

Application No: 22/2692N

Location: LAND OFF, CREWE ROAD, WINTERLEY

Proposal: Reserved Matters Planning Application (layout, scale, appearance and landscaping) following outline approval reference 19/3889N - Outline application for the erection of up to 55 dwellings with associated works (access to be considered with all other matters reserved) (resubmission of 18/2726N)

Applicant: T Hall, Duchy Homes Limited

Expiry Date: 09-Feb-2023

SUMMARY

The principle of development has already been established under outline approval ref 19/3889N. Therefore, the proposal remains acceptable from a pure land use perspective.

The matters sought for approval by this application, the Reserved Matters, which relate access, appearance, layout, scale and landscaping are all deemed to be acceptable. In addition, the proposals are not deemed to create any concerns in relation to amenity, ecology or flood risk, highway safety, subject to updated conditions where necessary.

The application is therefore recommended for approval

RECOMMENDATION

APPROVE subject to the conditions

ACTION SINCE COMMITTEE DEFERRAL

The application was heard at the planning committee meeting of 8th February and was deferred for the following reasons:

- To allows further discussion to increase the garden sizes and dwelling sizes for certain plots

Further discussion has taken place with the applicant and as a result the proposal has been reduced by 1 dwelling from 55 to 54 houses and the plot types for the substandard properties have been changed.

This has allowed the room sizes of those plots to be increased and now comply with NDSS. The plots with the substandard garden areas have also been sited closer to the road to allow the garden sizes to be increased in line with the 50sqm target (see space standards and amenity sections below)

- To consider the provision of a pedestrian link to the site to the North East

The applicant has reviewed the potential for a footpath as requested, however after looking at the deed plans for the homes on their Nursery Fields development, the area is fully in the deeds of the customer who purchased plot 24 and therefore does not lie within the applicants ownership or within any management company ownership. Also, the field to the north of the site is also not owned by the applicant so they will not be able to accommodate a footpath link.

REASON FOR REFERRAL

The application is referred to Southern Planning Committee at the request of Cllr Edgar for the following reasons;

- 1) The affordable housing is not pepper-potted throughout the development. It is concentrated away from the larger properties
- 2) Of the 20 affordable homes none have 3 bedrooms, they are all 1 or 2 bedrooms
- 3) Of the market sale houses none are less than 3 bedrooms. Why is the bedroom number distribution not spread evenly over the whole development?
- 4) Needs improved climate change mitigation, solar panels. heat pumps, car charging, grey water systems. We should not be waiting for new environment legislation to be in place but preparing for it.
- 5) Need to clearly lay out the plans for long term maintenance of open spaces. Too many applications are unclear on this and result in the Council having to foot the bill in future
- 6) Size of garages. Are they really a suitable size to be a garage for a modern car? Or just a token to comply with parking spaces need. Car travel will be a necessity to some people on this development. Its is not close to local employment areas
- 7) Inadequate over all parking provision
- 8) Site is overdeveloped
- 9) Why are there no houses on the northern boundary? Is there an expectation of further development to the north?
- 10) There should be walking connectivity to the other Duchy Estate.to the east. a) to allow easier access to the facilities in Winterley for the other new estate and b) to allow children access to all the play areas.
- 11) A condition to set up a liaison group with established residents, Parish Council and the developer.

PROPOSAL

Reserved Matters Planning Application (layout, scale, appearance and landscaping) for the erection of 54 Dwellings pursuant to outline planning permission reference 19/3889N (allowed on appeal under appeal reference APP/R0660/W/20/3251104 dated 01 March 2021).

SITE DESCRIPTION

The application site comprises a parcel of land sited just off the junction of Crewe Road and Pool Lane.

The area consists of predominantly residential properties to the east, west and south. Open countryside is located to the north of the site.

There is no significant variation in land levels on the site.

The site itself contains a large tree covered by Tree Preservation Order (TPO) just to the east of the centre of the site. There are also other trees covered by TPO to the northern and southern boundaries.

The site is located in the Village Infill Boundary for Winterley.

RELEVANT HISTORY

Application site

19/3889N – Outline application for the erection of up to 55 dwellings with associated works (access to be considered with all other matters reserved) (resubmission of 18/2726N) – Refused but allowed at appeal 01-Mar-2021

18/2726N – Outline application for the erection of up to 55 dwellings with associated works (access to be considered with all other matters reserved) – refused 31-Oct-2018 for the following reasons:

The proposed development is unsustainable because it is located within the Open Countryside. It would result in an adverse impact on appearance and character of the area and the loss of Grade 2 agricultural land contrary to Policies PG2 (Settlement Hierarchy), PG6 (Open Countryside), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles), SE2 (Efficient Use of Land) of the Cheshire East Local Plan Strategy, and saved Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.

The surrounding sites also have some relevant applications:

Site to the south-west

16/1487N - Reserved matters application seeking consent for appearance, landscaping, layout and scale, following outline planning permission for the construction of up to 45no. dwellings (13/4632N) – Approved 1st July 2016

13/4632N - Outline planning permission for the construction of up to 45 dwellings – Allowed at appeal – 14th January 2015

14/3393N - Outline planning permission for the construction of up to 45 dwellings (Resubmission of 13/4632N) – Refused 25th September 2014

14/3962N - Outline planning permission for the construction of up to 79 dwellings – Appeal dismissed 2nd February 2016

Site to the south

16/1728N – Outline application for residential development of up to 33 units with all others matters reserved, except for access and landscaping – Allowed at appeal 2 March 2017

Site to the east

18/1621C – Reserved matters consent is sought for appearance, landscaping, layout and scale – Approved 06-Sep-2018

16/3387N - Outline application for the erection of 29 dwellings with associated works. (Re-submission of 15/2844N) – Refused 29th September 2016 – Appeal Lodged – Appeal Allowed 20th March 2017

15/2844N - Outline application for the erection of 47 dwellings with associated works – Refused 1st October 2015

POLICY

Cheshire East Local Plan Strategy (CELPS);

MP1 – Presumption in Favour of Sustainable Development

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

SE9 – Energy Efficient Development,

SE12 – Pollution, Land Contamination and Land Instability

SE13 – Flood Risk and Water Management

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG6 – Open Countryside

PG7 – Spatial Distribution

SC4 – Residential Mix

IN2 – Developer Contributions

CO1 – Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

SC5 – Affordable Homes

IN1 – Infrastructure

IN2 – Developer Contributions

Relevant policies of the Site Allocations and Development Policies Document (SADPD)

PG9 Settlement Boundaries

PG10 Infill Villages

GEN 1 Design Principles
ENV5 Landscaping
ENV6 Trees, Hedgerows and Woodlands
ENV16 Surface Water Management and Flood Risk
HOU1 Housing Mix
HOU3 Self Build and Custom Build Dwellings
HOU10 Backland Development
HOU12 Amenity
HOU13 Residential Standards
HOU14 Housing Densities
HOU16 Small and Medium Sites
INF3 Highways Safety and Access

Haslington Neighbourhood Plan (HNP)

The Haslington Neighbourhood Plan has only reached Regulation 7 stage and therefore cannot be attributed any weight at this stage

Other Material Considerations

National Planning Policy Framework ('The Framework');

The relevant paragraphs include;

11 Presumption in favour of sustainable development
59 Delivering a Sufficient Supply of Homes
124-132 Achieving well-designed places
170-183 Conserving and enhancing the natural environment

CONSULTATIONS

CEC Head of Strategic Infrastructure (Highways) – No objection

CEC Environmental Protection – No objections, subject to a number of conditions/informatives including; working hours, piling and dust.

CEC Flood Risk – No objection

CEC Education – No comments received at the time of writing the report

CEC Public Open Space – No objection

CEC Housing – No objection

United Utilities – No objection and acceptable in principle

Haslington Parish Council - Object on the following grounds:

- Bedroom distribution not spread around the development

- Climate change mitigation not sufficient
- All properties needs EVC and should be conditioned
- Need plan to manage long term maintenance of open spaces
- Parking on site is congested and ned to ensure each garages can accommodate a parking space
- Inadequate parking provision
- Site is overdeveloped
- Why is no development on the northern boundary does this mean future plans for more housing?
- Connectivity needed to the duchy estate
- Liaison group condition required to work with local residents
- Winterley has no facilities and not an appropriate location for new housing
- Where is the barn owl survey ?
- Drainage issues
- Not clear how the surface water drainage plans impact the trees on the route from the development through to Hassall Road, e.g. T51 & T52
- The 2.5/3 storey properties are not in keeping with the rest of the area
- Some of the social housing type “Bodnant” have the garden/amenity space physically separated from the building
- Why no single storey properties either bungalows or apartments for either social or open market sale, there is proven demand in the parish.

REPRESENTATIONS

11 Letters of objection have been received raising concerns summarised as follows:

- Over development
- Site Red Line Boundary appears to cross onto the land belonging to the property at 27 Charles Barnett Road.
- Market homes are not less than 3 bedrooms so would deter older people from living here
- Affordable housing is not pepper potted
- Parking and garages are inadequate
- Connectivity needed to the duchy estate
- Need plan to manage long term maintenance of open spaces
- Highways safety concerns from use and construction access
- Flooding/drainage issues
- Winterley has no facilities and not an appropriate location for new housing
- Suggested amendment to the layout
- Not a great housing mix
- What local site is surplus soil being used on?
- Suggestions for duchy homes to act more sensitively towards the community
- Has a crime impact statement been prepared?
- Harm to wildlife

APPRAISAL

Principle of Development

The principle of the development has already been established under approval ref 19/3889N. Therefore, it is not the purpose of the application to re-explore this matter.

As a result, the proposal remains acceptable in principle from a pure land-use perspective,

The outline application gave approval for the access for the development and the Reserved Matters to be determined at this stage relate to the appearance, landscaping, layout, and scale.

Reserved Matters

Design (layout, scale and appearance)

Scale

The proposed scheme includes 54 new dwellings within a total site area of 2.1 hectares, a density of approximately 27 dwellings per gross hectare, which is consistent with the other consented sites which total 33 and 26 dwellings per hectare. The number of dwellings on the site was considered acceptable at the outline stage, but it should be noted that this falls below the density of 30 dwellings per hectare as set out in Policy HOU14 of the SADPD.

Property heights would also be predominantly 2 storey to respect the existing pattern of built form. Four properties (on plots 6, 7, 19 and 20) would be 2 ½ storey but would be well screened from public vantage points by other existing buildings or those within the development site itself. The material type in the locality is predominantly red/orange brick and tiled roofs, and this is to be replicated here and can be secured by condition.

Layout

The site is currently vacant but is enclosed by development on 3 sides.

The locality contains a mixture of property types ranging from regular 2 storey properties, link-detached/town houses, bungalow properties both detached and semi-detached and with mixed design. The proposal seeks a mix of detached, semi-detached and town house properties as such the properties could be accommodated in the street scene without causing significant harm to the existing pattern of built form especially noting the recently constructed development that surrounds the site.

The layout plan shows that the site is enclosed from view by the development to the south and east, the existing development to the west and the existing planting to the north. As a result, the properties will not be overly prominent from outside the application site.

The approved layout plan illustrated the provision of a perimeter road layout around the site. The current plan accords with the parameters plan however a more organic road layout has been proposed as requested by the Councils Urban Design Officer to better respect the character of the

site and allows a degree of open space around the retained tree. This creates active frontages and making the retained tree and the green space a focal point.

The majority of parking would be provided within each plot, some to the front and some to the sides of properties which prevents the site being dominated by parking.

The Councils Urban Design Officer initially assessed the proposal and suggested some changes. Revised plans have been provided which are discussed below:

- To enhance the character of key plots including the side wall of Plot 54

Changes have been made to the proposed brick types – Weinerberger Westerton Orange and Weinerberger Durham Red – the plots where each of these brick types are to be used are shown on the layout by way of a different colour shading of each plot.

Regarding plot 54, no additional side windows are to be provided other than the than the first floor bathroom windows due to the need to overcome shading issues highlighted in the tree section of the main report. For this reason no ground floor side window is possible.

However in order to address the issue around plot 55, it is proposed to enclose that area of open space and bring it within the proposed curtilage of plot 55 so that there is no open space that is obscured from public view.

- swapping the roofs of plots 8/9 to gabled design to match predominate roof forms

With regard to the hipped roofs, the applicant does not propose to make any amendments to the house types however have moved what was plot 8 & 9 away from Plots 6-7 (2.5 storey) to assist with this street scene.

- Concern over use of bitmac with coloured chippings in lieu of block for lanes and areas of shared surface and suggests the use of block

The coloured bitmac around the Open Space has been changed to tegular paving.

- Need for a management plan for landscaping on site minimum management period of 30 years and long term management of trees in private gardens (15 years)

The Section 106 agreement for the outline scheme requires the submission of a management plan for the open space and for this to be approved prior to the occupation of the development.

The agent advises that a management company has yet to be confirmed for the site, hence they consider it makes little sense to prepare and submit a management plan speculatively until such time that the management company is confirmed.

- To overcome a localised issue with parking concentration, a solution would be to swap plot 5 with plots 6/7. This would enable the creation of landscaping between frontage parking and driveways.

The applicant has explored moving Plot 5 however this has not been possible because its current position is dealing with a previous tree shading issue similar, however to assist with breaking up the frontage parking, Duchy Homes have switched Plots 9 & 10 with Plot 8.

A further tree has also been added in the front garden of Plot 27.

The changes as noted above have been re-assessed by the Councils Urban Design Officer who raises no further concerns with the proposal subject to condition for the landscaping scheme to include some defensive planting/screening in front of the fence of Plot 55 as part of the landscape scheme.

Therefore the proposal is considered to be acceptable in design terms and complies with Policies SE1 & GEN1 of the CELPS and SADPD.

Appearance

There is no defined character in the locality given the mix of modern and traditional style properties. The proposed dwellings would be traditional in form with gable features and would be constructed of predominantly red brick and have tiled pitch roofs. Some dwellings would have pitched roofs to add a variety of roofscape across the development. Rendered elements are also included again to add some interest.

As a result, the appearance of which is similar to the other dwellings which surround the site.

Access

Access to the site was approved at outline and links into Charles Barnett Road. The internal road design is a looped design with a carriageway width of 4.8m, there is a mix of segregated footpaths and shared surface included in the design. In design terms, the road layout is acceptable and minimises the number of cul-de-sacs being provided.

The car parking provision for each of the units accords with the CEC parking standards and additional on-street parking spaces is provided in a number of locations.

In summary, the submitted internal road layout design meets technical requirements and is suitable for adoption and the levels of car parking do comply with the required standards set out in the CELPS.

The Councils Highways Engineer has also been consulted and has raised no objection.

Therefore, the proposal could be accommodated without significant harm to the existing highway network.

Landscaping

Condition 17 of the outline approval requires the submission of a landscaping scheme.

Each plot has its own private garden with corner plots having gardens to the side also to provide dual frontage. Fencing is provided for each plot with boundaries treatments to the street scene consisting of a mix of hedgerows and brick walls.

The wider site relies on the existing planting and hedging to the northern buffer with some additional planting to help provide a smooth rural transition. To the south the existing planting is used along with further additional planting. Various new trees are proposed through the site within the street scene to provide a green feel.

The public open space and LEAP are to be provided towards the east of the site and is arranged around the retention of an existing tree. The play area is sited to be a focal point for use by all and to make a feature of the tree.

Housing Mix

Paragraph 61 of the Framework states that 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes'.

Policy SC4 advises that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. However does not specify a housing mix.

Policy HOU1 of the emerging SADPD advise that housing developments should deliver a range and mix of house types, sizes and tenures, which are spread throughout the site and that reflect and respond to identified housing needs and demands. In particular it suggests a recommended mix as below as a starting point:

	Market housing	Intermediate housing	Low-cost rent Affordable housing for rent
1 bedroom	5%	14%	26%
2 bedroom	23%	53%	42%
3 bedroom	53%	28%	20%
4 bedroom	15%	4%	10%
5+ bedroom	3%	1%	3%

The proposal would provide 54 dwellings in total with 19 affordable units and 35 open market dwellings. The mix of houses per bedrooms and tenure split would be as below:

	Market Housing	Intermediate	Affordable Rent
1 bed	0 units 0% (target 5%)	0 units 4% (target 14%)	8 units 14% (target 26%)
2 bed	6 units 11% (target 23%)	5 units 9% (target 53%)	2 units 4% (target 42%)
3 bed	11 units 20% (target 53%)	4 units 7% (target 28%)	0 units 4% (target 20%)
4 bed	9 units 16 % (target 15%)	0 units 0% (target 4%)	0 units 0% (target 10%)
5+ bed	9 unit 16% (target 3%)	0 units 0% (target 1%)	0 units 0% (target 3%)

This would therefore provide the below mix of houses for all tenure types:

- 1 bed units x 8 (14%)
- 2 bed units x 13 (24%)
- 3 bed units x 15 (28%)
- 4 bed units x 9 (17%)
- 5 bed units x 9 (17%)

As can be seen from the table above the mix would not be provided in full accordance as per the recommendation in Policy HOU1. However, the text makes it clear that this is to be used as a starting point only and is not a ridged standard.

The aim of this policy appears to provide a mix of all housing tenure and bedroom units to suit the needs of all and not to be dominated by larger 4 plus bedroom properties. As noted above the proposal would be dominated by 2 and 3 bedroom properties with a similar mix remaining for 1, 4 and 5 bed units. Or to put it another way the split would be 67% smaller properties (1-3 beds) and 33% larger properties (4 and 5 beds).

As such this mix of housing would provide opportunity for all and thus is deemed to be acceptable.

Space standards

Policy HOU8 in the subtext notes that from six months of the date of adoption of the plan, all new residential dwellings will be required to be built to the Nationally Described Space Standard (NDSS) or any future successor.

The NDSS requires:

- 1 bed for 2 people – 50sqm
- 2 beds for 3 people – 70sqm
- 2 beds for 4 people – 79sqm
- 3 beds for 4 people – 84sqm
- 3 beds for 5 people – 93sqm
- 3 beds for 6 people – 102sqm
- 4 beds for 8 people – 124sqm

5 beds for 9 people – 128sqm
5 beds for 10 people – 128sqm

The proposal would provide:

Thornbury 2 bed (4 people) – 91.23sqm	Complies
Windsor 2 bed (4 people) – 98.47sqm	Complies
Willington 3 bed (6 people) – 117.52sqm	Complies
Harewood 3 bed (6 people) – 117.61sqm	Complies
Dunsmore 3 bed (6 people) – 123.09sqm	Complies
Cranbourne 4 bed (8 people) – 149.20sqm	Complies
Buckingham 4 bed (8 people) – 153.10sqm	Complies
Belgrave 4 bed (8 people) – 157.47sqm	Complies
Oakmere 5 bed – (9 people) 171.87sqm	Complies
Wavendon 5 bed (10 people) – 183.66sqm	Complies
Dunstall 1 bed (2 people) – 58.16sqm	Complies
Benham 2 bed (3 people) – 70.90sqm	Complies
Windsor 3 bed (4 people) – 98.48sqm	Complies

As can be seen above, all the of plots now comply with the NDSS.

Affordable Housing

The outline planning permission secured the provision of 30% of the total number of units as affordable housing to be provided as a mix of homes for affordable rent and intermediate housing. A further 6% of the proposed dwellings_were secured as “additional affordable housing units” to be provided as intermediate housing.

19 affordable units are to be provided split between 9 intermediate and 10 affordable rent units. The bedroom and tenure split of the properties is as follows

	Intermediate	affordable
1 bed	0	8
2 bed	5	2
3 bed	4	0
4 bed	0	0
5 bed	0	0
Total	9	10

This mix of affordable properties has been deemed acceptable by the Councils Housing Officer It is further considered that as affordable units are spread to the eastern and central boundaries, acceptable “pepper potting “ is achieved within the scheme.

Education

A requirement for contributions towards Primary & Secondary education was secured under S106 Agreement at outline stage.

Health

A requirement for contributions towards health was secured under S106 Agreement at outline stage.

Open Space

The site plan details the on-site provision of Local Area of Play (LEAP) and POS. This has been deemed acceptable by the Councils Open Space Officer. The public open space and an area of equipped play is to be provided towards the east of the site and is arranged around the retention of an existing tree. The play area is sited to be a focal point for use by all and to make a feature of the tree.

Amenity

With regards to neighbouring amenity, Policy HOU12 advises development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

Policy HOU13 sets standards for spacing between windows of 18m between front elevations, 21m between rear elevations or 14m between habitable to non habitable rooms. For differences in land levels it suggests an additional 2.5m for levels exceed 2m.

The main residential properties affected by this development are 326-338 Crewe Road (even numbers), 4 Hassall Road and the closet plots of the developments approved to the south and west of the site.

326-338 Crewe Road

The majority of plots would be sited 40m away from properties on Crewe Road. These distances comply with the interface distances between buildings as recommended in HOU13 which suggests no significant harm through overlooking. The plots would also be sited between 10-11m away from the shared boundary to prevent significant harm through overlooking, overbearing or overshadowing.

Plot 1 would have its side elevation sited 32m to rear windows of Nos.326&328. This distance complies with the interface distances between buildings as recommended in HOU13 which suggests no significant harm through overlooking. The plot would be sited 3.5m to the shared boundary. No harm through overlooking of the garden areas as the only window serves an en-suite which can be conditioned to ensure it is fitted with obscure glazing. In terms of overbearing and

overshadowing impact, the proposal will have some overbearing impact when viewed from the rear garden areas, however at 3.5m away from the boundary this is not considered to be significantly harmful and is not an uncommon layout in housing estates across the country, the layout is also between both garden areas so would not dominate the whole garden area. There is also likely to be some overshadowing of garden area, however this is not considered to be significant as it would only affect the small part of the garden area immediately adjacent to the boundary and is not considered the main usable area and this area of garden is already likely to be overshadowed to some degree by the existing boundary treatment.

4 Hassall Road

The nearest plot to this property (plot 12) would be sited over 30m away to the rear elevation. This distance complies with the interface distances between buildings as recommended in HOU13 which suggests no significant harm through overlooking. The plot would also be sited 11m away from the shared boundary to prevent significant harm through overlooking, overbearing or overshadowing.

Closest plots of the developments approved to the south and east of the site

The plots comply with the recommended interface distances to side and rear elevations of properties to the south and east and would be sited at least 9.5m away from the shared boundaries. This would prevent any harmful impact through overlooking, overbearing or overshadowing.

There are some level changes proposed to some plots to the eastern boundary with a floor level increase noted at 0.8m, however the interface distances would comply with the separation distances set out in policy HOU13 and would prevent any harm through overbearing impact or loss of privacy. To the western boundary the largest noted level changes is 0.5m but given the large interface this also remains compliant with interface distances.

Environmental Protection have also raised no objections subject to conditions regarding noise report, piling, construction management plan, construction hours, dust and piling.

Future occupants

The SPD recommends that family homes should provide 50sqm of private garden areas.

Policy HOU13 does not set an expected size of garden area but advises proposals for dwellings houses shall include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development.

Initially the majority of plots provided at least the 50sqm recommended garden area but with eight of the plots being less than the recommended minimum. These related to the 1-bedroom units. These plots have been sited closer to the road which has resulted in larger garden areas being provided with all plots now providing at least the 50sqm target.

Therefore, the proposal could be accommodated without significant harm to living conditions of neighbouring properties.

Environmental amenity

Condition 11 of the outline approval requires submission of EVC. These have been provided and deemed acceptable by Environment Protection Officers.

Condition 12 of the outline approval advises prior to the development commencing, a Construction Environmental Management Plan shall be submitted to and agreed by the planning authority. This remains outstanding prior to commencement.

Ecology

There are a number of conditions attached to the outline permission at this site relating to ecology, these are assessed below:

Condition 20 Updated badger survey

An updated badger survey as required by this condition has been submitted. The latest survey confirms the presence of an active badger sett in close proximity to the application site. The sett was previously thought to be a main sett, but has now been classified as an outlying sett due to only a single badger being observed during the survey.

In order to avoid the risk of badgers being harmed during the construction works, it is currently being proposed to close the sett under the terms of a Natural England license. This approach is deemed acceptable by the Councils Ecologist.

Condition 22 Proposed lighting scheme

The revised lighting scheme includes a plan (reference 23785-D-01 rev C) of lighting contours which includes the 1 lux contour. The lighting scheme as proposed would result in light spill of greater than 1 lux on retained hedgerows and trees which is likely to have an adverse effect upon foraging and commuting bats.

The Councils Ecologist advise that that the lighting scheme must be revised to avoid this. This can be resecured by condition to ensure a revised plan is provided prior to first occupation.

Condition 23 A strategy for the incorporation of features to enhance the biodiversity value of the proposed development

Two documents have been submitted in order to comply with this condition:

- Biodiversity Enhancement Management Plan November 22 (Rev 04)
- Biodiversity Net Gain Design Stage Assessment November 22 (Rev 03)

The Councils Ecologist advises that these fulfil the requirements of the condition

Condition 24 Prior to the commencement of development an updated barn owl survey is to be undertaken.

The applicant is reminded of the requirements of this condition prior to the commencement of development as per the outline permission.

Additional conditions required

The Council's Ecologist advises that a condition should be attached to safeguard nesting birds which prevents removal of any vegetation, or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds.

Therefore subject to conditions the proposal would not cause significant harm from an ecological perspective.

Trees

Condition 19 of the outline approval required any reserved matters application to be supported by an Arboricultural Impact Assessment.

The application is supported by an Arboricultural Impact Assessment. Selected individual and groups of trees within the site are protected by the Cheshire East Borough Council (Haslington – Winterley Land to the north of Pool Lane) Tree Preservation Order 2019.

The Assessment states two trees and two groups, a low (C category) Whitebeam, a moderate (B Category) Cherry, a moderate (B Category) group of Holly and low (C category) group of Hawthorn will require removal to accommodate the development. The trees are not protected by the TPO and it is agreed that their removal will not have a significant adverse impact on the wider amenity of the area. Sufficient amenity space is available within the site to provide suitable replacement trees as part of a detailed landscape scheme.

The Assessment at Para 4.5.4 states there will be encroachment of 6-12% within the Root Protection Area (RPA) of retained trees (T1, T4, T14 and T22). This is to accommodate an internal road (T1 and T14) and driveways (T1 and T22). Whilst this accords with Section 7.4.2.3 of BS58237:2012 which states that 'new permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA', the road will need to be constructed using a no dig solution such as a cellular confinement system to avoid damage to roots.

Such solutions are generally acceptable for private driveways, (subject to site conditions) however would not normally be appropriate where the internal road is to be constructed to an adoptable standard as required by the highway authority. It should also be noted that the Assessment (para 4.11.1) states that the provision of new service runs have not been provided which may impact on effectiveness of any no dig construction.

The Council's Forestry officer initially had concerns with the location of the road in the no dig solution for the internal road around protected tree (T14). However revised plan and arboricultural report has been received which has been reviewed by the Forestry officer who now considers the relatively

minor encroachment into the RPA of T14 supervised excavation is deemed a reasonable approach in this instance and that no dig cell web construction for the footpath is acceptable.

T4 is scheduled for removal which is not contested subject to suitable replacement.

Concerns were also raised regarding the proximity of plot 54 to protected Oak (T11) as this relationship meant that the garden area would suffer from shading thus putting the tree under pressure for future removal. As a result, a revised plan has been received which has swapped this plot for a different property type with a much larger rear garden area. The shading plan indicates that half of this garden area would be in shade during the afternoon. Given the size of the garden area remaining for this property this is not considered to be an unacceptable relationship as half would remain unshaded. The Forestry officer is also happy with this relationship.

The Forestry officer therefore raises no objection subject to conditions requiring compliance with the Arboricultural Method Statement/Tree Protection and for a revised landscaping scheme to include additional replacement trees.

Therefore, it is considered that subject to conditions that the proposal will not cause significant harm to existing landscape features and complies with Policies SE5 & ENV6 of the CELPS and SADPD.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps and it is over 1 hectare. As such a Flood Risk Assessment was provided and deemed acceptable at reserved matters stage.

Condition 10 of the outline approval requires submission of a drainage strategy.

United Utilities have been consulted and raise no objection. They do however request that the developer provides evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable. This will therefore be a matter to be addressed between the applicant and United Utilities.

The Council's Flood Risk Team (LLFA) have also been consulted who advise given the soakaways are now designed to the worst-case testing scenario and are appropriately positioned away from existing boundaries, they would have no objection in principle to this approach. Additionally, they would have no objection in principle to the Micro Drainage modelling completed, this should be submitted at discharge of condition stage, for further scrutiny.

Finally, their previous comments mentioned the following statement: "There is also a potential for boundary treatment given land levels appear to be increasing circa 200- 800mm across the site". This information is yet to be clarified and the LLFA would expect the developer to submit sectional details through the areas of interest and provide boundary treatment where necessary. However, they are happy that this is not fundamental to the scheme and that the proposal is acceptable from a drainage/flood risk perspective. Therefore, this can be dealt with through the applicants discharge of conditions application for condition 10 attached to the outline consent.

As a result, the proposal can be accommodated without causing any significant drainage/flood risk concerns and the [proposal complies with Policies SE13 CELPS and ENV16 SADPD.

Other conditions

Condition 6 requires the reserved matters shall be in broad compliance with the Site Plan 17061 (P1) 100D. The proposed site plan is considered to be so.

Condition 8 requires submission of land levels.

Other matters

The majority of representations have been addressed above in the report. The remaining comments are addressed below:

- Climate change mitigation not sufficient – *the proposal provides EVC and all of the properties are to be built to latest building regulation standards, this will include providing shower heat recovery, solar panels and enhanced thermal bridging details. The surface water drainage is also designed to latest standards accommodating for climate change and using a sustainable drainage system.*
- All properties need EVC and should be conditioned – *Environmental protection officers are satisfied with the EVC provision.*
- Need plan to manage long term maintenance of open spaces – *this is to be dealt with by management company.*
- Connectivity needed to the duchy estate – *the Council needs to consider the application as submitted.*
- Liaison group condition required to work with local residents/ Suggestions for duchy homes to act more sensitively towards the community – *Such a condition is not considered necessary in view of the size of the proposed scheme.*
- Winterley has no facilities and not an appropriate location for new housing – *the principle of residential development has already been accepted.*
- Where is the barn owl survey – *This is still a pre-commencement requirement.*
- Why no single storey properties either bungalows or apartments for either social or open market sale, there is proven demand in the parish – *8 one bedroom units are proposed.*
- Site Red Line Boundary appears to cross onto the land belonging to the property at 27 Charles Barnett Road – *ownership plan does not show any encroachment, in any case would be a civil issue.*
- Parking and garages are inadequate – *All garages are suitable to accommodate a vehicle*

- What local site is surplus soil being used on? – *This is not relevant to the determination of the Reserved Matters application*
- Has a crime impact statement been prepared? – *No such statement provided however the layout shows plots overlooking to POS area to provide good natural surveillance.*

Conclusions

The principle of development has already been established under outline approval ref 19/3889N. Therefore, the proposal remains acceptable from a pure land use perspective.

The matters sought for approval by this application, the Reserved Matters, which relate to design (scale, layout and appearance) and landscaping are all deemed to be acceptable. In addition, the proposals are not deemed to create any concerns in relation to amenity, ecology, landscape or flood risk, highway safety, subject to updated conditions where necessary.

The application is therefore recommended for approval.

RECOMMENDATION:

APPROVE subject to the conditions

- 1. Development carried out to the approved plans**
- 2. Obscure glazing to be fitted to side facing en-suite window of plot 1**
- 3. Prior to the installation of any external lighting details to be provided**
- 4. No removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds**
- 5. Development to be carried out in accordance with Arboricultural Method Statement (Urban Green Drawing UG_1511_ARB_AMS_02 dated 17/01/23) submitted to the Council on 26/01/2023.**
- 6. Provision of landscaping plan**
- 7. Landscaping implementation**

In order to give proper effect to the Board`s/Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

