic Highways Manager with regard to congestion issues.

Impact on Protected Species

A Protected Species survey has been submitted to support the application. Within 250m of the site are 3 ponds. Pond 1 which is sited to the south of the railway lines is identified as having a good suitability as a Great Crested Newt habitat and is identified as supporting a small population of Great Crested Newts. The two other ponds are sited to the north of the application site and have a below average and poor suitability. No newts were recorded in these ponds

Part of the application site is located within 50m of pond 1 and is classed as being immediate or core habitat. The scheme submitted with the application proposes the retention of all of the core habitat. Revised mitigation measures have also been submitted which show the creation of 4 hibernaculas within the newt mitigation area. The scheme also includes the creation of a new pond adjacent to the existing pond on the southern side of the railway. The scheme also includes the retention of green corridors between pond 1 and ponds 2 and 3.

The Council's ecologist is satisfied with the creation of a new pond off site (on land within the ownership of CEC), and with the restriction of public access from the proposed core habitat. They have concluded that the proposals will make a considerable contribution towards maintaining a Great Crested Newt population in this area. Conditions are suggested for full details of the pond to be provided, for details of boundary treatment to the conservation area to be submitted and details of gaps under the fencing to be provided to facilitate GCN movements.

Additional conditions are also suggested with regard to carrying development out outside the bird breeding season, unless a survey has been carried, and details to be submitted of features to enhance opportunities for breeding birds and bats.

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,

- 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

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

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."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations. In this instance it is considered that the proposed scheme satisfactorily mitigates against any adverse harm towards the population of Great Crested Newts in this area through the retention and enhancement of core habitat.

Impact on Trees

Concern has been raised with regard to the proximity of the proposed development to trees which are subject to a TPO, furthermore the crown spread of some of these trees would dominant the private amenity space of some properties leading to pressure for their future removal. This would be unacceptable. Amended plans are expected to overcome these concerns and a written update will be provided prior to committee or verbal update at committee.

Provision of Affordable Housing

The scheme proposes 21 dwelling, 6 of which would be affordable housing units. The Interim Planning Statement on Affordable Housing states that there is a requirement for 30% of affordable housing to be provided in schemes of this scale. The provision of affordable housing on this scheme has been demonstrated to be 28.5% provision. This provision is considered to be acceptable and the Council's Housing Officer has raised no objection to the level of provision. The Interim Planning Statement also requires that 65% of the affordable housing units should be social rented whilst the remaining 35% should be intermediate housing. This would therefore be 4 dwellings for rent and 2 dwellings for intermediate housing. This mix has been offered by the applicants. The Council's Housing Officer has stated that there is a higher need for 2 and 3 bedroom properties and as such would prefer a mix of 3 x 2bedroom and 1 x 3 bedroom properties for the social rented units and 2 x 3 bedroom properties for the intermediate tenure.

The affordable housing provision and the mix and type of affordable housing units is considered to be acceptable and can be secured through the completion of a Legal Agreement.

Provision of Open Space

As detailed above, the scheme includes the creation of a large area of open space to the south of the site as new habitat. Notwithstanding this, the scheme also includes additional pockets of formal public open space throughout the site. The level of this open space is considered to be acceptable. The long term management and maintenance of this land can be secured through a Legal Agreement.

Policy RT.3 states that on schemes which are for more than 20 dwellings there is a requirement to provide an additional 20sqm of shared children's play space per dwelling. All the properties within this scheme are considered to be family properties, a large proportion of which are 4 or 5 bedroom properties. It is therefore considered that there is a demand for equipped children's play space to be provided. Due to the new mitigation land required there is limited opportunity within the site for this to be provided. However, a contribution in lieu of this, to provide improvements to a nearby playground adjacent to Pear Tree School could compensate for this. A contribution of £15,000 has been agreed with the applicant as being appropriate in this instance, given the nature of the dwellings involved. This contribution can be secured through a Legal Agreement.

Connectivity to the Public Right of Way Network

A public right of way runs adjacent to the eastern boundary of the site. The submitted scheme shows a new public footpath linking the proposed development to the PROW network. The delivery of this link can be secured through condition and the management of which can be included in the detail of the legal agreement. It is not considered that there would be sufficient justification for wider improvements of the public right of way network from a scheme of this scale.

Contaminated Land

A Phase I Contaminated Land Study has been submitted to support the application. Environmental Health have considered the supporting documentation and have identified that the site is within 250m of a known landfill or site that has the potential to create gas. As the proposals are for a sensitive end use a Phase II investigation would be required. Further intrusive investigations have been recommended in the supporting documentation. This can be secured by condition.

Drainage Infrastructure

Concern has been raised with regard to the impact that the proposed development would have on the local drainage infrastructure. These comments are duly noted, however it is considered that appropriate conditions for foul and surface water details to be submitted can ensure that an appropriate scheme is provided to ensure that there would be minimal impact on infrastructure.

Other Matters

An objection has been raised by Network Rail on the basis that the scheme includes two areas of land within their ownership and no notice has been given to them. The red edge has been amended to exclude one area of land. However, the larger parcel of land alleged to be in the ownership of Network Rail remains. A land registry plan has been provided by the applicants which identifies this land as being within their (the applicants) ownership. This is therefore a civil matter between those two parties.

11. CONCLUSIONS

The application site is an allocated site for housing development as identified within the Local Plan and therefore the proposed development is acceptable in principle. It is considered that the design and layout of the proposed development would cause no significant harm on the character and appearance of the locality. It is considered that there are no amenity or highway safety issues arising. As conditioned the proposed development would not have a significantly adverse impact on Protected Species or trees covered by TPO. It is also considered that the proposed development, as conditioned, is acceptable in all other respects. The proposed development is therefore considered to be in compliance with Policies NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Accessing and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), RES.1 (Housing Allocations), RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in RES.4), TRAN.3 (Pedestrians), TRAN.5 (Provision for Cyclists), TRAN.9 (Car Parking Standards) and RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

12. RECOMMENDATIONS

Subject to receipt of receiving a satisfactory amendments to the site layout in relation to proximity of dwellings/gardens to crown spread of protected trees, and satisfactory Air Quality Impact Assessment being received, APPROVE subject to the completion of a section 106 agreement for:

- 1. Provision of on-site affordable housing of 6 dwellings, including 4 units (3 x 2 bed and 1 x 3 bed) for rent and 2 units (2 x 3 bed) for intermediate tenure;**
- 2. Provision of a financial contribution of £15,000 towards off site equipped play space; and,**
- 3. Maintenance of areas of Public Open Space and Newt Mitigation Land**

The approved development shall be subject to the following conditions:

- 1) Commencement of Development (3 years)**
- 2) Approved Plans**
- 3) Materials to be submitted**
- 4) Surfacing materials to be submitted**
- 5) Detailed Landscaping Scheme to be submitted**
- 6) Landscaping Scheme Implementation**

- 7) Tree protection measures to be submitted**
- 8) Details of no dig technique and construction method to be submitted**
- 9) Details of Boundary treatment to be submitted**
- 10) Details of Pond to be provided on land to south of railway including construction methods**
- 11) Details of boundary treatment to newt mitigation area to be submitted and retained**
- 12) Details of newt holes in fence to be submitted and retained**
- 13) Development to be carried out outside Bird Breeding Season (unless survey carried out)**
- 14) Details of bird/bat enhancement measures**
- 15) Parking to be available prior to occupation**
- 16) Full detail of noise mitigation measures to be submitted including the position/design of any acoustic fencing**
- 17) Hours of construction**
- 18) Hours of pile driving**
- 19) Hours of floor floating**
- 20) Phase II Contaminated Land Survey**
- 21) Removal of Permitted Development Rights for Extensions (Class A and B)**
- 22) Details of foul and surface water drainage**



THE SITE