

Application No: 15/1315N

Location: IMPERIAL COURT, NANTWICH

Proposal: Reserved Matters (Residential Development) Erection of 41 Dwellings

Applicant: CASTLEGATE HOMES

Expiry Date: 18-Jun-2015

CONCLUSION:

The site already has full planning permission for residential development which has established the acceptability in principle of this proposal. The scheme is contained within the existing site boundaries and involves the same number of dwellings and overall layout. The main differences relate to elevational treatment and the addition of conservatories to the rear of the dwellings. The proposal is acceptable in terms of design, amenity, access and parking and subject to appropriate conditions the proposal is considered to be economically, environmentally and socially sustainable.

RECOMMENDATION: APPROVE subject to Conditions.

REFERRAL

The application has been referred to Southern Planning Committee because it is a major development.

PROPOSAL:

Outline planning permission was first granted in 1998 (P98/0170) with reserved matters approval being given in 2004 for Erection of 41 three storey dwellings. (P04/0725 refers).

The application relates to a variation of the approved plans condition to refer to revised drawings as follows:-

1. Elevations - revised from the approved drawing to include boarding/render finish to front of all plots & gable to Plot 20....all to match existing built form. (previous separate Approval) together with porches, also matching properties opposite.
2. Layout - drive layouts/blocks revised to provide additional parking areas indicating block paviors/Cheshire railings/planting to frontages - all in a similar manner to the existing properties on Imperial Court.
3. Addition of conservatories to rear elevations.

SITE DESCRIPTION:

The application relates to a partially completed housing development on a brownfield site (the former Lewing Factory) off Millstone Lane in Nantwich.

RELEVANT HISTORY:

Outline planning permission was granted under planning permissions P98/0170, P01/0394 and P04/0488. The reserved matters application was P04/0725.

NATIONAL & LOCAL POLICY

National Policy

National Planning Policy Framework

Local Plan Policy

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)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

CONSULTATIONS:

United Utilities - no objection to the proposal provided that the following conditions are attached to any approval: -

- This site must be drained on a total separate system

Nantwich Town Council - No objection subject to adherence to spacing distances to the houses in Broadway. There is concern as the terraces are 3 storey.

OTHER REPRESENTATIONS

Representations have been received making the following points:

Amenity

- There will be an adverse impact on amenity outlook, quality of life and value for neighbours
- Dwellings will be as close as 4m from the boundary of 46 The Broadway

- The close proximity of the proposed houses will cause some loss of daylight to neighbouring property.
- The open outlook which residents have enjoyed for over 40 years will be destroyed.
- The peace and privacy which their rear gardens afforded will be lost as they will be overlooked
- The proposed development will impact and devalue property
- Concern about the density of the site.
- With the building of plots 40 and 41 close to property there will be a loss of daylight particularly in the evening
- During the day properties will be in shade caused by these buildings. If these properties are built there will be a loss of privacy
- From enjoying relative peace in the rear garden, as they overlook an open field, residents would have the disturbance of noise associated with a housing estate and all the accompanying traffic.

Trees & Wildlife

- The submitted plans do not show a number of mature trees on the site
- The original application stated that no trees will be removed as part of the proposal.
- It will be impossible to construct without tree removal especially plot 41
- Trees are a haven for wildlife
- When permission was granted for this development some years ago residents affected were able to ensure that mature trees onsite were to remain.
- Removal of trees would change the character of the environment
- Suggest that the planners and the council give serious consideration to the impact that this development will have on wildlife and surrounding habitat .
- Established, mature trees border all the gardens from plot 30 along to the corner plots 40 and 41 and continue to the rear of 44, 46, 48 The Broadway and beyond.
- This is a wildlife corridor and a safe haven which encourages a wide variety of birdlife to visit.
- The trees particularly those in the corner by plot 41 need to be retained. Not only do they provide privacy but supply food, shelter and homes for the birds and the loss would be great were this to be interrupted.
- Request that plot 41 be removed from the proposed plans.
- The current habitat is the home to a variety of wildlife including an amazing variety of bird life
- The trees are vital to their well-being
- Surely planning has to take notice and act upon the requirements of the wildlife.
- Residents have requested a tree preservation order be placed on a silver birch, apple tree and larch trees.

Highways

- Imperial Court traffic entering Millstone Lane will cause even more congestion on an already very busy highway especially at the key times of each day. The additional possibly 80 cars will impact everyone who travels from the surrounding area.
- Millstone Lane is usually busy particularly in the early morning and school leaving times. At the moment when residents take their children / grandchildren to town in prams it can be hazardous especially as there is no crossing close to the exit of Turner Street

- The new development opens out onto Millstone lane, a roadway which is busy and congested already by volume of traffic and a senseless parking regime. Cars from the new dwellings, say with two cars per dwelling will mean that another 82 cars or so will try and enter what is already a congested road. A Recipe for Chaos and Danger

OFFICER APPRAISAL

Main Issues

The site lies within the settlement boundary for Nantwich where there is a general presumption in favour of new residential development. Furthermore, the granting of the previous planning permission established the acceptability in principle of residential development on this site and given that the previous permission is being, and can continue to be, implemented, this application does not present an opportunity to re-examine those issues.

The proposal does not involve any increase in the number of dwellings, or significant change to their overall siting and layout. The main changes relate to the elevational design.

The proposal is therefore acceptable in principle and the main issues in the consideration of this application are acceptability and sustainability of the proposed amendments in terms of economic, social and environmental factors.

SOCIAL SUSTAINABILITY

Housing Land Supply and Affordable Housing

No amendment is proposed to the number of dwellings on the site and therefore there will be no changes to the contribution which this site will make to meeting overall housing land supply requirements. Matters of affordable housing were addressed at the time of the original application, and given that there is no increase in numbers on the site proposed, there are no additional affordable housing requirements.

Amenity

The site is bounded on all sides by existing residential development. The Council's Supplementary Planning Guidance (SPG) recommends that minimum distances of 21.3m be maintained between principal elevations and 13.7m between a principal elevation and a flank elevation. With regard to the relationship between the proposed dwellings and the existing properties, notwithstanding the addition of the proposed conservatories, the recommended minimum distances will be achieved in all cases, with the exception of plot 20, where the distance between the proposed conservatory and the dwelling to the rear would be only 18m. However, the required minimum would be achieved to the main rear elevation of the new dwelling. Given that the conservatory would be single storey, located to the north and of light weight construction, any overlooking could be avoided through the use of appropriate boundary treatment and no loss of sunlight would be likely to occur.

The Council's SPG advocates the provision of 50sq.m of private amenity space for all new family dwellings. As approved, a number of plots failed to achieve this standard, the most significant shortfall being the case of plot 20 which has 43sqm of private garden area. The

addition of the conservatories will further reduce the private garden areas to these properties, to for example in the case of Plot 20, 25sqm. However, the minimum garden areas advocated in the SPD have been devised with the intention of allowing householders to exercise their permitted development rights to add conservatories, small extensions, outbuildings etc. in their rear garden areas.

Nevertheless, given the now reduced garden areas, it is considered to be prudent to remove permitted development rights to ensure that the Council has control over any further additions.

With regard to noise pollution, air pollution and light pollution caused by the development, the Environmental Health Department, have raised no objection. As a result, it is not considered that these issues would warrant the refusal of this application. No conditions with regard to these matters were imposed at the time of the original consent in 1998 and it is therefore considered to be unreasonable to add further restrictions at this stage.

Open space

Matters relating to public open space were dealt with at the time of the previous approval by way of a Section 106 Agreement requiring a commuted sum payment in lieu of onsite provision. Given that no additional dwellings are proposed, no additional open space requirement is generated.

Infrastructure

These issues were also addressed at the time of the original application and given that there is no increase proposed in the number of dwellings, this application does not present an opportunity to re-open them.

ENVIRONMENTAL SUSTAINABILITY

Ecology

The site is a brownfield site, and given that permission has already been granted for its redevelopment no new ecological issues are raised.

Landscape & Trees

As part of the current planning application consultations with adjoining neighbours the department has received objections to the current building works taking place on site on the grounds of tree removal. However, this work is being carried out under the extant Planning Approval and none of the trees concerned are the subject of Tree Preservation Orders, or shown for retention on the approved plans.

The current application relates only to amended elevation treatment, revised parking spaces, landscaping etc. not to the principle of development. However, following discussions with Planning Officers, the applicants have confirmed they are willing to plant 4no. new trees (species to be agreed) within the development site along the southern boundary to the Authority's approval and an amended plan has been provided to this effect.

This has been examined by the Landscape Officer who has commented that the proposed trees are only 3 to 4 metres from the new property. If they are necessary to provide screening for the neighbours, she suggests they should be moved closer to the fence line and that small species with a narrow form should be specified.

The developer has responded by commenting that the foundations to these plots (now constructed) already take account of the existing trees in that the footings have been taken down to an increased depth of approx. 2.5m which has been approved by Cheshire East Building Control. The planting of new trees will not affect these foundations but they have agreed to move the new trees nearer to the boundary in accordance with the Landscape Officer's preference. An amended landscaping plan can be secured by condition.

The revised scheme will not involve any buildings (including the new conservatories) being constructed inside the root protection areas for the trees shown for retention on the originally approved plans. Some areas of parking and pathways are proposed within root protection areas, but these are as per the original approval. Conditions can be imposed to ensure that these are built using special construction techniques to minimise damage to tree roots. Conditions can also be imposed requiring compliance with other tree protection measures.

Drainage and Flooding

United Utilities and the Environment Agency have raised no objection to the proposed modifications.

Design

No change is proposed to the overall layout of the development or the siting of the dwellings, although the drive layouts/blocks have been revised to provide additional parking areas. The plans have also been amended to indicate block paviors/Cheshire railings/planting to frontages - all in a similar manner to the existing properties on Imperial Court.

The proposals mean an increase in frontage parking which could, if not handled carefully, result in car dominated frontages. However, the developer proposes to address this through tree and box hedge planting within these areas. This can be secured as part of a condition requiring a revised scheme of landscaping to be submitted and approved.

The elevations have been revised from the approved drawing to include boarding/render finish to front of all plots & gable to Plot 20, all to match the existing built form within the site. (Previous separate approval).

Porches are now proposed also matching the newly constructed properties opposite. In addition, conservatories have been added to the rear of the dwellings.

All of these amendments are considered to be relatively minor and in keeping with the character of the other completed properties within the development and the surrounding area generally. As such the proposal complies with policy BE2 (design) of the adopted local plan and relevant design advice within the NPPF.

Ground Conditions

Matters of contaminated land were also addressed as part of the previous permission, and the conditions attached thereto, and consequently, there are no objections subject to previous conditions being transferred onto any new consent.

ECONOMIC SUSTAINABILITY

Loss of Agricultural Land

The site is a brownfield former factory site and will not result in the loss of any best and most versatile agricultural land.

Highway Safety and Traffic Generation

The Strategic Highways Manager had not commented on the application at the time of report preparation. However, given that no change is proposed to the overall number of dwellings on the site or the proposed access arrangements, it is not considered that a refusal on the grounds of, highway access or impact on congestion or safety of the wider network could be sustained, notwithstanding the concerns which have been raised by residents. Furthermore the revised plans provide for more parking per dwelling than under the approved scheme.

Section 106 / CIL issues

A section 106 agreement was attached to the original consent. Given that there is no increase in the number of dwellings proposed, no new Section 106 requirements are generated. All of the obligations under the original section 106 have been complied with and discharged and payments made. Therefore, there is no Deed of Variation required to reference this new consent.

CONCLUSIONS AND PLANNING BALANCE

The site already has full planning permission for residential development which has established the acceptability in principle of this proposal. The scheme is contained within the existing site boundaries and involves the same number of dwellings and overall layout. The main differences relate to elevational treatment and the addition of conservatories to the rear of the dwellings. The proposal is acceptable in terms of design, amenity, access and parking and subject to appropriate conditions the proposal is considered to be economically, environmentally and socially sustainable.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Time Limit
2. Plans
3. Remove permitted development rights
4. Construction of access / parking

5. Tree protection
6. Implementation of Tree protection
7. Scheme of arboricultural management works.
8. Boundary treatments
9. Revised scheme of landscaping (to include box hedging and trees to parking areas & additional tree plating on the boundary adjacent to gable of plot 41)
10. Implementation of the landscaping
11. Materials

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 Planning (Regulation), 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.

