

Application No: 13/4725N

Location: LAND AT COPPENHALL EAST, STONELEY ROAD, CREWE

Proposal: Reserved matters application pursuant to outline planning permission 11/1643N for the construction of 215 dwellings, associated on site highways infrastructure, car parking and pedestrian/cycle routes, formal and informal open space provision and associated works

Applicant: Taylor Wimpey UK Ltd

Expiry Date: 04-Feb-2014

## **SUMMARY RECOMMENDATION**

**APPROVE subject to conditions**

## **MAIN ISSUES**

**Access**

**Noise Impact**

**Landscape**

**Drainage and flooding**

**Design**

**Amenity**

## **REFERRAL**

The outline application was referred to Strategic Planning Board because it is a large scale major development and a departure from the Development Plan. This reserved matters application is thus referred as the outline was determined at Board.

### **1. SITE DESCRIPTION**

The Phase 1 part of the site consists of approximately 8.95 ha. The overall site relates to approximately 24.2 hectares of land, situated to the north of Remer Street, Coppenhall, Crewe. The site is generally flat and currently comprises predominantly undeveloped agricultural land. Field boundaries are marked by hedgerows and hedgerow trees. The Cross Keys public house, which is a locally listed building, is located on the south western corner of the site. A public right of way dissects the central part of the site.

The site is bounded to the north and west by the residential properties fronting Stoneley Road.

### **1. DETAILS OF PROPOSAL**

Approval of reserved matters is sought for the first phase of the Coppenhall East development which is for 215 dwellings with access taken from Stoneley Road. The density is 37 dwellings per hectare.

There will be a mixture of dwelling types and sizes ranging from one to five-bedroom family homes 10 bungalows are proposed along the Stoneley Road boundary in accordance with Condition 32 of the outline permission. 33 units. (2 x 1 bed; 13 x 2 bed and 18 x 3 bed units) are proposed to be affordable dwellings, in accordance with schedule 5(1) of the Section 106 Agreement. This will assist in meeting the requirements of the outline planning permission and addressing the identified housing needs. The market units mix is: 23 x 2 bed; 90 x 3 bed; 64 x 4 bed and 5 x 5 bed roomed units.

The main access to the site as approved by the outline permission is shown coming through the former Cross Keys PH onto a new roundabout on Remer Street although this access will not be provided until the occupation of the 151st dwelling.

## **2. RELEVANT PLANNING HISTORY**

11/1653N Outline planning for the Erection of 650 Dwellings, a Public House, a Local Shop and Associated Infrastructure and Open Space Provision Together with the Demolition of the Former Cross Keys Public House – granted subject to S106 Agreement 23 September 2013

## **3. PLANNING POLICIES**

### **Local Plan Policy**

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)  
RT.6 (Recreational Uses on the Open Countryside)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

### **National Policy**

National Planning Policy Framework

### **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 28<sup>th</sup> March 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

SE3 – Biodiversity and Geodiversity

SE4 - The Landscape

SE5 – Trees, Hedgerows and Woodland

SE13 – Flood Risk and Water Management

### **Other Material Policy Considerations**

None

## **4. OBSERVATIONS OF CONSULTEES**

**Brine Compensation Board:** This site is just outside the Consultation Area. However, the natural dissolution risk from the presence of rocksalt below the site is still a potential stability issue which needs to be addressed by the applicant.

**Environment Agency:** We have no objection in principle to the proposed development but we would like to make the following comments (and suggested conditions).

### Flood Risk

The submitted Drainage Report is a summary of the drainage for the proposed residential development. The Report explains that surface water is to discharge to an existing sewer at a maximum rate of 75 litres/second, (from the whole proposed development), which has been

agreed with the water company. This discharge rate is below the 'greenfield' runoff rate (Qbar) and is acceptable in principle.

The Report explains that attenuation is to be provided for up to the 1 in 100 years plus climate change event, in oversized pipes and in areas of public open space. This is acceptable in principle.

The Report does not include calculations for this phase therefore our position at the outline stage remains.

#### Condition

The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The Drainage Report explains that surface water is to discharge to mains sewer and the water company has confirmed a maximum discharge rate of 75 litres/second from the whole development. The Report also explains that attenuation will be provided for discharges above this rate up to the 1 in 100 years plus climate change event, in oversized pipes and in areas of public open space. This is acceptable in principle.

During times of severe rainfall overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site to ensure that existing and new buildings are not affected.

As such we request that the following planning condition is also included on any decision approval.

#### Condition

The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority

**United Utilities** : No reply but as part of the outline application raised no objection subject to the following condition

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to soakaway or watercourse and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

This condition remains extant.

### Environmental Health

- The hours of demolition / construction works taking place during 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
- All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to:
  - Monday – Friday 09:00 – 17:30 hrs
  - Saturday 09:00 – 13:00 hrs
  - Sunday and Public Holidays Nil
- In addition to the above, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The piling work shall be undertaken in accordance with the approved method statement:
- The method statement shall include the following details:
  - Details of the method of piling
  - Days / hours of work
  - Duration of the pile driving operations (expected starting date and completion date)
  - Prior notification to the occupiers of potentially affected properties
  - Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

**Highways:** No objections

## 5. VIEWS OF THE PARISH / TOWN COUNCIL

**Crewe Town Council:** Wishes to see further information to allay concerns in relation to highways provision, sustainable transport and general plans to mitigate the impact of the construction phase.

## 6. OTHER REPRESENTATIONS

Five representations of objection have been received from neighbouring occupiers on grounds of lack of need, loss of rural area, increased traffic and added congestion, the Victorian sewerage/ drainage systems can not cope as it will be worsened by more dwellings.

## 7. APPLICANT'S SUPPORTING INFORMATION:

To support this application the application includes the following documents;

- Planning Statement and Design Justification (Nathaniel Litchfield)
- Lighting Plan (Hattron Ltd)
- Statement of Landscape Design and Landscape Framework (TEP)
- Landscape Management and Maintenance Plan (TEP)
- Air Quality Assessment (SLR Consulting)
- Arboricultural Impact Assessment (TEP)
- Drainage Report (Betts Associates)
- Residential Travel Plan (Croft TS)
- Detailed Design and Layout for the Proposed Great Crested Newt Habitat Area (Avian)

- Statement to Discharge Highway Conditions (Croft TS)
- Construction Method Statement (Taylor Wimpey)

These documents are available to view on the application file.

## **8. OFFICER APPRAISAL**

### **Principle**

Given that the principle of development has been established by the granting of outline planning permission this application does not represent an opportunity to re-examine the appropriateness of the site for residential development.

The key issues in question in this application, therefore, are the acceptability of the access, appearance, landscaping, layout and scale of the buildings, particularly in respect of residential amenity, their relationship to retained trees and the surrounding area.

### **Highways**

#### ***Site Access and Internal Arrangements***

The site is accessed by a new junction from Stoneley Road and the improved Remer Street roundabout. This arrangement was approved at the outline planning permission stage.

The main access to the site is shown through the former Cross keys PH onto a new roundabout on Remer Street although this access will not be provided until the occupation of the 151st dwelling.

The main principal routes indicated on the layout plan does accord with the outline masterplan for the complete development although in design terms the roads do not promote low traffic speeds as would be expected in a residential development.

The amount of frontage parking on the west of the site has been reduced from the initial submission although there are still areas that have a number of car parking spaces side by side. Although these design issues are not ideal the Strategic Highways manager does not consider this warrants a refusal.

The amount of car parking provided for each of the dwelling types complies with CEC standards which is considered to be acceptable.

There is an internal construction compound within the site with parking facilities, a construction traffic routing plan has been submitted and all traffic is to use Groby Road and Stoneley Road. The routing of construction traffic on these roads would avoid predominately residential areas and also the traffic flows are generally low.

The first phase of the development, relating to access, on-site infrastructure, car parking and pedestrian/cycle routes is considered to be acceptable.

### **Drainage and Flooding**

The Flood Mitigation Strategy submitted in support of this application essentially utilises the public open space within the heart of the development site which is to be utilised as a detention pond as

part of the 1:100 year Flood event mitigation. A part of the Strategy two pumps are proposed to the north of the POS/Childrens play space. The POS is the low point of the site and is designed as a sustainable Urban Drainage Solution.

Officers were initially concerned that the POS would be water logged for much of the winter and significant further dialogue has been undertaken between the Council's Flood Risk manager and the developer.

The Council's Flood Risk Manager, upon the receipt of further information has considered the details and subject to the various conditions required by United Utilities and the Environment Agency is satisfied that the drainage design would not have detrimental impact on flood risk to adjacent land or within the site. Drainage arrangements will be progressed in accordance with Environment Agency recommendations and United Utility requirements during detailed design.

United Utilities and the Environment Agency raised no objections subject to the imposition of appropriate planning conditions at outline stage which remain as part of the condition framework of this development. It is therefore concluded that subject to the suggested conditions the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

### **Layout and Design**

The application comprises details of scale, layout, appearance and landscaping of phase one of four. A 5 piece LEAP is located to the southern edge of the red edge adjoining an area of Public Open space, which is not included as part of this application, however, but will be utilised as part of the drainage solution for the development from the outset.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

The positive and externally orientated perimeter blocks are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The density of 35 dwellings per hectare is appropriate due to the urban fringe location of the site.

The majority of the proposed development would be two-storey with occasional increases in height to define spaces and to create focal points. This would be limited to just one house type which would be 2.5 storeys in height and there would be just 4 of this type.

The layout plan includes centrally located open space which is well overlooked to all sides together with green buffer planting to the boundaries with the surrounding open countryside. The residential properties would be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are obscured from view.

Avenue tree planting is proposed to reinforce the Main Street, which is positive in terms of place making provided adequate space is provided. It is welcomed that existing hedge lines are retained as the basis for the landscape infrastructure and associated open spaces.

In terms of the detailed design the proposed dwellings include canopies, bay windows, sill and lintel details, brick corbelling details and chimneys. The design of the proposed dwellings and their scale is considered to be acceptable and would not detract from this part of Middlewich.

## **Amenity**

The closest properties to the site are on Stoneley Road and bungalows are proposed to this boundary in compliance with the condition attached to the outline permission. It is generally regarded that minimum distances of 21m should be maintained between principal elevations and 13m between a principal elevation and a flank elevation in order to provide adequate standards of amenity for existing and proposed dwellings. This layout achieves that.

To turn to the standard of amenity within the site, the scheme achieves the recommended 21m between principal windows, and 13m between principal elevations in the majority of cases.

In terms of air quality, the Environmental Health Officer has requested conditions relating to a travel plan and electrical vehicle infrastructure. However these conditions are not considered to be reasonable and were not attached to the outline consent which considered the principal of development. On this basis, such conditions would now be unreasonable in planning terms.

The developer wishes to undertake construction and piling works at times that are earlier than those times which are suggested by the Environmental Health Officer, who recommends the following hours for noise generative activities (including demolition) to be undertaken

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

And the following hours for piling –

Monday – Friday	09:00 – 17:30 hrs
Saturday	09:00 – 13:00 hrs
Sunday and Public Holidays	Nil

However, the developer wishes to work to the following hours –

*“For the first three months from the date provided by the developer of the commencement of construction the hours of working will be Monday to Friday 07:00 to 18:00, Saturdays 08:00 to 13:00 and Sundays 10:00 to 14:00 hours with no working on Public Holidays or Bank Holidays.*

*After the first three months of construction, construction works shall take place Mondays to Fridays 07:00 to 18:00 hours, Saturdays 08:00 to 13:00 hours with no working on Sundays, Public Holidays or Bank Holidays.”*



The Environmental Health Officer maintains the suggested hours as being appropriate within the residential context of this site. It is considered that the required hours suggested by the Applicant are excessive and are likely to result in an unacceptable impact upon the amenity of the existing residential community around the site, particularly the suggested Sunday working.

Subject to the construction works according with the hours required by the Environmental Health officer the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

## **Landscape**

Existing trees and hedges are retained where possible to provide a mature landscape structure. The proposals include a variety of formal and informal open spaces that are linked by existing and proposed footpath and cycleway routes to form a good Green Infrastructure network throughout the site. Whilst some hedgerow and tree removal is necessary to facilitate the development, compensatory planting with the use of native species is proposed.

The scheme retains the majority of the existing hedgerows in particular the high value hedgerows and trees which will be assimilated into the new development and form a mature landscaped setting.

The retained hedgerows will be located in public areas rather in private backs of houses. It will enhance and provide an aesthetically pleasing setting within public areas. In particular, the pedestrian only link which connects the central open space area with the western part of the development provides an important landscaped feature to the site. The retained hedgerows will also help to encapsulate and define edges to the open space amenity areas.

Public open space will form the heart of the development and is located centrally in a highly accessible location to both the residents of the new development and those in the vicinity. The proposed central green space will be retained. A strong green link will be created linking the existing community with the development, promoting integration reinforced by a clear attractive tree lined vista into the development encouraging people to use the central space, relocated shop and public house.

The landscape architect has considered the proposals and advises are well designed comprising of an attractive site entrance, a tree lined main access road, a village square and children's play area which is a focal point at the heart of the site. The central POS is linked by footpath to an area of formal highlight planting around a centrally located road junction which connects to a green footpath route along a retained, high quality hedgerow.

The existing public footpath route is upgraded to a cycleway and is largely set within a tree and hedge-lined corridor that will eventually link the ecological mitigation area to the central amenity open space to form a wildlife corridor. However, the pumping station which comprises two rectangular areas of hardstanding enclosed by weldmesh fencing and hedges located at the north western corner of the central POS creates a narrow pinch point between the play area and the formal feature planting area which will detract from the otherwise attractive, flowing design. It is however accepted that the pumping stations that have been designed and located at this point are a fundamental requirement for the drainage of the site and the adjoining Open Space, which is

being used as the Sustainable Urban Drainage solution for the site entire site (including the later phases).

#### *Phasing of landscape works*

The Landscape Strategy Report confirms that the landscape works will be implemented as follows:

Habitat area – prior to 1<sup>st</sup> occupation

Village Square and Play Area – completed prior to 50% occupation

Entrance Boulevard- completed prior to occupation of 151<sup>st</sup> dwelling and at the same time as the Cross Keys highway works are completed.

The hard landscaping has been amended to provide for shared surfacing to the main square elevation and at key focal points throughout the development.

Overall the landscape architect considers the landscape treatment to be acceptable.

### **Ecology**

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales: The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

In this case the Council's Ecologist has examined the application and made the following comments.

Great Crested Newts currently reside in a permanent waterbody to the north of the site. This pond is currently being used as a breeding pond and supports a small population of newts. The landscape scheme will safeguard an area of land to the north of the site to ensure retention of this pond and enable the construction of further 5 ponds to provide increased habitat opportunities.

An outline great crested newt mitigation strategy was previously submitted in support of the outline planning application of this site.

This application is supported by a detailed specification for the layout of the great crested newt mitigation area and an indicative timetable for implementation in accordance with condition 14 of the outline consent.

The detailed strategy submitted to discharge this condition includes the retention of the existing breeding pond and the provision of 5 new ponds. Acceptable designs for the proposed ponds have been provided.

The area of land within the habitat area has however been reduced to 1.3ha and the number of hibernacula reduced to 20. The habitat area will now however be linked to the future open space areas within future phases this which will provide secondary habitat for great crested newts. This has implications for future phases of the development as there would be a requirement to include an element of habitat creation in the open space areas linked to the mitigation area.

The proposed habitat area is of sufficient size to maintain the current great crested newt population.

Finally, the newt mitigation area must be safeguarded from public access from the adjacent public footpath. A thorny hedgerow is proposed for this purpose which will be augmented by a post and wire fence which will remain in place until the hedgerow is mature.

#### Grass snake

Since the determination of the outline application grass snakes have been recorded to the south of the red edge of this reserved matters application. The ecologist advises the proposed mitigation for great crested newts would for the most part also address the risk of grass snakes being killed or injured during the construction phase and the proposed enhanced terrestrial habitat would also at least partially compensate for the loss of habitat for reptiles. An acceptable reptile mitigation strategy has now been provided.

#### Submitted Management Plan

A period of 10 years management is being proposed which is considered to be acceptable.

### **CONCLUSIONS**

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology, and drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments. The proposal is also acceptable in terms of air quality

and noise implications with the appropriate mitigation in the form of hours of work conditions as required by the Environmental Health Officer.

This reserved matters application is acceptable. The conditions attached to the outline permission are extant and are equally applicable to this application and are therefore not repeated.

The drainage conditions required by the Environment Agency are also contained on the outline permission which are read in conjunction with this decision, and accordingly do not need repeating.

## **RECOMMENDATION**

**Approve subject to the following conditions**

### **1. Plans**

**Materials as per application with exception of Hanson 'Harvest Village Multi' – which is not approved**

**2. Further report to be submitted in line with Brine Compensation Board requirements, Implementation of recommendations**

**3. Landscaping Implementation**

**4. Ecological Mitigation to be as per submitted Great Crested and Reptile Mitigation Strategy and timetable**

**5. Hours of construction /piling in accordance with EHO requirements**

**In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Development Management Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.**

