

Application No: 12/1488N

Location: LAND OFF MARSH LANE, NANTWICH, CHESHIRE, CW5 5LD

Proposal: Reserved Matter Planning Application Relating to Outline Permission P05/0121 for the Erection of 13no. Detached Dwellings, Parking and Amenity Space; and the Retention of Public Open Space/Childrens Playground

Applicant: Elan Real Estate Ltd & British Waterways

Expiry Date: 13-Jul-2012

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

- The acceptability of the Layout, Scale, Appearance and Landscaping
- Impact on adjoining residential amenities
- Impact up highway safety/parking
- The impact upon ecology
- The impact upon flooding

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it involves a residential development of more than 10 dwellings.

DESCRIPTION OF SITE AND CONTEXT

The application site is located on the northwestern side of Marsh Lane within the Nantwich Settlement Boundary. The site is currently an undulating area of open scrub land which borders the Shropshire Union Canal to the west, is enclosed on 2 sides (south and east) by a recreational open space and an equipped children's playground (which has been protected by a S106 agreement) and is bound to the north by residential properties.

DETAILS OF PROPOSAL

A Reserved Matters application has been submitted seeking permission for the erection of 13 detached dwellings. The application is a re-submission of planning permission 12/0222N which was refused in March 2012 on amenity grounds, specifically the impact of visual intrusion and overshadowing upon No.44 Marsh Lane. As part of the re-submission, in order to alleviate these

issues, the applicant has proposed a revised, smaller house type on the plot adjacent to this neighbouring dwelling and has also reduced the ground levels of the site.

The outline permission (P05/0121) was subject to a Section 106 Agreement which was signed in December 2011. The S106 Agreement related to playground improvements and its maintenance, the creation of a public footpath and keeping and maintenance of the Public Open Space. A new access point is proposed through the middle of the Public Open Space.

RELEVANT HISTORY

12/0222N - Reserved Matters Application for 13 No. Detached Dwellings, Parking and Amenity Space and the Retention of Public Open Space/Children's Playground including Appearance, Landscaping, Layout, Scale and Access Following Outline Approval of P05/0121 – Refused 30th March 2012

11/2370N – New detached house, garage, driveway (44 Marsh Lane) – Withdrawn 15th September 2011

P05/0121 - Outline Application for Residential Development and Retention of Existing Public Open Space/Children's Playground (Amended Plans) – Approved 9th December 2011

POLICIES

National policy

National Planning Policy Framework (NPPF)

Local Plan Policy

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

BE.4 - Drainage, Utilities and Resources

BE.5 - Infrastructure

RES.2 - Unallocated Housing Sites

RES.3 - Housing Densities

RT.2 – Equipped Children's Playgrounds

RT.3 – Provision of Recreational Open Space and Children's Playspace in New Housing developments

NE.9 - Protected Species

Other Material Considerations

Supplementary Planning Document on Development on Backland and Gardens

CONSULTATIONS (External to Planning)

Highways – No comments received at time of report

Previous comments: No objections, subject to there being a minimum of two spaces per dwelling, a section 38 agreement ensuring the new access road is to adoption standards and improvements to a nearby bus stop being secured (23/02/2012)

British Waterways – No comments received at time of report

Previous comments: No objections (28/02/2012)

Environmental Health – No objections, subject to conditions in relation to hours of construction, hours of piling, lighting and an informative with regards to contaminated land

United Utilities – No comments received at time of report

Previous comments: No objections, subject to a condition that the site must be drained on a separate system (21/02/2012)

Countryside Rights Of Way Office (Cheshire East Council) – No objections, subject to an informative regarding the applicants obligations

Greenspace (Cheshire East Council) - No comments received at time of report

Environment Agency - No objections

Housing (Cheshire East Council) – No objections, development does not trigger an affordable housing requirement (15 dwellings)

Sustrans – Request a high quality pedestrian/cycle route

Shrewsbury & North Wales Branch of the Inland Waterways Association – No comments received at time of report

Previous Comments: No objections, subject to conditions relating to the development of the footpath link and an adequate amount of mooring space (07/02/2012)

VIEWS OF THE TOWN COUNCIL:

Nantwich Town Council – No comments received at time of report

Previous comments: Have concerns regarding the potential over domination and overlooking on No.44 Marsh Lane. Also request a condition with regards to construction traffic (05/03/2012)

OTHER REPRESENTATIONS

No.44 Marsh Lane – Has concerns regarding the impact of the development upon a tree in his garden

APPLICANT'S SUPPORTING INFORMATION

Planning Statement

Design & Access Statement
Site Waste Management Plan
Flood Risk Assessment
Phase II Ground Investigation Report
Gas Protection Assessment
Landscaping Layout
Statement of Community Involvement
Phase 1 Habitat Survey
Breeding Bird Survey
Finish Schedule
Tree survey
Arboricultural Development Report
Level reduction drawing
Drainage proposals
Topographical Land Survey
Incursion Plan

OFFICER APPRAISAL

Principle of Development

As the proposed development is a reserved matters application, the principle of the development has already been established with the approval of the outline planning application (P05/0121) which included means of access to the site. As such, this application seeks approval for the subsequent detail of the application, namely the layout, landscaping, appearance and scale.

The recently published National Planning Policy Framework replaces PPS3 and one of its core principles is that planning should; *“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.”* In addition it states that local authorities should; *“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.”*

Layout

The housing scheme consists of 12 detached, two-storey dwellings and 1 detached dormer bungalow, located on the northwestern side of Marsh Lane, Nantwich. The houses would be erected in a linear pattern, following the line of Marsh Lane. 10 of the new dwellings would be positioned towards to the rear of the site, approximately 20 to 25 metres to the southeast of the Shropshire Union Canal to the rear, and approximately 20-55 metres in from Marsh Lane. These 10 properties would face in a south easterly direction towards Marsh Lane and would front onto a proposed new access road. 3 of the new dwellings proposed would be positioned towards the front of the site approximately 25 to 30 metres in from Marsh Lane. 2 of these would back onto

Marsh Lane and the third would be side on and form a corner plot on the new access road proposed. Access to the site shall be via a new access road located opposite No.85 and No.87 Marsh Lane.

It is advised within the submitted Design & Access Statement that the layout has been arranged to take into account the shape of the site and has taken influence from the pattern, form and appearance of housing in the adjacent residential areas.

The properties on the opposite side of Marsh Lane are erected in a linear pattern following the line of the road and front onto Marsh Lane. They consist of a mixture of two-storey, semi-detached and terraced properties. To the northeast, adjacent to the site, are 2 detached, two-storey dwellings to the rear of which are a number of modern detached dwellings on Cartlake Close. As such, the immediate area is characterised by a mixture of two-storey development of different forms and patterns, therefore it is considered that the addition of 13 detached dwellings would not appear incongruous within the area.

In relation to separation distances, the development meets the appropriate distance standards with the exception of the proposed dwellings on plots 3 and 5, and 6 and 2. However, given the relationship between these proposed dwellings, these are considered acceptable in this instance. Furthermore, these separation distances only just fall short of the appropriate standards. As a result of the above reasons, it is considered that the layout of the proposed scheme is acceptable.

With regards to the amount of amenity space provided, the smallest of the rear gardens proposed measures approximately 68 metres squared, which is also considered to be acceptable.

Landscaping

The land slopes down from the canal to the road but is undulating and several areas are mounded. There is a small group of trees to the northwest of the site and a belt of trees/shrubbery vegetation running close to Marsh Lane frontage including Hawthorne, Elder, Willow and Hazel which has not been managed for some time.

The Council's Landscape Officer has advised that *'the development would require the removal of an area of trees/ scrub on the Marsh Lane frontage to create an access and accommodate the development and trees in the northwest corner of the site.'* The Landscape Officer goes on to state that although this scrub may provide a degree of ecological benefits, *'The vegetation is not outstanding.'*

Amenity concerns had been raised about a strip of land approximately 10 metres in depth between the canal towpath and the rear gardens of the proposed dwellings that would back onto the canal. Subsequent correspondence has been had between the developer, British Waterways and the Council and it has been agreed that British Waterways are happy to plant further screening towards the rear of the site to soften the impact of the scheme when viewed from the canal. This is now detailed within the latest Landscaping plan.

In terms of the impact upon trees, concerns have been raised by the occupiers of No.44 Marsh Lane about the impact of the development upon a Red Horse Chestnut tree that falls within this neighbour's rear garden and overhangs the development site. The Landscape Officer has

advised that although the tree is attractive from a distance, it is not exceptional and has no formal protection.

In terms of the proposed landscaping scheme, the applicant proposes to provide a degree of screening on the boundary between the development plot and No.44 Marsh Lane. The Council's Landscape Officer has advised that whilst a reasonable landscaping scheme is proposed, *'it is unlikely to have any significant impact in mitigating for potential overbearing/overlooking impacts and should not be relied upon in this respect.'* These impacts will be assessed in the amenity aspect of the report. As such, once the implementation of the proposed landscaping scheme is conditioned, it is considered that the landscaping of the site shall be acceptable.

Appearance/Design

All of the proposed 13 dwellings would be detached and consist of one of 6 different designs entitled; Brampton, Bunbury, Oakham, Southwold, Healy and one individually designed dormer bungalow.

There are 5 Brampton style units proposed. These units have a footprint of approximately 73 metres squared, are approximately 7.2 metres tall, have dual pitched roofs, a gable on the front elevation and a half dormer, an integral garage and a ground floor bay window.

There are 2 Bunbury style units proposed. These units have a footprint of approximately 59 metres squared, are approximately 7.5 metres tall, have dual pitched roofs and central a gable on the front elevation and detached garages.

There are 2 Oakham style units proposed. These units have a footprint of approximately 96 metres squared, are approximately 8 metres tall, have dual pitched roofs and a half dormer and integral garage on the front elevation.

There are 2 Southwold style units proposed. These units have a footprint of approximately 64 metres squared, are approximately 7.7 metres tall, have dual pitched roofs and a half dormer and an integral garage on the front elevation.

There is 1 Healy style unit proposed. This unit would have a footprint of approximately 72 metres squared, be approximately 7.8 metres tall, have a dual pitched roof and a half dormer and an integral garage on the front elevation.

The 1 individual dormer bungalow would have a footprint of approximately 67 metres squared, be approximately 6.8 metres tall, have a dual pitched roof and two dormers in the rear elevation.

12 of the 13 dwellings would be two-storey in nature and would include features such as dual pitched roofs, bay windows and porches which are present on nearby properties ensuring that the houses proposed would respect the character of the immediate area. The one dormer bungalow, would incorporate many of the features of the other dwellings and would not appear incongruous.

The submitted Design and Access Statement states that the materials to be used shall be traditional and simple in order to fit in with the local character of the area. Within the submitted external finishes schedule, it is advised that all of the units shall be constructed from contrasting red bricks, a buff coloured art stone and a natural mortar finish. All of the dwellings would have roofs with Marley Interlocking tiles. The fenestration, Bargeboards, Soffits and Fascias would all be finished in white uPVC fenestration.

It is considered that these finishes would respect the character of the immediate area and are deemed to be acceptable.

Scale

Properties on the opposite site of Marsh Lane are all two-storey in nature and approximately 7-8.5 metres tall and have footprints between 43 and 77 metres squared. The adjacent property to the northeast, No.44 Marsh Lane is also two-storey and is approximately 8-8.5 metres tall with a footprint of approximately 194 metres squared. No.12 Cartlake Close is also two-storeys tall with a height of approximately 8.5-9 metres and a footprint of approximately 121 metres squared. This general assessment shows that the footprint sizes of the nearby dwellings range from 43 to 194 metres squared a range within which all of the new properties proposed would fall within.

All of the surrounding dwellings are two-storey in nature and have heights between 7 and 9 metres, also a range within which the majority of the proposed new dwellings would fall within. It should be noted that Condition 5 on the approved application P05/0121 stated that the new dwellings should be two-storeys in nature and should not exceed 8.5 metres in height. This condition would be adhered to by this proposal.

As a result of the above assessment, it is considered that the scale of the proposed dwellings is acceptable.

Access

The proposed access to the site was agreed to at the outline stage of the application; however a number of highway's conditions were proposed. These conditions (Conditions 9, 10 & 11) included; details of the access to be submitted and approved prior to the occupation of the dwellings, that acceptable visibility splays are agreed too and that the provision of parking of 1.5 vehicles per unit within the boundary of the site are achieved.

The Design & Access Statement advises that the site would be served by an adoptable internal road and shared private drives. 2 car parking spaces are proposed per dwelling, which would adhere with the outline Condition 11. There would be a mixture of garage types proposed both integral and external. It is advised that these garages are all set far enough back from the roads to ensure that the garage doors can be opened and closed whilst a car is parked in the driveway.

The Council's Highway's Officer, as part of the previous application advised that he had no objections to the development subject to conditions relating to parking space allocations, the extent of the proposed adopted turning head and improvements to a nearby bus stop. In response to these conditions, 2 parking spaces per dwelling are proposed as part of the development; however, in order to retain such spaces, it is proposed that permitted development rights are removed. Private driveways, which at their most intensive use would be serviced by 5 dwellings is deemed to be acceptable if not adopted. In relation to the proposed improvement to a nearby bus stop, such a request at this stage of the application is deemed to be unreasonable given that a S106 agreement has already been agreed as part of the outline application. As a result, subject to the removal of permitted development rights, the access of the development is considered to be acceptable.

Amenity

The neighbours that would be most impacted by the proposed development would be No.44 Marsh Lane to the northeast of the site and No.12 Cartlake Close to the north of the site. The

properties on the opposite site of Marsh Lane are all 42 metres away or more, a distance deemed to be acceptable so not to create any issues in relation to loss of privacy, loss of light or visual intrusion.

The closest property to No.44 Marsh Lane would be the dwelling on plot No.3 which would be approximately 11 metres away. At present, between No.44 and this proposed dwelling is the neighbour's driveway and on the opposite side of the boundary an approximately 3 metre tall mound. On the relevant side elevation of the dwelling on plot No.3 no windows are proposed. On the side elevation of No.44 Marsh Lane there are 4 openings. At first floor level there is a secondary bedroom window, at ground floor level there is an obscurely glazed window to a garage, a solid garage door and a secondary window to a lounge. On the rear elevation of this neighbouring property, there are 8 openings. At first floor level there is a secondary bedroom window, an obscurely glazed en-suite window and two other bedroom windows. At ground floor level there are a set of patio doors to a lounge, a set of patio doors to a dining room and a window and door to a kitchen.

Due to the relationship between the proposed dwelling on plot No.3 and no.44, and the lack of any openings on the relevant side elevation of the proposed dwelling there will be no direct privacy/overlooking issues created to this side. Furthermore, the land level on which the dwelling is proposed will be lowered and screen planting is proposed on this boundary. As such, subject to the appropriate boundary treatment being conditioned, it is considered that the proposal would be acceptable from a privacy perspective with regards to this neighbour.

The proposed new dwelling on plot No.3 would be to the southwest of No.44 and be in an elevated position, there is the potential for loss of light to be created in the late afternoons and summer evenings. However, due to the offset siting of the proposed unit, any loss of light would be created largely to the side elevation of this neighbouring property. As the side elevation of No.44 Marsh Lane only includes either openings to a garage (which is not classified as a principal habitable room), or secondary openings to habitable rooms which would gain light from other windows, it is not considered that the impact of loss of light would be significant.

Given that the proposed dwelling would now be approximately 11 metres away from No.44 and is now a smaller house type than the previous refusal, it is not considered that the visual intrusion created to this side would be significant enough as to warrant refusal of this latest application.

Due to the distance of the dwelling proposed on plot number 4 from this neighbouring unit (approximately 30 metres), the fact that the closest aspect of this proposed dwelling would be single-storey in nature and because of the proposed screen planting, it is not considered that the proposed dwelling on plot number 4 would have a detrimental impact upon No.44 Marsh Lane by reason of loss of privacy, loss of light or visual intrusion.

The closest property to No.12 Cartlake Close would be the dwelling on plot No.4 which would be approximately 25 metres away. Due to this separation distance, it is not considered that the development would have a detrimental impact on the occupiers of this property by reason of loss of privacy, visual intrusion or loss of light.

In order to protect the amenities of surrounding properties, the Council's Environmental Health department have advised that should the application be approved, conditions relating to hours of

construction, hours of piling and details of any external lighting be added to the decision notice. These conditions shall be recommended accordingly.

In summary, it is considered that subject to the appropriate boundary treatment being conditioned, the development would adhere with Policy GR6 of the Local Plan and therefore be acceptable from an amenity perspective.

Ecology

As part of the approved outline permission, an extended phase 1 habitat and tree survey was submitted. Condition 12 of P05/0121 advises that the development shall be carried out in full accordance with the recommendations of this survey in order to safeguard any protected species that may be present on the site and in order to mitigate for any loss of valuable natural habitats. As part of this submission an updated survey has been submitted. Furthermore, a breeding bird's survey has been completed.

The Council's Ecologist advised as part of the previous application that subject to conditions relating to the protection of nesting birds, the incorporation of features for breeding birds and the retention of the original condition within the outline permission requiring that the development accords with the latest extended habitat survey recommendations, he has no objection to the development.

Flooding/Drainage

The Environment Agency have confirmed that their stance has not changed since the previous application and consider that *'the risks posed to controlled waters to be acceptable and have no objection to the planning permission.'*

Also, as part of the previous application, United Utilities raised no objection to the development subject to a condition that the site must be drained on a separate system, with only foul drainage being connected into the foul sewer. As such, subject to the implementation of this condition, the impact of the development upon flooding and drainage is deemed to be acceptable.

Other Matters

Since the submission of the last planning application (12/0222N), the occupiers of No.44 Marsh Lane have submitted a planning application for a new dwelling in their rear garden. As such, both this application and the neighbour's application are running concurrently. In the assessment of this application, the impact of this scheme upon this proposed new dwelling is a material consideration.

The gap between the proposed new dwelling in this neighbour's garden and the dwelling on plot No.4 is approximately 2.5 metres to the closest point (garage) and approximately 5.5 metres from the main element of the house. On the side elevation of the dwelling on plot No.4 there is one opening proposed which would be obscurely glazed. On the relevant side elevation of the new dwelling in the garden of No.44 Marsh Lane, there are 3 ground floor windows which serve a garage and a study. 3 roof lights are proposed in the roof space on this elevation.

Given that the only window on the side elevation of the property on plot number 4 would be obscurely glazed, it is not considered any privacy issues would be created for the occupiers of this new dwelling (if approved). Furthermore, boundary treatment could help mitigate against any overlooking from the garden of the dwelling on plot No.4.

This new dwelling would be to the northeast of the plot No.4 and there is a potential for a loss of light to be created for this neighbour towards the end of each day. However, given that the windows impacted upon this proposed new house do not serve principal habitable rooms, it is not considered that any loss of light created to this side would have a significant impact upon this neighbour's amenity.

Due to the non-principal nature of the windows impacted on this proposed neighbouring dwelling and because the closest aspect of the dwelling proposed on plot No. 4 would be single-storey in nature, it is not considered that the visual impact would be significant.

As such, it is considered that should the proposed new dwelling on the adjacent land be permitted, the impact upon its amenity would not be significantly impacted.

CONCLUSIONS

The principle of the development has already been established with the approval of an outline permission which also gained approval for access. It is now subsequently considered that the scale, appearance, landscaping and layout of the scheme are also acceptable. It is considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, flooding or drainage and therefore adhere with the Policies RES.2 (Unallocated Housing Sites), NE.8 (Sites of Local Importance for Nature Conservation), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), RT.1 (Protection of Open Spaces with Recreational or Amenity Value) and RT.2 (Equipped Children's Playgrounds) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

RECOMMENDATION:

APPROVE subject to conditions

- 1. Time (Standard)**
- 2. Plans**
- 3. Materials as per application**
- 4. Hours of construction**
- 5. PD Removal (A to D)**
- 6. PD Removal (Garage conversions)**
- 7. Obscure glazing (kitchen windows on plot 4)**
- 8. Landscaping (Implementation)**
- 9. Tree protection implementation**
- 10. Boundary treatment**
- 11. External Lighting**
- 12. Structural stability of canal bank in accordance with survey**
- 13. Site to be drained on a separate system**
- 14. Development in accordance with Extended Habitat survey**

15. Nesting birds**16. Breeding birds****Informative**

1. The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.
2. The Council's Public Rights of Way Team would like to remind you of your obligations with regards to the public right of way.
 - a) No building materials must be stored on the right of way
 - b) Vehicle movements must be arranged so as not to interfere with the public's use of the way
 - c) The safety of members of the public using the right of way must be ensured at all times
 - d) No additional barriers (e.g. gates) are to be placed across the right of way
 - e) There must be no diminution in the width of the right of way available for use by members of the public
 - f) No damage or alteration must be caused to the surface of the right of way
 - g) Wildlife mitigation fencing must not be placed across the right of way

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