

Application No: 14/3039N

Location: Land South of, Newcastle Road, Shavington & Wybunbury, Cheshire, CW2 5HR

Proposal: Reserved matters (appearance, landscaping, layout & scale) for residential development comprising 200 dwellings (30% affordable) and creation of public open space, in relation to outline approval 12/3114N

Applicant: Mr Niall Mellan, Persimmon Homes

Expiry Date: 22-Sep-2014

SUMMARY

The NPPF requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It also advises that planning should take full account of flood risk. The acceptability of the proposal with regards to sustainability is dependant on the scheme meeting these requirements.

The principle of the development and the associated access arrangements have already been established with the approval of the associated outline permission.

It is considered that the layout, scale, appearance and landscaping of the scheme are also acceptable.

The development would not have a detrimental impact upon neighbouring amenity, ecology, drainage and flooding, trees or public rights of way, subject to conditions.

RECOMMENDATION

APPROVE subject to conditions and completion of a Deed of Variation to a Section 106 Agreement

DETAILS OF PROPOSAL

Revised plans have been submitted seeking permission for the reserved matters of 200 dwellings on a section of the Shavington / Wybunbury Triangle which has outline permission for up to 360 dwellings. This is the first phase of the development

The reserved matters seeks approval of Appearance, Landscaping, Layout and Scale. The matter of the main point of access into the site was approved as part of application 12/3114N.

SITE DESCRIPTION

The application site falls within the Open Countryside and relates to a large (17.38 ha) triangular parcel of land that is bound on 2 sides by residential development (Stock Lane and Dig Lane) and by Newcastle Road on the other.

The site is made up of a number of fields of varying size. The larger fields occupy the western, central and southern parts of the site which is predominantly in arable use. The north-eastern part is smaller pasture fields and paddocks defined by hedgerows and fences. There are groups of hedgerow trees on the site and several isolated trees which have been identified and which can be retained.

The site straddles the boundary between Shavington-cum-Gresty and Wybunbury Parishes and is relatively level.

RELEVANT HISTORY

14/1161N - Variation or removal of Condition 30 of Planning Permission 12/3114N - Outline application for residential development of up to 400 dwellings, local centre of up to 700 Sq M (with 400 Sq M being a single convenience store), open space, access roads, cycleways, footpaths, structural landscaping and associated engineering works – Withdrawn 18th August 2014

14/1160N - Variation or removal of Conditions 48 - 51 Inclusive of Planning Permission 12/3114N - Outline application for residential development of up to 400 dwellings, local centre of up to 700 Sq M (with 400 Sq M being a single convenience store), open space, access roads, cycleways, footpaths, structural landscaping and associated engineering works – Resolution to approve – Awaiting Deed of Variation to S106

12/3114N - Outline Application for Residential Development of up to 360 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works – Approved 23rd January 2014

NATIONAL & LOCAL POLICIES

National policy

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development.

Of particular relevance to this application are paragraphs 17 (Core planning principles), 56-68 (Good design), 94 and 99-104 (Flood risk).

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

The relevant Saved Policies are: -

NE.2 - Open countryside
NE.5 - Nature Conservation and Habitats
NE.9 - Protected Species
NE.20 - Flood Prevention
NE.21 - Land Fill Sites
BE.1 – Amenity
BE.2 - Design Standards
BE.3 - Access and Parking
BE.4 - Drainage, Utilities and Resources
RES.5 - Housing In The Open Countryside
RT3 – Provision of Recreational Open Space and Children’s Play Space in New Housing Developments
RT.6 - Recreational Uses on the Open Countryside
TRAN.3 - Pedestrians
TRAN.5 – Cycling

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG5 – Open Countryside
CS6 – The Shavington / Wybunbury Triangle
SC1 – Leisure and Recreation
SC2 – Outdoor Sports Facilities
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
SE7 – The Historic Environment
CO1 – Sustainable Travel and Transport

Supplementary Planning Documents

Development on Backland and Gardens

CONSULTATIONS

Strategic Highways Manager – No objections

Environmental Protection – No objections, subject to a number of conditions including; hours of piling, the prior submission of a piling method statement, the prior submission of lighting details,

the prior submission of a noise mitigation scheme, a noise mitigation implementation condition, the prior submission of a travel plan, the provision of electric vehicle infrastructure, the prior submission of a dust mitigation scheme and a biomass potential condition. In addition to the above, an hours of construction informative is proposed.

United Utilities – No comments received at time of report

Housing (Cheshire East Council) – No objections

Public Rights of Way (PROW) – No objections, subject to the detail of the footpath diversions proposed being agreed with them. In addition, an informative relating to the applicants responsibilities is recommended.

Environment Agency – Advice as per previous application (12/3114N) – No objections, subject to conditions

Natural England - No objections

Mid-Cheshire Footpath Society - No comments received at time of report

Open Space Society - No comments received at time of report

Ramblers Association - No comments received at time of report

VIEWS OF THE PARISH COUNCIL:

Wybunbury Parish Council – Object to the proposal on the following grounds;

- Variation of condition applications (14/1160N and 14/1161N) have not been determined (13/08/2014)

Shavington Parish Council - No comments received at time of report

Hough & Chorlton Parish Council – Object to the proposal on the following grounds;

- Application takes no account of the discharge of conditions applications therefore;
 - Drainage concerns with specific relation to Dig Lane
 - There is no wildlife corridor proposed to the rear of Dig Lane
 - The application includes 3-storey development
 - The application includes 2-storey development backing onto Stock Lane
 - The proposal clearly still proposes the erection of 456 dwellings
- Other conditions imposed on the outline application have not been satisfied.
- The proposal does not include an up-to-date protected species survey and as such, is contrary to Condition 45 on application 12/3114N.

OTHER REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants and a site notice erected. 16 letters have been received objecting on the following grounds:

- Principle of development – No need for housing
- Proposal is contrary to variation of condition applications which have not been determined.
- Proposal cannot be considered until variation of condition applications have been determined
- Design – Out of character (3-storey development), dwelling heights – highly visible
- Amenity – Loss of privacy/overlooking, loss of light, noise and air pollution,
- Impact upon protected species / the application is not supported by an up-to-date protected species survey and as such, it contrary to Condition 45 of application 12/3114N
- Number of conditions on application 12/3114N have not been satisfied e.g. drainage condition, dust emissions
- Flooding and drainage concerns – Particularly on Dig Lane
- Highway safety – Increase in traffic volume
- Inaccuracies within the submitted sustainability appraisal
- Impact upon archaeology
- Impact upon breeding bird
- Concerns regarding the re-location of the pathways (PROW)

APPRAISAL

The key issues are:

- The principle of development
- The acceptability of the Layout, Scale, Appearance and Landscaping
- Access / Highway safety
- Impact on residential amenities
- Affordable housing requirements
- The impact upon ecology
- The impact upon drainage / flooding
- The impact upon trees
- The impact upon Public Rights of Way (PROW)
- The provision of open space

SUSTAINABILITY

This application shall consider the sustainability of the proposed development in the context of the reserved matters.

In this instance, consideration of the design, landscaping and drainage are the principal considerations.

Design

Paragraph 56 of the NPPF advises that;

'The Government attached great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'

Paragraph 63 of the NPPF advises that;

'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.'

Paragraph 64 of the NPPF advises that;

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

Layout (including Access)

The proposed layout comprises of an elongated parcel of land measuring approximately 4.86 hectares in size which forms part of the wider 'Shavington Triangle' development site which obtained outline planning permission for up to 360 dwellings in January 2014. Vehicular access to the site would be off Newcastle Road in accordance with the approved access at outline stage.

The density of the development proposed is now approximately 41 dph, with lower density housing along the Newcastle Road frontage. (This has been reduced from 46 dph on the advice of the Council's Urban Design Officer).

A green infrastructure network comprising of a north to south-west green corridor, which would incorporate a diverted public right of way, village green, balancing ponds and allotments is proposed. An east to west corridor including Cheerbrook watercourse will be opened up from the existing culvert which leads to the open space to the west. Some dwellings will front onto this watercourse.

The Strategic Highways Manager has advised that the proposed internal road layout is reasonable and speeds are likely to be low as is required within residential developments. There remains some concern about levels of off street parking, but a condition can be imposed to ensure that off street parking meets the necessary requirements

As a result of the above, it is considered that the revised layout of the scheme is acceptable.

Scale

The proposed amended plan proposes 200 units.

This would comprise of the following 16 house types; Beadnell apartments, Alnwick (2-storey, 2-bed), Clayton (2-storey, 3-bed detached), Chedworth (2-storey, 4-bed detached), Roseberry (2-storey, 4-bed detached), Moseley (2 ½ storey, 3-bed mews), Kendal (2 storey, 4-bed detached), Hatfield (2 storey, 3-bed detached), Hanbury (2-storey, 3-bed Mews), Souter (2 ½ storey, 3-bed semi-detached), Rufford (2-storey, 3 bed detached), Regent (2 ½ storey, 5-bed detached), Marlborough (2-storey, 4 bed-detached), Compton (2-storey, 5-bed detached), Winster (2-storey 4-bed detached) and Leicester (3-storey, 4 bed detached).

The number of each of the above house types proposed is as follows; Beadnell apartments (16 units), Alnwick (22 units), Clayton (21 units), Chedworth (15 units), Roseberry (23 units), Moseley (5 units), Kendal (5 units), Hatfield (7 units), Hanbury (46 units), Souter (3 units), Rufford (11 units), Regent (1 unit), Marlborough (1 unit), Compton (4 units), Winster (10 units) and Leicester (10 units).

The height of these units range from 7 metres (Clayton) to 9.8 metres (Regent).

Of the 200 units, 184 would be 2 storey in height and the remainder 2½ storey .

Given that the closest properties to the development site on Newcastle Road and Dig Lane are two-storey in nature, it is not considered dwellings between this range in height would appear incongruous or conflict with the local form. The dwellings closest to Newcastle Road to the north would be inset from the highway by approximately 11.5 metres and 16 metres respectively. As such, their impact with regards to height upon the streetscene would be limited.

The proposed dwellings are comparable to the footprints of existing dwellings. As a result it is considered that the scale of the development is acceptable.

Appearance

The proposal would comprise of 200 dwellings consisting of 16 different house types.

The dwellings would either be detached, semi-detached or of a mews design, finished in either brick or render and would all have dual-pitched roofs.

The surrounding properties are of various heights, forms and fenestration finishes. As such, it is considered that the general mix of property styles, finishes and forms would largely reflect the characteristics of the surrounding area and would not appear incongruous within this setting.

As such, subject to the appropriate use of materials in order to respect the local character, it is considered that the appearance of the proposed dwellings would be acceptable and would adhere with Policy BE.2 of the Local plan.

Landscaping

The application is supported by a Landscape Report, a Landscape Management Plan and a proposed Landscape Plan.

The plan shows that the majority of existing trees identified as trees of landscape and amenity value will be retained. New trees would be planted across the site in the wildlife corridor and areas of public open space. It is advised that tree species will reflect the existing species on the site. The general management of such matters shall be required in line with the submitted Landscape Management Plan.

A phase 1 habitat area will be created to the west and this would include existing and proposed ponds. A low grassed mound is proposed to create a buffer from the highway junction.

The proposal will include a NEAP and a MUGA secured via a S106 Agreement at outline application stage.

The proposed hard and soft landscaping is considered acceptable subject to implementation conditions.

Amenity

Policy BE.1 of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance. Furthermore, the level of private amenity space provided is a material consideration as detailed within the Supplementary Planning Document on Development on Backland and Gardens.

The closest neighbouring dwellings to the scheme would be the occupiers of the properties on the opposite side of Newcastle Road, to the north, and No's 326 and 328 Newcastle Road on the same side of the development.

These dwellings will be at approximately 33m away. As such, this relationship adheres with the minimum separation distance of 21 metres as detailed within the Development on Backland and Gardens SPD.

An electricity substation is proposed approximately 14.5 metres away from the side elevation of No.328 Newcastle Road. However, given its single-storey nature, it is not considered that this aspect of the development would create any amenity issues for this neighbour.

Given that this proposal is for the first phase of the housing on this site, a phase in the middle of the site, all other surrounding existing residential properties are a significant distance away from the proposed housing and as such are not considered to be significantly impacted.

In terms of the relationship between the proposed dwellings themselves, the dwellings are considered to be far enough away from each other, so not to create any particular issues with regards to overlooking, loss of light or visual intrusion. Certain relationships are safeguarded by the use of obscure glazing.

The amount of amenity space proposed for the dwellings is considered acceptable. Although some of the plots fall short of the recommended minimum standard, it is considered that they are large enough for the future occupiers to be able to carry out normal functions such as; sitting outside, hanging out washing etc and not sufficiently small to cause objection.

Environmental Protection have raised no objections, subject to a number of conditions to ensure the development would not create any issues in relation to noise, odour or contaminated land. These concerns were safeguarded at outline planning application stage by condition. These conditions therefore still apply.

Subject to the addition of these recommended conditions, an obscure glazing condition and a condition removing permitted development rights, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

Flooding concerns have been raised regarding the scheme. However, this is mitigated by the imposition of drainage and flooding conditions on the outline planning permission which still apply.

Trees

The proposed layout interfaces with only one tree (Oak T10) adjacent to Plot 128. The position of the access road to the south of this tree conflicts with the requirements of *BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations*. This particular tree was identified as a poor specimen in the supporting arboricultural information on the outline application. The Council's Tree Officer has advised that the long term retention of this tree is unlikely given the extent of excavation proposed for the road and likely root loss.

The tree officer has advised that given the tree is of poor quality, there are no significant arboricultural implications. Retention of existing trees around the periphery of the built development must be secured by tree protective fencing in accordance with the above British Standard.

As such, no objections on tree grounds are raised, subject to a tree retention and a tree protection condition.

Public Open Space

As part of the associated outline planning application, a Neighbourhood Equipped Area for Play (NEAP), a Multi Use Games Area (MUGA), an outdoor gym, allotments and 2 areas of community woodland were proposed and subsequently secured via a S106 Agreement. A management plan in perpetuity and the Provision of a local resident's management company to maintain all on site open space was also secured in the S106.

The proposed layout demonstrates 16.7 hectares of POS in the form of a 'Habitat Area' which will contain existing and proposed ponds and various planting. A footpath-cycleway will connect and travel through the centre of the area. An informal 'kickabout' area is also proposed.

Green links will run parallel with the wildlife corridor leading to other public open spaces. The proposed Village Green which will include the NEAP, MUGA and outdoor gym does not form part of this phase of the development.

The Council's Green Spaces Team have advised that they are satisfied with the proposal subject to the original agreed aspects of the development being secured.

Planning Balance

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, appropriate landscaping and sufficient open space is provided.

The scheme therefore represents a sustainable form of development providing sufficient quality of design and landscaping and open space. Matters of drainage and flooding have been considered to be acceptable, subject to the conditions, on the associated outline planning application.

It is also considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, trees, public rights of way or open space.

The application is therefore recommended for approval, subject to a deed of variation to the S106 Agreement to reflect the plans, application number and any other relevant changes to provisions of the agreement impacted by phase 1 of the development.

RECOMMENDATION

APPROVE subject to conditions and completion of a Deed of Variation to a Section 106 Agreement on application 12/3114N to secure;

1. Changes to reflect the plans, application number and any other relevant changes to provisions of the agreement impacted by phase 1 of the development.

And conditions;

1. Plans
2. Implementation of landscaping
3. Tree retention
4. Obscure glazing (First-floor side elevations on plots – 27, 32, 33, 35, 45, 48, 79, 80, 83, 114, 125, 157, 162, 166, 174, 179, 180 & 181)
5. Removal of Permitted Development Rights (Part 1 - Classes A-E)
6. Implementation of Protected Species Mitigation method statement prepared by TEP dates September 2014.
7. Submission / approval of detailed design of additional ponds
8. Submission / approval of scheme for the safeguarding of existing ponds and hedgerows during the construction process.
9. Submission / approval of method statement for the creation of meadow/wildflower grassland.
10. Implementation of submitted management plan (version 2)
11. Submission / approval of proposals for the provision of amphibian hibernacula within the habitat area.
12. Submission / approval of plan to demonstrate adequate off-street parking provision

In the event of any changes being needed to the wording of the Strategic Planning Board's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

