

Application No: 13/1210C

Location: LAND OFF, CREWE ROAD, ALSAGER

Proposal: Reserved Matters planning application to erect 65No. Dwellings with associated Highway and External Works

Applicant: Miller Homes Ltd

Expiry Date: 27-Jun-2013

SUMMARY RECOMMENDATION

Approve subject to conditions.

MAIN ISSUES

Access
Design and Layout
Landscape
Forestry
Affordable Housing
Ecology
Public Open Space
Impact on Radway Green
Amenity
Drainage and Flooding
Other matters

REFERRAL

The application has been referred to Strategic Planning Board because it is a largescale major development and a departure from the Development Plan.

1. SITE DESCRIPTION

The application site is some 3.3ha in extent and is greenfield land located on the south side of Crewe Road, immediately adjacent to the settlement boundary of Alsager. The site is defined by Crewe Road to the north and Goldfinch Drive to the east. To the west is a narrow lane (which also carries a public right of way) leading to the Old Mill public house, Alsager Hall Farm and Hall Farm Shop, residential properties, a pond used for recreational fishing and to the equestrian use south of the site. The southern boundary follows the line of the Valley Brook. There is one built structure within the site. A former garage or agricultural barn is

situated adjacent to the eastern boundary. It is redundant, has suffered from graffiti, fly tipping and is also fire damaged.

There are a number of trees within the site, but all are located around the site's periphery. A copse is located in the south western corner of the site. Formal access to the site is gained via a gate off Crewe Road at the north eastern corner of the site. On the Crewe Road frontage, the boundary is set back from the highway. There is no footway and the adopted managed grass highway verge with mature trees is separated from the site by a hedgerow.

Existing residential development lies to the north and east of the site. Existing dwellings in Goldfinch Drive back on to the south eastern site boundary, whilst further north, dwellings on the opposite side of Goldfinch Drive face towards the site. On the opposite side of Crewe Road lie the rear boundaries and gardens of the existing dwellings in Bude Close, whilst to the eastern side of the Crewe Road frontage is no.214 Crewe Road, a small bungalow. To the east and south of the site lies open countryside.

2.DETAILS OF PROPOSAL

Members may recall that Strategic Planning Board resolved on 1st August 2012 to grant outline planning permission for the erection of 65 dwellings. Approval was also given for means of access with all other matters, reserved for a subsequent application. The permission was issued following the signing of a Section 106 Agreement on 18th January 2013.

This application seeks approval of the reserved matters which comprise appearance, landscaping, layout and scale.

3.RELEVANT PLANNING HISTORY

12/0893C - Erection of up to 65 dwellings (Outline) – Approved 18th January 2013

Erecti

4. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

PS8 Open Countryside
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking

GR18 Traffic Generation
GR21 Flood Prevention
GR 22 Open Space Provision
NR1 Trees and Woodland
NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing

4. OBSERVATIONS OF CONSULTÉES

Environment Agency

The Environment Agency has no objection in principle to the proposed development but we would like to make the following comments.

- The final surface water management scheme submitted (Drawing number: 5672/SK04) is acceptable in principle, surface water is restricted to existing rates and attenuation for the 1 in 100 year climate change event is provided (dry detention basin and storage in the carriage way).
- Condition number 23 requested on the outline application requests that a scheme for the management of overland flow be submitted and approved by the local planning authority; we have received no information regarding this.
- Furthermore based on discussions with the developer they are now proposing raising site levels in the flood zone 3 area of the site and providing compensatory flood storage. As this represents a material change from the proposals at outline planning we would like to add the following condition.
 - The development hereby permitted shall not be commenced until such time as a scheme to provide compensatory flood storage is submitted and approved by the local planning authority.
 - The developer is currently in the process of commissioning a 1D hydraulic model of Valley Brook. The results of this modelling as well as their calculations and designs for compensatory flood storage should be submitted for approval.
- Pleased to see that the applicant has left an undeveloped buffer zone and the green open space adjacent to Valley Brook and that the houses are facing to the watercourse so integrating it as a feature of the development.
- From the 'Scale Layout' map there appears to be an outfall into Valley Brook. According to the Ecological Report no water vole survey was undertaken because no works to the river bank us intended. If this outfall is new then the applicant may need to undertake a water vole survey. If a Flood Defence Consent is required for this outfall the EA may request to see a water vole survey as part of that application.

United Utilities

No objection to the proposal providing that the following conditions are met:-

- This site must be drained on a total separate system, with only foul drainage connected into the public foul sewerage system. Surface water should discharge to the soakaway/watercourse and may require the consent of the Environment Agency.
- Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Rights of Way

No objection subject to:

- Standard informatives to protect the Right of Way during construction.
- The proposed footpath link from the site onto public footpath No. 7 would be supported as a key resource for prospective residents in accessing the public rights of way network which leads to open countryside to the south.
- The footpaths should be designed and constructed to best practice.
- Prospective residents may wish to use the link to Goldfinch Drive as a route on which to cycle as well as to walk to the town centre facilities and therefore the design and construction of this route should be appropriate to its predicted usage.
- Destination signage should be provided on site and information on routes for leisure as well as journeys provided to prospective residents in the home information pack. The developer would be required to include the maintenance of these paths within arrangements for open space management.

Health and Safety Executive (Explosives Inspectorate)

- From the plans provided it is clear that the proposed development falls within the outer (Band 3) consultation zone of the nearby licensed explosives facility. Therefore the Explosives Inspectorate has no objection to it proceeding provided that the development is no more than three stories (12 metres) high and is of traditional brick construction
- If any part of the development within Band 3 is of a 'vulnerable' nature by virtue of population (e.g. hospitals, swimming pools) or by virtue of construction (e.g. multi storey 'curtain wall' buildings, large open-plan unframed structures, buildings with extensively glazed roofs or elevations) then the Explosive Inspectorate would wish to be consulted further.

Greenspaces

- Comments relate to the formally maintained amenity areas
- The planting schedule is generally appropriate but some concern about species on plots 33, 30 and 28
- Plan does not show any low level planting or landscaping in formal Public Open Space
- Request details of LEAP- design and choice of equipment
- The position of the path does not follow the shortest route from the new housing area to the play area
- The grass surrounding the play area needs to be cut fortnightly

- Landscape Management And Maintenance Plan needs to include details of maintenance and management of the play area, and fortnightly grass cutting need to be included within this document
- Area around the LEAP needs to be labelled on the plan as Amenity Grass

Highways

- This is a reserved matters application to determine the internal layout of the site only, access was determined at the outline stage as was any issues regarding traffic impact.
- The internal roads are designed to accord with the Council's adoption standards and although it would have been preferable to join the long cul-de-sacs together to provide a loop road there are no technical reasons to object to the submitted design of the cul-de-sacs.
- The areas indicated to be block paved are acceptable but these will not have any vertical deflections and are to be designed to be at grade.
- Car parking provision is at 200% for the development and therefore accords with parking requirements for residential units.
- No highway objections are raised to the application.

Environmental Health

No objection subject to conditions relating to

- Hours of demolition / construction
- Hours of piling
- Submission of piling method statement
- Submission of scheme to minimise dust emissions
- Phase II site investigation.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Alsager Town Council has the following concerns. Reference is made to a pond known as 'the Cops' which is detailed to be made bigger and improvements made to this area, the Town Council has concerns over who will maintain this part of the site once developed. Serious concerns are expressed regarding pedestrian access to and from the site and would suggest a crossing be put in place to allow children to cross Crewe Road safely. Any footpaths that are developed on the site must also be wide enough for cyclists. Alsager Town Council suggest that any contributions from the developer go towards highway improvements and road safety.

6. OTHER REPRESENTATIONS

Representations have been received from neighbouring residents making the following points:

Principle of Development

- Development is not necessary
- There are other brownfield sites available within Alsager, (MMU, White Moss Quarry, Twyfords)
- Priority must be given for Greenfield over Brownfield
- Residents are sick of developers trying to build on Greenfield sites.
- It has been awarded outline planning permission hastily.
- The development is contradiction to the Alsager Town Strategy which "supports residential development on previously developed land, including the re-use of land at the former MMU campus and Twyfords." These 2 sites should be utilised first with no planning granted on other sites until MMU and Twyfords have been fully utilised.
- The Alsager Town strategy document also wishes to conserve and enhance the network of green spaces and improve access to the open countryside.
- The proposed building on open countryside is totally against this vision.
- The land is not part of the local plan for Alsager or Cheshire East Council's Strategic Land Housing Availability Assessment.
- Claims that the proposed site has been used as a garage are completely spurious - the field to the west of Mill Lane was used as a temporary lorry park when the Radway Green factory was built in 1940 but has never been developed and is therefore a green field site.
- The site abuts Mill Lane and Alsager Hall Farm which are of historical value both dating from medieval times - although the existing buildings are early Victorian
- This land is a valuable green space between Alsager and the Radway Green Factory which should be preserved, as it prevents the town spreading out into an urban/industrial sprawl.
- This was just the first of a large number of proposed developments on Greenfield sites around Alsager. The only reason that this site got outline planning permission approved originally when the subsequent sites did not is that it slipped through the planning process during the summer holidays before the residents of Alsager realised the significance of the situation and started to campaign against them. It is not required and, not wanted.
- The governments new guidelines state that "local planning authorities must encourage brownfield sites to be brought back into use rather than building on greenfield sites and to protect greenfield land wherever possible".

Ecology

- Very few of the trees which create the habitat for birds and bats are being retained.
- A considerable number of trees have already been felled in Alsager and to continue to remove them from this development area will only make Alsager a poorer place to live with regard to local wildlife.
- There will be destruction to the ecological environment for wildlife if building takes place. Great Crested Newts, water Voles, Woodpeckers, Herons, Kingfishers, Hawks, Owls, bats, badgers, foxcubs, pheasant chicks, Foxes, various bird species and many more.
- The pumping station in the buffer zone will impact wildlife

- The plan to net the hedgerows and copses to stop birds nesting before they start the development will be fine, birds should just go and find somewhere else anyway.
- The developer states 'there are no trees or other features suitable for the installation of a barn owl box' and that they propose to appeal the need for this condition
- One of the aged Oak trees is to be sacrificed for the access. The Council should be ashamed of itself. This is unacceptable when an access could be made on the small lane adjoining the site leading from the Old Mill and the Hall Farm Shop, a far more safe and sensible access.
- Such a build would be a huge detriment to the precious local environment and the beauty that attracts many people to Alsager
- In a letter recently printed in the Crewe Chronicle Councillor Michael E Jones, Leader of the Council, was appalled by the felling of mature oak trees to enable a development and where he wanted to reassure residents of Cheshire East that this was unacceptable

Traffic

- Concern about safety of access to Cranberry Lane school for Parents
- It is already very difficult to exit from Hall Farm shop, Cranberry Lane or Arrowsmith Drive due to the bend in the road and the bus stop that both limit visibility, and the volume of traffic along Crewe Road.
- It is already extremely difficult to cross Crewe Road
- There is already congestion on Crewe Road especially if there are problems on the M6 or A500
- Crewe Road is very narrow and extremely busy with traffic of all sizes and descriptions using it - although it is allegedly a 40 mph road the speed of drivers using including huge HGV vehicles is generally far more than that.
- The Mill driveway has already seen a recent increase in traffic due to the success of Hall Farm shop
- Another entrance onto Crewe Road in this area is dangerous. It is incredibly close to another busy junction, two bus stops, a mini roundabout, a pedestrian crossing, another access road, 2 oak trees, Hassall Road and Cranberry Lane, which leads to Cranberry School, Cranberry Nursery & Whizz Kids out-of-school club and is directly on the route of the Cranberry pupils walking bus.
- This stretch of road is already congested and more traffic trying to access the main road will create another hazard.
- Crewe Road is extremely busy between 8.00 – 9.00am and between 4.30 and 6.00pm.
- It is close to a dangerous junction into Arrowsmith Drive and an awful junction at Hassall Road.
- The pelican crossing and roundabout at Poppyfields entrance is also in the close vicinity.
- The traffic through Alsager is already congested
- Children have to cross the main Crewe Road, morning/lunch time/afternoon can only put them at more risk of an accident.
- Residents have witnessed many misses especially in the morning.
- The land already earmarked for housing Hassall Road, and Twyfords will cause absolute deadlock through Alsager village.

- To propose over one thousand plus houses in a small designed village area with only one totally inadequate main road exit and access is stupid and dangerous beyond belief.
- There are existing problems coming out of Poppyfields onto Crewe Road,
- The development would add 130 cars (based on the proposal of 2 cars per household for the planned 65 houses)
- Pedestrians crossing to use the bus stops on either side of Crewe Road would be put in danger.
- Bus stops towards Hanley have not been identified on the plan!
- The speed limit is 40 mph only 200 yards away from the Cranberry Lane T junction and already causes traffic problems for vehicles turning onto Crewe Road.
- Neither the speed limit or volume of traffic has seemed to be addressed in these revised plans.
- The entrance to the site is proposed and is exactly where the police constantly set up speed traps.
- Land is already earmarked for housing at Hassall Road and Twyfords, so why do we need more housing? This is likely to cause major congestion in a small village.
- Despite the 30mph zone, regular experiences walking and driving along this stretch of road will tell you that little heed is paid to this speed limit. Unless speed cameras or a further reduction in speed limit is imposed, there is a high likelihood of accidents and traffic congestion in this area.
- Further family housing will result in more children wishing to cross the road to access the schools. Crossing will soon become an absolute nightmare as will exiting the development onto Crewe Road. This too must be given much further consideration and a re-drawing of the plans.
- Contractors vehicles will further accelerate the degradation of the existing poor road surface on Crewe Road.
- Cars turning right out of the proposed exit will bring yet another traffic hazard to the Cranberry Lane junction, those turning left will join the Crewe Road virtually in front of Arrowsmith Drive.
- It is a complete accident waiting to happen.

Design

- The land lowers as it approaches the Radway Green area, so why propose 3 story houses at the front? Why not propose the 3 storey houses towards Radway Green then the height of the houses on the site will be level.
- Object to the number of houses planned for this unsuitable site and in particular the 5 bedroomed houses which may be three storey or possibly a 2.5 storey.
- The outline would detract from the roadside view. You do not expect to have 2 or 3 storey houses in a "Coppice" on a country road
- The application states that "no unacceptable harm" would be caused to the area and its appearance and character would benefit from the development. The area will not benefit from being covered in bricks and mortar rather than trees
- A review of the planning document submitted for street scenes does not include plots 1-8 14-22 39 and 48-52. Yet plots 34-37 are shown twice. Have plots 1-8 been deliberately omitted as plot 4 is for 2.5 storey house (London type) which fronts the entrance to the estate and will block light and views from existing housing? Plot 37 is

also at the front of the estate and is also a 2.5 storey house. This height of proposed house is not in keeping with the existing housing on this road.

Schools

- Schools are already full and additional houses will make the situation worse
- There are already waiting lists
- No provision has been made for safe crossing points for families wishing to walk to Cranberry, Pikemere or Alsager School by the new development.

Radway Green

- Should the close vicinity of the site to Radway Green Ammunition factory be considered? Could it be thought a dangerous area?
- Would the sound of testing of constant firing of bullets not be a problem to the new houses?

Amenity

- 214 Crewe Road, immediately next to the land in question is a small two bedroomed single storey bungalow. It will lose all privacy in the living areas. The house proposed immediately next to it is a large 5 bedroomed, three storey dwelling, which will totally dwarf 214 and look ridiculous. The back garden will back onto the side of 214 property, so that all the rear bedroom windows will look directly into the lounge via the window in the side elevation of the property and also into the conservatory (not shown on the plan).
- Plots 41 – 44, the two storey dwellings, are angled in such a way that the rear bedroom windows will also look directly into the conservatory and lounge at 214, plus the kitchen extension (also not shown in the plan) and dining room. The occupants would have absolutely no privacy whatsoever in the living areas of their home.
- This could be avoided with some thought and consideration. If the large property proposed for next door were to be turned to face Crewe Road with the garage next to 214 and the garden running parallel to ours, this would be tolerable. Also, if plots 41 - 44 were either turned to overlook the rear of the garden to 214 and not directly into the back of the house, this too would be tolerable. Better still, if the position of these houses were to be swapped for the position of the battery of garages the privacy of 214 would not be compromised.
- The height and size of the houses at the front of the development are huge compared to the houses opposite (in Bude Close) and will completely block any view that these houses currently have. There is a strong risk that there will be a loss of light as the development sits on the south side of Crewe Road - in the exact location where the sun rises and sets and offers much needed light to the houses on the north side of the road - particularly in winter.
- Effectively another parallel road is to be created along Crewe Road which will be the entrance where vehicles come into the development. This will increase traffic noise massively and also fumes etc. A revised layout must be considered whereby traffic is funnelled into the development so that there is immediate speed reduction and also noise. The impact on neighbouring properties will otherwise be greatly affected

- Style and placement of properties will take natural light & privacy from existing properties on Goldfinch Drive, Crewe Road & Bude Close.
- Residents we want to live opposite green fields and trees (that is why they moved here) and not buildings.
- This development will also cause more noise and dirt pollution while it is being built and afterwards. What will be done to keep this to a minimum?

Footpath and Play Area

- Residents object to the application due to the linking path that connects the proposed new development to Goldfinch Drive via the proposed new "play" area.
- The play area will not be used as intended e.g. a safe play area for young children supervised by their parents but become an area for teenagers to congregate.
- The proposed park will bring antisocial behaviour, vandalism and will again cause a safety issue for residents of Goldfinch Drive.
- The existing play area has experienced problems with litter, underage drinking and unruly behaviour in general.
- The prospect of hitting a child with a car will be a major concern. The road is extremely narrow-having small children running out of a play area in a state of excitement will, end in the serious injury or even death of a child given the size of the road, lack of path and the limited parking (which means that visitors and household with numerous cars often use the grass verge to park).
- There is no requirement for the proposed path and play area close to Goldfinch Drive.
- A logical location for any proposed play area that serves the new proposed housing development would be within the new development.
- Information is unclear as to whether there will be a playground and where it will be.
- The existing playground on Swallow Drive should be refurbished by the developer with on-going maintenance provided in consultation with the Town Council. This playground would then serve the Hall Drive estate, Poppyfields estate and the new 'Coppice' development.
- Maintenance of the park will also be a major issue. The park off Swallow drive is in a terrible state of disrepair and rather than replace this with another park to get into the same state - the existing park should be renovated.
- Is another play area needed?
- It is totally unnecessary as there is another local park close by which is completely neglected and in a state of disrepair.
- Leave the 'meadow' in its natural and wildlife friendly state.
- The significant impact upon me personally would be the noise from this park (residents have small children who sleep in front bedrooms)
- Finally, do we really need another Playground that won't be maintained? The play area off Swallow Drive has been left to be abused by teenagers that often cause trouble, smash bottles and set fires. Is this what is needed for a neighbourhood that is predominately families with young children?

Affordable Housing

- The development states it will include affordable housing. What is the definition of affordable housing? There are already approx 250 houses of varying price levels and

sizes already on the market in Alsager estate agents. Given the reduction in employment opportunities in the local area and the recent redundancies at Astra Zeneca, Barclays and Britannia where is the requirement for new housing in this area?

7. APPLICANT'S SUPPORTING INFORMATION:

- None submitted

8. OFFICER APPRAISAL

Main Issues

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 appearance, landscaping, layout and scale of the buildings, particularly in respect of residential amenity, their relationship to retained trees and the surrounding area.

Access

The vehicular access to the site would be taken from a point mid-way along the Crewe Road frontage. Details of access were agreed at the outline stage.

Residents have raised various traffic and highway safety issues including implications on the wider network, traffic generation, speed of vehicles, the position of the access, traffic congestion in the town centre, danger to pedestrians, and proximity to bus stops and schools. Whilst these concerns are noted, access matters cannot be re-examined at this stage given their approval on the outline application.

Therefore, the only issue in terms of access, which is under consideration in this application, is the internal site layout and parking provision. The Strategic Highways Manager has examined the proposals and raised no objections in respect of these matters and therefore the proposal complies with Policy GR9 of the adopted Local Plan in respect of access and parking.

Design and Layout

The Principal Design Officer has examined the application and commented that the submission has addressed most comments made at pre-app stage. In terms of layout, the arrival square could be less formal in shape, taking account of building arrangement around the space. There is more scope for trees to be a feature of the space. The applicant has commented that the square has been designed to form a place setting, with a clear and defining directional point of reference. The units have been placed so as to form a strong frontage and positive vistas from the approaches and exits, with the main spine continuing down the tree/hedge lined boulevard to the POS and the secondary arm guided through to the two corner post trees. It is their opinion that that the planting of additional trees in the

square would detract from this sense of place by over-crowding it and that it would therefore lose its definition. However, additional tree planting could be secured by condition.

The majority of the house designs and materials are considered to be acceptable. The apartment block is quite plain and, and will be very visible from areas of POS, it needs to have landmark quality. The developer has commented that, it has been designed to form an attractive point of reference at the end of the tree/hedge lined boulevard and at the entrance to the POS. The main elevation tangential to the boulevard is greater in height than the surrounding plots (28, 46 & 47), which defines its place. This then wraps around to face the POS and subsequently reduces to a reduced scale adjacent to the existing, neighbouring dwellings. The simple detailing to heads and cills, coupled with the dentil and plinth banding will further serve to enhance this clean and simple form of detailing common to the surrounding area, and serves to ensure the building forms a cohesive relationship with existing and proposed dwellings.

With regard to sustainability, the energy statement in the addendum does not give sufficient information and there is no mention of wider sustainable design measures such as passive solar gain or climate change adaptation measures designed into the scheme (enhanced tree coverage and vegetation could be one such measure). The developer has subsequently commented, however, that the layout does demonstrate that the majority of the proposed dwellings are sited so that main elevations (front or rear) face south, therefore enabling them to benefit from passive solar gain. The landscaping proposed, together with the existing trees, will ensure that shaded areas are available throughout the development, providing relief from the sun in summer months.

Therefore the proposal is considered to be acceptable in design terms and meets the requirements of policies GR1 and GR2 of the adopted Local Plan and the provisions of the NPPF in terms of design.

Landscape

The Landscape Officer has examined the proposal and commented that the submission provides no information on proposed levels. As it appears there is a proposal to raise levels to the south of the site adjacent to the Valley Brook watercourse and protected trees this information needs to be provided. Sections may be required.

The submission shows a retaining wall to the south and south east of the site but no details are provided.

Whilst a proposed footpath link is indicated to the south of the site, no details are provided of surfacing or how the link to footpath 7 would be secured. A footpath link should also be provided to the play area, which appears rather isolated.

The soft landscape proposals on the detailed planting plan D3780.001A are generally reasonable in so far as they extend. However, there are no landscape proposals for the area of POS, The Landscape Officer has questioned the suitability of some of the proposed species which are planted close to residential property frontages. The Greenspaces Officer has raised similar concerns. Furthermore, the scheme provided very limited enhancement for the waterside woodland or pond areas.

In response to these comments, the developer has submitted a revised, Landscape Management and Maintenance Plan; External Works Layout Plan; Detailed Landscaping Planting Plan; and Site Layout Plan. The external works plan provides details of levels. It is proposed that the footpath will have a cinder finish. The amended layout shows the footpath continuing to the LEAP and the Management and Maintenance plan provides comfort on management of landscaped areas. They have commented that details of the proposed retaining wall will be forwarded in due course.

The Landscape Officer has examined the revised information and stated that the draft landscape management plan appears to be reasonable. However, in the absence of sections and details of the proposed retaining wall the impact of levels changes on the copse area, Valley Brook watercourse and protected trees remains unclear. The proposed footpath link to the Leap does not follow a natural desire line. It is not clear how the footpath link to the south of the site negotiates the retaining wall and further details will be required. The landscape proposals for the area of POS are still outstanding. The scheme provided very limited enhancement for the waterside woodland or pond areas. These comments have been forwarded to the developer and a further response was awaited at the time of report preparation. An update in respect of this matter will be prepared for Members prior to their meeting.

The Landscape Officer has also commented that appropriate measures would need to be secured to ensure ongoing management and maintenance of public open space, footpath routes and ecological corridors. Indian Balsam has been found on the site. This invasive species requires control and measures could be required by condition. However, the outline consent imposes a condition requiring a scheme for the eradication of Indian Balsam to be submitted and approved prior to commencement of development (condition 8).

With regard to boundary treatment, there is an existing boundary hedgerow to the western boundary. The hedge must be retained and it is considered that a 1.8m fence is not necessary or appropriate for plots 1,9,10,11,12,13. A lower fence may be adequate. This has been brought to the attention of the developer who confirmed that an amended boundary treatment plan will follow shortly.

In addition, the Principal Design Officer has commented that there is scope to include more trees in the scheme. He has also questioned the practicality of some tree placements, such as the specimen proposed outside plot 38. More trees could be achieved in front gardens and incidental spaces. This should be supplemented by shrub and hedge planting to help to 'green' the streets.

In response, the developer has stated that whilst they consider the level of planting proposed to be appropriate they would be willing to introduce additional planting if necessary. This could be secured by condition.

Forestry

Several of the trees on the periphery of the site are protected by the Congleton Borough Council (Alsager Hall, Alsager) TPO 1998. These include the belt of trees along the watercourse and individual specimens to the north, west and north eastern boundaries.

The submission is supported by:

- A Tree survey plan ref.1819.01
- A Tree protection plan ref. 1819_03 Rev B
- An Arboricultural Method Statement (AMS)

The submission does not include an Arboricultural Impact Assessment as recommended in BS 5837:2012 Trees in relation to design, demolition and construction although there are some references to impacts in the AMS.

Whilst the tree protection plan indicates the proposed tree protection measures, the underlying base plan does not show the site layout. Therefore it is not possible to ascertain if the fence line can be achieved. The tree protection measures need to be shown on a site layout plan with the line of protective fencing and areas where special construction measures will be required identified. The measures need to include protection for the hedgerows.

The AMS indicates that there will be impact on TPO protected trees alongside the Valley Brook and loss of some unprotected trees in the copse adjacent to the pond as a result of the proposed retaining structure. Condition 15 of the Outline stated there should be no loss of trees in the copse and it is most regrettable that the layout results in the construction of a retaining structure which impacts on protected trees adjacent to the watercourse. This was not made apparent during pre-application discussions and it would be preferable if the layout could be amended to avoid these impacts.

It appears that works associated with the pumping station will result in work in the root protection area (RPA) of tree T2 on the Tree protection plan. If there is work proposed in the circle annotated 'Stone infill', the extent of encroachment will not be acceptable. It also appears there is conflict between the tree protection plan and the proposal to excavate a pond in the copse to the south west.

Therefore the following additional arboricultural information is required prior to determination of the application:

- Tree protection plan overlaid on site layout with areas. Clear identification of areas where special construction required. Protection measures provided for hedgerows.
- AMS amended to cover hard surfacing in vicinity of trees on Crewe Road frontage (on Crewe road side and internal access road) and to include contact details for relevant personnel
- Details of Service routes & method statement if impacting on tree RPA.

This has been brought to the attention of the developer and further information was awaited at the time of report preparation and a further update will be provided for Members in due course.

Affordable Housing

The affordable housing requirements as per the s106 agreement for the outline application on this site are –

- 6 x 1 bed units as social or affordable rent

- 7 x 2 bed units as social or affordable rent
- 7 x 2 bed units as discounted for sale or other form of intermediate tenure agreed by the Council.

The s106 agreement also requires a scheme for the affordable housing to be submitted with the first reserved matters application. It should detail the location, plot boundaries, layout, type and specification for the rented affordable units and the location, plot boundaries, layout, type and specification for the discounted for sale affordable dwellings.

A written affordable housing scheme has not been submitted with the application and the Design & Access Statement does not detail which properties are proposed as affordable or provide any other details required from the affordable housing scheme.

The site layout plan has plots 54 – 65 which are the 6 x 2 bed & 7 x 1 bed apartments and plots 46 – 52 which are 2 bed houses marked as AH and it is assumed that these are the affordable housing dwellings.

The developer has however now confirmed that the affordable units are plots 46 – 65, with 6 x 1-bed apartments, 7 x 2-bed apartments and 7 x 2 dwellings (as per the 106 agreement). However they still have not clarified, which are the rented and which are the discounted for sale (or other intermediate tenure) dwellings. Nevertheless Plus Dane Housing have contacted the Housing Department about this site, as they are likely to take on the affordable units, and they have advised their intention is to take the 13 apartments and deliver them as rented and the 7 x 2 bed houses as shared ownership. Housing Officers have agreed, with Plus Dane the principle of the intermediate tenure changing from Discounted for Sale to Shared Ownership which is permitted within the terms of the s106 agreement.

The affordable dwellings marked AH on the plan are all located in one corner of the site and not pepper-potted. Whilst it is appreciated that the practicalities mean the apartments will be provided in one block the houses could potentially have been pepper-potted with the open market dwellings.

Finally the s106 agreement stated that 7 of the properties should be provided as discounted for sale. The definition for Discounted Housing for Sale in the agreement is as follows –

thirty five percent (35%) of the Affordable Units which are to be provided pursuant to a scheme previously approved in writing by the Council such scheme to include those elements of the First Schedule that are relevant to Discounted Housing for Sale Units and the Third Schedule and to be in accordance with the Council's Interim Planning Statement on Affordable Housing PROVIDED ALWAYS that, with the Council's agreement in writing (such consent not to be unreasonably withheld or delayed), the scheme for Discounted Housing for Sale Units may include Units of another form of intermediate tenure, as envisaged by the NPPF, and in accordance with the Council's Interim Planning Statement on Affordable Housing, and in the case of shared equity tenure, this shall be at the same discount as set out in paragraph 4.8.2 (i) of the First Schedule, and in the case of shared ownership tenure, the discount to an AHP shall be such as will enable an AHP (as confirmed by such AHP) to offer a shared ownership lease on affordable terms.

However, there are only a small number of lenders who will provide mortgages for discounted for sale housing and these lenders require high deposits. Also if a Registered Provider wishes to take transfer of the affordable dwellings they are unlikely to want to deliver the intermediate ones as discounted for sale and would have no problem with a different form of intermediate tenure such as shared ownership being provided at this site

In summary, therefore, the affordable housing provision within the site is considered to be acceptable and in compliance with the Section 106 Agreement attached to the outline consent and there are no objections on affordable housing grounds.

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, these issues were considered at the outline stage, and the principle of development of this site has been established. Therefore, the only ecological issues in the

consideration of this application relate to the detailed layout and design of the scheme and whether it accords with the principles and conditions which were laid down at the outline stage.

The Council's Ecologist has examined the application and made the following observations:

Great Crested Newts

Great Crested Newts have been recorded as breeding at a pond adjacent to the proposed development. In the absence of mitigation the proposed development would result in a 'medium' adverse impact on great crested newts as assessed in accordance with the Natural England Great Crested Newt Mitigation Guidelines. These impacts result from the loss of intermediate terrestrial habitat and the risk posed of killing/injuring animals during the construction process.

The submitted Great Crested Newt Method Statement proposes to mitigate the risk posed to newts during the construction phase through habitat manipulation and the trapping and exclusion of animals from the development footprint located within 100m of the proposed development. This is in accordance with standard best practice. To compensate for the loss of terrestrial habitat the applicant proposes the enhancement of the retained habitat together with the enhancement of the on-site non-breeding pond.

Council's Ecologist has advised that if planning consent is granted the submitted mitigation/compensation is broadly acceptable and is likely to maintain the favourable conservation status of the species concerned. However, it should be noted that a pumping station is now proposed within the ecological mitigation area identified by the ecological mitigation strategy submitted in support of the outline application. Whilst it is stated that the total above ground area of the pumping station will be minor there appears to be a more significant area marked with a circle around the pumping station. Clarification is required to confirm what is represented by this marked area.

In response the developer has submitted and amended plan showing the circle to be removed and has stated that it was only there to indicate a "no build zone" around the pumping station. The Council's Ecologist has therefore raised no objection on Great Crested Newt grounds subject to a condition requiring the proposed development to proceed in accordance with the submitted Great Crested Newt Mitigation Strategy dated May 2012 (updated February 2013) unless varied by a subsequent Natural England License.

Badgers

Whilst the submitted letter from the applicant's ecological consultant refers to an updated badger survey accompanying the letter as an appendix the survey report does not appear to have been submitted in support of the application. A copy of this report is required. This has been requested from the developer, who has confirmed that it will be submitted shortly. A further update on this matter will be provided prior to the Strategic Planning Board meeting.

Valley Brook

The outline planning permission requires the provision of an undeveloped 10m buffer zone between the development and the brook.

For the most part this requirement has been implemented as part of the reserved matters proposals. However, on the original drawings, in the south western corner of the site the retaining wall and footpath encroached into the buffer. However, the amended plan now shows that the buffer zone is free from development. This has resolved this concern.

Hedgerows

The site currently supports a number of hedgerows. All the existing hedgerows, with the exception of those to be removed to facilitate the site entrance, should be retained and enhanced as part of the development. As originally submitted the retained hedgerows were not clearly shown on the proposed plans. However, the retention of the existing hedgerows is also now shown on the amended plans and hedgerows are retained wherever possible. Consequently, the Council's Ecologist has no objection on these grounds.

Ecological/Copse Area

The proposed pond within the copse area is supported. However the new pond may be shaded by the existing trees. The Council's Ecologist has required confirmation as to whether it will be necessary to remove any trees to avoid the shading of the new pond. This information has been requested from the developer who has stated that their ecologist will be providing confirmation as to whether trees need to be removed. A further update on this question will be provided in due course.

Public Open Space

The Section 106 Agreement attached to the outline planning permission gave the Council the option of requesting a commuted sum payment towards the upgrading of the Swallow Drive play area or the construction of a new play area within the site. The Greenspaces Officer has confirmed that their preference is the creation of a new play area and they have requested details of the design and choice of equipment. This request has been passed to the developer who has confirmed that the information will be forwarded shortly. A further update on this matter will be provided in due course.

Local residents have queried the need for the proposed play area and raised concerns regarding the potential for antisocial behaviour, maintenance and vandalism at such a facility. However, this was considered as part of the outline consent, and Strategic Planning Board resolved to include the option for on-site play area provision within the Section 106 Agreement. Therefore the principle of this matter cannot be reconsidered at the reserved matters stage.

A substantial amount of general amenity space has been provided within the site, in accordance with the outline permission. The Greenspaces Officer has been consulted and raised no objection to the extent or location of amenity space provision. She has commented that the planting schedule would seem appropriate for the development and location.

However, a small number of trees are closer to the dwellings than are ideal and could cause future problems for residents – such as those close to plots 28, 30 and 33. Furthermore, the detailed planting plan does not show any low level planting or landscaping in the area of formal Public Open Space where the children's play area is proposed. However, these concerns have been addressed through the revised landscaping plan.

The position of the path which is indicated on the site layout plan does not follow a desire line from the new housing area to the play area (i.e the shortest route) and therefore it is likely a secondary informal path will be formed across the amenity green which is not desirable. The revised landscaping plan still contains no details of landscaping and low level planting in this area. Similarly, the LEAP and surrounding area not included on the planting plan showing low level planting and any hard landscaping. The area around the LEAP needs to be labelled on the plan as Amenity Grass and maintained as such.

In addition, the Public Rights of Way Officer has commented that the plans should include detail of signage and surfacing for the proposed footpaths within the site.

With regard to the submitted Landscape Management and Maintenance Plan the grass surrounding the play area needs to be maintained as Amenity Grassland and kept short (minimum of fortnightly cuts) and details of maintenance and management of the play area need to be included within this document.

These issues have been brought to the attention of the developer and a further update will be provided prior to the meeting.

Impact on Radway Green

The site is within the consultation zone for the BAe Systems ordnance plant at Radway Green. The Health and Safety Executive (Explosives Inspectorate) have been consulted and raised no objections provided that the buildings do not exceed 12m in height, are of traditional brick and tile construction, and do not involve any "vulnerable" uses such as swimming pools and hospitals. The reserved matters submission complies with all of these requirements and therefore the proposal is acceptable in terms of its relationship with Radway Green.

Amenity

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21m between principal windows and 13m between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

The nearest neighbouring properties are Bude Close, Cranberry Lane and the other dwellings on the opposite side of Crewe Road to the north, and the dwellings in Goldfinch Drive and fronting on to Crewe Road to the east. A minimum distance of 40m will be achieved between the front elevations of proposed dwellings and the properties on the opposite side of Crewe Road. A distance of 22m will be maintained between the proposed apartment building and the closest dwelling in Goldfinch Drive, and 15m will be achieved between the rear elevation of plot 34 and the neighbouring property to the east fronting on to Crewe Road. Therefore, given that the minimum separation distance of 21.3m, as set out in the Council's Supplementary Planning Guidance, will be achieved, and exceeded in most cases, notwithstanding the

concerns raised by neighbours in respect of the proposed 3 storey development, it is considered that an adequate level of privacy and light will be maintained to existing properties.

The scheme also meets the required minimum distances between elevations of proposed dwellings within the site. .

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The submitted layout indicates that this can be achieved in all cases. It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy GR6 of the Local Plan.

Drainage and Flooding

The Environment Agency has commented that a number of details required by condition have not submitted. However, these would form part of a Discharge of Conditions application, and would not normally accompany a Reserved Matters submission which seeks approval only of appearance, landscaping, layout and scale. They have also requested an additional condition due to the increase in ground levels at the south west corner of the site. As this detail was not shown on the original outline drawing and has only been introduced as part of the reserved matters, it is considered to be necessary and reasonable to add this condition.

United Utilities have also requested a number of conditions. However, these matters were addressed at the outline stage and appropriate conditions were added to the outline permission.

Other matters

Objectors have raised a number of issues with regard to the principle of residential development on this site including the need for the development, loss of open countryside, the view that priority should be given to development of brownfield sites and conflict with the town strategy. However, as stated above, outline planning permission has already been granted and this application relates only to reserved matters. The principle is therefore firmly established and cannot be revisited.

Impacts on education infrastructure have also been raised by residents. However, these were addressed at the outline stage and appropriate Section 106 obligations were imposed accordingly.

Environmental Health have requested a number of conditions relating to contaminated land, dust emissions, travel plan and hours of construction. These issues have also been raised by residents. However, these issues were also considered at the outline stage and conditions were imposed to address them. Therefore no further conditions are required at this stage.

9. CONCLUSIONS

Subject to the receipt of the amended plans and additional supporting information referred to above, for the reasons given above, and having due regard to all other material considerations it is considered that the proposed development complies with the relevant

local plan policies and accordingly it is recommended for approval subject to conditions as set out below.

10. RECOMMENDATIONS

APPROVE Subject to the following Conditions:

- 1. Standard**
- 2. Approved plans**
- 3. Materials**
- 4. Boundary treatment**
- 5. Landscaping**
- 6. Landscape implementation**
- 7. Scheme to provide compensatory flood storage**
- 8. Submission of results of 1D hydraulic model of Valley Brook.**
- 9. Development to proceed in accordance with the submitted Great Crested Newt Mitigation Strategy**

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