

Application No: 13/3680C

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

Proposal: Variation of condition 2 on approval 13/0100C to enable minor revisions to the site layout to achieve improved access and improved marketability of dwellings

Applicant: P.E. Jones (Contractors) Limited

Expiry Date: 23-Oct-2013

**SUMMARY RECOMMENDATION:**

**Approve subject to conditions and a Deed of Variation to the S106 Agreement**

**MAIN ISSUES:**

**Appropriateness of the proposed changes to the approved design having regard to:**

- § **Trees**
- § **Site Layout and Design**
- § **Neighbours Amenity**

**REASON FOR REFERRAL**

Members will recall this application was determined in October 2013 when they approved the proposed variations within the layout of the residential development on this site subject to the satisfactory deed of variation of a Section 106 Agreement. The permission has yet to be issued. The deed of variation has been sealed.

The purpose of this report is to correct an omission within the previous report. That omission concerns the affordable housing condition which had been originally imposed upon the permission attached to 13/0100c but was not followed through to the recommendation on application 13/3680c when Members originally considered the matter.

As 13/3680c is capable of being a stand alone planning permission it is important that all relevant conditions are carried forward between the applications.

## **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**

This application seeks a variation to the approved plans condition attached to the original approval (13/0100C) to change the position of the footpath into the site via Tewkesbury Close from being a continuation of the footpath in front of no 26 to being a continuation of the footpath outside no 25 Tewksbury Close.

The proposal also seeks permission to alter the house design within the approved plot 2 from the 'Newark' to the 'Newark Special', which is proposed to incorporate a two storey side extension with an integrated garage with enlarged bedroom accommodation above. The previously approved free- standing garage within the garden of plot 2 is removed from the layout entirely.

Additionally, the revisions also include changes to the garages within plot 1, which becomes attached rather than freestanding , as per the original approved layout.

The residential mix is unchanged and still comprises :

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

The road layout of the estate and traffic management arrangements, for the periods during and after construction remains unchanged.

## **RELEVANT HISTORY**

13/0100C - Residential Development Comprising Demolition of Existing Bungalow & Outbuildings & Erection of 24 Dwellings Including Access, Parking, Landscaping & Associated Works –  
Permission granted 15 May 2013 subject to S106 Agreement.

## **POLICIES**

### **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

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

Policy 11 (Development and waste recycling)

### **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  
2013 SHLAA  
Emerging Development Strategy

### **CONSULTATIONS (External to Planning)**

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

**Forestry Officer** - Raises no objection subject to conditions originally imposed upon 13/0100C being updated to reflect changes in the British Standard

#### **VIEWS OF THE TOWN COUNCIL:**

Middlewich Town Council: No objection

#### **OTHER REPRESENTATIONS:**

Two objections have been received from neighbouring residents on grounds:

- What contribution has developer made to local services?
- Original approval shows Construction traffic accessing the site via the shared access adjoining 50 Nantwich Road. Proposal only shows access from Tewksbury Close.
- Glastonbury Drive is already extremely congested. Access should be via Nantwich Road

#### **APPLICANT'S SUPPORTING INFORMATION:**

All documents are available in full on the planning file, and on the Council's website. As this is an application which seeks minor amendment to an extant permission, the technical and supporting information contained upon the previously approved development (ref 13/0100C) is still up to date and relevant. These are -

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

#### **OFFICER APPRAISAL**

##### **Principal of Development**

The principle of this development has already been established by virtue of the permission 13/0100C. Therefore the main issues for consideration are the highways or tree impact of the alterations to the design and position of the continuation of the pavement to the main vehicular access point in Tewkesbury Close and any design impact of the variation to the house type at plot 2.

##### **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 proposed variation of the house type incorporates a 2-storey side extension to comprise an integral garage and extended bedroom space above, although no change to the number of bedrooms are proposed within this variant. The other minor alteration involves the re-siting of the garage within plot 1 by making it an integral garage.

These design changes are considered to be in keeping with the modern estate layout and will retain adequate driveway capacity for off street parking within the plots involved.

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**

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Matters pertaining to the access through the estate were debated widely by the Committee when they resolved to approve 13/0100C.

The continuation of the pavement into the site from Tewkesbury Close is proposed to be on the opposite side of the street than previously approved. This has been done for the betterment of the trees in the vicinity of the access.

### **Trees**

The site access is still proposed to be at the end of Tewkesbury Close, as originally approved. 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 were considered during the assessment of 13/0100C to the more favourable option as any access off Nantwich Road would have highway safety implications and require the removal of at least two protected Lime trees to the main road, more public frontage.

The re-positioning of the pavement on the northern side of the street as the continuation of Tewksbury Close has been done in the interests of safeguarding the root protection areas of the existing trees in this area. The Tree Officer has considered the proposals and raises no objection to the scheme.

### **Conclusion**

This site is within the existing urban area and is considered a highly sustainable location. In the light of the advice contained in the newly adopted National Planning Policy Framework planning permission should be granted for sustainable development 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. Given the sustainable, urban location of the site, there is a strong presumption in favour of the development in terms of the adopted policy unless there adverse impacts to amenity or highway safety that would justify refusal.

The proposed changes to the approved footpath position and house style at plot 2 is considered to be acceptable in terms of its impact upon the design and layout of this development site.

The Section 106 attached to 13/0100C which accords with the CIL Regulations requires a deed of variation to enable the proposed changes to the scheme to be linked to the existing approval.

The Section 106 provides 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, monies towards highways mitigation to be utilised to improve the pedestrian environment to allow for future residents to walk into the town centre.

### **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 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 are 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 Deed of Variation to the Section 106 Legal Agreement attached to 13/0100C to Secure:**

§ Incorporation of the layout detailed within 13/3680C

#### **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, including replacement hedgerows
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. Construction specification/method statement
21. No new windows – gable elevations plot 12 and 15
22. Details of design / surfacing of proposed footpath links to site frontage
23. Open plan estate layout – removal of permitted development rights for fences in front gardens
24. Removal of permitted development rights for extensions-plots 11,12,12a,14,15,16,17,18,19,20,21,22,23
25. Details of ground levels to be submitted
26. Details of bin/bike store to be submitted and implemented for plots 12-15
27. Method statement (trees) footpath link to Nantwich rd and construction of walls/access way to rear plot 12-15 - Nantwich Rd
28. Management scheme to be submitted for the maintenance of communal garden area plots 12-15
29. The parking provision to plots 12 to 15 shall be a maximum of 150%
30. Scheme of affordable housing to be submitted prior to commencement of development and implemented



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