

Application No: 14/2715C

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

Proposal: Variation of condition 2 on 13/3680C to allow for amended plans on residential development at land at 50A Nantwich Road, Middlewich

Applicant: P E Jones (Contractors) Ltd

Expiry Date: 04-Sep-2014

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 site was the subject of an approved housing scheme for 24 dwellings in December 2013.

The Applicant wishes to update the house types upon the development site to the 2014 variants. As this is a previous decision by the Southern Planning Committee, this application is referred back to the same Committee.

DESCRIPTION OF SITE AND CONTEXT

This application site is an ongoing development which is known as Abbey Fields. The approved development scheme comprises 24 dwellings. All pre-commencement conditions have been discharged.

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 most recent approval (13/3680C) to change the following house designs.

Plots 1, 3, 22, 23 and 24 change from the approved Harwood to the Holcombe. Splayed bays have been squared off and tiles facing materials are proposed to 1st floor, as opposed to brick facings previously approved.

Plot 2 becomes a Norbreck. Splayed bays have been squared off and tiles facing materials are proposed to 1st floor, as opposed to brick facings previously approved.

Plot 4 is proposed to be a 'Styal'. Splayed bays have been squared off and tiles facing materials are proposed to 1st floor, as opposed to brick facings previously approved. Obscured glazing to landing window, as previously required remains.

Plots 5, 7 and 8 have had their conservatory position modified slightly, bay splays squared off and hanging tile details to 1st floor.

Plots 6, 9 and 10 are now called 'Banbury'. The position of the rear conservatories have been amended and again bay window splays have been squared off.

Plots 12-21 have had different header and cill details being proposed to be formed in re-constituted stone.

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.

13/3680C - 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 Permission granted 21 December 2013 subject to Deed of Variation to the 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)

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Cheshire East Local Plan Strategy – Submission Version

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE1 – Design

SE2 – Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 – The Landscape

SE5 – Trees, Hedgerows and Woodland

SE6 – Green Infrastructure

CO1 – Sustainable Travel and Transport

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

Forestry Officer: Considers changes to the house types to not have any arboricultural implications

Strategic Highways Manager: No comment to make

Brine Board: Advise that they have been in discussions with Applicant as part of their Building Regulations application.

VIEWS OF THE TOWN COUNCIL:

Middlewich Town Council: No comment received

OTHER REPRESENTATIONS:

One reply to the neighbour consultation raising general observations about the site development that has already been approved.

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 granting of the previous planning permission established the acceptability in principle of residential development on the site. Given that this is an application for modifications to the approved house types, this does not present an opportunity to re-examine the acceptability in principle of residential redevelopment if this site.

The main issues in the consideration of this application are the acceptability of the revised design in terms of highway safety, ecology, trees and landscape, footpath, affordable housing, contaminated land, open space, design and layout, residential amenity and flooding

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 variations of the house types incorporates minor elevation changes to the house type which the Applicant advises are the latest variants in their designs. The floor areas, plot sizes and heights of dwellings remains as approved.

Plots 1, 3, 22, 23 and 24 have had a splayed bay window rounded off. In addition the wall of plot 24 has been re-aligned slightly to improve the rear garden.

Plot 5-10 has been amended to position the conservatory to the rear. Plot 4 has been internally modified and the splay bays have been squared off and the elevations up dated. 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.

The proposed housing layout 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 environmental 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. This application does not alter the access.

Trees

Matters relating to trees have been previously considered and the siting of plots has not been altered. The Tree officer has considered this application and has no concerns

Conclusion

The proposed elevation changes to the house styles 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 and its existing Deed of Variation attached to 13/3680C, which accords with the CIL Regulations will require 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 and 13/3680C to Secure:

§ **Incorporation of the layout detailed within 14/2725C**

And the following conditions

- 1. Time limit – 3 years**
- 2. Plans – as amended**
- 3. Materials as previously approved – additional materials to be submitted and approved**
- 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. Development to be undertaken in accordance with updated ecological survey (badger)**

11. Bats and bird boxes to be installed as agreed
12. On going development to accord with translocation scheme for reptiles the submitted Reptile Mitigation Strategy produced by RSK dated October 2012
13. Site drainage on separate system – development as approved
14. 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
15. Mitigation measures to minimise any impact on air quality from construction dust – as approved
16. Contaminated Land Phase II investigation implementation as approved.
17. Development to be in accordance with Construction Management Plan (inc wheel wash facilities, location of contractors parking, storage of site cabins etc) for access via Nantwich Road
18. Construction specification/method statement
19. No new windows – gable elevations plot 12 and 15
20. Details of design / surfacing of proposed footpath links to site frontage implemented as approved
21. Open plan estate layout – removal of permitted development rights for fences in front gardens
22. Removal of permitted development rights for extensions-plots 11,12,12a,14,15,16,17,18,19,20,21,22,23
23. Details of ground levels – development to accord with levels as approved
24. Details of bin/bike store as approved be implemented for plots 12-15
25. Method statement (trees) footpath link to Nantwich rd and construction of walls/access way to rear plot 12-15 - Nantwich Rd
26. Management scheme for the maintenance of communal garden area plots 12-15 implemented as approved
27. The parking provision to plots 12 to 15 shall be a maximum of 150%
28. Scheme of affordable housing to be implemented as approved

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chair of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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