

Application No: 13/2299N

Location: Land at Rope Lane, Shavington, Crewe, Cheshire, CW2 5DA

Proposal: Approval of details of the appearance, landscaping, layout and scale as required by condition 1 attached to the outline planning permission 11/4549N.

Applicant: Wainhomes North West Ltd

Expiry Date: 29-Aug-2013

### **SUMMARY RECOMMENDATION**

**APPROVE** subject to conditions

### **MAIN ISSUES**

- **Principle of Development**
- **Highway Safety**
- **Ecology**
- **Trees and Landscape**
- **Footpath**
- **Affordable Housing**
- **Contaminated Land**
- **Open Space**
- **Design and Layout**
- **Residential Amenity**
- **Flooding**

### **REFERRAL**

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

## **1. SITE DESCRIPTION**

The site comprises 3.679ha of undeveloped agricultural land located on the north western edge of Shavington. The site is defined by Vine Tree Avenue and Northfield Place to the south and Rope Lane to the west. Open Countryside lies to the north and east and a public footpath traverses the site close to its southern boundary. It is bounded by existing

hedgerows, some of which contain trees. In addition, there is one hedge which bisects the site which also contains a small number of trees.

Existing residential development lies to the south and west of the site. The wider site context includes the A500, beyond the field to the north, with further agricultural land on the opposite side. Further west lies Shavington high school and leisure centre and Rope Green Medical Centre.

This application was original submitted on 6<sup>th</sup> March 2013. The 13 week target date for determination was 5<sup>th</sup> June 2013. The application was due to be presented to the Strategic Planning Board for determination on 19<sup>th</sup> June 2013. However the applicants have appealed against non-determination of the application. In such cases the matter is taken out of the hands of the Local Planning Authority and the determination is made by the Secretary of State.

The applicant has submitted a second identical application, which is the subject of this report, in the hope of receiving a formal determination from the Local Planning Authority in advance of a decision being made through the Appeal process. The applicant has indicated that if this application is successful they may be willing to withdraw the present appeal against non-determination.

## 2. DETAILS OF PROPOSAL

Members may recall that outline planning permission for the erection of up to 80 dwellings was refused by Strategic Planning Board in 2012, and subsequently allowed at Appeal. Approval was also sought for means of access with all other matters, reserved for a subsequent application.

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

### 3. RELEVANT PLANNING HISTORY

|          |      |                                                                                        |
|----------|------|----------------------------------------------------------------------------------------|
| 11/4549N | 2012 | Outline application for up to 80 dwellings including access – Refused. Appeal allowed. |
|----------|------|----------------------------------------------------------------------------------------|

|          |      |                                                         |
|----------|------|---------------------------------------------------------|
| 13/1021N | 2013 | Application for approval of reserved matters - Appealed |
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#### 4. PLANNING POLICIES

## National Policy

## National Planning Policy Framework

## Local Plan Policy

NE.2 (Open countryside)

NE 4 (Green Gap)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)  
NE.20 (Flood Prevention)  
NE.21 (Land Fill Sites)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
RES.5 (Housing In The Open Countryside)  
RT.6 (Recreational Uses on the Open Countryside)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

### **Other Material Considerations**

Cheshire East Interim Affordable Housing Policy

## **4. OBSERVATIONS OF CONSULTEES**

### **United Utilities**

- No comments received at the time of report preparation

### **Public Rights of Way Unit**

- It would appear from inspection of the definitive map that Public Footpaths Rope No. 2 and Shavington cum Gresty No. 7 will be obstructed by the proposed development
- As there are currently no proposals for the paths to be suitably diverted under the Town and Country Planning Act 1990 (TCPA) by the applicant object to the planning application.
- If, however, the applicant is prepared to apply for a diversion of the routes under the Town and Country Planning Act 1990 may consider withdrawing objection the suitability of the new routes has been assessed.

### **Environmental Health**

No objection subject to

- Submission, approval and implementation of an Environmental Management Plan to cover noise and disturbance, waste management, dust generation, piling techniques, hours of operation, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes during the construction phase
- Implementation of scheme of acoustic insulation submitted with the application
- Submission and approval of a Phase II site investigation and implementation of any recommendations / mitigation.

### **Highways**

- This application offers a detailed design for the internal layout of a 79 unit residential development. The internal road layout should comply with Manual for Streets offering a clear design hierarchy for the road infrastructure to give better guidance of all road users.
- The proposed layout for this development was initially the same as the layout for the original application: 13/1021N which is currently the subject of an inquiry for non-determination.
- One of the concerns regarding the development proposal was that of the internal layout which was determined by the Strategic Highways Manager to fall short of delivering a quality design under the guidance of the Manual for Streets document.
- The consultant acting for the developer entered lengthy negotiations with the Strategic Highways Manager in recent weeks and finally, after a number of layout amendments an adjusted layout was agreed which improved the design of the layout to a satisfactory level.

#### Traffic capacity and site junction capacity.

- These issues were resolved at outline planning stage and the original Transport Assessment demonstrated that the junction onto Rope Lane had sufficient capacity to serve up to 130 dwellings and therefore this development for 79 dwellings is more than adequately served. This assessment was accepted by the S.H.M.

#### Conclusion.

- This development proposal does now offer an internal layout which provides a level of design which is satisfactory to the Strategic Highways Manager. The: geometry, consistency of features and connectivity will serve the site in a satisfactory manner.
- The Strategic Highways Manager recommends the following conditions be attached to any permission which may be granted for this development proposal:
  - **Condition:-** Prior to first development the developer will enter into and sign a Section 38 Agreement under the Highways Act 1980 with regard to the formal adoption of the internal road infrastructure serving the development.
  - **Condition:-** Prior to first development the developer will provide a suite of detailed design plans for the construction of the new access junction and the provision of a 2.0metre footpath for the full frontage of the site. This will include for tactile paving on pedestrian desire lines and for an upgrade to the frontage streetlighting.
  - **Condition:-** Prior to first development the developer will provide a detailed design for the upgrade of the street lighting system for Rope Lane on the site frontage to the satisfaction of the LPA.
  - **Condition:-** The developer will provide a capital sum of money for the improvement of the wider highway network and focused on the South Street/A534/Mill Street junction in Crewe. The provisional rate will be £3,000.00 per dwelling against development numbers on the site. The total sum of money will be secured via a Section 106 Agreement under the Planning Act 1990 and via triggers to be agreed against the occupation of development numbers.

#### **Peak and Northern Footpaths Society**

- The development appears to affect Shavington 7 and Rope 2.
- If planning permission is granted please include a condition that there must be no objection of the public right of way. Should a temporary or permanent obstruction be unavailable then no development should take place until a diversion order has been confirmed and the diversion route with a satisfactory surface and adequate width and way marking is available for public use.

### **Environment Agency**

- The Environment Agency has no objection in principle to the proposed development but requests that any approval includes the following planning conditions.
- Outline planning permission should only be granted to the proposed development if the following mitigation measure as set out in the Flood Risk Assessment (FRA) from Weetwood (Ref 1961/FRA\_v1.3 dated 11 November 2011) submitted with this application is implemented
- Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and the Flood Risk Assessment (FRA) from Weetwood (Ref 1961/FRA\_v1.3 dated 11 November 2011), has been submitted to and approved in writing by the local planning authority.
- Any vegetation clearance works should be conducted out with the bird breeding season of March through to August inclusive.
- To enhance the biodiversity value of the site, only native plant species should be used in landscaping works. The species used should offer food and shelter to wildlife all year round.
- Nesting boxes for birds and bats will also enhance the biodiversity value of the site.
- Only clean surface water from roofs and paved areas should be discharged to any surface water soakaway.
- A scheme to be agreed to protect the undeveloped buffer zone around Swill Brook on site as shown in 'Landscape Structure Plan' number 4381.03.

## **5. VIEWS OF THE PARISH / TOWN COUNCIL**

The Parish Council has considered the above planning application and instructed me to submit the following observations:

- The Parish Council has made a number of observations for consideration, raised some queries that it would require clarification of, and made a number of recommendations for the use of s106 improvements arising from the development in order to help mitigate the effect on the Parish; and would wish these to be attached as conditions to any approval.
- The Parish Council notes that all of the 79 dwellings proposed are two storey houses, some of which are located on the plan as being adjacent to a row of bungalows in Northfield Place. These bungalows will suffer from being overlooked as a consequence, and therefore the Parish Council would require that only bungalows be allowed to be built at this point on the site, similar to the conditions placed on the developers of the Triangle site when they construct properties behind the existing bungalows in Stock Lane.

- The Parish Council has significant concerns over the impact from heavy traffic during the construction of such a large site and would insist that a temporary 7.5T weight limit be introduced throughout the centre of the Village and along Chestnut Avenue/Vine Tree Avenue to ensure that construction traffic is routed via Nantwich Road and Rope Lane. This is considered essential as the view of the Parish Council is that heavy vehicles will attempt to access the site via the A500 and then along either Gresty Lane or Chestnut Avenue; or from Newcastle Road and then through the Village centre, both of which are unsuitable routes for heavy vehicles. Chestnut Avenue/Vine Tree Avenue is also the only route to Shavington Primary School located on Southbank Avenue.
- The Parish Council would also propose that the construction and delivery hours of the site be restricted to between 9am and 5pm Monday to Friday only.
- In terms of the developer's s106 contributions to the local infrastructure the Parish Council would request the following highway improvements identified as a priority by Members:
  - Improvements to the very poor condition of the carriageway and further traffic calming measures along Gresty Lane which is already extensively used as a rat run by local motorists and will only be used even more so once the works are underway
  - The provision of two zebra crossings in the Village at appropriate locations in Crewe Road and Main Road which have been seen as important by Parish Councillors for several years but not currently being considered by Cheshire East
  - Improvements to traffic flow in the centre of the Village by simple measures of new signage and white lining in making the Main Road/Sugarloaf Corner triangle a one-way system
- The site currently has a public footpath running along the rear of the Vine Tree Avenue properties, which then rejoins Vine Tree Avenue between No. 23 and the sub-station (although this is not clear on the plan), and the Parish Council understands that residents of these properties have concerns over the future potential for anti-social behaviour in what will be a thoroughfare between their properties and the rear gardens of the proposed new dwellings. There is also a drainage ditch running along this same route and the Parish Council would ask whether the developer has any plans to culvert this.
- There are areas of open space/recreational use shown on the plans submitted and the Parish Council would request some clarity over where the responsibility for the future on-going maintenance of these areas would fall.
- Finally, local knowledge suggests that there is a Foot and Mouth disease burial site located roughly in the centre of the site of the proposed housing development and the Parish Council would ask whether any surveys to establish the extent of any contamination are planned or have been carried out.

## 5. OTHER REPRESENTATIONS

## **Local Residents**

### Ecology

- Pleased to note that a preservation order has been placed on the oak trees in the fields concerned but the wildflowers, which the government are anxious to save from extinction will be lost.
- Loss of vegetation, wildlife mature oak trees
- Already been loss of natural habitat with hedges and trees destroyed when the Shavington bypass was built and now more will be lost
- Is there a way the trees can be retained?

### Amenity

- The buildings on the site of Santune House, also in Rope Lane, tower over the nearby bungalows. It is a disgrace that this is allowed to happen. The houses are so close that they look directly into bedroom windows and there is no privacy in the gardens. A similar situation will arise if Wain Homes are allowed to build house overlooking bungalows and the residents will lose their privacy. At the very least Wain Homes should be compelled to build bungalows in this area.
- Need to consider the visual impact that this development will have
- Northfield Place is all bungalows and to have a large number of houses to the rear of the existing bungalows will be unsightly and overpowering.
- We would like to add that, a majority of people currently residing in the area to be affected by the new development, are elderly or of retirement age, and have moved here for the peace and quiet that the countryside should bring. By encouraging families and young professionals into the area we are sure that this will bring problems such as noise nuisance from vehicle use at all hours and also anti- social behaviour from youths congregating around the play area and public footpath which runs to the existing properties.
- By attracting older people to reside in any bungalows built, it would allow families and couples to move into the houses that the older people have vacated.
- The public footpath which runs to the rear of the houses on Vine Tree Avenue is only at present mainly used by dog walkers but, even with little use residents have experienced problems with youths and vandalism in the past. There is concern that this public footpath will become used more and jeopardise security to property.
- No consideration had been given to local opinion, and existing dwellings.
- The number of 4 bedroom houses will totally dominate the landscape and be obtrusive when approaching the heart of the village.
- The people of Shavington and indeed the parish council strongly opposed this development and yet despite the level of opposition, houses are to be built immediately adjacent to many properties.
- It is certainly inappropriate to overlook bungalows with houses.
- The Developer / Landowner have no consideration for the views of the residents of Shavington or of the wellbeing of the Village itself.
- The building of two storey houses to the rear of bungalows in Northfield Place will result in a loss of privacy, as their gardens and bedrooms will be directly overlooked.

This is distressing for the mainly elderly residents and should have a condition applied that bungalows only will be allowed.

- As Northfield Place is downwind of the prevailing wind direction we will be particularly affected by dust and noise during construction, again elderly residents tend to suffer from asthma / chest problems....that is why we chose to live in a semi rural area.
- Working hours should be restricted to weekdays between 09.00 and 17.00
- No site access via Chestnut Ave /Vine Tree Ave or through the Village centre
- The future residents of the development will be subjected to increasing traffic noise from the adjacent bypass as the planned Commercial and Residential development in the area are completed. There is no noise screening along this stretch of the bypass and the increase in noise is already evident.
- Loss of views from existing properties
- Gardens will be overlooked.
- Many Council's permit only the building of bungalows behind bungalows, so would hope that this compromise would be adopted concerning this planned development.
- Northfield Place turns to the right and also faces the houses being built behind the bungalows. To a lesser extent due to Northfield Place having a wide entrance with a large green area houses in Vine Tree Avenue will also see houses behind the bungalows.
- Object to a public footpath being left behind Vine Tree Avenue and the new houses which is a recipe for trouble.
- Apart from the undoubted visual horror, if approved, it should be remembered that people in this area have invested large sums of money in their homes (bought on an "as is" basis). And to have them de-valued in this way, is, not only totally wrong, but immoral.
- The light pollution from the development is not considered in the surveys carried out
- The siting of 4 large detached 2 storey (plus pitched roof) houses close to the low hedge boundary at the rear of 64 Rope Lane, with the front elevations of those houses directly facing the prominently fenestrated private rear elevation of the bungalow at 64 Rope Lane, is unacceptable. The main living room and two principal bedrooms at the bungalow will be directly overlooked by the many windows shown on the front elevation to these houses. Not only will these, and car headlights, be a potential source of light pollution but there will also be a severe intrusion of privacy on what is currently a very private outlook.
- No dimensions are given on the drawing submitted with the application (although they are given for properties affected on Vine Tree Avenue) but the distance from the bungalow at 64 Rope Lane to the nearest point of the new development is estimated at only 16m
- Although it is proposed to plant a few "trees" along the boundary, there will be immature and will take time to become established, if they do at all. The overlooking, particularly from the upper floor windows of the houses will be obtrusive.
- Consideration should therefore be given to permit only low rise bungalow development, which is more in keeping and compatible with surrounding bungalow dwellings, and to set these further back from the boundary with 64 Rope Lane.

### Drainage



- Swill Brook can be fast flowing after heavy rain; this will be a magnet for children especially around the culvert opening (which is in need of maintenance at the moment). This should be fenced off.
- Properties in Northfield Place are in a flood risk area. This should be taken into account when drainage from the development is designed. The properties are below the development site.
- How will the water table be affected?
- Extra rainwater which will pour into Rope Lane, due to increased hard standing will adversely affect the drainage system
- There is a brook at the side of three existing bungalows and it will be at the bottom of the new estate. Has the danger of flooring with disturbance to the land been considered and appropriate flood planning and prevention for flooding been assessed and recommendation put in place.
- The total disregard of the route of the drain (protected by easement across the development site) from 64 Rope Lane.
- 64 Rope Lane has foul and surface water drainage via a pipe running across the proposed development site to the public sewer in the development site close to Vine Tree Avenue. This matter has been brought to the Council, and presumably the developer's attention, before but has always been disregarded
- The route of this drain is not shown on any of the drawings. However, it is clear that the developer proposes to construct dwellings over the drain. Access to maintain the drain will be required, as indeed it was a few years back, so the position of the proposed dwellings must be amended to ensure that no buildings oversail the drain and that 64 Rope Lane has the same easy and inexpensive access to maintain the drain in the future as it does now.

### Highways

- Concerns over the state of local roads, especially Vine Tree Avenue and Chestnut Avenue. The increased numbers of cars on these roads will surely make the potholes worse and increase in number.
- Rope Lane is heavily trafficked and getting worse. Local roads cannot support many new homes
- Where are the surveys on the current and long term state of the roads in the area? The Shavington bypass was a complete waste of money as it does not relieve the volume of traffic from the minor roads into Crewe.
- The road infrastructure linking the bypass to Crewe does not support the volume of traffic and now there will be the additional traffic.

### Other Matters

- It is a waste of time objecting as it would appear what the Government of the day say is all that matters and the men and women in the street have no rights.
- Why in a democratic country is a Government Inspector allowed over-ruling a unanimous decision by a council and the wishes of local residents, but apparently this has happened regarding this application.
- Loss of Green Belt status land
- The development will erode the gap between Wistaston and Shavington

- There are many developments currently in Shavington
- When there are so many empty properties in Crewe, the need to build new properties on farm land is outrageous and will ruin the natural beauty of the area.
- Residents were extremely distraught and disappointed at the news that the developer won his appeal to build a monstrous estate on what is now a beautiful unspoilt haven for wildlife, and has been up until now a most pleasant outlook from the rear of existing property.
- The Planning Inspector (who was not from this area), somehow saw no reason to turn down the application to develop town houses in a greenbelt area. Perhaps it was to do with Cheshire East's need to fulfil their quota of new build development
- Residents are aware that they cannot win the battle to have properties built, but would urge that any buildings erected should be sympathetic to the residents currently residents in the area.
- It would be a pleasant change if a building developer would be sympathetic to the residents that are affected by his profit making scheme. Some respect should be shown, as these decisions concern the lives of good people, who just want a peaceful, stress free place to live.

#### **Councillor Brickhill**

- *I realise that outline permission has been given for this thoroughly unwanted blot on Shavington landscape and I hope you will raise every possible difficulty in granting the full approval to these despoilers of our countryside and villages.*
- *I demand that the new buildings that back on to bungalows in Northfields are also bungalows. This is so that they do not overbear onto the existing residents. This principal has been accepted by the strategic planning board in respect of the Shavington triangle and it ought to be adopted here.*
- *You should also make it a condition that no access is taken to the site from the very narrow Vine Tree Avenue or Chestnut Drive. Nor should vehicles take access to Rope Lane through the Shavington village centre or Gresty Lane all of which are too narrow. The only access for construction traffic should be via Nantwich Rd and Rope lane itself. I feel sure that residents will park their vehicles in such a way as to totally obstruct construction traffic using any other route.*
- *In view of the fact that there are residents in the immediate area close to the site please make it a condition that work may only be done on Mondays to Fridays from 9 am to 5 pm with no weekend working to disturb the peace.*

#### **7. APPLICANT'S SUPPORTING INFORMATION:**

- Air Quality Assessment
- Noise Assessment
- Tree Survey Report
- Cable Calculations report

#### **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, 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.

## **Design and Layout**

The Principal Design Officer has examined the application and commented that the layout is reasonably positive and the amount of greening within it should help to integrate the scheme into the wider context. The street arrangement has an informal, loose character, which is a positive aspect of the scheme. Materials for squares and other feature road surfacing should be of a high quality to complement the soft landscaping within the scheme. This can be secured through the use of appropriate conditions.

The proposal provides active frontages to both Rope Lane and the public footpath running through the sites, which are positive aspects of the scheme. Parking is mostly to the side or rear of the properties and therefore car dominated frontages are also avoided.

The housetype designs lack a little in architectural quality terms but, given the very mixed nature of the surrounding development, there is not a strong context upon which to base the scheme. The landscape within the development will help in terms of softening the built elements of the scheme. It is not considered that artstone is necessarily a good detailing material in this context and the Principal Design Officer has suggested a locally applicable detail(s) are used such as brick heads and sills (although these should not be laid as soldier courses). This could also be secured by condition.

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 & Trees**

The Landscape Officer has examined the proposal and commented that the Landscape Structure Plan (Drwg 4381.03) is acceptable. Furthermore, the supporting arboricultural information, which includes a Tree Survey Report by Trevor Bridge Associates (Ref DF/4381/Tree Survey Report) dated January 2013 and a Tree Root Protection Plan also by Trevor Bridge Associates (Drawing 4381.02) dated January 2013 accords with Condition 12 of the Appeal Decision and is therefore acceptable.

Condition 13 of the Inspectors Decision requires the submission of a Tree Protection Scheme. This needs to be presented as an overlay onto the site layout and detailed in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction. However, this will be dealt with as part of a subsequent discharge of conditions application and does not need to be submitted at the reserved matters stage.

The Landscape Officer has commented that he will be recommending that a TPO be placed on the retained Oak trees as a duty under Section 197. It is noted that a number of local residents have supported this proposal.

## **Access**

The vehicular access to the site would be taken from a point mid-way along the Rope Lane 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 and the condition of local roads. 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 examined the proposals as originally submitted and raised a number of concerns.

The general layout did not satisfactorily conform with Manual for Streets (MfS) and did not offer the kind of environment that a quality MfS design could bring to this site. Approximately 27 units were served from private drives which did not accord with the adoptions policy for new development. A Manual for Streets layout would improve this through the use of pedestrian priority design. For example, Plots 40 – 46 were served for vehicular access from a private surface which resembles a car park. Nothing about this layout was pedestrian priority and the concentrated vehicle turning movements will prevent its reasonable use as such.

Consequently, the layout for this site needed a complete revision before it could be considered to be acceptable in highway terms.

Revision K, which was the 7<sup>th</sup> revision of the layout, has finally brought the masterplan to a reasonable detail but remains a compromise in design when Manual for Streets principles gave the opportunity for a design of much more significant quality and innovation. However, the Strategic Highways Manager does not consider that a refusal of the latest design would be sustainable and accordingly recommends approval subject to conditions.

Of the conditions requested, the requirement to enter into a Section 38 agreement is a matter to be dealt with under the Highways Acts and does not need to form a planning condition. The requests for financial contributions to off-site works have already been secured through the unilateral undertaking attached to the outline consent and do not need to be reiterated. The request for a suite of detailed plans for the construction of the new access junction, the provision of a 2.0metre footpath for the full frontage of the site, tactile paving on pedestrian desire lines and for an upgrade to the frontage streetlighting, is considered to be necessary and reasonable.

## **Affordable Housing**

The outline planning permission 11/4549N was granted on appeal. As part of the appeal process and Wainhomes submitted a Unilateral Undertaking dated 17th September 2012 which secured a requirement for the provision of 30% of the total dwellings on site as affordable housing with a tenure split of 65% social rented and 35% as Discounted for Sale dwellings. The affordable housing requirement equates to 16 social rented and 8 intermediate tenure dwellings.

The Unilateral Undertaking requires the developer to submit a draft Housing Scheme with or at the same time as the Reserved Matters application, or if there is more than one application at the same time as the first application and not to implement the planning permission until the scheme has been approved. The Housing Officer was unable to find any details of a draft Housing Scheme with application as originally submitted. The information required as part of the affordable housing scheme is as follows:

1. *“Housing Scheme” means a scheme to provide the Affordable Dwellings and submitted to and approved by the Council pursuant to Part One of the Second Schedule and such scheme shall meet the following criteria:*
  - (a) *the location and boundaries of each Affordable Dwelling shall be identified on a plan*
  - (b) *which of the Affordable Dwellings shall be Social Rented Housing and which of them shall be Discounted Housing For Sale shall be identified*
  - (c) *the external design of the Social Rented Housing and Discounted Housing For Sale shall be compatible with the external design of the Open Market Dwellings in order to achieve full visual integration*
  - (d) *the specifications for the Social Rented Housing and Discounted Housing For Sale are no less favourable than the specifications for the Open Market Dwellings*
  - (e) *in respect of the Social Rented Housing the minimum HCA design and quality standards (or such other standards as are from time to time adopted by the HCA) and the Code for Sustainable Homes level 3 shall be met*
  - (f) *the Open Market Value of each Discounted Housing For Sale Dwelling shall be determined in accordance with the Fourth Schedule to this Undertaking*
  - (g) *the scheme shall comply with the requirements of the Second Schedule to this Undertaking*

The Housing Officer also noted that the Planning and Design & Access Statement details that the affordable dwellings are to be 16 x Bell House Type and 8 x Baird House which according to the planning layout drawing would be primarily located in the south easterly part of the site and not pepper-potted throughout the site. The plan did not show which are the social rented and which are the discounted for sale units.

A final point of concern was that there needed to be 16 social rented dwellings which will necessitate some of the Bell House types being provided as social rented. Having looked at the drawings for the Bell house type it appears unlikely that they will meet the minimum HCA Design & Quality Standards for a 2 bed house, as Housing Quality Indicators which form part of these standards set out that a 2bed 4 person property has to have a minimum size of 67m<sup>2</sup>, the Bell house type is only 58m<sup>2</sup>.

The developer has been made aware of these concerns and provided an amended plan, substituting the Bell housetype with the Churchill housetype, and additional supporting information. The Housing Officer has confirmed that the change of house type means that the 2 bed social rented units will meet the minimum size standards. He is also satisfied that the developer has confirmed that the social rented properties will be built to the required HCA D&Q Standards and CFSH Level 3. The applicant has also provided confirmation of the tenure split and specified which properties will be intermediate and which will be social rented. On this basis, the Housing Officer has removed his previous objection on these 3 points.

However, concern remains about the lack of pepper-potting of the affordable dwellings. Wain Homes suggest that they have provided 3 separate pods of affordable housing shown by the red lines on the plan. However, one of pods is only separated by a road with affordable dwellings on either side of this road fronting each other so this is arguably only 1 pod which contains 21 of the affordable homes in it, with the other 3 in a separate pod.

The Interim Planning Statement: Affordable Housing states at 4.8 *The design of new housing developments should ensure that affordable homes are integrated with open-market homes to promote social inclusion and should not be segregated in discrete or peripheral areas. Affordable homes should therefore be 'pepper potted' within the development.* It is considered that plots 49 – 50 and 55-59 do not meet this requirement. In particular 40-50 are not fully integrated with the rest of the site as they are served by a parking court to the rear and face out onto the public footpath.

However, the Crewe & Nantwich Local Plan and the NPPF do not contain any explicit policies requiring pepper-potting. Therefore, although the location of the affordable units is not ideal, it is not considered that the Council can sustain a refusal on this basis alone. However, the developer will have to provide the affordable dwellings no later than occupation of 50% of the open market dwellings as they are not pepper-potted. This is as per the UU which Wainhomes submitted at the appeal on the outline application.

## **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.

A number of local residents have also expressed concerns about impact on wildlife and ecology resulting from the development. 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 has commented that the developer has included some native species planting and wildflower area into the open space which will deliver some benefit for biodiversity. The balancing pond would also potentially be of some benefit if designed appropriately. Therefore, he has requested a condition requiring the detailed design of the pond to be submitted and agreed. Given that this detail was not provided as part of the reserved matters submission, it is considered to be reasonable to attach a condition of this nature.

The Council's Ecologist has also pointed out that, in his original comments on the outline, he suggested that the large gap in the hedgerow to the north of the open space area be planted up. This suggestion does not seem to have been included in the submitted landscape strategy. However, a native hedgerow has been provided on the southern boundary of the open space area. Whilst this is probably enough to compensate for the hedgerow lost as a result of the development, it is considered desirable to also 'gap up' the hedgerow to the north and this could also be secured by condition.

## **Amenity**

It is generally regarded that a distance of 13m is sufficient to maintain an adequate level of light to principal windows and distance of 21m is usually considered to be sufficient to prevent overlooking between principal windows. These minimum distances apply equally to two storey and single storey dwellings.

Distances of 21m and above will be maintained between all of the proposed dwellings and the neighbouring properties in Rope Lane, Vine Tree Avenue and Northfield Place. Consequently, whilst the concerns of neighbouring residents regarding the construction of 2 storey dwellings behind existing bungalows are noted, given that the requirement minimum distance standards will be achieved, and in many cases exceed, it is not considered that a refusal on amenity grounds could be sustained.

The recommended minimum garden area of 50sqm recommended in the Crewe and Nantwich Borough Council supplementary planning guidance has been achieved on the majority of plots, with the exception of some of the mews properties in the southern corner of the site. However, this is consistent with many traditional terraced properties and these properties are less likely to be occupied by families with children. In addition, given the significant amount of shared amenity space on this development, this situation is considered to be acceptable.

Furthermore, if the minimum standards were to be achieved, it would not be possible to accommodate within the site the density of development which is currently proposed. The provision of an adequate standard of amenity for future residents must be balanced against the need to make the best use of land and the proposed increase in the number of properties to be built on this site will contribute to the Council's housing land supply and will ease pressure to develop other Greenfield and open countryside sites within the Borough.

Therefore the proposal is considered to comply with the requirement of policy BE1 (amenity) of the local plan.

### **Drainage and Flooding**

The Environment Agency has requested a number of conditions and it is noted that a number of local residents have expressed concerns regarding drainage and flooding. However, these matters were addressed at the outline stage by the Inspector who dealt with the Appeal and appropriate conditions were added to the outline permission. It is therefore inappropriate to add further conditions at this stage unless they relate to specific aspects of the site layout and design, which is not the case with the current application.

### **Other matters**

Objectors have raised a number of issues with regard to the principle of development, need for the houses, loss of open countryside and erosion of the Green Gap between Wistaston and Shavington. 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 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**

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 reserved matters 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.

The design and layout of the proposal are considered to be acceptable in urban design terms, and will not have any adverse impact on existing trees and hedges or ecology within and surrounding the site. Matters of drainage and flooding were addressed at the outline stage.

Distances in excess of the recognised minima will be maintained between all of the proposed dwellings and the neighbouring properties in Rope Lane, Vine Tree Avenue and Northfield Place. Consequently, whilst the concerns of neighbouring residents regarding the construction of 2 storey dwellings behind existing bungalows are noted, given that the requirement minimum distance standards will be achieved, and in many cases exceed, it is not considered that a refusal on amenity grounds could be sustained. Sufficient standards of amenity will also be achieved within the site.

The proposal will provide the required quantum and mix of affordable housing. However, there is concern that it will not comply with the requirements of the Council's Interim Policy and the NPPF in terms of pepper potting. Furthermore, there are concerns in respect of the internal layout of the site which does not entirely embrace Manual for Streets principles. Nevertheless, following submission of amended plans, it is not considered that reasons for refusal on these grounds could be sustained at appeal. Accordingly, therefore, it is recommended that the Strategic Planning Board resolves to approve the application for reserved matters.

## **10. RECOMMENDATIONS**

**APPROVE subject to the following conditions:**

- 1. Submission of details of materials**
- 2. Details of surfacing materials to be submitted**
- 3. Artstone to be substituted with local brick details – details to be submitted and agreed**
- 4. Detailed design of balancing pond to be submitted and agreed**
- 5. Submission, approval and implementation of proposals for gapping up hedgerow to the north.**
- 6. Submission, approval and implementation of suite of plans for access**

