

Application No: 12/2225C

Location: LAND AT 50A, NANTWICH ROAD, MIDDLEWICH, CHESHIRE, CW10 9HG

Proposal: Residential Development Comprising Demolition of Existing Bungalow & Outbuildings & Erection of 24 Dwellings Including Access, Parking, Landscaping & Associated Works

Applicant: P E Jones (Contractors) Limited

Expiry Date: 17-Oct-2012

**SUMMARY RECOMMENDATION:**

**Approve subject to conditions and the satisfactory completion of a Section 106 Legal Agreement**

**MAIN ISSUES:**

**Planning Policy And Housing Land Supply**

**Affordable Housing**

**Highway Safety, Congestion And Traffic Generation**

**Tree Matters**

**Ecology**

**Site Layout and Design**

**Neighbours Amenity**

**REASON FOR REFERRAL**

The application is included on the agenda of the Southern Planning Committee as the proposal is for more than 10 dwellings and is therefore a small-scale major development.

At the last meeting the application was deferred for further information regarding the proposed construction access off Nantwich Road. Concern was made regarding whether the access was wide enough, was it a safe access, and why was it not suitable as a permanent access to the site. Members also asked whether the affordable dwellings could be pepper potted around the site.

Information and an access plan have recently been submitted to Officers for consideration. An assessment of this plan is being undertaken by Highway officers and therefore formal comments will follow in the update report.

**DESCRIPTION OF SITE AND CONTEXT**

This application relates to a derelict bungalow with an extensive garden and orchard which has been left unmanaged in the last few years. There are 2 outbuildings within the grounds comprising a single storey brick garage and shed.

The site is surrounded on all sides by residential development. To the north, northeast and west there are modern detached dwellings on Glastonbury Drive and Tewkesbury Close. To the south east the site surrounds the detached dwelling and ancillary outbuilding (2 storey) within no 50 Nantwich Road. The site extends along Nantwich Road to Mill Lane, an unadopted track which serves a small number of dwellings.

There are a number of significant mature trees within the site which are covered by the Congleton Borough Council (Nantwich Road, Middlewich) Tree Preservation Order 1975, including a group of Lime trees to the Nantwich Road frontage of the site.

The Glastonbury Drive access to the modern housing estate is the sole access from Nantwich Road and currently serves a total number of 128 dwellings presently within Glastonbury Drive, Tewkesbury Close, Lindisfarne Close, Welbeck Close and Fountains Close.

The site is situated within the settlement zone line of Middlewich as designated in the adopted Congleton Borough Local Plan First Review (2005).

## **DETAILS OF PROPOSAL**

Full planning permission is sought for the demolition of the existing bungalow on the site and the construction of 24 residential units. The numbers of units within the scheme has been reduced since original submission from 27 to 24 units.

The residential mix is:

- 13 no 4 bedroomed houses (2 storey)
- 2 no 3 bedroomed houses (2 storey)
- 9 no 2 bedroomed houses (2 storey)

The proposed access is to be formed adjacent to 28 Tewkesbury Close as a continuation of the estate to the rear of the site and is taken from Tewksbury Drive via Glastonbury Drive. Overall, with this proposal included, Glastonbury Drive would serve a total of 152 residential units.

## **RELEVANT HISTORY**

12/0334C - Residential Development Comprising Demolition of Existing Bungalow & Outbuildings & Erection of 28 Dwellings Including Access, Parking, Landscaping & Associated Works - Withdrawn

## **POLICIES**

### **Regional Spatial Strategy (RSS)**

DP1            Spatial Principles

DP2	Sustainable Communities
DP 3	Promote Sustainable Economic Development
DP 4	Make the Best Use of Existing Resources and Infrastructure
DP 5	Manage Travel Demand; Reduce the Need to Travel
DP 6	Marry Opportunity and Need
DP 7	Promote Environmental Quality
EM11	Waste Management Principle
EM2	Remediating Contaminated Land
EM5	Integrated Water Management)
EM18	Decentralised Energy Supply
MCR3	Southern Part of the Manchester City Region
L2	Understand Housing Markets
L4	Regional Housing Provision
RT2	Managing Travel Demand)
W3	Supply of Employment Land)

### **Cheshire Replacement Waste Local Plan (Adopted 2007)**

Policy 11 (Development and waste recycling)

### **Local Plan Policy**

PS4	Towns
GR21	Flood Prevention
GR1	New Development
GR2	Design
GR3	Residential Development
GR5	Landscaping
GR6	Amenity & Health
GR7	Amenity & Health
GR8	Pollution
GR9	Accessibility, servicing and parking provision
GR18	Traffic Generation
GR19	Infrastructure
GR22	Open Space Provision
H1	Provision of New Housing Development
H2	Provision of New Housing Development
H4	Residential Development in Towns

### **Other Material Considerations**

The National Planning Policy Framework (NPPF)

SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in Residential Developments
SPD4	Sustainable Development

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

## Middlewich Town Strategy

### CONSULTATIONS (External to Planning)

**Environmental Health:** No objection subject to conditions concerning hours of work, mitigation strategy for building works to minimise dust, noise

**Strategic Highways Manager:** No objection subject to conditions concerning construction access methodology and a S106 contribution of £30000 to assist in improving the pedestrian environment on Nantwich Road and providing improved pedestrian linkages to the town centre and waiting restrictions on Glastonbury Drive.

**Nature Conservation Officer (NCO):** No Objection subject to the implementation of a mitigation strategy for reptiles (Biodiversity Action Plan) species and replacement foraging habitat for bats.

**United Utilities :** No objection subject to conditions concerning site to be drained on separate system

**Forestry Officer -** Raises no objection subject to conditions concerning tree protection for TPO trees on Nantwich Road frontage

**Housing Strategy and Needs Manager –** No objection subject to the provision of 30% Affordable Housing being provided.

**Education –** Education Contribution is not required in this case

**Green space Manager -** There is a deficiency in the local area, however, in the light of the limited size of the site, provision of off site works (enhancement of this existing area of Amenity Greenspace) at Fountain Fields are acceptable in terms of the Interim Guidance.

Enhanced Provision:	<u>£ 3,909.42</u>
Maintenance:	<u>£ 8,750.50 (25 years)</u>

There would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision. The financial contributions sought from the developer would be;

Enhanced Provision:	<u>£10,621.22</u>
Maintenance:	<u>£22,089.00 (25 years)</u>

### VIEWS OF THE TOWN COUNCIL:

Middlewich Town Council has reconsidered their position and now object to the proposal. In their opinion, the site is not allocated within the Town Strategy. Therefore, in supporting the Strategy, and in the interests of consistency the Town Council cannot now support this application.

### OTHER REPRESENTATIONS:

A petition containing 117 signatories with addresses in Glastonbury Drive, Tewkesbury Close, Malmsesbury Close, Buckfast Way, Welbeck Close has been submitted which states that they consider access should be via Nantwich Road and not through the estate.

35 letters and emails of objection have been received from residents in the immediate vicinity of the site, including addresses within the existing estate and properties on Nantwich Road. The comments can be read in full on the website but raise the following concerns:

### **Principle**

- The houses are not needed when so many remain unsold.
- Affordable, smaller units are not pepper-potted, focussed in one area of site
- Over-development
- Too much development in the area

### **Highways**

- Additional traffic generated - all to Glastonbury Drive/Nantwich Road junction
- Increased volume of traffic
- Safety – Nantwich Road is ambulance priority route
- Additional queuing to get onto Nantwich Road at peak time
- Disturbance during building work through estate
- Parking congestion at the junction with Nantwich Road is already a problem, further additional traffic will add to existing safety problems at the junction
- Construction traffic accessing the site via the shared access adjoining 50 Nantwich Road as proposed will be dangerous and dirty and injurious to the amenity of adjoining residents
- The access at 50 Nantwich Road is shared by 5 properties whose consent has not been sought
- Safety of pedestrians on Nantwich Road

### **Infrastructure**

- Local schools cannot accommodate the additional children.
- Local doctors can not accommodate more patients

### **Amenity**

- Loss of outlook / views of open area
- Loss of privacy to houses adjacent
- Overdeveloped, cramped layout
- Design is out of character with area and overly prominent
- Loss of light to windows within ancillary outbuilding to 50 Nantwich Road
- Increased noise from parking area in neighbouring garden
- Overlooking from windows of new houses into adjoining dwellings
- Social and play areas should be included
- Boundary treatment long term security

**Trees**

- Impact upon root protection areas of trees outside site in neighbours property
- Impact upon trees within the site
- Arboricultural Report of poor quality
- Lack of consideration of implications for important off site trees and hedges
- Loss of the trees to form the site access (non protected but mature trees which are of high amenity value to locals)
- It would be of greater benefit to residents to remove the TPO trees on the frontage to form the access via Nantwich Road

**Ecology**

- Impact upon protected species

**Drainage**

- Services will be an extension of existing in Tewkesbury Drive. Residents have experienced problems in the past, further development will put strain on services

Similar comments are made to the amended plans particularly in respect of the impact on trees, overlooking, and the fact that the affordable units are not pepper potted through the site.

**APPLICANT'S SUPPORTING INFORMATION:**

A full package of supporting information has been submitted with the application including;

- Supporting Planning Statement
- Design and Access Statement
- Ecological Assessment and Mitigation Statement
- Transport Assessment
- Phase 1 Contamination Assessment
- Arboricultural Assessment
- Draft Heads of Terms

All of these documents are available in full on the planning file, and on the Council's website.

**OFFICER APPRAISAL****Principal of Development**National Planning Policy Framework

Members will be aware that The National Planning Policy Framework published in March 2012 superseded a number of National Planning Policy Statements and consolidates the objectives set within them. The Framework sets out a presumption in favour of sustainable development.

Paragraph 49 advises that;

*“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”*

Members will be aware that the Council do not currently have a 5 year supply of housing for the Borough and therefore attention should be had to the requirements of paragraph 14 of the NPPF which advises that when Councils are decision taking, they should:

*“Approve development proposal that accord with the development plan without delay, and*

*Where the development plans is absent, silent, or relevant policies are out of date they should grant planning permission unless;*

- ***any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessing against the policies in this framework taken as a whole; or***
- *Specific policies in this framework indicate development should be restricted”*

Notwithstanding this requirement, this scheme is located within an existing residential area, close to a range of local amenities and is considered to be highly sustainable. Accordingly, there is an in principle presumption in favour of the development in accordance with paragraph 49 of the NPPF.

The application therefore turns on whether there are any adverse impacts that would so significantly and demonstrably outweigh the presumption in favour of the development.

These issues are considered below.

### **Impact on character and appearance of the area**

Local Plan policies GR1, GR2 and GR3 address matters of design and appearance Policy GR1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy GR1 requires new residential development to create an attractive, high quality living environment. Policy GR2 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

This proposal, as amended, comprises a small development of 24 no. two storey dwellings which are a mix of detached, semi-detached and small number of terrace blocks arranged around a cul-de-sac road. Plot sizes are smaller than the existing 1980's/1990's housing estate which adjoins most boundaries of the site, however, the density is more in keeping with modern day requirements to ensure the efficient use of land, particularly in the most sustainable of locations. The modern estate itself has a mixed residential character, with modern bungalows, and 2 storey 4-bedroomed detached style modern properties predominating within the Tewksbury Drive estate layout. To Nantwich Road the properties

are older, Edwardian terraced housing and Nantwich Road. Most of the site is discreetly located behind the sizeable house, ancillary 2 storey coach-house at 50 Nantwich Road. A Group of TPO protected Lime trees are retained to the Nantwich Road frontage. A path linking Nantwich Road and the site is provided through the tree belt where a detached dwelling fronting onto Nantwich Road adds to passive surveillance.

The cul-de-sac layout of houses would be broken-up by the use of seven varieties of house styles within the layout of the dwellings, parking is set generally behind the building lines for the detached dwellings. Smaller terraced units to the west of 50 Nantwich Road present their rear elevation to the Nantwich Road facing elevation, however, this part of the site has been revised by the Applicant during the course of the application and is now considered to be acceptable.

The density is circa 35 units per hectare which is considered an efficient use of the site. The height, scale, massing and coverage of the proposed dwellings is considered appropriate having regard to the similar heights and scale of surrounding properties.

It is considered that the proposed development would adequately reflect the local mixed character and the overall scale, density, height, mass and materials of the dwellings would be sympathetic to the character of the local environment and would comply with policies GR1, GR2 and GR3 of the Local Plan.

### **Highways – safety, access and congestion**

Car borne traffic will access the site via the existing network Glastonbury Drive and Tewksbury Close. Both Glastonbury Drive and Tewkesbury Close have carriageway widths of 5.5 metres and two 2 metre footpaths. National criteria and the Design Aid for Housing Roads categorise such a standard as appropriate to serve up to 300 residential units. The current estate access via Nantwich Road serves a total of 128 residential units presently. The proposal will result in 24 additional properties (152 units in total are proposed to be served)

It is clear therefore that when considered against national and local guidance that the existing road and access infrastructure of the estate is considered appropriate to serve up to 300 dwellings

The trip rates for the proposed development show that the traffic generation for the two busiest hours are as follows:

a.m. peak (08.00 – 09.00): 17 vehicles ( 5 in and 12 out)

p.m. peak (17.00 – 18.00): 19 vehicles ( 12 in and 7 out)

On average this traffic generation equates to one vehicle every three minutes in the two peak hours. The Traffic Statement expresses the opinion that this level of traffic generation is negligible and will have no material effect on the traffic capacity of the estate roads or indeed on the junction capacity of Glastonbury Drive with the A530.



The Strategic Highways Manager has considered the trip rates and agrees that they are both appropriate and robust for this type and scale of development.

There are numerous objections from residents within Glastonbury Drive, Tewkesbury Close and the other streets within the estate which raise highway safety concerns about the ability of Glastonbury Drive/Tewkesbury Close to cope with the additional traffic and raising safety concerns about the operation of the junction of the access and Nantwich Road. Many people raise existing on street parking in close proximity to the main road junction as being an impediment to the free flow of traffic and objectors express concern that this proposal will exacerbate this situation.

Clearly it is important that traffic generation is taken in context and the traffic generation figures provided in the Traffic Statement submitted with the application show that the busiest hours are significantly lower in traffic generation than at first it may seem with only one additional vehicle every 3 minutes attributable to the proposal.

Construction traffic is another common concern and it is understandable that local residents would rather not see these vehicles using the estate road for construction access. The Applicant has stated that they would be willing to access the site via the track adjoining no 50 Nantwich Road for the duration of the development, however, this will impact upon the phasing of the delivery of the affordable dwellings within the development. Neighbours on Nantwich Road have stated that this shared access will require their consent. This is legal matter.

The junction of Glastonbury Drive with the A530 is also a concern for residents. In particular they raise the fact that local residents from Nantwich Road who have no off-road parking tend to park in the initial length of Glastonbury Drive and cause some obstruction to vehicles leaving and entering the estate.

Neighbours also express concern that traffic turning into Glastonbury Drive and meeting an egressing vehicle which is overtaking a parked car may have to stop and may end up encroaching onto Nantwich Road.

The Highways Manager has considered these issues very carefully particularly with regard to accident records. Accident records shows the junction shows no injury accident records for the last 5 years. Accordingly, it is concluded that the junction operates safely.

The main concern expressed by objectors is the likelihood of traffic queuing back onto Nantwich Road whilst waiting for an overtaking car to emerge from Glastonbury Drive.

The highest number of new trips arriving and entering this junction occurs in the evening peak when 12 additional vehicles are calculated to access the proposed development. This is an average of 1 vehicle every 5 minutes which again can not really be judged as a material impact on the operation of the junction. The morning peak traffic has an even lower impact at only 1 entering vehicle every 12 minutes. If the on-street parking is considered, it is necessary to judge whether this would exacerbate the situation sufficiently to warrant concern significant enough for the Strategic Highways Manager to tender a reason for refusal which would be sustainable.

Several objectors consider that a vehicle access off Nantwich Road would be preferable to taking access from Tewkesbury Drive, as this would not increase traffic flows on residential roads. The Strategic Highways Manager accepts there is some merit in this, but it is recognised good practice to minimise the number of access points onto major routes in the interests of road safety and the smooth circulation of traffic. The junction of Glastonbury Drive with Nantwich Road is of good design and will be able to handle what would be a modest proportional increase in flow as a result of 24 units, particularly given that the access to Nantwich Road is designed to cater for up to 300 units.

A significant element of objection from neighbours concerns the use of the existing estate as the vehicular access for this site. Objection is raised on congestion and safety grounds, particularly the backing up and on street parking congestion at the estate junction with Nantwich Road. Many people consider that the site should be accessed via a roundabout on Nantwich Road, adjoining that part of the site which comprises plot 12. Indeed, Middlewich Town Council raise no objection, provided that the site is accessed via Nantwich Road. Accordingly, in the light of the fact that the proposal access is intended to be through the existing residential estate, it is concluded that the Parish Council would wish to object to this proposal as submitted.

The Highways Engineer, however, having considered the expressed opinion of existing residents that the access should be via a roundabout on Nantwich Road rather than Glastonbury Road advises that a mini-roundabout could technically be provided.

However, this would require the removal of protected trees to the Nantwich Road frontage and would have potential safety issues itself.

Mini-roundabouts are not recommended where the flow on one arm is very low, which is likely here. In this case, given the limited number of properties which any such roundabout would serve, Nantwich Road drivers would rarely have to give way to turning traffic and thus are likely to treat any such mini roundabout as a T junction with themselves having the priority, which is a concern in highway safety terms. There are also driveways on the south side of Nantwich Road which would be difficult to accommodate safely within the confines of any such roundabout. There are very limited traffic calming benefits of such a roundabout.

A *priority* access onto Nantwich Road has also been considered by the Highways Manager, however, overall given the proximity to the existing Glastonbury Drive entrance, the bend in Nantwich Road and the amenity afforded to the wider area by the TPO trees on the Nantwich road frontage, it has been concluded that the access via Glastonbury Drive, as proposed, would be preferable in highways terms.

The Highways Engineer does consider there to be some merit in the provision of waiting restrictions on Glastonbury Road. The development will add to traffic on Nantwich Road and Glastonbury Drive, routes which already suffer from congestion at peak periods. Also the site will generate pedestrian movements, many of which will be to the town centre and other destinations which will involve crossing Nantwich Road. Accordingly, a S106 contribution of £30,000 to cover necessary improvements to waiting restrictions and pedestrian facilities on the above streets.

### **Pedestrian links**

The Traffic Statement also considers sustainable travel options and the links to local amenities and schools within the network. The site layout now includes a pedestrian link between the site and Nantwich Road, which will minimise walking distances for existing residents at the end of Tewksbury Close as well as future residents

The site is within the urban boundary of Middlewich and many facilities such as shopping, education and leisure are within convenient walking distance. It is also desirable, in the interests of sustainability, to make pedestrian routes as direct and safe as possible to discourage use of car for such short journeys..

Walking trips between the site and Middlewich town centre will involve the crossing of Nantwich Road, a principal road which carries a considerable volume of traffic. Pedestrians to and from the site will most frequently be required to cross Nantwich Road to access the town centre facilities. The Strategic Highways Manager has requested a S106 contribution of £30,000 to improve the pedestrian environment to Nantwich Road to link in with the footpath link created next to plot 11.

### **Trees**

An Arboricultural Tree Survey was submitted with the planning application. A number of Protected trees are located either on the boundary of the site or in neighbouring gardens.

Site access is proposed to be at the end of Tewkesbury Drive. This will require the removal of an unprotected group comprising of a Red Oak, 2 London Plane and a Yew tree. These trees are considered to be an amenity within the street scene for a limited number of residents in the immediate vicinity and some residents within the estate have suggested that these trees should be retained whilst the Protected Lime trees on the Nantwich Road frontage be removed to facilitate the access. This suggestion is not supported by the Tree Officer.

The trees to be removed as part of the proposal are considered the more favourable option as any access off Nantwich Road would have highway safety implications (as discussed in the highways section of this report) and require the removal of at least two protected Lime trees to the main road, more public frontage.

A neighbour has raised various concerns about the quality of the Arboricultural information submitted in support of this application. These are concerns that the Council's Tree Officer is aware of and does not consider to be sustainable.

The scheme has been revised during the course of the application to address social proximity concerns expressed by the Arborist with specific regard to Plots 5,6 and 7. The Arborist is now satisfied that the revised layout can be achieved without damaging important trees either within or adjoining the site. None of the trees to be removed are protected and a significant belt of trees will be retained to the site periphery. The Council's Arborist has considered the proposals and raises no objection to the scheme.

### **Residential Amenity of Neighbours**

The surrounding development comprises modern residential cul-de-sac development to the north, south and western sides and older housing to Nantwich Road.

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21m between principal windows and 13.8m between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

The development is laid out to comply with this requirement with respect to adjoining dwellings, however, no 50 Nantwich Road has an ancillary 2 storey outbuilding (called the Coachhouse) immediately adjoining the application site boundary where it fronts onto Nantwich Road. The outbuilding contains a 1<sup>st</sup> floor window that provides ancillary living accommodation for the occupier of no 50 (who advises this presently serves a games room and store). The outbuilding is sited on the boundary of the application site. The applicant has amended this part of the site layout by removing 2 units from the area closest to the ancillary Coachhouse. The gable elevation of the proposed houses as amended are circa 10m from the games room window within the elevation. Permission has recently been granted for the conversion of this building into ancillary bedroom accommodation. Whilst, this distance is lower than the standard interface distance for a gable elevation to a principal room window of 13.8m, it is considered that this relationship is acceptable given that the Coachhouse at no 50 Nantwich Road is not primary residential accommodation.

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The indicative layout indicates that this can be achieved in the majority of cases. Some of the smaller units do not achieve this, however, an adequate sized rear garden sufficient for amenity, clothes drying and storage has been provided. Plots 12 to 14 have communal garden space with shared clothes drying area and store. Overall, it is considered that the layout achieves an acceptable level of amenity for future residents. It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy GR1 of the Local Plan.

## **Affordable Housing**

The site is in the Middlewich sub-area for the SHMA 2010, which shows that for the sub-area there is a requirement for 280 new affordable units between 2009/10 – 2013/14, this equates to a net requirement for 56 new affordable units per year made up of a need for 13 x 1bed, 8 x 2beds, 30 x 3beds and 6 x 1/2bed older persons units.

In addition to this information taken from the SHMA 2010, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, there are currently 134 applicants who have selected Middlewich as their first choice. These applicants have indicated that they require 39 x 1bed, 48 x 2bed, 30 x 3bed and 3 x 4bed units (14 applicants have not specified how many bedrooms they require)

Our Affordable Housing IPS states that on all sites over 15 units the affordable housing requirement will be 30% of the total units with a tenure split of 65% social rent, 35% intermediate tenure.

Therefore there is a requirement for 7 affordable units on this site with a tenure split of 65%

rent and 35% intermediate tenure. The affordable units will be 7 x 2 bed houses, split as 4 for social or affordable rent (Plots 15-18) and 3 as shared ownership intermediate dwellings (Plots 12, 12A and 14).

The Affordable Housing IPS also requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. Whilst the proposal is not fully pepper potted throughout the site, the proposed social units will be of the same materials and they will look no different to the general vernacular. On balance, this is considered acceptable.

Where pepper-potting is not fully achieved the Affordable Housing should normally be provided no later than occupancy of 50% of the open market units.

The Applicant (in the light of highways concerns from neighbours within the Glastonbury Drive/Tewkesbury Close area about construction access through the estate puts forward Nantwich Road as the construction access. This would mean that the affordable housing units adjacent could not be immediately developed. Therefore the developer suggests that the affordable units would not be provided until circa 80% of the open market houses have been occupied.

Whilst this would not normally be acceptable, in the light of the the concerns expressed by a large number of people within the estate the Strategic Housing Manager raises no objection to the providing of the affordable units after 80% of the market units have been occupied.

Members should be aware, however, that the Highways Engineer would have no objection to the use of the Glastonbury Drive/Tewkesbury Close for construction access purposes if it is considered that the affordable housing should be provided no later than 50% occupancy.

Neighbours on Nantwich Road have raised concern about the use of the shared drive on Nantwich Road for construction purposes.

## **Ecology**

The submission includes a survey for protected species (bats) and reptiles. A single Common Lizard was recorded on site during the submitted reptile survey. Common lizard is a species which is protected from killing and injuring. It is also a UK BAP priority species and is listed on S41 of the Natural Environment and Rural Communities Act as being a species of principal importance in England. Based on the submitted assessment the site is likely to support a small population of the common lizard. A scheme of translocation has been submitted which is considered acceptable.

The site supports a relatively low level of bat activity with no evidence of roosting bats recorded. The proposed development may have a minor impact upon foraging bats. To mitigate any loss of bat foraging/commuting habitat it is recommended that the boundaries of the application site are enhanced through the creation of native species hedgerows and the planting of appropriate native trees as part of the landscaping of the site.

## **Renewable Energy**

RSS (Policy EM18) policy also necessitates that, in advance of local targets being set, large new developments should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable.

No information is provided with the application concerning the contribution the development will make to on site renewable or low carbon energy supply. Given the layout proposed and the circumstances of the site, it is considered that it is viable and feasible to meet the requirements of the RSS policy and a detailed scheme should therefore be secured through planning condition.

## **Conclusion**

This site is within the existing urban area and is considered highly sustainable. It is acknowledged that the Council does not currently have a five-year housing land supply and that, accordingly, housing supply policies are not considered up to date. In the light of the advice contained in the newly adopted National Planning Policy Framework, where the development plan is “absent, silent or relevant policies are out of date” planning permission should be granted unless

*“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*

Or

*“specific policies in this Framework indicate development should be restricted.”*

The Development plan is not absent or silent with regard to this application. However, in the absence of a five year supply housing land supply, policies are not considered up to date. Given the sustainable nature of the proposal, there is a strong presumption in favour of the development.

The proposal is considered to be acceptable in terms of its impact upon residential amenity of neighbours, ecology, drainage and highway conditions in the vicinity of the site.

A suitable Section 106 package is recommended which is considered to be compliant with Section 112 of the CIL Regulations to enable the proposed development to provide adequate public open space and recreational facilities as a direct consequence of the development, in the form of commuted sum payment to improve facilities in the area which will be utilised by the future residents, the necessary affordable housing requirements and monies towards the future provision of education given the numbers of family sized accommodation.

## **Community Infrastructure Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

The provision of affordable housing is necessary, fair and reasonably related to this development to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu of public open space and recreation provision is necessary, fair and reasonable, as the proposed development will provide 24 family sized dwellings, the occupiers of which will use local facilities as there is no recreational facilities on site, as such, there is a need to upgrade/enhance existing facilities. Likewise, the future residents will utilise recreational facilities and place additional demands upon such infrastructure within the vicinity of the site. The contribution is therefore in accordance with the Council's Supplementary Planning Guidance.

The highways contribution will be utilised to mitigate for the additional traffic and to assist in improving the pedestrian environment in the vicinity to encourage sustainable modes of transport.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

## **RECOMMENDATION**

### **APPROVE subject to a Section 106 Legal Agreement to Secure:**

- Provision affordable housing provision on site in the form 4 x 2 bed as social rented affordable units and 3 x 2 bed as intermediate units
- Amenity green space contribution in lieu of on site provision:

Recreation Space	Enhanced Provision: £ 3,909.42
	Maintenance: £ 8,750.50 25 years)
Open Space	Enhanced Provision: £10,621.22
	Maintenance: £22,089.00 (25 years)
- Highways commuted sum of £30000 for provision of waiting restrictions and pedestrian improvements on Glastonbury Drive, Nantwich Road

### **And the following conditions**

1. Time limit – 3 years
2. Plans
3. Materials – samples to be agreed
4. Access to be constructed, formed and graded to satisfaction of highways authority
5. Protection of highway from mud and detritus during construction
6. Tree and hedgerow protection measures

7. Arboricultural Specification/Method statement
8. Details of Hard and Soft Landscaping to be submitted prior to commencement. Landscape scheme to include replacement native hedgerow planting and trees for ecological purposes and boundary treatments
9. Implementation of landscaping scheme
10. Submission of updated ecological survey (badger)
11. Breeding Bird Survey for works in nesting season
12. Bats and bird boxes
13. Translocation scheme for reptiles to proceed in full accordance with the submitted Reptile Mitigation Strategy produced by RSK dated October 2012 prior to commencement of any demolition or development on site
14. Site drainage on separate system - details to be submitted
15. The hours of construction/demolition of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
16. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs Saturday 09:30 – 13:00 hrs Sunday and Public Holidays Nil
17. Submission of mitigation measures to minimise any impact on air quality from construction dust
18. Submission of a Contaminated Land Phase II investigation.
19. Submission of Construction Management Plan (inc wheel wash facilities, location of contractors parking, storage of site cabins etc) for access via Nantwich Road
20. 10% renewables
21. Construction specification/method statement
22. No new windows – gable elevations plot 12 and 15
23. Details of design / surfacing of proposed footpath links to site frontage
24. Landscaping to include replacement hedge planting to boundaries
25. Open plan estate layout – removal of permitted development rights for fences in front gardens
26. Removal of permitted development rights for extensions-plots 11,12,12a,14,15,16,17,18,19,20,21,22,23
27. Details of ground levels to be submitted
28. Details of bin/bike store to be submitted and implemented for plots 12-15
29. Method statement (trees) footpath link to Nantwich rd and construction of walls/access way to rear plot 12-15 - Nantwich Rd
30. Management scheme to be submitted for the maintenance of communal garden area plots 12-15
31. The parking provision to plots 12 to 15 shall be a maximum of 150%



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